

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
NATIONAL PAYMENT
SYSTEM BILL**

[B 99—98]

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

[B 99A—98]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
NASIONALE
BETALINGSTELSELWETSONTWERP**

[W 99—98]

(Soos goedgekeur deur die Portefeuljekomitee oor Finansies (Nasionale Vergadering))

[W 99A—98]

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AMENDMENTS AGREED TO

NATIONAL PAYMENT SYSTEM BILL
[B 99—98]

CLAUSE 1

1. On page 2, after line 28, to insert the following definition:

- (v) **“money”** means a banknote or coin issued by the Reserve Bank in terms of section 10(1)(a)(iii), read with section 14 of the South African Reserve Bank Act; (viii)

NEW CLAUSE

1. That the following be a new Clause:

Control of payment intermediation

7. (1) In this section—
- (a) **“holding company”** means a holding company contemplated in section 1(4) of the Companies Act, 1973 (Act No. 61 of 1973); and
- (b) **“subsidiary”** means a subsidiary contemplated in section 1(3) of the Companies Act, 1973.
- (2) Subject to subsection (3), no person may as a regular feature of that person’s business accept money or payment instructions from any other person for purposes of making payment on behalf of that other person to a third person to whom that payment is due, unless the person so accepting money or payment instructions—
- (a) is a system participant;
- (b) is a person introduced by a system participant in accordance with criteria determined in terms of section 4(2)(d);
- (c) is the postal company as defined in section 1 of the Post Office Act, 1958 (Act No. 44 of 1958), or the Post Office Savings Bank established by section 52 of that Act; or
- (d) is a person or one of a category of persons exempted by the Minister of Finance in terms of subsection (4).
- (3) Subsection (2) may not be construed as prohibiting the acceptance of money or payment instructions—
- (a) by any person acting as the duly appointed agent of the person to whom the payment is due;
- (b) by a holding company from its subsidiary, or by a subsidiary from its holding company, or by one subsidiary from another subsidiary of the same holding company; or
- (c) for purposes of the effecting of a money lending transaction by an agent or a mandatory as contemplated in paragraph (ff) or (gg), respectively, of the definition of “the business of a bank” in section 1 of the Banks Act.
- (4) The Minister of Finance may, after consultation with the Reserve Bank and the payment system management body, by notice in the *Gazette* and subject to such conditions as the Minister may determine, exempt any person or category of persons from the provisions of subsection (2) if the Minister is satisfied that such exemption will be in the public interest and will not cause undue risk to the payment system.

(5) Any person that contravenes the provisions of subsection (2) is guilty of an offence.

CLAUSE 7

1. On page 8, from line 26, to omit paragraph (a) and to substitute:
 - (a) which has been determined through netting prior to the issue of the winding-up order or judicial management order or the appointment of the curator, as the case may be; and

CLAUSE 8

1. On page 8, in line 36, to omit “date” and to substitute “issue”.

CLAUSE 11

1. In the English text, on page 10, in line 51, to omit “systematic” and to substitute “systemic”.

CLAUSE 13

1. On page 12, in line 28, to omit “or 11(3)” and to substitute “, 7(5) or 12(3)”.

