
GOVERNMENT NOTICE

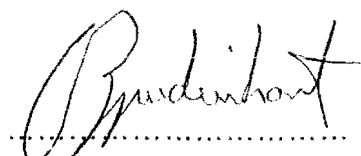
NATIONAL TREASURY

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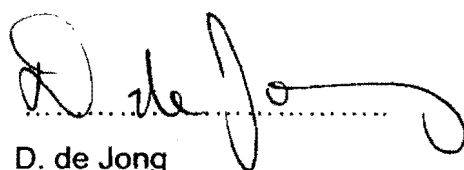
12 January 2010

CO-OPERATIVE BANKS ACT SUPERVISORS' RULES

We, André Bezuidenhout and David de Jong, respectively appointed by the South African Reserve Bank and the Co-operative Banks Development Agency as supervisors of co-operative banks, hereby publish in terms of section 46(1) of the Co-operative Banks Act, 2007 (Act No. 40 of 2007), the CO-OPERATIVE BANKS ACT SUPERVISORS' RULES.



A. Bezuidenhout
Supervisor



D. de Jong
Supervisor

CO-OPERATIVE BANKS ACT SUPERVISORS' RULES

POWERS TO MAKE RULES

The respective supervisors appointed by the South African Reserve Bank and the Co-operative Banks Development Agency may, in terms of section 46(1) of the Co-operative Banks Act, 2007 (Act No 40 of 2007), prescribe rules with regard to-

- “(a) any matter that is required or permitted to be prescribed in terms of this Act;
and**
- (b) any other matter for the better implementation of this Act or a function or
power provided for in this Act”.**

For purposes of co-ordination and consistency, amendments to these rules must be published jointly by the respective supervisors.

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SCHEDULE 2— FORMS

CBF0	Certification of documents
CBF1	Application for registration of a primary, secondary or tertiary co-operative bank
CBF2	Statement by individuals who are holding, or are proposing to hold, the office of a director, managing director or an executive officer of a co-operative bank
CBF3	Declaration in respect of a copy of the minutes of the general meeting submitted to the relevant supervisor
CBF4	Declaration by the Auditor and confirmation of fees payable to the Auditor
CBF5	Application for the approval of the amalgamation, division of or transfer by co-operative bank
CBF6	Certificate of registration as a co-operative bank
CBF7	Application for the conversion of a primary co-operative bank to a primary savings and loan co-operative bank

SCHEDULE 3 – RETURNS

CBR0	Declaration in respect of returns submitted to accompany all returns submitted by co-operative banks
CBR1	Balance Sheet
CBR2	Income statement
CBR3	Report on prudential requirements
CBR4	Report on Board and Staff Related Loans
CBR5	Report of large exposures
CBR6	Liquidity risk – maturity ladder
CBR7	Credit Risk

CHAPTER 1— GENERAL INFORMATION

Definitions and Interpretation

1. (1) In these Rules, “the Act” means the Co-operative Banks Act, 2007 (Act No. 40 of 2007), and any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned to it in the Act, unless the context indicates otherwise.

(2) In these Rules, “Regulations” means the Regulations issued in terms of section 86 of the Act, and any word or expression to which a meaning has been assigned in the Regulations shall have the meaning so assigned to it in the Regulations, unless the context indicates otherwise, and —

“**Board and Staff Related Loans**” means loans granted to employees, officials and directors of the co-operative bank or their direct family members or business associates as defined in its lending policy, whereas direct family member in relation to any person, means —

- (a) a spouse;
- (b) a child, stepchild, parent or stepparent; and
- (c) the spouse of any of the persons mentioned in (b).

“**chief financial officer**” means the most senior person responsible for the financial management and financial reporting of the co-operative bank;

“**Co-operative Regulations**” means the regulations issued under the Co-operatives Act;

“**financial information**” refers to the audited financial statements;

“**international paper size A4**” means paper of size approximately 298 millimetres by 207 millimetres;

“**Official Website**” means the official website of the supervisor appointed by the Agency or the official website of the supervisor appointed by the South African Reserve Bank, as may be applicable in the context of these Rules;

“**Rules**” means the CO-OPERATIVE BANKS ACT SUPERVISORS’ RULES issued by the respective supervisors appointed by the South African Reserve Bank and the Agency.

(3) In the event of an inconsistency between any provision of these Rules and any provision of the Act or the Regulations issued in terms of the Act, the provision of the Act or the Regulations, as the case may be, prevails.

Communication and submission of information

2. (1) All communications to the respective supervisor, and all documents required to be sent to or lodged with the respective supervisor, may be submitted personally, sent by post, or transmitted in an electronic format by electronic means, subject to the provisions of the operational requirements published on the Official Website, setting out the requirements, processes and procedures in respect of such electronic services.

(2) The contact details, banking details, and other essential services, information and forms are available on the Official Website, which information may also be published in another format by the respective supervisors, as deemed necessary.

(3) The forms and returns contained in Schedule 2 and Schedule 3 of these Rules must be used in all cases to which they apply, and must be completed and submitted in accordance with the instructions contained in these Rules and indicated on the forms and returns, as well as in accordance with any applicable guideline or directive issued by the respective supervisors.

(4) The forms and returns may be modified by the relevant supervisor to meet other cases or as circumstances may require, and the amended forms and returns may be published on the Official Website.

(5) The supervisor must notify the co-operative banks in writing of such modifications to the forms and returns.

(6) Hard copies of the forms and returns are obtainable from the respective supervisor, and may be downloaded from the Official Website.

(7) Unless specifically directed otherwise by the respective supervisors, the use of reproductions is permissible, provided that they correspond to the prescribed forms and returns in all respects.

(8) All documents lodged with the respective supervisors must be typed or written in legible characters with deep permanent black ink on strong white paper of international size A4.

(9) The respective supervisors may reject any document which—

(a) is not suitable for purposes of record;