

*“Ngabe uyati kutsi emasheya amayelana nani,  
kodvwa yini lokunye lodzinga kukwati njengemsisi.....”*



## **TIMAKETHE TETIMALI**

### ***Nguyiphi imisebenti lemikhulu yeLitiko Letimakethe Tetetimali leBhodi Yetinsita Tetetimali (i-“FSB”)?***

Ngekwe-FMA, Litiko Letimakethe Tetetimali le-FSB libukene nekuchashelwa kwemakethe yetemasheya (i-JSE Limited), i-central securities depository (i-Strate Limited) kanye netindlu tekuniketa ligunya, lekuyi Strate Limited ne-Safex Clearing Company (Pty) Ltd (“SAFCOM”). Imakethe yemasheya kanye ne-central securities depository takhiwocanti temakethe letisebenta njengetinhlango letitilawulako (ema-“SROs”) njengobe tinemsebenti ngaphasi kwe-FMA wekucaphela bahlanganyeli/basebentisi babo labagunyatiwe (“emalunga”) futsi nekucinisekisa kutsi emalunga abo atfobela imitsetfo nemibandzela ye-FMA. I-FMA iphindze isite umtimba wekuvumela lotimele kusebenta njengenhlango yekutilawula letawubukana nekucaphelwa kwemalunga ayo ekuniketa ligunya. I-Strate Limited igunyata emasheya nemabhondi bese kutsi i-SAFCOM igunyata ema-derivative instruments.

### ***Ngabe kumele wente njani kute usise kumasheya labhaliswe Emakethe Yetetimali?***

Iwebhusayithi ye-JSE icuketse luhlu lwemalunga emafemu langatsintfwa basisi kubasita ekukhetseni li(ema)sheya. Lilunga lingasebenti njengemphatsi wekusisa wemsisi futsi lingatsenga futsi litsengise emasheya egameni lemsisi ngekutikhetsela nobe umsisi angalayela ibhrokha yakhe kwekutsi ihwebe kumasheya lakhketfwe ngumsisi. Basisi kumele bafundze emasheya labafuna kuwatsenga ngekunakekela ngaphambi kwekutsatsa sincumo sekusisa, njengekutsi kumele babuke umlandvo wetetimali wenkapani, kuphatfwa kwenkapani, kutsi ngabe inkapani vele ibhalisiwe ku -JSE, njll.

Tinkapani letingakabhaliswa kwanyalo atilawulwa ngendlela lefana njengetinkapani letibhalisiwe futsi basisi bemasheya langakabhalisiwe abakujabuleli kuvikelwa ngekwemtsetfo lokufanako.

### ***Ngabe umsisi utawati njani kwekutsi lomuntfu/inkapani lasebenta nayo inelay- isensi yekwenta ibhizinisi yemasheya?***



Macondzana nemafemu langemalunga e-JSE, basisi bangatsintsa mabhalane wenkapani ye-JSE kutfola kutsi ngabe lefemu ililunga lelemukelwe le-JSE nobe bangahlola kuwebhusayithi ye-JSE. Macondzana nebaphakeli betinsita tetetimali, basisi bangatsintsa Litiko le-FAIS leFSB kuhlola kutsi ngabe le-FSP igunyatwe yi-FSB nobe cha.

**Ngabe kusho kutsini kuba yi-SRO futsi yini budlelwano phakatsi kwe-FSB kanye ne-SRO, lokuyimakethe yetetimali, i-central securities depository kanye nemtimba wekugunyata lotimele?**

I-FMA ivumele takhiwoncanti temakethe letifana nemakethe yetetimali, i-central securities depository kanye ne-independent clearing house kwekutsi tigunyatwe njenge-SRO. I-FMA clearly outlines the responsibilities of an SRO. I-SRO inesibopho ngaphasi kwe-FMA kucaphela emalunga ayo futsi nekucinisekisa kutsi emalunga ayo affobela imitsetfo yayo nemibandzela ye-FMA. Imakethe yetetimali, i-central securities depository nobe umtimba wekugunyata lotimele kumele ugcwalise indzima ye-SRO ngaphambi kwekutsi igunyatwe yi-FSB. I-SRO inesibopho sekwamukela emalunga ayo.

***Kufaka sikhalo***

***Yini inchubo yekufaka tikhalo tebasisi ngemakethe yetetimali, nge-central securities depository, ngemtimba wekugunyata lotimele nobe ngemalunga ayo nobe tiphatsimandla netisebenti temalunga?***

**I-FMA** isho Umtsetfo Wetimakethe Tetimali nombolo 19 wanga-2012;  
**I-SAFCOM** isho Safex Clearing Company (Pty) Ltd;  
**I-SRO** isho Inhlango Letilawulako  
**I-FAIS Act** isho Umtsetfo Wetinsita Tekweluleka Ngetetimali Nekuchumanisa nombolo 37 wanga-2002;  
**I-OTC** isho Kutsenga Ngetulu Kwe-akhawundi (Over- the-Counter)

***Ngabe yini sikhalo semsisi?***

Sikhalo semsisi sichazwa njenganobe ngusiphi sikhalo macondzana nemibandzela yetinsita letilawulwako (letinsita letiwulwa yimakethe yetetimali, yi-central securities depository nobe yi-independent clearing house) lapho khona umsisi aletsa tinsolo tekulahlekelwa, nobe angalahlekelwa yimali ngenca yelilunga nobe siphatsimandla nobe sisebenti selilunga:

- Kwephula nobe kwehluleka kutfobela nobe nguwuphi umyalelo loniketwa ngumsisi, nobe ngabe ngusiphi sivumelwano nobe ligunya lekungenwe kulo nelilunga;
- Kwepulwa nobe kwehluleka kutfobela i-FMA, imitsetfo nobe tinkhombandlela te-SRO;
- Kusebenta ngekungatsembeki, ngebudlabha nobe kunganakekeli; nobe
- Kuphatsa umsisi ngendlela lengakafaneli nobe lebandlululako.

Ngaphandle kwaletikhalo letingetulu ngemalunga nobe ngetiphatsimandla tawo nobe ngetisebenti, basisi bangaphindze babe netikhalo nge:

- SRO ngekugcwalisi tibopho tayo tekulawula, kusebenta ngendlela lengeke ichubekise tinjongo te-FMA njengobe tibaliwe kusigaba 2 se-FMA nobe kwephula umbandla we-FMA.

***Basisi bacondziswa kumitsetfo yemakethe yetetimali ngetidzingo nangetinchubo tekufaka tikhalo nemibango, ikhophi yakhona iyatfolakala kuwebhusayithi yemakethe yetetimali.***

### **SINYATSELO 1: Faka sikhalo nelilunga**

Sikhalo semsisi ngelilunga kumele kwekucala sifakwe futsi kucocwe ngaso nelilunga lelifanele ngekulandzela tinchubo tekuphatsa tikhalo tangekhatsi telilunga. Inchubo yekuphatfwa kwetikhalo yangekhatsi yelilunga ivumela kwemukelwa kwetikhalo tebasisi, kuphenywa lokufanele kwaletikhalo, inchubo yekutsatfwa kwesincumo lefanele macondza nekuphendulwa kwesikhalo semsisi, kwatiswa kwesincumo kumsisi kanye nekurekhodwa kwetikhalo.

### **SINYATSELO 2: Faka sikhalo ne-SRO**

Uma ngabe umsisi angenetiseki ngesisombululo lesiniketwa lilunga, nobe singakacatululwa, umsisi kumele afake sikhalo ngekubhala ku-SRO lefanele anikete yonkhe imidanti yalenkinga. I-SRO itawenta umtamo wekuhlelebisa sisombululo sesikhalo phakatsi kwelilunga nemsisi.

### **SINYATSELO 3: Faka sikhalo ne-Ombud lekhetfwe yimakethe yetetimali**

Uma ngabe i-SRO ingakhoni kuhlelebisa sisombululo sesikhalo, i-SRO (kusebenta kuphela kumakethe yetetimali) ingenta lesikhalo sibe ngumbango futsi itawusebenta ngesikhalo lesingakacatululwa ngekulandzela imitsetfo yekucatululwa kwemibango, uma umsisi akhatsa inchubo yekucatululwa kwemibango futsi uma indlela njengobe ichaziwe kumitsetfo yemakethe yetetimali ihlangabetwa. Umbango utawubese undluliselwa ku-ombud kuyobukisiswa, lekhetfwe ngalokusemsetfweni ngaphasi kwesikimu sekusombulula semakhasimende semakethe yetetimali, lesemukelwe ngekulandzela Umtsetfo Wetikimu te-Ombud Yetinsita Tetetimali, 2004.

Sincumo lesentiwe yi-ombud kumele sifotjelwe ngulelicambu lesentiwe kulo ngekhatshi kweliviki linye lekwenziwa kwesincumo lesentiwe yi-ombud.



Uma ngabe i-SRO ingenaso sikimu sekusombululo tikhalo lesemukelekile, kufana ne-central securities depository, ummangali angafaka sikhalo sakhe ku-Financial Services Ombudsman. Ummangali kumele achaze lokucekelwa phasi ngetetimali nobe kulimala ngenca yekwepulwa nobe kwehluleka kutfobela imibandzela ye-FMA.



Ummangali utawudzinga kuniketa i-Ombudsman bufakazi bekutsi ummangali uzamile kucatulula lesikhalo. Loku kungentiwa ngekuniketa ikhophi yemphendvulo yekugcina ye-SRO nobe ye-FSB, sikanye netizafu temmangali tekungavumelani nalemphendvulo. Lesikhalo kumele sifakwe ngekubhala ku-Ombudsman sikanye nanobe nguyiphi imiculu leyesekelako.

**Tinchubo tekuphatsa tikhalo tebasisi ngema-SRO nobe ngetiphatsimandla nobe ngetisebenti tema-SRO.**

#### **SINYATSELO 1: Faka sikhalo ne-SRO**

Sikhalo semsisi nge-SRO kumele sifakwe ngekubhala futsi kucociswane ngaso ne-SRO lefanele. Imininingwane lephelele yesikhalo kumele iniketwe ku-SRO.

#### **SINYATSELO 2: Faka sikhalo ne-FSB**

Uma ngabe sikhalo singakhoni kucatululwa yi-SRO, umsisi angafaka sikhalo ku-Capital Markets Department ye-FSB. Sikhalo kutawukhulunywa ngaso ne-SRO lefanele ngenhloso yekucinisekisa kutsi i-SRO isebentise tonkhe tindzawo tekucatulula sikhalo ngekunetiseka kwawo wonkhe emacembu.

**Tidzingo tekufaka tikhalo tebasisi ku-FSB**

#### ***Ngabe tikhalo tebasisi kumele tifikwe njani?***

Tikhalo tebasisi kumele tifikwe ngekubhala. Sizafu saloku kutfola sisekelo kanye netizafu mbamba tesikhalo futsi nekusita i-FSB kucocisana nesikhalo semsisi ne-SRO lefanele.

## **Tikhalo tingafakwa nganobe nguyiphi indlela kuletindlela letilandzelako:**

- Gcwalisa lifomu lesikhalo lelitfolakala kuwebhusayithi ye-FSB, lekungulena [www.fsb.co.za](http://www.fsb.co.za). Uma basisi bangakhoni kutfola lifomu lesikhalo le-FSB, bangatsintsa i-FSB Customer Service ku 0800110443/ 0800202087 kutfola ikhophi; nobe
- Tfumela i-imeyili ku-Legal Manager: Capital Markets Department, [info@fsb.co.za](mailto:info@fsb.co.za) nobe
- Bhala incwadzi ku: the Legal Manager: Capital Markets Department, PO Box 35655, Menlo Park , Pretoria, 0102; nobe
- Kutfumela sikhalo ngefeksi ku-Legal Manager: Capital Markets Department, +27 12 347 1379.

## **Nguwuphi umningwane lodzingakalako?**

Bamangali kumele banikete i-FSB lokungenani lomningwane lolandzelako:

- Ligama nesibongo semmangali
- Iminingwane yekutsintsana (kufaka ekhatsi likheli leliposi, inombolo yelucingo, inombolo yefeksi kanye nelikheli le-imeyili nobe kukuphi lokukhona.
- Iminingwane lephelele yesikhalo.
- Emakhophi anobe nguyiphi imiculu leyesekela sikhalo.
- Libito le-SRO lekufakwa sikhalo ngayo.
- Iminingwane yetinyatselo letitsetfwe ngummangali kucatulula lesikhalo.
- Umphumela ummangali langatsandza kuwutfolo.



## **Umphumela weluphenyo lwekucatulula lesikhalo**

I-FSB itaweluleka ummangali ngenchwadzi ngempumela weluphenyo lwekucatulula lesikhalo, lehambisana netizatfu.

Kusita basisi, iminingwane yekutsintsana ye-FSB, yema-SRO kanye neye-Financial Services Ombudsman iyaniketwa kulithebula ngaphasi.

## Iminingwane Yekutsintsana

### Ibhodi Yetinsita Tetemali

PO Box 35655, Menlo Park, 0102  
Riverwalk Office Park, Block B, 41 Matroosberg Road,  
Ashlea Gardens, Extension 6, Pretoria, 0181  
Inombolo yelucingo: +27 12 428 8000  
Ifeksi: +27 12 347 0221  
info@fsb.co.za  
www.fsb.co.za

Vakashela iwebhusayithi yekufundzisa batsengi yekucala ye FSB;  
[www.mylifemymoney.co.za](http://www.mylifemymoney.co.za) kutfola seluleko sekutsi ungayisebentisa imali yakho  
ngemphumelelo.



**mylife**  
**mymoney**  
[www.mylifemymoney.co.za](http://www.mylifemymoney.co.za)  
*Helping you make the most of your finances*

### I-Ombud for Financial Services Providers

P O Box 74571,  
Lynwood Ridge,  
0040

Eastwood Office Park, Baobab House,  
Ground Floor, Lynnwood Ridge, 0081  
Inombolo yelucingo:  
+27 12 470 9080,  
0860FAISOM / (0860324766)  
Fax: +27 12 348 3447  
info@faisombud.co.za  
www.faisombud.co.za

### JSE Limited

Private Bag X991174, Sandton, 2146  
One Exchange Square, Gwen Lane,  
Sandown  
Inombolo yelucingo:  
+27 11 520 7000  
Ifeksi: +27 11 520 8584  
info@jse.co.za  
www.jse.co.za

### Strate Limited

P.O Box 78608, Sandton, 2146  
1st Floor, 9 Flicker Road, Illovo  
Boulevard, Illovo, Sandton, 2146  
Inombolo Yelucingo:  
+27 11 759 5300  
Ifeksi: +27 11 759 5500  
info@strate.co.za  
www.strate.co.za



Lencwajana yimphahla ye FSB. Imvumo yekukhucita kabusha nobe kusetjentiswa kumele itfolwe kumbhali ngencwadzi: Litiko Lekufundzisa Basebentisi lweBhodi Yetinsita Tetetimali, PO Box 35655, Menlo Park, 0102 Nobe tfumela i-imeyili ku: [CED.consumer@fsb.co.za](mailto:CED.consumer@fsb.co.za) nobe Ushaye I ucingo ku: 012 428 8000