



OPERATIONAL ABILITY

FSP Name

FSP No

Explanatory notes: *(The number next to the note refers to the relevant fields that must be completed.)*

- A. All FSPs must complete the questionnaire in Section A – General questions.
- B. All FSPs must complete this section.
- C. All FSPs that apply to render intermediary services, as discretionary FSPs, must complete this section. Refer to *Form - FSP2* for the definition of a discretionary FSP.
- D. All FSPs that apply to render intermediary services, as administrative FSPs must complete this section. Refer to *Form - FSP2* for definition of administrative FSP.

A Operational ability - General Questions

		Yes	No
1	Do you have a fixed business address?	<input type="checkbox"/>	<input type="checkbox"/>
2	Do you have adequate access to communication facilities including at least, a full-time telephone or cell phone service, typing and document duplication facilities?	<input type="checkbox"/>	<input type="checkbox"/>
3	Do you have adequate storage and filing systems for the safekeeping of records, business communications and correspondence?	<input type="checkbox"/>	<input type="checkbox"/>
4	Do you have an account with a registered bank, including, where required by the Act, a specific account for depositing client moneys?	<input type="checkbox"/>	<input type="checkbox"/>
5	Have you established compliance and reporting arrangements for your FSP activities?	<input type="checkbox"/>	<input type="checkbox"/>
6	Do your compliance arrangements specify how often compliance with procedures are monitored and reported on?	<input type="checkbox"/>	<input type="checkbox"/>
7	Do you use a documented process to maintain the adequacy of your compliance and monitoring arrangements?	<input type="checkbox"/>	<input type="checkbox"/>
8	Do you document processes to ensure records are kept of training programmes attended, including continued educational training, for your key individuals and/or representatives?	<input type="checkbox"/>	<input type="checkbox"/>
9	Do you have documented processes for the supervision and monitoring of your representatives to ensure that they comply with the Act?	<input type="checkbox"/>	<input type="checkbox"/>
10	Do you use a documented process to ensure that all representatives are trained, competent and will provide financial services on your behalf efficiently, honestly and fairly?	<input type="checkbox"/>	<input type="checkbox"/>
11	Do you have guarantees, professional indemnity or fidelity insurance cover in respect of the clients of the provider or representatives?	<input type="checkbox"/>	<input type="checkbox"/>
12	Will any substantial activities (except the compliance function) of the FSP be outsourced? (If Yes answer question 13)	<input type="checkbox"/>	<input type="checkbox"/>

		Yes	No
13	<i>Outsourcing</i>		
13.1	Do you have written service level agreements in place that complies with the requirements of the Determination of Fit and Proper Requirements for Financial Services Providers, 2008?	<input type="checkbox"/>	<input type="checkbox"/>
13.2	Do you have a process in place to ensure that providers selected for any outsourced functions are suitable?	<input type="checkbox"/>	<input type="checkbox"/>
13.3	Is the outsourced entity an approved FSP?	<input type="checkbox"/>	<input type="checkbox"/>

13.4 To whom will you be outsourcing these activities?
 Independent party
 Related party
 Both

13.5 What function(s) will be outsourced?

13.6 What is the name of the entity to whom you intend outsourcing?

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		Yes	No
14	Do you have internal controls structure, procedures and controls in place which include the following		
14.1	segregation of duties and roles and responsibilities where such segregation is appropriate from an operational risk mitigation perspective;	<input type="checkbox"/>	<input type="checkbox"/>
14.2	application of logical access security ;	<input type="checkbox"/>	<input type="checkbox"/>
14.3	access rights and data security on electronic data, where applicable;	<input type="checkbox"/>	<input type="checkbox"/>
14.4	physical security of the providers assets and records, where applicable;	<input type="checkbox"/>	<input type="checkbox"/>
14.5	documentation relating to business processes, policies and controls, and technical requirements;	<input type="checkbox"/>	<input type="checkbox"/>
14.6	system application testing, where applicable;	<input type="checkbox"/>	<input type="checkbox"/>
14.7	disaster recovery and back-up procedures on electronic data, where applicable;	<input type="checkbox"/>	<input type="checkbox"/>
14.8	training for all staff regarding the requirements of the act;	<input type="checkbox"/>	<input type="checkbox"/>
14.9	training for all key individuals and/or representatives regarding the giving of advice and/or rendering of intermediary services by the provider; and	<input type="checkbox"/>	<input type="checkbox"/>
14.10	a business continuity plan	<input type="checkbox"/>	<input type="checkbox"/>
B	Compliance with the Financial Intelligence Centre Act, 2001, and other anti money laundering legislation	Yes	No
1	Do you have written internal rules in place as required by the Financial Intelligence Centre Act (Act No. 38 of 2001)?	<input type="checkbox"/>	<input type="checkbox"/>
2	Do you have processes in place to ensure compliance with your identification, verification, record-keeping and reporting obligations under Act No. 38 of 2001?	<input type="checkbox"/>	<input type="checkbox"/>
3	Do you have processes in place to ensure that employees receive training in respect of and are aware of their obligation to report suspicious transactions?	<input type="checkbox"/>	<input type="checkbox"/>
4	Do you have anti-money laundering control policies, procedures and systems in place?	<input type="checkbox"/>	<input type="checkbox"/>
5	Do you have processes to incorporate any additional requirements as may be required under the Financial Intelligence Centre Act, 2001, and/or any other anti-money laundering legislation?	<input type="checkbox"/>	<input type="checkbox"/>
6	Do you have process in place to train staff in relation to anti money laundering legislation?	<input type="checkbox"/>	<input type="checkbox"/>
C	Discretionary FSP – Questionnaire (Only to be completed by Discretionary FSPs)	Yes	No
1	Do you receive money from clients?	<input type="checkbox"/>	<input type="checkbox"/>
2	Do you have a separate bank account with a registered bank into which clients' monies are deposited?	<input type="checkbox"/>	<input type="checkbox"/>
3	Do you have more than one specimen mandate?	<input type="checkbox"/>	<input type="checkbox"/>
4	Is the specimen mandate attached to the application form (mandates must be attached for approval)?	<input type="checkbox"/>	<input type="checkbox"/>
5	Do you use a nominee company to register clients' assets?	<input type="checkbox"/>	<input type="checkbox"/>
6	Is the nominee company approved in terms of the Financial Services Board's nominee policy?	<input type="checkbox"/>	<input type="checkbox"/>
7	Do you provide discretionary financial services to a pension fund?		
D	Administrative FSP – Questionnaire (Only to be completed by Administrative FSPs)	Yes	No
1	Do you have a separate bank account with a registered bank into which clients' monies are deposited?	<input type="checkbox"/>	<input type="checkbox"/>
2	Do you have more than one specimen mandate and/or application form?	<input type="checkbox"/>	<input type="checkbox"/>
3	Are your terms and conditions of business separate from your mandate and/or application form?	<input type="checkbox"/>	<input type="checkbox"/>
4	Is the specimen documentation and/or terms of business as required in terms of the specific Code of Conduct for Administrative FSPs attached?	<input type="checkbox"/>	<input type="checkbox"/>
5	Have you entered into a written agreement with an independent nominee? Written agreement must be attached.	<input type="checkbox"/>	<input type="checkbox"/>
6	Is the independent nominee approved in terms of the Financial Services Board's nominee policy?	<input type="checkbox"/>	<input type="checkbox"/>
7	Are more than 50% of the independent nominee's directors or trustees or other persons responsible for the management and control of the independent nominee independent from you?	<input type="checkbox"/>	<input type="checkbox"/>
8	Do you have proper reconciliation procedures in place to ensure that the investments held in the independent nominee reflect the investments held by clients according to your administrative system?	<input type="checkbox"/>	<input type="checkbox"/>
9	Do you intend to bulk financial instruments other than participatory interests in collective investment schemes?	<input type="checkbox"/>	<input type="checkbox"/>
10	Are the trustees/directors of your independent nominee familiar with the requirements placed on it by the Act?	<input type="checkbox"/>	<input type="checkbox"/>
11	Does the independent nominee have fidelity guarantee and professional indemnity insurance in place?	<input type="checkbox"/>	<input type="checkbox"/>
12	Attach a copy of the independent nominee's latest financial statements.	<input type="checkbox"/>	<input type="checkbox"/>

