

12 February 2026

Miss Yolande Plaatjies  
Guidance and Prevention  
Financial Intelligence Centre  
Private Bag X177  
Centurion  
0046

Our ref: S Amod/ MC-AFC/ Draft Directive 10  
Your ref: Draft Directive 10  
Direct ☎: +27 11 645 6740  
E-✉: SadiyaaA@banking.org.za

Per Email: [Yolande.Plaatjies@fic.gov.za](mailto:Yolande.Plaatjies@fic.gov.za)

Dear Miss Yolande Plaatjies

**COMMENTS OF THE BANKING ASSOCIATION SOUTH AFRICA: DRAFT DIRECTIVE 10 ON INFORMATION PERTAINING TO GEOGRAPHIC LOCATIONS TO BE PROVIDED WITH REGISTRATION IN ACCORDANCE WITH SECTION 43B OF THE FINANCIAL INTELLIGENCE CENTRE ACT NO. 38 OF 2001**

The above matter refers.

The Banking Association South Africa (**BASA**) appreciates the opportunity to comment on draft Directive 10 on information pertaining to geographic locations to be provided with registration in accordance with section 43B of the Financial Intelligence Centre Act 38 of 2001.

We trust that our input will assist and are available to discuss the contents hereof if required.

Kind Regards



**Sadiyaa Amod**  
**Manager - Legislation & Regulatory Oversight**

**NAME OF PERSON COMPILING SUBMISSION: SADIYAA AMOD**

**SUBMISSION DESCRIPTION: DRAFT DIRECTIVE 10 ON THE REQUIREMENT FOR ACCOUNTABLE INSTITUTIONS TO PROVIDE INFORMATION PERTAINING TO GEOGRAPHIC LOCATIONS WHEN REGISTERING WITH THE FIC**

*Additions are italicised and underlined in orange ~~xxx~~, and deletions are struck through ~~xxx~~*

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
1)		<p>The content of draft Directive 10 must be considered in the context of section 43B of the Financial Intelligence Centre Act 38 of 2001 (the FIC Act), which deals with the registration of persons listed in Schedule 1 to the FIC Act as an accountable institution, as read with regulation 27A. It does not contemplate additional information to be furnished by an accountable institution already registered. This is based on the reasons set out below –</p> <p>a) As indicated in para 2.2 <i>The purpose of this Directive is to specify, in accordance with section 43B(2) of the Act, the particulars concerning an accountable institution’s head office, branches, subsidiaries and branches of subsidiaries in the Republic or outside the Republic <b>that must accompany its registration</b> in terms of section 43B(2) of the Act’.</i></p> <p>b) Both sections 43B(1) and 43B(2) deal with registration. As such, any person listed in Schedule 1 to the FIC Act that has not registered as an accountable institution must register –</p> <ul style="list-style-type: none"> <li>i. within the prescribed period: being 90 days in the scenarios contemplated in regulations 27A(2) and (3); and</li> <li>ii. in the prescribed manner: the format and registration dictated by the Centre’s internet-based reporting portal, as contemplated by regulations 27A(4) and (5); and</li> <li>iii. by providing information for purposes of registration, as may be required by the Centre, as contemplated by section 43B(2).</li> </ul> <p>c) If the accountable institution does not adhere to the above for purposes of registration, the registration of the accountable institution would likely not proceed and/ or be non-compliant with the FIC Act.</p> <p>d) Considering the above, the issuance of the draft directive would only be applicable to those persons which are required to register as opposed to those already registered as accountable institutions. Based hereon, the purpose would be better achieved by updating the format of the information to be submitted via the Financial Intelligence Centre’s (the Centre) internet-based reporting portal as opposed to the issuance of a new directive.</p>	

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		<p>e) In summary, the issuance of this draft Directive for purposes of amending the content of section 43B, as read with regulation 27A, particularly in relation to registered accountable institutions, is not possible. A directive issued in terms of section 43A(3), without the reference to section 43B ‘registration’, would be required in relation to registered accountable institutions (noting the proposal above for accountable institutions still to be registered).</p> <p>2) With the issuance of the directive in terms of section 43A, in relation to registered accountable institutions, BASA requests that banks, registered as accountable institutions in terms of Schedule 1 to the FIC Act (item 6), be excluded from its application due to the fact that the information which the Centre is requesting is already provided to the Prudential Authority of the South African Reserve Bank (PA), as part of the Group Organogram and the Key to such organogram. In addition, this information/supplementary information is submitted annually in terms of regulation 36(8) of the Bank Act to the PA. Quarterly reports for all banking entities (BA610 return entities), contains the information required and structures of the relevant entities. This information may be sourced from the PA as required in terms of section 76 of the Financial Sector Regulation Act 9 of 2017. See also comments below regarding PCC 5D.</p> <p>3) The Centre’s reason/ purpose for requesting this detailed information is unclear, as neither the draft Directive (i.e. considering inter alia the definitions of branch and subsidiary – see commentary below) nor its consultation note (i.e. geographical location) explain how the business of branches or subsidiaries relates to that of the accountable institution for registration purposes. The draft directive adds substantial administrative burdens without clear articulation of what is required (being limited or linked to the business of the accountable institution) and why. The consultation note highlights that the “geographic location will assist the Centre and supervisory bodies to understand the group structure of an accountable institution and to accordingly apply risk-based supervision in a more informed manner in relation to group-wide compliance”. In BASA’s view:</p> <p>a) The requirement is unlikely to add value to the proposed motive for the directive, namely the understanding of the group structure of an accountable institution and to accordingly apply risk-based supervision in relation to group-wide compliance. For example, a major retail bank operates hundreds of branches across South Africa. Collecting geographic and contact details for each branch would be highly cumbersome, is unlikely to add further value and is resource-intensive, and conflicts with the principle that a bank is treated as a single accountable institution under its licence.</p>	

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
	<p>b) Clarity is essential to ensure that the requirement to provide location data does not create additional reporting or accountability obligations beyond those prescribed by the FIC Act—particularly for subsidiaries or branches that do not perform AML/CFT functions nor conduct the business of an accountable institution as a separate entity.</p> <p>4) Where multiple accountable institutions exist within an accountable institution’s structure, the underlying information for each subsidiary and branch (as applicable) would be duplicated under each of their registrations. In essence, a subsidiary would be a subsidiary of a head office, with the latter furnishing all the required information for purposes of its own registration, its subsidiaries registration (if an accountable institution or not) and the head office branches as well as the subsidiaries branches (as required).</p> <p>5) Where accountable institutions are registered for multiple items in Schedule 1, and delegated under a head office structure; e.g. such as banks which may be registered as a bank (item 6), foreign exchange dealer (item 10), money remitter (item 19) as well as credit provider (item 11), clearing system participant (item 23), it becomes impractical to provide the required information for each separately registered item number. It is suggested that there be a single point/upload in providing and updating this information, which in turn would apply to the full delegation structure, as opposed to updating each accountable institution in the delegation individually.</p> <p>6) Whilst the consultation note indicates there is no intention to require accountable institutions to register branches and subsidiaries as a separate accountable institution to the head office, nor to regard such registered branches and subsidiaries as accountable institutions (if they are not a separate legal entity), which approach is supported, BASA requests that for legal certainty, this statement be noted explicitly within the Directive itself.</p> <p>7) In order to ensure accurate and effective compliance with the proposed Directive, BASA recommends that the Centre simultaneously issues guidance/ user guide or updates PCC5D for further clarity, practical details and/or scenarios to enable understanding and compliance by impacted accountable institutions (excluding banks).</p>		
1.	<p><b>Para 2.2</b> The purpose of this Directive is to specify, in accordance with section 43B(2) of the Act, the</p>	<p>1) Refer to our general comments. 2) The content of paragraph 2.2 regarding the purpose is limiting, noting reference to the last sentence thereof.</p>	<p>1) BASA proposes that para 2.3 be inserted as follows:</p>

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
	<p>particulars concerning an accountable institution's head office, branches, subsidiaries and branches of subsidiaries in the Republic or outside the Republic that must accompany its registration in terms of section 43B(2) of the Act.</p>	<p>3) If this directive is intended to apply to registered accountable institutions, BASA suggests the inclusion of a new paragraph 2.3 to articulate this requirement (despite the content of paragraph 5.2 which seemingly now intends to bring already registered accountable institutions within scope).</p>	<p>"This directive also applies to registered accountable institutions <u>(excluding banks)</u>."</p>
2.	<p><b>Para 3.1 (a)</b> "branch" includes, but is not limited to, an office of an accountable institution, that is not a separate legal entity or a separate accountable institution, and which is located elsewhere other than at the head office of the accountable institution, where business is conducted for and on behalf of the accountable institution</p>	<p>1) The definition as currently drafted is too broad by virtue of the wording utilised. By way of example the words <i>'includes, but is not limited to. . .'</i>, 'an office of an accountable institution' and <i>'where business is conducted for and on behalf of the accountable institution'</i>.</p> <p>2) Accordingly, any office, which is not a separate legal entity or a separate accountable institution, where business is conducted would constitute a branch – however not all the information requested would or should be provided.</p> <p>3) Referencing the banking industry in particular, Public Compliance Communication 5D (PCC 5D) issued by the Centre, in relation to the registration</p>	<p>1) BASA proposes that para 3.1(a) be amended to read: "<u>'branch' refers to an office that is not a separate legal entity, and which is situated elsewhere from the head office or subsidiary, and conducts business as outlined in Schedule 1 to the FIC the Act, for and on behalf of the accountable institution.</u>"</p>

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		<p>description of banks (item 6 of Schedule 1), indicates that the business of a bank consists of all its branches (paras 9.7.1 and 9.7.2).</p> <p>4) However, in the context “branches” refers to “points of presence”. This language creates the potential unintended interpretation that all “points of presence” are considered branches for the purposes of this Directive and would result in the banking sector (if not excluded) having to upload over thousands of submissions, and potentially daily updates where there is staff turnover and names of the manager are updated.</p> <p>5) The current definition therefore creates an impracticality as the ambiguity will result in internal operational locations also being defined and duly registered as “branches”.</p> <p>6) In BASA’s view, to ensure legal certainty as to what constitutes a branch, the definition needs to be amended to limit the scope of the said definition to ensure that the contemplated information</p>	

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		<p>required to be provided, can be provided.</p> <p>7) BASA therefore proposes the:</p> <p>a) deletion of the following words from the definition <i>'includes but is not limited to'</i>.</p> <p>b) words <i>'where business is conducted for and on behalf of the accountable institution'</i>, should be further clarified/ limited to the branch rendering, providing or which carries on the business contemplated in Schedule 1 to the FIC Act for and on behalf of the accountable institution, for which the accountable institution is registered as opposed to any business provided for or on behalf of the accountable institution. By way of examples 'branches' rendering of technology services from offices at a different premises and resumption sites, call centres, back-office processing hubs, or shared-services locations should not fall into the scope of the definition.</p>	

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		<p>8) The definition furthermore refers to another defined term 'head office'. As such and noting the definition of 'head office', this definition intends to equate to the accountable institution itself (and not a subsidiary who may also be registered as an accountable institution) there is no requirement to refer to 'accountable institution' in the latter part of the definition.</p> <p>9) BASA therefore proposes the amendment of the defined term as reflected in the 3<sup>rd</sup> column.</p> <p>10) BASA suggests that the Centre consider including in the Directive separate defined terms for 'domestic' branches and 'foreign' branches, as opposed to referring to 'in or out of the Republic'. In particular for foreign branches as the reference to "Schedule 1 of the Act" in the definition of 'branch' may not be appropriate in this context.</p> <p>11) BASA would appreciate confirmation from the Centre that paras 9.7.1 and 9.7.2 remains applicable and that all branches, ATMs and kiosks of a domestic</p>	

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		bank are therefore exempt from the Directive.	
3.	<b>Para 3.1 (b)</b> “head office” means the place where an accountable institution's senior management and their direct support staff are located or, if they are located at more than one location, the place where they are primarily or predominantly located.	<ol style="list-style-type: none"> <li>1) The reference to ‘<i>senior management and their direct support staff</i>’ may be too generic in the absence of further clarification / limitation, particularly if the reference to ‘accountable institution’ is retained. Noting that a domestic subsidiary may equally be registered as an accountable institution, such registration would be completed (in the context of a bank) by the head office.</li> <li>2) BASA recommends that the Centre considers whether ‘a subsidiary’ to be specifically excluded from the definition (as per the alternate proposal in the next column).</li> <li>3) Further, it is common that not all senior management and their direct support staff to be located at the head office</li> <li>4) BASA therefore proposes that the para be amended as reflected in the next column for clarity and preciseness.</li> </ol>	<ol style="list-style-type: none"> <li>1) BASA proposes that para 3.1(b) be amended as follows: “(b) “head office” <del>means the place where</del> <b>means the place where the majority of</b> an accountable institution, its senior management and their direct support staff are located or, if <del>they are</del> located at more than one location, <del>the place</del> where they are primarily or predominantly located.”</li> <li>2) Alternatively, BASA proposes that para 3.1(b) be amended to read: “(b) “head office” <del>means the place</del> where an accountable institution's <b>(excluding a subsidiary in the Republic registered as an accountable institution)</b> senior management and their direct support staff are located or, if <del>they are</del> located at more than one location, <del>the place</del> where they are primarily or predominantly located.”</li> </ol>
4.	<b>Para 3.1 (c)</b>	<ol style="list-style-type: none"> <li>1) For certainty of understanding, clarity is requested on the intention of requiring</li> </ol>	<ol style="list-style-type: none"> <li>1) BASA proposes that para 3.1(c) be amended as follows:</li> </ol>

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
	<p>“subsidiary” means one or more subsidiaries of an accountable institution, alone or in any combination where the accountable institution—</p> <p>(i) is directly or indirectly able to exercise, or control the exercise of, a majority of the general voting rights associated with issued securities of that subsidiary or subsidiaries, whether pursuant to a shareholder agreement or otherwise; or</p> <p>(ii) has or have the right to appoint or elect, or control the appointment or election of, directors of that subsidiary or subsidiaries who control a majority of the votes at a meeting of the board.</p>	<p>the declaration of subsidiaries of an accountable institution. Generally, subsidiaries are separate legal entities that exist for a specific and distinct purpose (for example, nominee companies or special purpose vehicles) and may require a separate regulatory or operating license to perform its function thus qualifying them as a separate accountable institution (though owned or controlled by another accountable institution).</p> <p>2) Please refer to commentary provided above regarding ‘branch’. BASA proposes that the wording of this definition be amended to consider including similar wording to limit the scope of the definition and to provide legal certainty and leverage other defined terms, i.e. head office.</p> <p>3) Furthermore, the term being defined should not be referenced in the definition itself (reflected in bold, i.e. ‘<i>means one or more <b>subsidiaries</b> . . .</i>’).</p>	<p>“subsidiary” <del>means one or more subsidiaries of an accountable institution,</del> <u>refers to a separate legal entity from the head office / accountable institution, which either</u> alone or in conjunction <del>any combination where the accountable institution—</del></p> <p>(i) is directly or indirectly able to exercise, or control the exercise of, a majority of the general voting rights associated with issued securities <u>of the separate legal entity of that subsidiary or subsidiaries,</u> whether pursuant to a shareholder agreement or otherwise; or</p> <p>(ii) has or have the right to appoint or elect, or control the appointment or election of, directors <u>of the separate legal entity of that subsidiary or subsidiaries</u> who control a majority of the votes at a meeting of the board, <u>and</u></p> <p><u>(iii) conducts business as outlined in Schedule 1 to the Act, for and on behalf of the head office.”</u></p>

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		<p>4) BASA therefore suggests that para 3.1(c) be amended as reflected in the next column.</p> <p>5) Should the Centre elect to retain the current wording of para 3.1(c), it is requested to confirm that the definition of subsidiaries is limited to only those that are accountable institutions,</p> <p>6) BASA suggests that the Centre consider utilising defined terms for ‘domestic’ subsidiaries and ‘foreign’ subsidiaries, as opposed to referring to ‘in or out of the Republic’.</p>	
5.	<p><b>Para 4. Application</b> This Directive applies to every accountable institution referred to in Schedule 1 of the Act.</p>	<p>1) Refer to our general comments and those on the definition of branch.</p> <p>2) BASA recommends that the banking sector be excluded from the scope of the Directive, alternatively that the Directive clarify that item 6 “points of presence” referred to as “branches” does not meet the Centre’s definition of a “branch”.</p>	<p>1) BASA proposes that para 4 be amended as follows: “This Directive applies to every accountable institution referred to in Schedule 1 <del>of to</del> the Act <u>excluding banks registered under item 6 of Schedule 1 to the FIC Act, and their associated subsidiaries and branches.</u>”</p>
6.	<p><b>Para 5.1</b> An accountable institution that has operations in more than one geographic location must</p>	<p>1) Considering commentary above, if the directive is limited to new registrations, the current wording of paragraph 5.1, which references section 43B(1) [as</p>	<p>1) BASA proposes that the Centre amend the wording of para 5.1 to reference section 43B(2) of the FIC Act.</p>

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
	<p>provide the following information when it registers with the Centre in terms of section 43B(1)—</p>	<p>opposed to 43B(2)], would imply that the form and manner stated in section 43B(1), as read with regulations 27A(4) and (5), has been completed/attended to. If this is not the case, the sentence should be amended to specifically refer to information as required in terms of section 43B(2) for purposes of registration contemplated in section 43B(1), which information would then be limited to the additional information to be furnished over and above what is contemplated in section 43B(1) and provided per regulations 27A(4) or (5). BASA therefore proposes that the Centre amend the wording of para 5.1 accordingly.</p> <p>2) The draft Directive requires extensive, detailed submissions for every branch and subsidiary. For institutions with large national branch networks, this introduces significant operational overhead and creates risk of outdated information due to staff turnover. BASA suggests that the Centre consider allowing a bulk upload template to</p>	

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		<p>reduce administrative and data entry risk and if the comments below are not accepted, permit institutions to provide a generic role-based contact point (e.g., branch manager, compliance officer), and a centralised email address, which is more stable and reduces update frequency.</p>	
7.	<p><b>Para 5.1(a)</b> if it has a head office, full particulars of— (i) the name of the head office; (ii) the license number, if applicable; (iii) the registration number, if applicable; (iv) the business address of the head office; and (v) the surname, first name and contact particulars of a contact person at the head office who may be contacted in relation to the registration of the accountable institution;</p>	<p>1) Reading paragraph 5.1(a) with its preceding sentence 5.1, it is limited to accountable institutions which have not registered as yet and by virtue of the 'head office' definition, the term 'accountable institution' equals to being the 'head office'. The head office would then either have branches and/or subsidiaries. 2) If a subsidiary is registered as an accountable institution, this would (in the context of a bank) be registered by the head office. There would be no expectation for the subsidiary accountable institution (foreign or</p>	<p>1) BASA proposes that para 5.1(a) be deleted. 2) If this proposal is not accepted, BASA proposes that para 5.1(a) be amended as follows: "5.1 An accountable institution that has operations in more than one geographic location must provide the following information when it registers with the Centre in terms of section 43B(1)— (a) <del>if it has a head office</del>, full particulars of— (i) the name of the head office; (ii) the license number, if applicable; (iii) the registration number, if applicable;</p>

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		<p>domestic) to provide the particulars of its head office.</p> <p>3) BASA questions the need for the insertion of the head office information or any subsidiary which is an accountable institution as for both registered and those to be registered, this information and more is furnished via the Centre's internet-based portal.</p> <p>4) Considering the above, we recommend either–</p> <p>a) deleting the content of paragraph (a) (if there is a manner to provide this additional information regarding branches and subsidiaries via the portal or a reference extracted from the portal regarding the head office registration and linking same to the supplementary information regarding subsidiaries and branches via another channel); or</p> <p>b) amending the wording of para 5.1(a) as indicated in the next column.</p> <p>5) In relation to registered accountable institutions (being the head office), all this information (and more) has already</p>	<p>(iv) the business address of the head office; and</p> <p>(v) the surname, first name and contact particulars of a contact person at the head office who may be contacted in relation to the registration of the accountable institution;”</p>

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		<p>been provided (in terms of section 43B(1), read with regulation 27A(4), which continues to be updated within the period required after any changes to such information.</p>	
8.	<p><b>Paragraph 5.1(b)(v)</b> if it has one or more branches, in respect of each branch in the Republic, full particulars of— ... (v) the surname, first name and contact particulars of a contact person at the branch who may be contacted in relation to the registration of the accountable institution;</p>	<ol style="list-style-type: none"> <li>1) Refer to BASA’s commentary on “branch” above.</li> <li>2) A branch (as defined) is not considered a separate legal entity and hence there is no requirement to register as an accountable institution under the FIC Act. As such there would be no need to include paragraph (v) and same should be deleted, alternatively banks registered in terms of item 6 should be excluded.</li> <li>3) This information would already be available from the registration of the head office / accountable institution (as a bank’ or conglomerate’s group money laundering officer / central team would attend to the registration).</li> <li>4) Section 42A(2)(b) of the FIC Act requires an accountable institution to assign a person with sufficient competence and seniority to ensure the effectiveness of</li> </ol>	<ol style="list-style-type: none"> <li>1) BASA proposes that para 5.1(b)(v) be deleted.</li> </ol>

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		<p>the risk management and compliance programme (RMCP) thus requiring such person to be the registered money laundering officer and liaison between the regulators and the accountable institution. Resultantly such nominations preclude the need for regulators to engage directly with employees in branches and subsidiaries, with engagement instead being with the authorised/ registered officers of the accountable institution in respect of all matters relating to the registration of the accountable institution.</p> <p>5) The FIC Act as read with Guidance Note 7A provides for accountable institutions which operate in groups of companies to implement a group-wide RMCP and policies and processes. Resultantly, branch staff in local and foreign branches execute on the group wide processes, etc. and thus any engagement with branch staff is likely to be met with a lack of mandate by the branch employee to respond to the regulatory engagement.</p>	

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		<p>6) It is respectfully submitted that there is no clear mandate in the FIC Act to enable the Centre or regulators to engage with the employees at a branch which employees in any event would not have a mandate to liaise directly with the South African regulator. This is of particular concern as regards foreign branches and subsidiaries whose employees are regulated by local in country laws and regulations and engagement by a South African regulator may fall foul of local in country protocols and regulation. Should engagement with any other employees in the branches or subsidiaries be necessary, same can be arranged by and via the authorised/registered officers of the accountable institution.</p> <p>7) The requirement is practically very onerous taking into account that employees change roles or offices and branches are changed regularly. This requirement thus creates a high administrative burden and elevated risk of technical non-compliance. A much less</p>	

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		onerous approach would be for the regulator to engage with the authorised/registered contact person to make the information available on a timely basis as and when requested by the Centre.	
9.	<p><b>Para 5.1(c)(v)</b> “5.1 if it has one or more branches outside the Republic, in respect of each branch outside the Republic, full particulars of— ... (v) the surname, first name and contact particulars of a contact person at the branch who may be contacted in relation to the registration of the accountable institution;”</p>	<p>1) Refer to commentary on para 5.1(b)(v) – based thereon, BASA recommends that para 5.1(c)(v) be deleted.</p> <p>2) It would serve no purpose to provide the contact particulars of a person at a foreign branch in relation to the registration of the accountable institution as the foreign branches of the South African accountable institution would not be in the position to provide any information relating to the registration of the accountable institution in South Africa due to in-country privacy/data protection legislation.</p>	1) BASA proposes that para 5.1(c)(v) be deleted.
10.	<p><b>Para 5.1(d)</b> “if it has one or more subsidiaries, in respect of each subsidiary’s head office in the Republic, full particulars of—</p>	1) The information of the head office would have already been provided, per the content of paragraph 5.1(a).	1) BASA proposes that para 5.1(d) be amended as follows: “if it has one or more subsidiaries, in respect of each subsidiary’s head office in the Republic, full particulars of—

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
	<p>(i) name of the head office; (ii) the license number, if applicable; (iii) the registration number, if applicable; (iv) the business address of the head office; and (v) the surname, first name and contact particulars of a contact person at the head office who may be contacted in relation to the registration of the accountable institution;”</p>	<p>2) Is the name of the subsidiary (as opposed to the head office) to be referenced in para 5.1(d)(i) and (iv)? 3) Furthermore, the contact particulars being requested in para 5.1(d)(v) would have already been provided under 5.1(a) (i.e. the head office being the accountable institution). There would be no requirement for the subsidiary (whether registered as an accountable institution or not) as this information would have been provided under para 5.1(a). 4) BASA therefore proposes that para 5.1(d) be amended as reflected in the next column.</p>	<p>(i) name of the <b>head-office subsidiary</b>; (ii) the license number, if applicable; (iii) the registration number, if applicable; <b>and</b> (iv) the business address of the <b>head-office subsidiary</b>; <b>and</b> <del>(v) the surname, first name and contact particulars of a contact person at the head office who may be contacted in relation to the registration of the accountable institution;</del>”</p>
11.	<p><b>Para 5.1(e)</b> “if it has one or more subsidiaries outside the Republic, in respect of each subsidiary’s head office outside the Republic, full particulars of— (i) name of the head office; (ii) the license number, if applicable;</p>	<p>1) The information of the head office would have already been provided, per the content of paragraph 5.1(a). Is the name of the subsidiary (as opposed to the head office) to be referenced in para 5.1(e)(i) and (iv)? 2) Furthermore, the contact particulars being requested in 5.1(e)(v) would have already been provided under 5.1(a) (i.e. the head office being the accountable</p>	<p>1) BASA proposes that para 5.1(e) be amended as follows: “if it has one or more subsidiaries outside the Republic, in respect of each subsidiary’s head office outside the Republic, full particulars of— (i) name of the <b>head-office subsidiary</b>; (ii) the license number, if applicable; (iii) the registration number, if applicable; <b>and</b></p>

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
	<p>(iii) the registration number, if applicable; (iv) the business address of the head office; and (v) the surname, first name and contact particulars of a contact person at the head office who may be contacted in relation to the registration of the accountable institution;"</p>	<p>institution). There would be no requirement for the subsidiary (whether registered as an accountable institution or not) as this information would have been provided under para 5.1(a). 3) BASA therefore proposes that para 5.1(d) be amended as reflected in the next column.</p>	<p>(iv) the business address of the <b>head-office subsidiary</b>; <b>and</b> <del>(v) the surname, first name and contact particulars of a contact person at the head office who may be contacted in relation to the registration of the accountable institution;</del>"</p>
12.	<p><b>Para 5.1(g)</b> if the subsidiary of the accountable institution has one or more branches outside the Republic, in respect of each branch, full particulars of—</p>	<p>1) In the context of the draft Directive, BASA understands that the reference here to ‘subsidiary’ is meant to refer to both those inside and outside of the Republic. It would be beneficial to clearly articulate same for legal certainty to avoid misinterpretation that reference to ‘subsidiary’ in this context only refers to ‘domestic subsidiary’ in the absence of the separate definitions being provided for ‘foreign’ and domestic (as mentioned above). 2) There is an extra space before the comma in “in respect of each branch, full particulars of—” which should be corrected.</p>	<p>1) BASA proposes that para 5.1(g) be amended as follows: “if the subsidiary <b>in or outside the Republic</b> of the accountable institution has one or more branches outside the Republic, in respect of each branch, full particulars of—”</p>

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		3) BASA therefore proposes that para 5.1(g) be amended as reflected in the next column.	
13.	<p><b>Para 5.2</b> Accountable institutions that are registered with the Centre on the date of commencement of this Directive must update their registration by providing the particulars mentioned in paragraph 5.1 within 90 days of the date of commencement of the Directive.</p>	<p>1) Please refer to the general commentary above and the proposed amendment to align with proposed insertion in para 2.3. 2) Should this Directive be applicable to banks, then the 90-day period for providing these details is not sufficient. Refer to comments under para 3.1 (a). It is proposed the 90-day period is extended to at least 6 months.</p>	<p>1) BASA proposes that para 5.2 be amended as follows: “Accountable institutions that are registered with the Centre on the date of commencement of this Directive must <del>update their registration by providing</del> <b>provide</b> the particulars mentioned in paragraph 5.1 within <del>90 days</del> <b>6 months</b> of the date of commencement of the Directive.”</p>
14.	<p><b>Para 5.3</b> Accountable institutions must update the particulars provided under paragraph 5.1 within 90 days after such a change.</p>	<p>1) Please refer to our general commentary above. 2) There would be no requirement to include this provision if the intention of this directive is to apply to persons who are required to still register as an accountable institution, as the content of section 43B(4) already contemplates this requirement. BASA therefore proposes that para 5.2 be deleted.</p>	

NO	REFERENCE IN ACT/BILL/DOCUMENT	COMMENT (Why is it a problem?)	PROPOSED WORDING/CHANGE
		3) If, however, Directive 10 is to also apply to already registered accountable institutions this paragraph should remain in this directive as the updating obligations would not be covered by section 43B(4).	