FINANCIAL SERVICES BOARD

“ Ingabe uyazi ukuthi amasheya amayelana nani,

kuyini kodwa okunye ofanele ukukwazi njengomtshalimali...”

IZIMAKETHE ZEZIMALI

Imiphi imisebenzi esemqoka yoMyango Wezimakethe Zezimali ongaphansi kweBhodi Yosizo Lwezezimali ("FSB")

Ngokuya ngokoMthetho Wezimakethe Zezimali, uMnyango weziMakethe Zezimali ongaphansi kwe-FSB iwona obhekelela ukuqondiswa kwabagunyazwe yi-JSE, inhlangano yezibambiso zamasheya, (i-Strate Limited) nama-clearing house, okuyi-Strate Limited kanye ne-Safex Clearing Company (Pty) Ltd (SAFCOM). I-exchange ne-central securities depository izinqalasizinda ezisebenza ngokuzimela njengoba ngaphansi koMthetho Wezimakethe Zezimali zinesibopho sokuqapha amalungu abo agunyaziwe ukuthi ahambisane nemithetho ye-FMA. I-FMA ibuye ivumele i-ejenti ebhekelela ukuxazululwa kwama-akhawunti okuhweba ukuba asebenze ngokuzimela ekubhekeleleni ukunakekelwa kwama akhawunti amalungu. I-Strate Limited sinakekela izimali nezibopho ngenkathi i-SAFCOM inakekela ama-derivative instruments.

Umuntu angonga kanjani kumasheya abhaliswe kwi-securities exchange?

Ingosi ye-JSE inohlu lwenzinkampani abatshali zimali abangaya kuzo ukuze zibasize ngokukhetha amasheya abangonga kuwona. Ilungu lingaba njengemenenja yokutshalwa kwezimali komtshali zimali, angathengela futhi athengisele umtshali zimali amasheya akhe kwi-discretionary basis, noma umtshali zimali angaluleka ibhroka yakhe ukuthi ahlanganyele emasheyeni eliwakhethile. Abatshali bezimali kumele bazinike isikhathi sokubheka amasheya enzakahle ngaphambi kokuthatha isinqumo sokutshala imali; kumelwe babheke umlando wezezimali waleyonkampani, ukuphathwa kwayo, nokuthi ingabe ibhalisiwe yini neJSE, njll.

Izinkampani ezingabhalisiwe okwamanje azilawulwa ngendlela efanayo nalezo ezibhalisiwe kanti futhi abatshali zimali bezinkampani ezingabhalisiwe abavikelekile ngokomthetho.

Umtshali zimali uzokwazi kanjani ukuthi umuntu/ inkampani asebenzelana nayo inayo imvumo yokuhlinzeka ngalolosizo?

Maqondana nezinkampani ze-JSE, abatshali zimali bangashayela i-JSE ukuze bathole ukuthi ingabe ngempela leyonkampani iyilungu le-JSE kanti futhi bangaphinde bevakashele nengosi ye-JSE. Maqondana nabahlinzeki bosizo lwezezimali, abatshali zimali bengaxhumana noMnyango we-FAIS engaphansi kwe-FSB ukuze bahlole ukuthi ingabe loyo mhlinzeki ubhalisile ne-FSB noma cha.

Kusho ukuthini ukuba i-SRO kanti buyini ubudlelwano phakathi kwe-FSB ne-SRO, ingabe uhwebo, izibambiso kwi-central depository noma i-clearing house ezimele?

I-FMA ihlinzeka imakethe ngezinqalasizinda ezifana ne-exchange, kwi-central securities depository kanye ne-clearing house ezimele ukuze zigunyazwe iSRO. I-FMA iveza ngokucacile imithwalo yezimfanelo ze-SRO. I-SRO inesibopho ngaphansi kwe-FMA sokuqondisisa amalungu ayo futhi nokuqinisekisa amalungu ayo ukuthi ahambisana nemithetho ye-FMA. I-exchange, ne-central securities depository noma i-clearing house ezimele zifeza indima ye-SRO ngaphambi kokuba zigunyazwe yi-FSB. I-SRO inesibopho sokugunyaza amalungu ayo.

Ukufaka isikhalazo

Imiphi imigudu elandelwayo ukuze umtshali zimali afake isikhalazo sakhe maqondana nohwebo, i-central securities depository kanye ne-clearing house ezimele, noma amalungu ayo, nanoma abaphathi nabasebenzi bamalungu?

U-FMA usho uMthetho Wezimakethe Zezimali we-19 wonyaka wezi-2012
U-SAFCOM usho i-SAFEX Clearing Company (Pty) Ltd;
U-SRO usho inhlangano ezilawulayo
UMthetho we-FAIS usho uMthetho we-Financial Advisory and Intermediary Services wama-37 wonyaka wezi-2002
U-OTC usho ukuthi ngale kwe-khawunta

Siyini isikhalazo sika mtshalizimlai?

Isikhalo somtshali-zimali sichazwa njenganoma yisiphi isikhalo esifakwa maqondana nokuhlinzekwa kwemisebenzi elawulwayo (leyo misebenzi okungukulawulwa kohwebo, i-central securities depository noma i-clearing house ezimele) okuyilapho umtshali zimali esho khona ukuthi uyewahlupheka, noma angahle abhekane nobandlululo lwezezimali ngenxa yelungu, isikhulu noma umsebenzi welungu:

- Ukwephula noma ukwehluleka ukuhambisana nanoma yimiphi imiyalelo enikezwa ngumtshali zimali , noma isivumelwano noma igunya analo nelungu;
- Ukwephula noma ukwehluleka ukuhambisana nemithetho neziqindiso ze-FMA ne -SRO;
- Ukwenza ngokungathembeki, ukunganaki noma ukwenza budedengu; noma
- Ukuphatha umtshali zimali ngokungafanele.

Ngale kwalezi zikhalazo ezibalulwe ngenhla amalungu noma abaphathathi noma abasebenzi, naye umtshali zimali angaba nesikhalazo esibhekene nayo:

- I-SRO ngokungenzi imithwalo yayo ngokufanele, ukwenza ngendlela engeke ifeze izinhloso ze-FMA njengoba libalwe kwisigaba sesi-2 se-FMA noma ukwehluleka ukuhlinzeka ngendlela ye-FMA.

Abatshali zimali bayalwa ukuba babheke imithetho nezimfaneko zokufaka izikhalo, ikhophi iyatholakala engosini ye-exchange.

ISINYATHELO 1: Faka isikhalazo nelungu.

Isikhalo sokutshalwa kwezimali kumelwe siqale sifakwe bese kuxoxiswana nelungu elifanele ngokwenqubo yangaphakathi yokuphathwa kwezikhalazo. Ukuphathw kwezikhalo zamalungu kwangaphakathi, kubhekelela ukuthola izikhalo zabatshali zimali, uphenyo olufanele lwesikhalo, impendulo efanele ngesinqumo esimayelana nesikhalazo somtshali zimali, ukwaziswa ngesinqumo kanye nokuqopha leso sikhalazo.

ISINYATHELO 2: Faka isikhalo ne-SRO.

Uma umtshali zimali enganelisekile ngesisombululo esikhishwe yilungu, noma isikhalo sihlale singasombululwanga, kumelwe abhale isikhalo sakhe esinemininingwane yonke yodaba lwakhe asidlulisele kwi-SRO. I-SRO izozama ukuza nesisombululo ngesikhalo esiphakathi kwelungu nomtshali zimali.

ISINYATHELO 3: Phikisana nesinqumo ngokudlulisela kuMlamuli oqokwe yi-exchange

Uma i-SRO ingakwazi ukuba nesombululo, ingahle ivume lokho kuphikisa bese iphatha lesosikhalo ngokwesiphakamiso esenziwe ngokuya ngemithetho yeziphakamiso, uma umtshali zimali ekhetha ukulandela inqubo yokuxazulula izingxabano futhi uma egcina uhlelo njengoba luchazwe kwimithetho ye-exchange. Ingxabano izobese idluliselwa kuMlamuli oqokwe ngaphansi kohlelo lwe-exchange lokuxazulula izinkinga zamaklayenti, eqashelwe yi-Finacial Service Ombud Schemes Act ka -2004 ukuze sibhekisiswe kahle isinqumo esithathwe nguMlamuli.

Uma i-SRO ingenalo uhlelo lokuxazulula izinkinga njengakwi-central securities depository, ofake isikhalo kumele asilethe kuMlamuleli Wosizo Lwezezimali leso sikhalo. Isikhalo kufanele sihlobane nobandlululo lwezezimali noma ukulimala ngenxa yokwephula noma ukwehluleka ukuhambisana nekhomishana ye-FMA.

Lo ofaka isikhalo kuzofanele aveze ubufakazi kuMlamuleli bokuthi uyewazama ukulungisa inkinga. Lokhu kungenziwa ngokukhipha ikhophi yempendulo yokugcina ye-SRO noma ye-FSB, kanye nezizathu zokuphikisana nempendulo. Isikhalazo kumelwe sithunyelwe sibhaliwe kuMlamuleli kuhlanganiswe namaphepha asekelayo.

Izindlela zokuphatha izikhalo zabatshali zimali ngokumelene ne-SRO noma iziphathimandla kanye nabasebenzi be-SRO.

ISINYATHELO 1: Faka isikhalo ne-SRO

Isikhalazo sabatshali zimali sokukhononda nge-SRO kumelwe sifakwe ngokubhalwa bese kuxoxiswana ne-SRO efanele. Imininingwane egcwele kumelwe inikezelwe kwi-SRO.

ISINYATHELO 2: Faka isikhalazo kwi-FSB

Uma i-SRO ingakwazi ukuxazulula isikhalo, umtshali zimali kumelwe adlulisele isikhalo eMnyangweni Wezimakethe Zezimali ongaphansi kwe-FSB. Kuzoxoxiswana ne-SRO ethintekayo ukuze kuqinisekiswe ukuthi leyo-SRO yenze okufanele ekuxazululeni leso sikhalo ukuze kwaneliseke wonke umuntu othintekayo.

Okudingekayo ukuze kufakwe izikhalo kwi-FSB

Kumelwe zifakwe kanjani izikhalo zabatshali zimali?

Izikhalo zabatshali zimali kumelwe zibhalwe phansi. Isizathu salokhu, ukuthi kufanele kutholakale isizinda nezizathu zesikhalo zomtshali zimali ukuze i-FSB ikwazi ukuxoxisana ne-SRO efanele.

Izikhalo zingalethwa noma ngabe ubani ngalendlela elandelayo:

- Gcwalisa ifomu lesikhalo engosini ye-FSB ethi: www.fsb.co.za. Abatshali zimali abangakwazi ukuzitholela ifomu lesikhalo engosini ye-FSB, kumele bashayele i-FSB kulenombolo ethi: 0800110443/ 0800202087 ukuze bazitholele ikhophi; noma
- Thumela i-imeyili ku-Legal Manager: uMnyango Wezimakethe Zezimali ku-info@fsb.co.za noma
- Bhala incwadi ku-Legal Manager: uMnyango Wezimakethe Zezimali, PO Box 35655, Menlo Park , Pretoria, 0102; noma
- Thumela isikhahlamezi kwi-Legal Manager: uMnyango Wezimakethe Zezimali, +27 12 347 1379.

Imiphi imininingwane edingekayo?

Abamangali noma abakhalazi kufanele banikeze i-FSB okungenani lokhu okulandelayo:

- Igama nesibongo sommangali noma somkhalazi.
- Imininingwane yokuxhumana (kubandakanya ikheli leposi, nezinombolo zocingo, inombolo yesikhahlamezi, ikheli le-imeyili noma ngabe yisiphi esisetshenziswayo.
- Imininingwane egcwele yesikhalo.
- Amakhophi amadokhumende afanele noma asekelayo.
- Igama le-SRO okukhalazwa ngayo.
- Imininingwane yezinyathelo ummangali asezithathile ekuzameni kwakhe ukuxazululelwa isikhalo.
- Umphumela ummangali angathanda ukuwuthola.

Umphumela wophenyo lokuxazulula isikhalazo

I-FSB izokweluleka ummangali ngokumbhalela ngomphumela wophenyo wokuxazulula isikhalazo, kanye nezizathu.

Ngokulula, imininingwane ye-FSB, i-SRO kanye noMlamuleli Wosizo Lwezezimali inikeziwe ngezansi.

Imininingwane yokuxhumana

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

Vakashela iwebhusayithi yokuqala ka-FSB efundisa abathengi; www.mylifemymoney.co.za ukuze uthole isiqondiso sokwenza okuningi ngezimali zakho.

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Helping you make the most of your finances

Ombud for Financial Services Providers
P O Box 74571,
Lynwood Ridge,
0040
Eastwood Office Park,
Baobab House, Ground Floor,
Lynnwood Ridge, 0081
Inombolo yocingo:
+27 12 470 9080,
0860FAISOM / (0860 324 766)
Isikhahlamezi: +27 12 348 3447
info@faisombud.co.za
www.faisombud.co.za

I-JSE Limited
Private Bag X991174, Sandton, 2146One Exchange Square, Gwen Lane, Sandown
Inombolo yocingo : +27 11 520 7000
Isikhahlamezi: +27 11 520 8584
info@jse.co.za
www.jse.co.za

I-Strate Limited
P.O Box 78608, Sandton, 2146
1st Floor, 9 Flicker Road, Illovo Boulevard, Illovo, Sandton, 2146
Inombolo yocingo: +27 11 759 5300
Isikhahlamezi: +27 11 759 5500
info@strate.co.za
www.strate.co.za

Lelibhukwana liyimpahla ka-FSB. Imvume yokwenza ikhophi noma ukusetshenziswa kwalo kumele itholakale kumbhali ngokubhalela; uMnyango wezeMfundo Zabathengi ongaphansi kwesiGungu Semisebenzi Yezezimali,
P O Box 35655, Menlo Park, 0102
Imeyili: CED.consumer@fsb.co.za noma shaya
uCingo: 012 428 8000

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