|  |
| --- |
| **ASSESSMENT FORM TSO001**  **FITNESS AND PROPRIETY ASSESSMENTS FOR SIGNIFICANT OWNERS** |

|  |
| --- |
| **Purpose of this document**  A Significant Owner must have procedures in place for assessing and attesting to, on an annual basis and also upon written request by the Prudential Authority, its fitness and propriety as per the requirements of Joint Standard 1 of 2020 - Fitness, Propriety and other matters related to significant owners (Joint Standard). The assessment and attestation must be conducted within one year of the date of commencement of the Joint Standard. This form is a requirement in terms of applications and notifications with regard to significant ownership. A Significant Owners may also choose to use this form to assist with their assessment and attestation process. |

1. **Basic information of significant owner to which this assessment relates**
   1. **Contact details of the Significant Owner, in the case of a natural person**

|  |  |
| --- | --- |
| **First name(s)** |  |
| **Surname** |  |
| **Identity number** |  |
| **Business address** |  |
| **Contact number** |  |
| **Email address** |  |

* 1. **Contact details of the Significant Owner, in the case of a juristic person**

(Must be completed by a natural person who has the required authorisation to do so)

|  |  |
| --- | --- |
| **Entity name** |  |
| **Registration number** |  |
| **Business address** |  |
| **Contact person** |  |
| **Contact number** |  |
| **Email address** |  |

## Fitness and propriety requirements

#### **This assessment relates to:**

**Natural person** 🡺 complete sections 3.2.1, 3.3 and 3.4

**Juristic person**  🡺 complete sections 3.2.1, 3.2.2, 3.3 and 3.4

* 1. Honesty, integrity and competence
* The existence of any of the following constitutes prima facie evidence that a Significant Owner, who is a natural person, may lack honesty, integrity or competence.
* The existence of any of the following constitutes prima facie evidence that a Significant Owner who is a juristic person, may lack integrity or competence:
  + 1. **Applies to a natural person only**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No.** | **Has the Significant Owner ever** | **Yes** | **No** | **Attachment number** |
| 1. | been found guilty in any criminal proceedings or liable in any civil proceedings by a court under any law in any jurisdiction of-   * + 1. an offence under a law relating to the regulation or supervision of a financial institution as defined in the Financial Institutions (Protection of Funds) Act, 2001 (Act No. 28 of 2001) or a corresponding offence under the law of a foreign country;     2. theft, fraud, forgery, uttering a forged document, perjury or an offence involving dishonesty, breach of fiduciary duty, dishonourable or unprofessional conduct; or     3. (c) an offence under the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992) or parts 1 to 4, or section 17, 20 or 21, of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), or a corresponding offence under the law of a foreign country;   where the penalty for the offence was, or may be, imprisonment or a fine? |  |  |  |
| If yes, please provide details: | | | |
| 2. | been convicted (and that conviction has not been expunged) of any other offence committed after the Constitution of the Republic of South Africa, 1996, took effect, where the penalty imposed for the offence was imprisonment without the option of a fine? |  |  |  |
| If yes, please provide details: | | | |
| 3. | been convicted of a criminal offence which may lead to a conviction for theft fraud, forgery, uttering a forged document, misrepresentation or dishonesty under any law of any jurisdiction? |  |  |  |
| If yes, please provide details: | | | |
| 4. | accepted civil liability for, or has been the subject of a civil judgment in respect of, theft, fraud, forgery, uttering a forged document, misrepresentation or dishonesty under any law of any jurisdiction? |  |  |  |
| If yes, please provide details: | | | |
| 5. | been the subject of frequent or material preventative, remedial or enforcement actions by the Authority or a regulatory authority? |  |  |  |
| If yes, please provide details: | | | |
| 6. | been removed from an office of trust for theft, fraud, forgery, uttering a forged document, misrepresentation, dishonesty? |  |  |  |
| If yes, please provide details: | | | |
| 7. | breached a fiduciary duty? |  |  |  |
| If yes, please provide details: | | | |
| 8. | had an impaired ability to discharge his or her duties in respect of the business of the financial institution because of a conflict of interest or any other reason? |  |  |  |
| If yes, please provide details: | | | |
| 9. | seriously or persistently failed to, or is failing to, manage any of his or her financial obligations (including debts) satisfactorily, including:   1. having been the subject of a civil judgment in respect of an unpaid debt and which debt remains unpaid; or 2. having been sequestrated under the Insolvency Act, 1936 (Act No. 23 of 1936) or a corresponding law of a foreign country, and has not been rehabilitated in terms of that Act or law? |  |  |  |
| If yes, please provide details: | | | |
| 10. | been suspended, dismissed or disqualified from acting as a key person under any law? |  |  |  |
| If yes, please provide details: | | | |
| 11. | been refused a registration, authorisation or licence to carry out a trade, business or profession, or has had that registration, authorisation or licence revoked, withdrawn or terminated by a designated authority because of matters relating to honesty, integrity; or poor business or professional conduct? |  |  |  |
| If yes, please provide details: | | | |
| 12. | been refused registration or membership of any professional body or has had that registration or membership revoked, withdrawn or terminated by a professional body because of matters relating to honesty, integrity, or poor business or professional conduct? |  |  |  |
| If yes, please provide details: | | | |
| 13. | been disciplined, disqualified or removed in relation to matters relating to honesty, integrity or poor business conduct by a professional body or a designated authority? |  |  |  |
| If yes, please provide details: | | | |
| 14. | knowingly been untruthful or provided false or misleading information to, or been obstructive in any dealings with, the responsible authority or a designated authority? |  |  |  |
| If yes, please provide details: | | | |
| 15. | as a result of a court order, is listed on the register of excluded persons in terms of section 14 of the National Gambling Act, 2004 (Act No.7 of 2004)? |  |  |  |
| If yes, please provide details: | | | |
| 16. | as a result of a court order, is declared to be mentally unfit or disordered? |  |  |  |
| If yes, please provide details: | | | |
| 17. | been found not to be fit and proper by the responsible authority or another designated authority in any previous assessments of fitness and propriety, and the reasons for being found not fit and proper have not been remedied? |  |  |  |
| If yes, please provide details: | | | |
| 18. | been involved, or is involved, as a director or a member of the senior management of a business that has been placed under statutory management or curatorship, in business rescue or in liquidation while the person has been connected with that organisation, or within one year of that connection? |  |  |  |
| If yes, please provide details: | | | |
| 19. | been involved, or is involved, as a director or a member of the senior management of a systemically important financial institution that initiated the implementation of its recovery plan or has been placed in resolution while the person has been connected with that organisation, or within one year of that connection? |  |  |  |
| If yes, please provide details: | | | |
| 20. | been involved, or is involved, as a director or a member of the senior management of a business that has been the subject of any matter referred to in questions 1 to 19, ? |  |  |  |
| If yes, please provide details: | | | |

* + 1. **Applies to juristic person only:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No.** | **Has the Significant Owner ever** | **Yes** | **No** | **Attachment number** |
| 1. | been placed in business rescue or is the subject of any pending action to place it into business rescue within the meaning of the Companies Act, 2008 (Act No. 71 of 2008) or a corresponding law of a foreign country? |  |  |  |
| If yes, please provide details: | | | |
| 2. | entered into, or is entering into, a scheme of arrangement with creditors within the meaning of the Companies Act, 2008 (Act No. 71 of 2008), or a corresponding law of a foreign country? |  |  |  |
| If yes, please provide details: | | | |
| 3. | in the case of a financial institution, it has not successfully implemented its recovery plan or has been placed in resolution? |  |  |  |
| If yes, please provide details: | | | |

* 1. Financial standing

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No.** | **The existence of any of the following constitutes prima facie evidence that a Significant Owner may not have the necessary financial standing to support the business of the financial institution:** | **Yes** | **No** | **Attachment number** |
| 1. | the Significant Owner does not have access to adequate funding or future access to capital enabling it to support the business of the financial institution when required |  |  |  |
| If yes, please provide details: | | | |
| 2. | the Significant Owner is not able or not likely to be able to meet any of its financial obligations (including debts) as they fall due |  |  |  |
| If yes, please provide details: | | | |
| 3. | the Significant Owner has been the subject of a civil judgment in respect of an unpaid debt, which debt remains unpaid, or is the subject of pending proceedings which may lead to such a judgment |  |  |  |
| If yes, please provide details: | | | |

* 1. Other

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No.** | **Is the Significant Owner** | **Yes** | **No** | **Attachment number** |
| 1. | involved in any current proceedings that may influence or change the fitness and propriety status? |  |  |  |
| If yes, please provide details: | | | |

1. **Attachment Checklist**
   1. **Attachments**

Complete the following table with details of the attachments provided.

| **Attachment number** | **Question number** | **Description** | **Number of pages/sheets** | **Attached** |
| --- | --- | --- | --- | --- |
| e.g. A1 | 3.2.1.1 |  |  |  |

1. **Consent and Declaration**

To assess the form, the Prudential Authority needs to ensure that the information in the form is accurate and complete, and it may therefore be verified and shared with other regulatory authorities.

**Consent form**

I, the Significant Owner or a person duly authorised by the Significant Owner, hereby:

1. Consent to the Prudential Authority and its duly authorised agent verifying or confirming any information provided in and / or in support of this form with any person;
2. authorise any person referred to in paragraph 1 above to furnish information regarding this form to the Prudential Authority and its duly authorised agent;
3. unconditionally indemnify the Prudential Authority, its agent and any person/s against any liability that may result from furnishing information regarding this form to the Prudential Authority.; and
4. consent to the Prudential Authority sharing information provided in and / or in support of this form with a financial sector regulator (as defined in the Financial Sector Regulation Act 9 of 2017) (the FSR Act) and the South African Reserve Bank.

|  |  |
| --- | --- |
| **Title** |  |
| **Name** |  |
| **Surname** |  |
| **Position and organisation** |  |
| **Signature** |  |
| **Date of signature** | YYYYMMDD |

**Declaration by the Significant Owner who is a natural person**

The undersigned:

Confirms that the information provided in this assessment is accurate and complete to the best of his/her knowledge.

Confirms that he/she will notify the Prudential Authority if there is a change in the fitness and propriety status or any non-compliance with the Joint Standard 1 of 2020 - Fitness, propriety and other matters related to significant owners (Joint Standard) or the FSR Act.

Confirms that he/she is aware of responsibilities arising from the requirements of the Joint Standard and the FSR Act.

|  |  |
| --- | --- |
| **Name** |  |
| **Surname** |  |
| **Signature** |  |
| **Date of signature** | YYYYMMDD |

**Declaration by person submitting the form (if applicable)**

The undersigned:

Confirms that he/she is duly authorised to make the application on behalf of the Significant Owner.

Confirms that the information provided in this assessment is accurate and complete to the best of his/her knowledge.

Confirms that the significant owner will notify the Prudential Authority if there is a change in the fitness and propriety status or any non-compliance with the Joint Standard 1 of 2020 - Fitness, propriety and other matters related to significant owners (Joint Standard) or the FSR Act.

Confirms that he/she is aware of responsibilities arising from the requirements of the Joint Standard and the FSR Act.

|  |  |
| --- | --- |
| **Name** |  |
| **Surname** |  |
| **Capacity** |  |
| **Organisation** |  |
| **Signature** |  |
| **Date of signature** | YYYYMMDD |