



South African Reserve Bank

From the Office of
the Registrar of Banks

D5/2011

2011-11-22

To: Banks, controlling companies, branches of foreign institutions and auditors of banks or controlling companies

Directive 5/2011 issued in terms of section 6(6) of the Banks Act, 1990

Exemption from certain minimum disclosure requirements pertaining to branches of foreign institutions

Executive summary

Regulation 43(3) of the Regulations relating to Banks (the Regulations) states that, subject to such conditions as may be specified in writing by the Registrar of Banks (the Registrar), when a bank is controlled by a controlling company, another bank or an institution that has been approved by the Registrar and which conducts business similar to the business of a bank in a country other than the Republic of South Africa, the requirements specified in regulations 43(1) and 43(2) of the Regulations shall apply to such controlling company, bank or institution, as the case may be, instead of to such bank that is so controlled, provided that control for the purpose of regulation 43(3) of the Regulations means control as defined in section 42(2) of the Banks Act, 1990 (Act No. 94 of 1990).

The Regulations therefore provide that the Registrar may specify in writing the conditions that apply to branches of foreign institutions (branches) in respect of public disclosure stipulated in regulation 43 of the Regulations.

The purpose of this directive is to specify the disclosure requirements, as specified in regulation 43 of the Regulations, that branches are exempted from.

1. Introduction

- 1.1 The provisions of the Regulations are applicable to all banks (including branches) in South Africa. In terms of regulation 43(3) of the Regulations, the Registrar may specify in writing the conditions that apply to branches in respect of public disclosures specified in regulation 43 of the Regulations. The purpose of this directive is to articulate specific exemptions that apply to branches.

2. Directive

2.1 In terms of the provisions of regulation 43(3) of the Regulations, branches of foreign institutions are hereby exempted from the disclosure requirements specified below:

2.1.1 regulation 43(2)(a),

2.1.2 regulation 43(2)(c)(i)(B)(v),

2.1.3 regulation 43(2)(c)(ii)(A),

2.1.4. regulation 43(2)(c)(ii)(B)(i)(aa) to (ee),

2.1.5 regulation 43(2)(c)(ii)(B)(ii), and

2.1.6 regulation 43(2)(c)(ii)(B)(iii).

3. Acknowledgement of receipt

3.1 Two additional copies of this directive are enclosed for the use of your institution's independent auditors. The attached acknowledgement of receipt, duly completed and signed by both the chief executive officer of the institution and the said auditors, should be returned to this Office at the earliest convenience of the aforementioned signatories.



René van Wyk
Registrar of Banks

The previous directive issued was Directive 4/2011 dated 19 October 2011.