

REPUBLIC OF SOUTH AFRICA

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**STANDING COMMITTEE AMENDMENTS  
TO  
BANKS AMENDMENT BILL**

**[B 43—2012]**

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*(As agreed to by the Standing Committee on Finance  
(National Assembly))*

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**[B 43A—2012 (Reprint)]**

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## AMENDMENTS AGREED TO

### BANKS AMENDMENT BILL

[B 43—2012]

#### NEW CLAUSE

1. That the following be a new clause:

**Amendment of section 5 of Act 94 of 1990, as amended by section 2 of Act 19 of 2003**

**3.** Section 5 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) delegate to any officer or employee of the Reserve Bank or another financial sector regulator any power conferred upon the Registrar by or under this Act; or”.

#### CLAUSE 4

1. On page 6, in line 25, to omit “such” and to substitute “[**such**] the”.
2. On page 6, in line 27, to omit “its next ensuing” and to substitute “[**its**] the next [**ensuing**]”.

#### CLAUSE 5

1. On page 6, in line 38, to omit “, is committed to”.
2. On page 6, in line 48, to omit “is committed to keeping” and to substitute “keeps”.

#### CLAUSE 11

1. On page 7, in line 41, to omit “[**with the consent of**]” and to substitute “with the consent of the Governor and”.
2. On page 8, from line 3, to omit paragraph “(c)”.

#### CLAUSE 33

1. On page 17, in line 2, to omit “and”.
2. On page 17, in line 5, to omit “.” and to substitute “; and”.
3. On page 17, from line 6, to insert the following:  
“(j) to consult shareholders.”.

## CLAUSE 34

1. On page 17, from line 16, to omit paragraph (a) and to substitute:
  - (a) by the substitution in subsection (1) for paragraphs (b), (c) and (d) of the following paragraphs, respectively:
    - “(b) **[gives]** files a notice **[to]** with the **[Registrar of Companies] Commissioner** in terms of section **[170(2)] 23(3)(b)(ii)** of the Companies Act of any intended change in the situation of its registered office **[or of its postal address]**;
    - (c) **[forwards]** files in terms of section **[216(2)] 70(6)** of the Companies Act a **[return]** notice referred to in that section regarding its directors to the **[Registrar of Companies] Commissioner**; or
    - (d) **[forwards]** files in terms of section **[302(4)] 33** of the Companies Act, financial statements to the **[Registrar of Companies] Commissioner**.”; and

## NEW CLAUSE

1. That the following be a new clause:

**Amendment of section 89 of Act 94 of 1990, as amended by section 63 of Act 19 of 2003 and section 30 of Act 20 of 2007**

**46.** Section 89 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

“(2) The Registrar must inform the Minister and the Governor of the South African Reserve Bank of any matter that in the opinion of the Registrar may pose significant risk to the banking sector, the economy, financial stability or financial markets more generally.”.

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