

SCHEDULE 1
LAWS AMENDED

KEY: Amendments are shaded.

No. and year of Act	Short title	Extent of amendment or repeal				
[--] of 2016	Financial Sector Regulation Act	<p>1. The amendment of section 1 –</p> <p>(a) by the substitution for paragraph (b) of the definition of “eligible financial institution” of the following paragraph:</p> <p>“(b) a financial institution registered as a long-term insurer in terms of the Long-term Insurance Act or a short-term insurer in terms of the Short-term Insurance Act or licensed or required to be licensed in terms of the Insurance Act;”; and</p> <p>(b) by the insertion after the definition of “industry ombud scheme” of the following definition:</p> <p>““Insurance Act” means the Insurance Act, 2017;”.</p> <p>2. The amendment of section 2 –</p> <p>(a) by the substitution in subsection (1) for paragraph (b) of the following paragraph:</p> <p>“(b) a long-term policy as defined in section 1(1) of the Long-term Insurance Act or a life insurance policy as defined in section 1 of the Insurance Act;”; and</p> <p>(b) by the substitution in subsection (1) for paragraph (c) of the following paragraph:</p> <p>“(c) a short-term policy as defined in section 1(1) of the Short-term Insurance Act or a non-life insurance policy as defined in section 1 of the Insurance Act;”.</p> <p>3. The amendment of Schedule 1 by the insertion in the next row after “Credit Rating Services Act, 2012 (Act No. 24 of 2012)” of the following:</p> <p>“Insurance Act, 2017”.</p> <p>4. The amendment of Schedule 2 –</p> <p>(a) by the insertion after the “Credit Rating Services Act, 2012 (Act No. 24 of 2012)” row of the following row:</p> <table><tr><td>Insurance Act, 2017 (Act No. [--] of 2017)</td><td>Prudential Authority</td></tr></table> <p>(b) by the amendment of the row following the “Insurance Act (Act No. [--] of 2017)” row as follows:</p> <table><tr><td>[the]Long-term Insurance Act (Act No. 52 of 1998) and the Short-term Insurance Act (Act No. 53 of 1998)[, so far as they relate to matters within the objectives of—</td><td><u>Financial Sector Conduct Authority</u></td></tr></table>	Insurance Act, 2017 (Act No. [--] of 2017)	Prudential Authority	[the]Long-term Insurance Act (Act No. 52 of 1998) and the Short-term Insurance Act (Act No. 53 of 1998)[, so far as they relate to matters within the objectives of—	<u>Financial Sector Conduct Authority</u>
Insurance Act, 2017 (Act No. [--] of 2017)	Prudential Authority					
[the]Long-term Insurance Act (Act No. 52 of 1998) and the Short-term Insurance Act (Act No. 53 of 1998)[, so far as they relate to matters within the objectives of—	<u>Financial Sector Conduct Authority</u>					

		<p>(a) the Prudential Authority</p> <p>(b) the Financial Sector Conduct Authority]</p>	<p>[Prudential Authority</p> <p>Financial Sector Conduct Authority]</p>
52 of 1998	Long-term Insurance Act	<p>1. The substitution of all references in this Act to “Registrar” with “Authority”.</p> <p>2. The substitution for section 1 of the following section:</p> <p>"1. Definitions</p> <p>(1) In this Act, unless the context otherwise indicates -</p> <p>“assistance policy” means a life policy in respect of which the aggregate of -</p> <p>(a) the value of the policy benefits, other than an annuity, to be provided (not taking into account any bonuses to be determined in the discretion of the long-term insurer); and</p> <p>(b) the amount of the premium in return for which an annuity is to be provided, does not exceed R30 000; and includes a reinsurance policy in respect of such a policy;</p> <p>“Authority” means the Financial Sector Conduct Authority established by the Financial Sector Regulation Act;</p> <p>“conduct standard” has the same meaning ascribed to it in terms of section 1(1) of the Financial Sector Regulation Act;</p> <p>“disability event” means the event of the functional ability of the mind or body of a person or an unborn becoming impaired;</p> <p>“disability policy” means a contract in terms of which a person, in return for a premium, undertakes to provide policy benefits upon a disability event; and includes a reinsurance policy in respect of such a contract;</p> <p>“Financial Sector Regulation Act” means the Financial Sector Regulation Act, 2017;</p> <p>“fund” means -</p> <p>(a) a friendly society as defined in section 1 of the Friendly Societies Act, 1956 (Act No. 25 of 1956);</p> <p>(b) a pension fund organization as defined in section 1 of the Pension Funds Act, 1956 (Act No. 24 of 1956);</p> <p>(c) a medical scheme as defined in section 1 of the Medical Schemes Act; and</p> <p>(d) any other person, arrangement or business prescribed by the Authority;</p>	

		<p>“fund policy” means a contract in terms of which a person, in return for a premium, undertakes to provide policy benefits for the purpose of funding in whole or in part the liability of a fund to provide benefits to its members in terms of its rules, other than such a contract relating exclusively to a particular member of the fund or to the surviving spouse, children, dependants or nominees of a particular member of the fund; and includes a reinsurance policy in respect of such a contract;</p> <p>“health event” means an event relating to the health of the mind or body of a person or an unborn;</p> <p>“health policy” means a contract in terms of which a person, in return for a premium, undertakes to provide policy benefits upon a health event, but excluding any contract -</p> <ul style="list-style-type: none"> (a) of which the contemplated policy benefits - <ul style="list-style-type: none"> (i) are something other than a stated sum of money; (ii) are to be provided upon a person having incurred, and to defray, expenditure in respect of any health service obtained as a result of the health event concerned; and (iii) are to be provided to any provider of a health service in return for the provision of such service; or (b) (i) of which the policyholder is a medical scheme registered under the Medical Schemes Act, 1967 (Act No. 72 of 1967); <ul style="list-style-type: none"> (ii) which relates to a particular member of the scheme or to the beneficiaries of such member; and (iii) which is entered into by the scheme to fund in whole or in part its liability to such member or beneficiaries in terms of its rules; <p>and includes a reinsurance policy in respect of such a contract;</p> <p>“independent intermediary” has the meaning as prescribed in the regulations;</p> <p>“Insurance Act” means the Insurance Act, 2017;</p> <p>“joint standard” has the same meaning ascribed to it in terms of section 1(1) of the Financial Sector Regulation Act;</p> <p>“licensed insurer” means -</p> <ul style="list-style-type: none"> (a) a previously registered insurer as defined in Item 1 of Schedule 3 to the Insurance Act who has been granted a licence under section 23 of the
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		<p>Insurance Act within the period referred to in item 6.2(2) of Schedule 3 to the Insurance Act; or</p> <p>(b) a person who has been licensed under section 23 of the Insurance Act after the date on which that Act commenced;</p> <p>“life event” means the event of the life of a person or an unborn -</p> <p>(a) having begun;</p> <p>(b) continuing;</p> <p>(c) having continued for a period; or</p> <p>(d) having ended;</p> <p>“life insured” means the person or unborn to whose life, or to the functional ability or health of whose mind or body, a long-term policy relates;</p> <p>“life policy” means a contract in terms of which a person, in return for a premium, undertakes to -</p> <p>(a) provide policy benefits upon, and exclusively as a result of, a life event; or</p> <p>(b) pay an annuity for a period;</p> <p>and includes a reinsurance policy in respect of such a contract;</p> <p>“long-term insurance business” means –</p> <p>(a) in respect of a registered insurer, the business of providing or undertaking to provide policy benefits under long-term policies;</p> <p>(b) in respect of a licensed insurer, life insurance business as defined in section 1 of the Insurance Act;</p> <p>“long-term insurer” means a registered insurer or a licensed insurer;</p> <p>“long-term policy” means –</p> <p>(a) in respect of a registered insurer, an assistance policy, a disability policy, fund policy, health policy, life policy or sinking fund policy, or a contract comprising a combination of any of those policies; and includes a contract whereby any such contract is varied;</p> <p>(b) in respect of a licensed insurer, a life insurance policy as defined in section 1 of the Insurance Act;</p> <p>“Medical Schemes Act” means the Medical Schemes Act, 1998 (Act No. 131 of 1998);</p> <p>“Minister” means the Cabinet member responsible for finance;</p> <p>“official web site” means a web site of the Authority;</p> <p>“policy benefits” means –</p> <p>(a) in respect of a registered insurer, one or</p>
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		<p>more sums of money, services or other benefits, including an annuity;</p> <p>(b) in respect of a licensed insurer, benefits to which a policyholder is contractually entitled under a life insurance policy arising from an insurer's insurance obligations;</p> <p>“policyholder” in respect of a –</p> <p>(a) registered insurer, means the person entitled to be provided with the policy benefits under a long-term policy;</p> <p>(b) licensed insurer, has the meaning assigned to it in the Insurance Act;</p> <p>“premium” in respect of a –</p> <p>(a) registered insurer, means the consideration given or to be given in return for an undertaking to provide policy benefits;</p> <p>(b) licensed insurer has the meaning assigned to it in the Insurance Act;</p> <p>“Register” means the Financial Sector Information Register referred to in section 256 of the Financial Sector Regulation Act;</p> <p>“registered insurer” means a previously registered insurer as defined in item 1 of Schedule 3 to the Insurance Act for the period between the date on which the Insurance Act commenced and the previously registered insurer's licence application referred to in item 6.(2) of Schedule 3 to the Insurance Act has been granted or not granted;</p> <p>“regulation” means a regulation under section 72;</p> <p>“reinsurance policy” means –</p> <p>(a) in respect of a registered insurer, a reinsurance policy in respect of a long-term policy;</p> <p>(b) in respect of a licensed insurer, a life insurance policy written under the reinsurance class of life insurance business as set out in Table 1 of Schedule 2 of the Insurance Act;</p> <p>“repealed Act” means the Insurance Act, 1943 (Act No. 27 of 1943);</p> <p>“representative” has the meaning as prescribed in the regulations;</p> <p>“services as intermediary” has the meaning as prescribed in the regulations;</p> <p>“sinking fund policy” means a contract, other than a life policy, in terms of which a person, in return for a premium, undertakes to provide one or more sums of money, on a fixed or determinable future date, as policy benefits; and includes a reinsurance policy in respect of such a contract;</p> <p>“short-term insurer” has the meaning assigned to it in the Short-term Insurance Act,</p>
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