

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Vol. 381

PRETORIA, 27 MARCH
MAART 1997

No. 17895

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

SOUTH AFRICAN RESERVE BANK SUID-AFRIKAANSE RESERWEBANK

No. 498

27 March 1997

DESIGNATION OF ACTIVITIES THAT ARE THE BUSINESS OF A BANK

In terms of paragraph (e) of the definition of "the business of a bank" in section 1 of the Banks Act, 1990 (Act No. 94 of 1990), and after consultation with the Governor of the South African Reserve Bank, I, Christo Floris Wiese, Registrar of Banks, hereby declare the activities set out in paragraphs 2 and 3 of the Schedule to be the business of a bank.

C. F. WIESE

Registrar of Banks

SCHEDULE

1. Definitions

In this Schedule, "the Act" means the Banks Act, 1990 (Act No. 94 of 1990), and any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates—

"business practice" includes—

- (a) any agreement, arrangement or understanding, whether legally enforceable or not, between two or more persons; or
- (b) any scheme, practice or method of trading, including any method of marketing or distribution.

2. The acceptance or obtaining of money, directly or indirectly, from members of the public, as a regular feature of a business practice, with the prospect of such members (hereinafter referred to as the "participating members") receiving payments or other money-related benefits, directly or indirectly—
- (a) on or after the introduction of other members of the public to the business practice (hereinafter referred to as the "new participating members"), from which new participating members, in their turn, money is accepted or obtained, directly or indirectly, as a regular feature of the business practice, whether or not—
 - (i) the introduction of the new participating members is limited to their introduction by participating members or extends to the introduction of the new participating members by other persons; or
 - (ii) new participating members are required to acquire movable or immovable property, rights or services;
 - (b) on or after the promotion, transfer or change of status of the participating members or new participating members within the business practice; or
 - (c) from funds accepted or obtained from participating members or new participating members in terms of the business practice.
3. The soliciting of, or advertising for, directly or indirectly, money and/or persons for introduction into or participation in a business practice as described in paragraph 2*supra*.

No. 498

27 Maart 1997

AANWYSING VAN BEDRYWIGHEDA WAT DIE BEDRYF VAN 'N BANK IS

Kragtens paragraaf (e) van die omskrywing van "die bedryf van 'n bank" in artikel 1 van die Bankwet, 1990 (Wet No. 94 van 1990), en na oorleg met die President van die Suid-Afrikaanse Reserwebank, wys ek, Christo Floris Wiese, Registrateur van Banke, hiermee die bedrywighede in paragrawe 2 en 3 van die Bylae uiteengesit aan as bedrywighede wat die bedryf van 'n bank is.

C. F. WIESE

Registrateur van Banke

BYLAE

1. *Woordomskrywing*

In hierdie Bylae beteken "die Wet" die Bankwet, 1990 (Wet No. 94 van 1990), en het 'n woord of uitdrukking waaraan in die Wet 'n betekenis geheg is die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, sluit—

"sakepraktyk" in—

- (a) enige ooreenkoms, reëling of verstandhouding, hetsy regtens afdwingbaar of nie, tussen twee of meer persone; of
- (b) enige skema, praktyk of handelsmetode, met inbegrip van enige metode van bemarking of distribusie.

-
2. Die aanvaarding of verkryging van geld, direk of indirek, vanaf lede van die publiek, as 'n staande kenmerk van 'n sakepraktyk, met die vooruitsig van die ontvangs van betalings of ander geldverwante voordele deur sodanige lede (hierna die "deelnemende lede" genoem), direk of indirek—
- (a) by of na die voorstelling van ander lede van die publiek aan die sakepraktyk (hierna die "nuwe deelnemende lede" genoem), van welke nuwe deelnemende lede op hul beurt, direk of indirek, geld as 'n staande kenmerk van die sakepraktyk aanvaar of verkry word, hetsy—
 - (i) die voorstelling van die nuwe deelnemende lede beperk is tot hul voorstelling deur deelnemende lede of ook die voorstelling van nuwe deelnemende lede deur ander persone omvat of nie; of
 - (ii) van nuwe deelnemende lede verlang word om roerende of onroerende eiendom, regte of dienste te verkry of nie;
 - (b) by of na die bevordering, verplasing of verandering in status van die deelnemende lede of nuwe deelnemende lede binne die sakepraktyk; of
 - (c) uit fondse aanvaar of verkry van deelnemende lede of nuwe deelnemende lede ingevolge die sakepraktyk.
3. Die werwing van, of advertering vir, direk of indirek, geld en/of persone vir inbringing in of deelname aan 'n sakepraktyk soos beskryf in paragraaf 2*supra*.
-

CONTENTS**INHOUD**

No.		Page No.	Gazette No.	No.		Bladsy No.	Koerant No.
GOVERNMENT NOTICE				GOEWERMENSKENNISGEWING			
South African Revenue Bank				Suid-Afrikaanse Reserwebank			
<i>Government Notice</i>				<i>Goewermenskennisgewing</i>			
498	Banks Act (94/1990): Designation of activities that are the business of a bank	1	17895	498	Bankwet (94/1990): Aanwysing van bedrywighede wat die bedryf van 'n bank is.....	2	17895