STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 379. 9 Maart 1970.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 23 van 1970: Wysigingswet op Finansiële Instellings, 1970.

DEPARTMENT OF THE PRIME MINISTER.

No. 379. 9th March, 1970.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 23 of 1970: Financial Institutions Amendment Act, 1970.

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Wet No. 23, 1970 WYSIGINGSWET OP FINANSIËLE INSTELLINGS, 1970.

WET

Tot wysiging van die Derde Bylae by die Versekeringswet, 1943, ten einde die soorte bates wat vir die doeleindes van genoemde Bylae deur die registrateur goedgekeur mag word, uit te brei; artikel 19 van die Wet op Pensioenfondse, 1956, ten einde die soorte bates wat vir die doeleindes van dié artikel deur die registrateur goedgekeur mag word, uit te brei; artikels 14 en 17 van die Bankwet, 1965, ten einde sekere aftrekkings in verband met remises in transito wat slegs handelsbanke tans kan maak, ook vir sekere ander bankinstellings toe te laat; artikel 21 van laasgenoemde Wet ten einde die totaalbedrag wat van 'n persoon op spaarrekening aangeneem kan word, te verhoog; artikel 49 van laasgenoemde Wet ten einde die bevoegdheid tans aan die Minister opgedra ten opsigte van die gebruik van die woord „bank" deur ondernemings wat nie kragtens die Wet geregistreer is nie, aan die registrateur te verleen; artikel 26 van die Bouverenigingswet, 1965, ten einde die totaalbedrag wat van 'n persoon op spaarrekening aangeneem kan word, te verhoog; artikels 28 en 37 van laasgenoemde Wet ten einde die uitgifte van vastetermyn-aandele met 'n vaste dividendkoers te magtig; en artikel 40 van laasgenoemde Wet ten einde die maksimum verbandlening wat sekere bouverenigings mag toestaan, te verhoog; en om vir bykomstige aangeleenthede voorsiening te maak.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 3 *Maart* 1970.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van Derde Bylae by Wet 27 van 1943, soos vervang deur artikel 46 van Wet 73 van 1951 en gewysig deur artikel 24 van Wet 79 van 1959, artikel 36 van Wet 10 van 1965, artikel 10 van Wet 41 van 1966 en artikel 27 van Wet 39 van 1969.

1. Die Derde Bylae by die Versekeringswet, 1943, word hierby gewysig deur paragraaf 6 deur die volgende paragraaf te vervang:

„6. Wissels, skuldbriewe of effekte wat die registrateur onderworpe aan die voorwaardes wat hy stel, goedgekeur het en ook dié uitgereik deur 'n instelling wat hy insgelyks goedgekeur het.".

Wysiging van artikel 19 van Wet 24 van 1956, soos gewysig deur artikel 13 van Wet 80 van 1959, artikel 9 van Wet 58 van 1966 en artikel 1 van Wet 80 van 1969.

2. Artikel 19 van die Wet op Pensioenfondse, 1956, word hierby gewysig—

(*a*) deur paragraaf (*e*) van subartikel (1) deur die volgende paragraaf te vervang:

„(*e*) wissels, skuldbriewe of effekte uitgereik of gewaarborg deur die Randwaterraad of die Elektrisiteitsvoorsieningskommissie;"; en

(*b*) deur na paragraaf (*g*) van genoemde subartikel die volgende paragraaf in te voeg:

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ACT

To amend the Third Schedule to the Insurance Act, 1943, in order to extend the kinds of assets which may be approved by the registrar for the purposes of the said Schedule; section 19 of the Pension Funds Act, 1956, in order to extend the kinds of assets which may be approved by the registrar for the purposes of that section; sections 14 and 17 of the Banks Act, 1965, in order to allow certain other banking institutions to make certain deductions, in respect of remittances in transit, which at present may be made only by commercial banks; section 21 of the last-mentioned Act in order to increase the aggregate amount which may be accepted from a person on savings account; section 49 of the last-mentioned Act in order to confer upon the registrar the power at present vested in the Minister in respect of the use of the word "bank" by undertakings which are not registered under the Act; section 26 of the Building Societies Act, 1965, in order to increase the aggregate amount which may be accepted from a person on savings account; sections 28 and 37 of the last-mentioned Act in order to authorize the issue of fixed period shares with a fixed rate of dividend; and section 40 of the last-mentioned Act in order to increase the maximum mortgage advance which certain building societies may make; and to provide for incidental matters.

(*Afrikaans text signed by the State President.*)
(*Assented to 3rd March*, 1970.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. The Third Schedule to the Insurance Act, 1943 is hereby amended by the substitution for paragraph 6 of the following paragraph:

"6. Bills, bonds or securities which the registrar has approved subject to such conditions as he may impose, and also those issued by an institution which he has likewise approved.".

Amendment of Third Schedule to Act 27 of 1943, as substituted by section 46 of Act 73 of 1951 and amended by section 24 of Act 79 of 1959, section 36 of Act 10 of 1965, section 10 of Act 41 of 1966 and section 27 of Act 39 of 1969.

2. Section 19 of the Pension Funds Act, 1956, is hereby amended—

(*a*) by the substitution for paragraph (*e*) of subsection (1) of the following paragraph:

"(*e*) bills, bonds or securities issued or guaranteed by the Rand Water Board or the Electricity Supply Commission;"; and

(*b*) by the insertion after paragraph (*g*) of the said subsection of the following paragraph:

Amendment of section 19 of Act 24 of 1956, as amended by section 13 of Act 80 of 1959, section 9 of Act 58 of 1966 and section 1 of Act 80 of 1969.

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„(*h*) wissels, skuldbriewe of effekte wat die registrateur, onderworpe aan die voorwaardes wat hy stel, goedgekeur het en ook dié uitgereik deur 'n instelling wat die registrateur insgelyks goedgekeur het:".

Wysiging van artikel 14 van Wet 23 van 1965.

3. Artikel 14 van die Bankwet, 1965, word hierby gewysig deur die volgende subartikel by daardie artikel te voeg:

„(5) By die toepassing van subartikels (1) en (2) word 'n handelsbank geag 'n bankinstelling in te sluit wat 'n takstelsel het, wat geld op deposito neem wat deur middel van tjeks opvraagbaar is en wat tot die verrekeningshuis van banke toegelaat is.".

Wysiging van artikel 17 van Wet 23 van 1965.

4. Artikel 17 van die Bankwet, 1965, word hierby gewysig deur die volgende subartikel by daardie artikel te voeg:

„(4) By die toepassing van paragraaf (i) van die voorbehoudsbepaling by subartikel (1) word 'n handelsbank geag 'n bankinstelling in te sluit wat 'n takstelsel het, wat geld op deposito neem wat deur middel van tjeks opvraagbaar is en wat tot die verrekeningshuis van banke toegelaat is.".

Wysiging van artikel 21 van Wet 23 van 1965.

5. Artikel 21 van die Bankwet, 1965, word hierby gewysig—

(*a*) deur paragraaf (*a*) van subartikel (4) deur die volgende paragraaf te vervang:

„(*a*) 'n Bankinstelling laat nie 'n enkele persoon toe om 'n kreditsaldo van meer as tienduisend rand op spaarrekenings by hom te hou nie: Met dien verstande dat die bepalings van hierdie subartikel 'n instelling nie belet om 'n spaarrekening met rente te krediteer nie.";

(*b*) deur paragraaf (*b*) van genoemde subartikel deur die volgende paragraaf te vervang:

„(*b*) Waar die kreditsaldo op 'n spaarrekening op die vierde dag van Augustus 1969 tienduisend rand wettiglik oorskry het, hoef die saldo nie op grond van die bepalings van paragraaf (*a*) tot genoemde bedrag verminder te word nie: Met dien verstande dat—

(i) geen verdere bedrag, behalwe rente, op so 'n rekening gekrediteer mag word solank sy kreditsaldo genoemde bedrag oorskry nie; en

(ii) indien die saldo op so 'n rekening te eniger tyd tot tienduisend rand of minder daal, die perk by paragraaf (*a*) voorgeskryf ook daarop van toepassing is."; en

(*c*) deur subartikel (7) deur die volgende subartikel te vervang:

„(7) Waar die perk by paragraaf (*a*) van subartikel (4) voorgeskryf, oorskry word as gevolg van die samesmelting van twee of meer instellings, of die oordrag van bates en laste van een instelling aan 'n ander, is die bepalings van paragraaf (*b*) van subartikel (4) *mutatis mutandis* van toepassing asof die betrokke spaarrekening op die vierde dag van Augustus 1969 bestaan het.".

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"(*h*) bills, bonds or securities approved by the registrar subject to such conditions as he may impose, and also those issued by an institution which the registrar has likewise approved:".

Amendment of section 14 of Act 23 of 1965.

3. Section 14 of the Banks Act, 1965, is hereby amended by the addition of the following subsection:

"(5) For the purposes of subsections (1) and (2) a commercial bank shall be deemed to include any banking institution which has a branch system, which accepts money on deposit withdrawable by cheque and which has been admitted to the clearing house of banks.".

Amendment of section 17 of Act 23 of 1965.

4. Section 17 of the Banks Act, 1965, is hereby amended by the insertion of the following subsection:

"(4) For the purposes of paragraph (i) of the proviso to subsection (1) a commercial bank shall be deemed to include any banking institution which has a branch system, which accepts money on deposit withdrawable by cheque and which has been admitted to the clearing house of banks.".

Amendment of section 21 of Act 23 of 1965.

5. Section 21 of the Banks Act, 1965, is hereby amended—

(*a*) by the substitution for paragraph (*a*) of subsection (4) of the following paragraph:

"(*a*) A banking institution shall not allow any one person to maintain with it a credit balance on savings account in excess of ten thousand rand: Provided that nothing in this subsection contained shall preclude an institution from crediting interest to a savings account.";

(*b*) by the substitution for paragraph (*b*) of the said subsection of the following paragraph:

"(*b*) Where on the fourth day of August, 1969, the credit balance on a savings account lawfully exceeded ten thousand rand, such balance shall not by reason of the provisions of paragraph (*a*) be required to be reduced to the said amount: Provided that—

(i) no further amount other than interest shall be credited to such account so long as it shows a credit balance exceeding the said amount; and

(ii) if the balance in such account is at any time reduced to ten thousand rand or less, the limit prescribed by paragraph (*a*) shall also apply to it."; and

(*c*) by the substitution for subsection (7) of the following subsection:

"(7) Where the limit prescribed by paragraph (*a*) of subsection (4) is exceeded as a result of the amalgamation of two or more institutions or the transfer of the assets and liabilities of any institution to another, the provisions of paragraph (*b*) of subsection (4) shall *mutatis mutandis* apply as if the savings account in question had been in existence on the fourth day of August, 1969.".

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Wet No. 23, 1970 WYSIGINGSWET OP FINANSIËLE INSTELLINGS, 1970.

Wysiging van artikel 49 van Wet 23 van 1965.

6. Artikel 49 van die Bankwet, 1965, word hierby gewysig deur paragraaf (*b*) van subartikel (4) deur die volgende paragraaf te vervang:

„(*b*) dat die Registrateur skriftelik toegestem het dat bedoelde naam, betiteling of beskrywing ten opsigte van die betrokke maatskappy, vereniging, firma, besigheid of onderneming gebesig word.".

Wysiging van artikel 26 van Wet 24 van 1965, soos gewysig deur artikel 6 van Wet 64 van 1968.

7. Artikel 26 van die Bouverenigingswet, 1965, word hierby gewysig—

(*a*) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) 'n Vereniging laat niemand toe nie om by hom 'n kreditsaldo op spaarrekening te hou van meer as—

(*a*) drieduisend vyfhonderd rand indien die vereniging se totale bates aan die einde van die jongste voorafgaande boekjaar nie meer as vyfhonderdduisend rand bedra het nie; of

(*b*) tienduisend rand indien bedoelde bates aan die einde van daardie boekjaar meer as vyfhonderdduisend rand bedra het:

Met dien verstande dat die bepalings van hierdie subartikel 'n vereniging nie belet om 'n spaarrekening met rente te krediteer nie.";

(*b*) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Waar die kreditsaldo op 'n spaarrekening op die vierde dag van Augustus 1969 die by subartikel (4) voorgeskrewe perk wettiglik oorskry het, hoef dit nie op grond van die bepalings van vermelde subartikel verminder te word nie: Met dien verstande dat—

(*a*) geen verdere bedrag behalwe rente aan so 'n rekening gekrediteer mag word solank sy kreditsaldo genoemde perk oorskry nie; en

(*b*) indien die saldo van so 'n rekening te eniger tyd benede vermelde perk daal, dié perk ook daarop van toepassing is."; en

(*c*) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Waar die perk voorgeskryf by subartikel (4) oorskry word as gevolg van die samesmelting van twee of meer verenigings of die oordrag van bates en laste van een vereniging aan 'n ander, is die bepalings van subartikel (5) *mutatis mutandis* van toepassing asof die betrokke spaarrekening op die vierde dag van Augustus 1969 bestaan het en daardie perk op daardie datum oorskry het.".

Wysiging van artikel 28 van Wet 24 van 1965, soos gewysig deur artikel 3 van Wet 99 van 1967 en artikel 7 van Wet 64 van 1968.

8. Artikel 28 van die Bouverenigingswet, 1965, word hierby gewysig deur in subartikel (6) al die woorde wat die eerste voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

„(6) Ondanks enigiets in hierdie artikel vervat, maar behoudens die bepalings van artikel 37 (5A), kan die geregistreerde eienaar van 'n aandeel in 'n vereniging na drie maande kennisgewing, aflossing van daardie aandeel verkry indien die vereniging dan instem om dit af te los:".

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6. Section 49 of the Banks Act, 1965, is hereby amended by the substitution for paragraph (*b*) of subsection (4) of the following paragraph: Amendment of section 49 of Act 23 of 1965.

"(*b*) that the Registrar has given written permission to apply the said name, style or description to the company, society, firm, business or undertaking in question.".

7. Section 26 of the Building Societies Act, 1965, is hereby amended— Amendment of section 26 of Act 24 of 1965, as amended by section 6 of Act 64 of 1968.

(*a*) by the substitution for subsection (4) of the following subsection:

"(4) A society shall not allow any one person to maintain with it a credit balance on savings account in excess of—

(*a*) three thousand five hundred rand if the society's total assets as at the close of the last preceding financial year did not exceed five hundred thousand rand; or

(*b*) ten thousand rand if the said assets at the close of such financial year exceeded five hundred thousand rand:

Provided that nothing in this subsection contained shall preclude a society from crediting interest to a savings account.";

(*b*) by the substitution for subsection (5) of the following subsection:

"(5) Where on the fourth day of August, 1969, the credit balance on a savings account lawfully exceeded the limit prescribed by subsection (4), such balance shall not by reason of the provisions of the said subsection be required to be reduced: Provided that—

(*a*) no further amount other than interest shall be credited to such account so long as it shows a credit balance exceeding the said limit; and

(*b*) if the balance in such account is at any time reduced to below the said limit, such limit shall also apply to it."; and

(*c*) by the substitution for subsection (6) of the following subsection:

"(6) Where the limit prescribed by subsection (4) is exceeded as a result of an amalgamation of two or more societies or the transfer of assets and liabilities of any society to another society, the provisions of subsection (5) shall *mutatis mutandis* apply as if the savings account in question had been in existence on the fourth day of August, 1969, and had exceeded that limit on that date.".

8. Section 28 of the Building Societies Act, 1965, is hereby amended by the substitution in subsection (6) for all the words preceding the first proviso of the following words: Amendment of section 28 of Act 24 of 1965, as amended by section 3 of Act 99 of 1967 and section 7 of Act 64 of 1968.

"(6) Notwithstanding anything contained in this section, but subject to the provisions of section 37 (5A), the registered owner of any share in a society may upon giving three months' notice obtain redemption of that share if the society then agrees to redeem it:".

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Wet No. 23, 1970 WYSIGINGSWET OP FINANSIËLE INSTELLINGS, 1970.

Wysiging van artikel 37 van Wet 24 van 1965.

9. Artikel 37 van die Bouverenigingswet, 1965, word hierby gewysig deur na subartikel (5) die volgende subartikel in te voeg:

„(5A) Waar 'n vereniging op die vyfde dag van Augustus 1969 of daarna 'n vastetermyn-aandeel uitgegee het met die spesifieke onderneming dat die dividendkoers gedurende die volle termyn van uitgifte van die aandeel onveranderd sal bly, is die bepalings van subartikels (2) en (5) nie van toepassing nie: Met dien verstande dat—

(*a*) so 'n aandeel nie voor die verstryking van die termyn van uitgifte deur die vereniging afgelos word nie behalwe in die in paragrawe (*a*), (*c*), (*d*) en (*e*) van die tweede voorbehoudsbepaling by artikel 28 (6) vermelde omstandighede; en

(*b*) 'n vereniging nie 'n lening teen sekuriteit van so 'n aandeel verstrek nie.".

Wysiging van artikel 40 van Wet 24 van 1965, soos gewysig deur artikel 13 van Wet 64 van 1968.

10. Artikel 40 van die Bouverenigingswet, 1965, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Vereniging mag nie teen sekuriteit van 'n verband op stedelike vaste eiendom 'n voorskot verleen wat meer bedra nie as—

(*a*) twintigduisend rand of tien persent van die totaalbedrag van sy onbepaalde aandelekapitaal en algemene reserwe aan die einde van sy jongste vorige boekjaar, watter bedrag ook al die grootste is; of

(*b*) twintigduisend rand of so 'n groter bedrag as wat die registrateur goedkeur, in die geval van 'n vereniging waarvan die eerste boekjaar nog nie verstryk het nie; of

(*c*) vierhonderdduisend rand, in enige geval.".

Kort titel en inwerkingtreding.

11. (1) Hierdie Wet heet die Wysigingswet op Finansiële Instellings, 1970.

(2) Die bepalings van artikels 3 en 4 word geag in werking te getree het op 1 Maart 1969 en dié van artikels 5, 7, 8, 9 en 10 op 5 Augustus 1969.

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Amendment of section 37 of Act 24 of 1965.

9. Section 37 of the Building Societies Act, 1965, is hereby amended by the insertion after subsection (5) of the following subsection:

"(5A) Where a society issued a fixed period share on or after the fifth day of August, 1969, with the specific undertaking that the dividend rate during the full currency of the share will remain unaltered, the provisions of subsections (2) and (5) shall not apply: Provided that—

(*a*) such a share shall not be redeemed by the society before the expiry of the period of issue except in the circumstances set forth in paragraphs (*a*), (*c*), (*d*) and (*e*) of the second proviso to section 28 (6); and

(*b*) a society shall not grant a loan against the security of such a share.".

Amendment of section 40 of Act 24 of 1965, as amended by section 13 of Act 64 of 1968.

10. Section 40 of the Building Societies Act, 1965, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A society shall not make against the security of a mortgage of urban immovable property an advance exceeding—

(*a*) twenty thousand rand or ten per cent of the sum of its indefinite share capital and general reserve as at the close of its last preceding financial year, whichever is the greater amount; or

(*b*) twenty thousand rand or such a greater amount as the registrar may approve, in the case of a society which has not completed its first financial year; or

(*c*) four hundred thousand rand, in any case.".

Short title and commencement.

11. (1) This Act shall be called the Financial Institutions Amendment Act, 1970.

(2) The provisions of sections 3 and 4 shall be deemed to have come into operation on the 1st March, 1969, and those of sections 5, 7, 8, 9 and 10 on the 5th August, 1969.