

Draft 1

9 April 2024

GOVERNMENT NOTICE

NATIONAL TREASURY

No.

2024

AMENDMENTS TO REGULATIONS IN TERMS OF BANKS ACT, 1990

The Minister of Finance has, in terms of section 90 of the Banks Act, 1990 (Act No. 94 of 1990), amended the Regulations relating to Banks which were published in Government Notice No. R. 1029 of 12 December 2012, as amended by Government Notice No. R. 261 of 27 March 2015, Government Notice No. R. 309 of 10 April 2015, Government Notice No. R. 297 of 20 May 2016, Notice No. 724 of 18 December 2020, Notice No. 1427 of 31 December 2020, Notice No. R. 943 of 31 March 2022, Notice No. 2561 of 30 September 2022, and Notice No. 2900 of 23 December 2022, as set out in the Schedule.

SCHEDULE

Definitions

1. In this Schedule, "the Regulations" means the Regulations published under Government Notice No. R. 1029, in *Government Gazette* No. 35950 on 12 December 2012, as amended by-
 - (a) Government Notice No. R. 261, in *Government Gazette* No. 38616 of 27 March 2015;
 - (b) Government Notice No. R. 309, in *Government Gazette* No. 38682 of 10 April 2015;
 - (c) Government Notice No. R. 297, in *Government Gazette* No. 40002 of 20 May 2016;
 - (d) Notice No. 724, in *Government Gazette* No. 44003 of 18 December 2020;
 - (e) Notice No. 1427, in *Government Gazette* No. 44048 of 31 December 2020;
 - (f) Government Notice No. 943, in *Government Gazette* No. 46159 of 31 March 2022;
 - (g) Notice No. 2561, in *Government Gazette* No. 46996 of 30 September 2022; and
 - (h) Notice No. 2900, in *Government Gazette* No. 47789 of 23 December 2022.

Amendment of regulation 7 of the Regulations

2. Regulation 7 of the Regulations is hereby substituted for the following regulation:
 - "7. **Forms prescribed: financial, risk-based and other related returns to be submitted to the Authority with indication of institution by which, intervals at which and period within which returns shall be submitted**

A bank, controlling company, branch, branch of a bank or any other relevant person, entity or institution regulated or supervised by the Authority shall submit to the Authority such financial, risk-based, and other related returns as may be determined or directed in writing by the Authority, in accordance with such requirements as may be determined or directed in writing by the Authority."

Deletion of form BA 100

3. Form BA 100 immediately preceding regulation 18 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 18 of the Regulations

4. Regulation 18 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

“(3) A bank shall complete the form BA 100 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 110

5. Form BA 110 immediately preceding regulation 19 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 19 of the Regulations

6. Regulation 19 of the Regulations is hereby amended by the substitution for subregulation (6) of the following subregulation:

“(6) A bank shall complete the form BA 110 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 120

7. Form BA 120 immediately preceding regulation 20 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 20 of the Regulations

8. Regulation 20 of the Regulations is hereby amended by the substitution for subregulation (4) of the following subregulation:

“(4) A bank shall complete the form BA 120 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 125

9. Form BA 125 immediately preceding regulation 21 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 21 of the Regulations

10. Regulation 21 of the Regulations is hereby amended by the substitution for subregulation (8) of the following subregulation:

“(8) A bank shall complete the form BA 125 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 130

11. Form BA 130 immediately preceding regulation 22 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 22 of the Regulations

12. Regulation 22 of the Regulations is hereby amended by the insertion of the following subregulation:

“(5) A bank shall complete the form BA 130 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 200

13. Form BA 200 immediately preceding regulation 23 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 23 of the Regulations

14. Regulation 23 of the Regulations is hereby amended by the substitution for subregulation (23) of the following subregulation:

“(23) A bank shall complete the form BA 200 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 210

15. Form BA 210 immediately preceding regulation 24 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 24 of the Regulations

16. Regulation 24 of the Regulations is hereby amended by the substitution for subregulation (10) of the following subregulation:

“(10) A bank shall complete the form BA 210 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 220

17. Form BA 220 immediately preceding regulation 25 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 25 of the Regulations

18. Regulation 25 of the Regulations is hereby amended by the substitution for subregulation (4) of the following subregulation:

“(4) A bank shall complete the form BA 220 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 300

19. Form BA 300 immediately preceding regulation 26 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 26 of the Regulations

20. Regulation 26 of the Regulations is hereby amended by the substitution for subregulation (17) of the following subregulation:

“(17) A bank shall complete the form BA 300 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 310

21. Form BA 310 immediately preceding regulation 27 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 27 of the Regulations

22. Regulation 27 of the Regulations is hereby amended by the substitution for subregulation (9) of the following subregulation:

“(9) A bank shall complete the form BA 310 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 320

23. Form BA 320 immediately preceding regulation 28 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 28 of the Regulations

24. Regulation 28 of the Regulations is hereby amended by the insertion of the following subregulation:

“(9) A bank shall complete the form BA 320 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 325

25. Form BA 325 immediately preceding regulation 29 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 29 of the Regulations

26. Regulation 29 of the Regulations is hereby amended by the substitution for subregulation (4) of the following subregulation:

“(4) A bank shall complete the form BA 325 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 330

27. Form BA 330 immediately preceding regulation 30 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 30 of the Regulations

28. Regulation 30 of the Regulations is hereby amended by the substitution for subregulation (10) of the following subregulation:

“(10) A bank shall complete the form BA 330 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 340

29. Form BA 340 immediately preceding regulation 31 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 31 of the Regulations

30. Regulation 31 of the Regulations is hereby amended by the substitution for subregulation (8) of the following subregulation:

“(8) A bank shall complete the form BA 340 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 350

31. Form BA 350 immediately preceding regulation 32 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 32 of the Regulations

32. Regulation 32 of the Regulations is hereby amended by the substitution for subregulation (7) of the following subregulation:

“(7) A bank shall complete the form BA 350 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 400

33. Form BA 400 immediately preceding regulation 33 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 33 of the Regulations

34. Regulation 33 of the Regulations is hereby amended by the substitution for subregulation (10) of the following subregulation:

“(10) A bank shall complete the form BA 400 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 410

35. Form BA 410 immediately preceding regulation 34 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 34 of the Regulations

36. Regulation 34 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

“(3) A bank shall complete the form BA 410 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 500

37. Form BA 500 immediately preceding regulation 35 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 35 of the Regulations

38. Regulation 35 of the Regulations is hereby amended by the substitution for subregulation (7) of the following subregulation:

“(7) A bank shall complete the form BA 500 in accordance with such instructions or

requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 600

39. Form BA 600 immediately preceding regulation 36 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 36 of the Regulations

40. Regulation 36 of the Regulations is hereby amended by the substitution for subregulation (19), of the following subregulation:

“(19) A bank shall complete the form BA 600 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 610

41. Form BA 610 immediately preceding regulation 37 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 37 of the Regulations

42. Regulation 37 of the Regulations is hereby amended by the insertion of the following subregulation:

“(5) A bank shall complete the form BA 610 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 700

43. Form BA 700 immediately preceding regulation 38 of the Regulations is hereby deleted from the Regulations.

Amendment of regulation 38 of the Regulations

44. Regulation 38 of the Regulations is hereby amended by the substitution for subregulation (17) of the following subregulation:

“(17) A bank shall complete the form BA 700 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Amendment of regulation 61 of the Regulations

45. Regulation 61 of the Regulations is hereby substituted for the following regulation:

- “61. Forms prescribed: returns to be submitted to the Authority and the Economic Statistics Department of the South African Reserve Bank with indication of institution by which, intervals at which and period within which returns shall be submitted**

A bank, controlling company, branch, branch of a bank or any other relevant person, entity or institution regulated or supervised by the Authority shall submit to the Authority and the Economic Statistics Department of the South African Reserve Bank such returns as may be determined or directed in writing by the Authority, in accordance with such requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 900

46. Form BA 900 immediately preceding regulation 62 of the Regulations is hereby deleted from the Regulations.

Substitution of regulation 62 of the Regulations

47. Regulation 62 of the Regulations is hereby substituted for the following regulation:

- “62. Institutional and maturity breakdown of liabilities and assets - Directives and interpretations for completion of return concerning institutional and maturity breakdown of liabilities and assets (Form BA 900)**

A bank shall complete the form BA 900 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 920

48. Form BA 920 immediately preceding regulation 63 of the Regulations is hereby deleted from the Regulations.

Substitution of regulation 63 of the Regulations

49. Regulation 63 of the Regulations is hereby substituted for the following regulation:

- “63. Analysis of instalment sale transactions, leasing transactions and selected assets - Directives and interpretations for completion of return concerning analysis of instalment sale transactions, leasing transactions and selected assets (Form BA 920)**

A bank shall complete the form BA 920 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 930

50. Form BA 930 immediately preceding regulation 64 of the Regulations is hereby deleted from the Regulations.

Substitution of regulation 64 of the Regulations

51. Regulation 64 of the Regulations is hereby substituted for the following regulation:

“64. Interest rates on deposits, loans, and advances - Directives and interpretations for completion of return concerning interest rates on deposits, loans and advances (Form BA 930)

A bank shall complete the form BA 930 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

Deletion of form BA 940

52. Form BA 940 immediately preceding regulation 65 of the Regulations is hereby deleted from the Regulations.

Substitution of regulation 65 of the Regulations

53. Regulation 65 of the Regulations is hereby substituted for the following regulation:

“65. Selected locational statistics by residence and nationality - Directives and interpretations for completion of return concerning locational statistics based on residence and nationality (Form BA 940)

A bank shall complete the form BA 940 in accordance with such instructions or requirements as may be determined or directed in writing by the Authority.”.

54. Date of commencement

These Regulations shall come into operation on 1 October 2024.