

GUIDE ON REGULATORY REPORTING DUTIES

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Contents

PREFACE	5
1. AUDITING PROFESSION ACT, 26 OF 2005 (APA)	6
Section 45	6
2. BANKS ACT, 94 OF 1990.....	7
Section 63	7
3. COLLECTIVE INVESTMENT SCHEMES CONTROL ACT, 45 OF 2002 (CISCA)	7
Section 75	7
4. CLOSE CORPORATIONS ACT, 69 OF 1984	8
Section 62(2)(a)	8
Section 62(3).....	9
5. COMPANIES ACT, 71 of 2008 and Regulations	9
Regulation 29 (6) (a).....	10
6. FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 37 OF 2002 (FAIS)	10
Section 19(4).....	10
7. FINANCIAL INTELLIGENCE CENTRE ACT, 38 OF 2001 (FICA)	10
Section 28	10
Section 28A.....	11
Section 29	12
8. FINANCIAL SECTOR REGULATION ACT, 9 OF 2017	13
Section 252	13
9. FINANCIAL MARKETS ACT, 19 OF 2012.....	15
Section 91	15
10. INSURANCE ACT, 18 of 2017	17
Section 32(4) – (6)	17
11. IRBA Code of Professional Conduct for Registered Auditors - Non-Compliance with Laws and Regulations	19
Section 360	19
12. JSE LISTINGS REQUIREMENTS.....	19
Section 22 (15)(f)	19
Section 22 (15)(g)	21
13. MEDICAL SCHEMES ACT, 131 OF 1998.....	21
Section 36(5)(a)	21
Section 36(5)(b)	21
14. MUTUAL BANKS ACT, 124 OF 1993.....	22
Section 46	22
15. NATIONAL CREDIT ACT, 34 OF 2005	22
Regulation 67 and 68.....	22
16. PENSION FUNDS ACT, 24 of 1956.....	22
Section 9	22

17. PROTECTION OF CONSTITUTIONAL DEMOCRACY AGAINST TERRORIST AND RELATED ACTIVITIES ACT, 33 OF 2004 (POCDATARA)	23
Section 12	24
18. PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013	24
Section 21 (2).....	24
Section 22 (1).....	24
19. PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, 12 OF 2004 (PRECCA) ...	25
Section 34	25
20. TRUST PROPERTY CONTROL ACT, 57 OF 1988	26
Section 15	26

PREFACE

This guide has been developed by the South African Institute of Chartered Accountants (SAICA) primarily to give guidance to members and associates on Regulatory Reporting Duties.

The purpose of the Guide is to inform Chartered Accountants / Associate General Accountants of the reporting requirements arising from certain legislation.

This guide does not serve as a complete list of all reporting requirements of Registered Auditors, and is not a substitute for the Pronouncements of the Independent Regulatory Board for Auditors (IRBA), as well as those issued by the International Auditing and Assurance Standards Board (IAASB) and the International Ethics Standards Board for Accountants (IESBA).

PWC initially completed the guidance but has given SAICA permission to release this as a SAICA guide.

Although special attention was given to the correctness of the information it is possible that legislation and the content may change from time to time. The list or regulatory requirements is also not exhaustive and in no way represents all applicable reporting duties. Please also note that the above information serves as a guide only and readers are advised to consult the full text of the legislation for further information. This document or any part thereof may not be copied.

Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
<p>1. AUDITING PROFESSION ACT, 26 OF 2005 (APA)</p> <p>Section 45</p>	<p>An individual registered auditor of an entity that is satisfied or has reason to believe that a reportable irregularity has taken place or is taking place in respect of that entity must, without delay, send a written report to the Regulatory Board.</p> <p>The report must give particulars of the reportable irregularity and must include such other information and particulars as the registered auditor considers appropriate.</p> <p>Take note that a dual reporting duty exists under the below mentioned legislation where an entity is also regulated by this legislation and the above section 45 report is made to IRBA in terms of the APA:</p> <ul style="list-style-type: none"> - Financial Markets Act, 19 of 2012 Section 91 - Banks Act, 94 of 1990 Section 63 - Financial Sector Regulation Act, 9 of 2017 Section 252 (1) (b) and (2) (b) Medical Schemes Act, 131 of 1998 Section 36 (5)(a) - Mutual Banks Act, 124 of 1993 Section 46 (1)(a) - Pension Funds Act, 24 of 1956 Section 9 (3)(b) 	<p>Individual Registered Auditor</p>	<p>Reportable Irregularity</p>	<p>Fine and/ or imprisonment not exceeding 10 years</p> <p>Section 52</p>	<p>Independent Regulatory Board for Auditors (IRBA)</p>

Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
<p>2. BANKS ACT, 94 OF 1990</p> <p>Section 63</p>	<p>Notwithstanding anything to the contrary contained in the Auditing Profession Act, 2005, or the Companies Act, but subject to the provisions of subsections (2) and (3) of this section, the auditor referred to in section 61 or 62 shall, whenever such auditor furnishes, in terms of section 20(5)(b) of the first-mentioned Act, the Independent Regulatory Board for Auditors with copies of the report as prescribed, relating to an irregularity or suspected irregularity in the conduct of the affairs of the bank , also furnish the Authority with such copies and particulars; and</p> <p>-shall in writing inform the Authority of any matter relating to the affairs of a bank of which the auditor became aware and which, in the opinion of such auditor, may endanger the bank’s ability to continue as a going concern or may impair the protection of the funds of the bank’s depositors or may be contrary to principles of sound management (including risk management) or amounts to inadequate maintenance of internal controls.</p>	Auditor	<p>Irregularity or suspected irregularity</p> <p>Any other matter as prescribed</p>	<p>Cannot be established with reasonable certainty from the Act as section 63 reporting is not included as one of the sections wherein an offence arises when not complied with</p> <p>Section 91</p>	<p>Prudential Authority established in terms of S 32 of the Financial Sector Regulation Act, 9 of 2017</p>
<p>3. COLLECTIVE INVESTMENT SCHEMES CONTROL ACT, 45 OF 2002 (CISCA)</p> <p>Section 75</p>	<p>The auditor must report to the manager any irregularity or undesirable practice in the administration of the collective investment scheme which has come to his or her notice in the ordinary course of fulfilling his or her audit responsibilities or performing other functions in term of this Act; and submit a copy of such report to the Authority if there is reasonable cause to believe that</p>	Auditor	<p>Irregularity or undesirable practice</p>	<p>Fine not exceeding R 10 000 000 and/or imprisonment for a period not exceeding 10 years</p> <p>Section 115</p>	<p>Manager of Scheme</p> <p>Financial Services Conduct Authority (FSCA)</p>

Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
	such report is or might be of material significance to the Authority.			Section 116	Registrar
4. CLOSE CORPORATIONS ACT, 69 OF 1984 Section 62(2)(a)	If the accounting officer during the performance of his duties becomes aware of any contravention of a provision of the Close Corporations Act he shall describe the nature of such contravention in his or her report.	Accounting officer	Refer to section	Cannot be established with reasonable certainty from the Act	Members of the close corporation

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Section 62(3)	<p>If an accounting officer of a corporation—</p> <ul style="list-style-type: none"> -at any time knows, or has reason to believe, that the corporation is not carrying on business or is not in operation and has no intention of resuming operations in the foreseeable future; or -during the performance of his or her duties finds— <ul style="list-style-type: none"> (i) that any change, during a relevant financial year, in respect of any particulars mentioned in the relevant founding statement has not been registered; (ii) that the annual financial statements indicate that as at the end of the financial year concerned the corporation's liabilities exceed its assets; or (iii) that the annual financial statements incorrectly indicate that as at the end of the financial year concerned the assets of the corporation exceed its liabilities, or has reason to believe that such an incorrect indication is given, he or she shall forthwith by registered post report accordingly to the Registrar. 	Accounting officer	Refer to section	<p>Cannot be established with reasonable certainty from the Act. Note that Section 64 states that any person who is knowingly party to carrying on the business in the prohibited manner is guilty of an offence</p> <p>Based on the reading of the Act, the Court will determine the penalty in line with the jurisdiction of that Court (see under definition of Court)</p>	Registrar is defined as the Commissioner of the Companies and Intellectual Property Commission
5. COMPANIES ACT, 71 of 2008 and Regulations	An independent reviewer of a company that is satisfied or has reason to believe that a reportable irregularity has taken place or is taking place in respect of that company must, without delay, send a report to the Commission.	Independent Reviewer	Reportable Irregularity	A fine or imprisonment for a period not exceeding 12 months, or both a	Commission is defined as the Companies and

Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
Regulation 29 (6) (a)				fine and imprisonment Section 216 (b)	Intellectual Property Commission
6. FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 37 OF 2002 (FAIS) Section 19(4)	The auditor of an authorised financial services provider must report to and inform the registrar in writing of any irregularity or suspected irregularity in the conduct or the affairs of the authorised financial services provider concerned of which the auditor became aware in performing functions as auditor and which, in the opinion of the auditor, is material.	Auditor	Irregularity or suspected irregularity	Fine not exceeding R 1 000 000 and/or imprisonment for a period not exceeding 10 years, Section 36	Registrar or Deputy Registrar of the Financial Sector Conduct Authority (FSCA)
7. FINANCIAL INTELLIGENCE CENTRE ACT, 38 OF 2001 (FICA) Section 28	An accountable institution and a reporting institution must, within the prescribed period, report to the Centre the prescribed particulars concerning a transaction concluded with a client if in terms of the transaction an amount of cash in excess of the prescribed amount- (a) is paid by the accountable institution or reporting institution to the client, or to a person acting on behalf of the client, or to a person on whose behalf the client is acting; or (b) is received by the accountable institution or reporting institution from the client, or from a person acting on behalf of the client, or from a person on whose behalf the client is acting.	Accountable Institution/ Reporting Institution	Cash transactions exceeding R R49 999,99 Regulation 22B	Fine not exceeding R100 000 000 or to imprisonment for a period not exceeding 15 years Section 68 (1)	Financial Intelligence Centre

Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
	<p>Note: Accountants and auditors are inter alia accountable institutions under the following circumstances:</p> <ul style="list-style-type: none"> -rendering investment advice and investment broking services (Representatives and Key Individuals registered in terms of the Financial Advisory and Intermediary Services Act, 2002); -acting as trustees of inter vivos trusts. <p>Legal advice should be obtained at all times to determine the accountant's or auditors obligations and the above indications only serve as high level information.</p>				
Section 28A	<p>An accountable institution which has in its possession or under its control property owned or controlled by or on behalf of, or at the direction of:</p> <ul style="list-style-type: none"> - any entity which has committed, or attempted to commit, or facilitated the commission of a specified offence as defined in the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004; or - a specific entity identified in a notice issued by the President, under section 25 of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004, must within the prescribed period report that fact and the prescribed particulars to the Centre. 	Accountable institution	Property associated with terrorist and related activities	Fine not exceeding R100 000 000 or to imprisonment for a period not exceeding 15 years Section 68 (1)	Financial Intelligence Centre

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	<p>Note: Accountants and auditors are inter alia accountable institutions under the following circumstances:</p> <ul style="list-style-type: none"> - rendering investment advice and investment broking services (Representatives and Key Individuals registered for FAIS purposes only); - acting as trustees of inter vivos trusts. <p>Legal advice should be obtained at all times to determine the accountant's and auditors obligations and the above indications only serve as high level information.</p>				
Section 29	<p>A person who carries on a business or is in charge of or manages a business or who is employed by a business and who knows or ought reasonably to have known or suspected that—</p> <p>(a) the business has received or is about to receive the proceeds of unlawful activities or property which is connected to an offence relating to the financing of terrorist and related activities;</p> <p>(b) a transaction or series of transactions to which the business is a party—</p> <p>(i) facilitated or is likely to facilitate the transfer of the proceeds of unlawful activities or property which is connected to an offence relating to the financing of terrorist and related activities;</p>	A person who carries on, manages or is employed by a business	Suspicious and Unusual Transaction	Fine not exceeding R100 000 000 or to imprisonment for a period not exceeding 15 years Section 68 (1)	Financial Intelligence Centre

Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
	<ul style="list-style-type: none"> (ii) has no apparent business or lawful purpose; (iii) is conducted for the purpose of avoiding giving rise to a reporting duty under this Act; (iv) may be relevant to the investigation of an evasion or attempted evasion of a duty to pay any tax, duty or levy imposed by legislation administered by the Commissioner for the South African Revenue Service; or (v) relates to an offence relating to the financing of terrorist and related activities; or <p>(c) the business has been used or is about to be used in any way for money laundering purposes or to facilitate the commission of an offence relating to the financing of terrorist and related activities, must, within the prescribed period after the knowledge was acquired or the suspicion arose, report to the Centre the grounds for the knowledge or suspicion and the prescribed particulars concerning the transaction or series of transactions.</p> <p>(For further guidance refer to the Financial Intelligence Centre website www.fic.org.za)</p>				
<p>8. FINANCIAL SECTOR REGULATION ACT, 9 OF 2017</p> <p>Section 252</p>	<p>Reporting by auditors to financial sector regulators</p> <p>252. (1) (a) An auditor of a licensed financial institution, or of a holding company of a financial conglomerate must, without delay, submit a detailed written report to</p>	Auditor	Matters listed in (aa), (bb), (cc), and (b)	Fine not exceeding R5 000 000 (Section 272 (3))	Prudential authority

Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
	<p>the Prudential Authority, the governing body of the financial institution and, in the case of a financial conglomerate, the holding company of the financial institution, about any matter relating to the business of the financial institution or a company within the conglomerate, being a matter—</p> <p>(i) which the auditor becomes aware of in the course of performing functions and duties as auditor; and</p> <p>(ii) that the auditor considers—</p> <p style="padding-left: 40px;">(aa) is causing or is likely to cause the financial institution to be financially unsound;</p> <p style="padding-left: 40px;">(bb) is contravening or may contravene a financial sector law; or</p> <p style="padding-left: 40px;">(cc) may result in an audit not being completed or may result in a qualified or adverse opinion on accounts.</p> <p>(b) An auditor must also submit any report or other document or particulars about the matter contemplated in section 45(1)(a) and (3)(c) of the Auditing Profession Act, 2005 (Act No. 26 of 2005), to the Prudential Authority.</p> <p>(2) An auditor of a licensed financial institution or of a holding company of a financial conglomerate who resigns or whose appointment is terminated must submit to the Prudential Authority—</p>				

Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
	<p>(a) a written statement on the reasons for resignation or the reasons that the auditor believes are the reasons for the termination; and</p> <p>(b) any report contemplated in section 45(1)(a) and (3)(c) of the Auditing Profession Act, 2005 (Act No. 26 of 2005), that the auditor would, but for the resignation or termination, have had reason to submit.</p>				
<p>9. FINANCIAL MARKETS ACT, 19 OF 2012</p> <p>Section 91</p>	<p>91(2) When an auditor of a regulated person has conducted an audit in terms of subsection (1), the auditor must, subject to subsection (3), report to the regulated person or to the exchange, central securities depository, [or] independent clearing house or central counterparty in question, if the auditor is the auditor of an authorised user, participant or clearing member of an independent clearing house or central counterparty, and on request to the Authority—</p> <p>a) to the effect that the auditor has completed the audit of the annual financial statements in accordance with the International Standards on Auditing and in the manner required by this Act and that in the auditor's considered opinion they fairly present the financial position, cash-flows and results of the operations of the regulated person; and</p> <p>(b) on the matters prescribed in conduct standards.</p> <p>3) If the auditor is unable to make such a report or to make it without qualification, the auditor must include in</p>	Auditor	Report of a reportable irregularity	Cannot be established with reasonable certainty from the Act as section 91 reporting is not included as one of the sections wherein an offence arises when not complied with	Financial Sector Conduct Authority Central securities depository Independent clearing house

	<p>the auditor's report a statement explaining the facts or circumstances that prevented the auditor from making a report or from making it without qualification</p> <p>(4) When the auditor of a regulated person furnishes copies of a report contemplated in section 45(1)(a) and (3)(c) of the Auditing Profession Act, the auditor must, despite any contrary law, also furnish a copy thereof to the Authority, if the auditor is the auditor of a market infrastructure, or to the exchange, central securities depository, or independent clearing house in question, if the auditor is the auditor of an authorised user, participant or clearing member of an independent clearing house.</p> <p>(5) If an auditor's appointment is terminated for any reason, including by way of resignation, the auditor must:</p> <ul style="list-style-type: none"> • (a) submit to the Authority, if the auditor is the auditor of a market infrastructure, or to the exchange, central securities depository, or independent clearing house in question if the auditor is the auditor of an authorised user, participant or clearing member of an independent clearing house, a statement of what the reasons are, or what the auditor believes to be the reasons, for the termination; • (b) if the auditor would, but for that termination, have had reason to submit to the regulated person a report contemplated in section 45(1)(a) and (3)(c) of the Auditing Profession Act, submit such a report to the Authority or the exchange, central securities depository or 				
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	<p>independent clearing house, as the case may be.</p> <p>(6) An auditor must inform the Authority or the exchange, central securities depository or independent clearing house, as the case may be, in writing of any matter relating to the affairs of the regulated person of which the auditor became aware in the performance of the auditor's functions and which, in the opinion of the auditor, is irregular or may prejudice the regulated person's ability to meet its liabilities at all times.</p>	Auditor	Any matter which is in the opinion of the auditor irregular or may prejudice the regulated person's ability to meet its liabilities	Cannot be established with reasonable certainty from the Act as section 91 reporting is not included as one of the sections wherein an offence arises when not complied with	Financial Sector Conduct Authority Central securities depository Independent clearing house
<p>10. INSURANCE ACT, 18 of 2017</p> <p>Section 32(4) – (6)</p>	<p>(4) The auditor must, in addition to the requirements of the Financial Sector Regulation Act, without delay, submit a detailed written report to the Prudential Authority, and also to the board of directors in the case of an insurer referred to in subsection (1) and a controlling company, on any matter of which the auditor becomes aware in the performance of the auditor's functions and duties referred to in subsection (6), and which, in the opinion of the auditor—</p> <p>(a) in respect of the business of the insurer or insurance group, may be contrary to the governance framework requirements of this Act, or amounts to inadequate maintenance of internal controls;</p>	Auditor	Any matter which, in the opinion of the auditor, may be contrary to the governance framework requirements or amounts to inadequate maintenance of internal controls, in respect of a significant owner of the insurer or controlling company constitutes a	Section 68 Potentially liable to a penalty of R5 000 for every day during which the failure continues, unless the Authority waives the penalty	Financial Sector Conduct Authority

Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
	<p>(b) in respect of a significant owner of the insurer or controlling company, constitutes a contravention of any section of this Act.</p> <p>(5) In the case of a branch of a foreign reinsurer or Lloyd's, the auditor must, in addition to subsection (4), without delay, submit a detailed written report to the Prudential Authority on any matter of which the auditor becomes aware in the performance of the auditor's functions and duties referred to in subsection (6), and which, in the opinion of the auditor, is likely to prejudice the ability of the branch of a foreign reinsurer or Lloyd's to hold the required security in the trust.</p> <p>(6) The auditor of an insurer or a controlling company must—</p> <p>(a) audit the financial soundness of an insurer (other than a branch of a foreign reinsurer, Lloyd's underwriter or Lloyd's) or controlling company in the manner prescribed;</p> <p>(b) audit the security held in a trust referred to in section 41 in the manner prescribed;</p> <p>(c) perform the duties and functions assigned to the auditor of an insurer or a controlling company under this Act, the Companies Act and the Auditing Profession Act; and</p> <p>(d) perform any other duties or functions prescribed.</p>		<p>contravention of the Act.</p> <p>Any matter which, in the opinion of the auditor, is likely to prejudice the ability of the branch to hold the security in trust</p>		

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11. IRBA Code of Professional Conduct for Registered Auditors - Non-Compliance with Laws and Regulations Section 360¹	Whilst NOCLAR does not necessarily impose a regulatory reporting obligation it remains a consideration for Registered Auditors when they come across non-compliance with laws and regulations at a client. For further guidance refer to the complete section 360 in the IRBA Code of Professional Conduct and the IRBA Frequently Asked Questions.	Only where all considerations have been applied and the conclusion is reached that a report should be made the obligation is on: Auditors (Regulatory obligation)	Non-compliance with laws and regulations	Not specified in the Code	Only where all considerations have been applied and the conclusion is reached that a report should be made the report should go to the appropriate authority
12. JSE LISTINGS REQUIREMENTS Section 22 (15)(f)	The audit firm, IFRS adviser, reporting accountant and/or reporting accountant specialist must (f) provide the JSE with the following, within 5 working days of receiving written notification thereof: (i) the outcome of an audit firm inspection performed by the IRBA (or a similar regulatory or professional body for auditors in another jurisdiction) together with the decision letter and findings report from the IRBA (or similar regulatory or professional body for auditors), regardless of whether or not the audit firm intends to challenge the decision;	Audit firm IFRS Adviser Reporting Accountant Reporting Accountant Specialist	Refer to section	Potential JSE withdrawal of auditor accreditation	JSE

¹ The IRBA Code's regulatory authority is derived from the Auditing Profession Act, 2005.

	<p>(ii) the fact that it was party to (either by advising or signing off on financial statements or other information) an investigation that resulted in a conclusion that the applicant issuer's financial statements or other information were not in compliance with IFRS or the Listings Requirements;</p> <p>(iii) the commencement of legal or disciplinary proceeding instituted by any professional body of which it is a member or regulator to which it is accountable, irrespective of the nature of the proceedings;</p> <p>(iv) any of the matters referred to in paragraph 22.21;</p> <p>(v) the matters referred to in paragraphs 22.15(f)(ii)(iii) and (iv) above are those that relate to both the audit firm and any individual auditor who has performed an engagement for an applicant issuer;</p> <p>(vi) any other matter that may be of relevance to its ongoing obligations and responsibilities in terms of the Listings Requirements; and/or</p> <p>(vii) the outcome of any legal or disciplinary process instituted by the audit firm against an individual auditor (where that auditor has performed an engagement for an applicant issuer), IFRS adviser and/or reporting accountant specialist who is employed by or who is a partner of the audit firm in question;.</p>				
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Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
Section 22 (15)(g)²	(g) notify the JSE of the following, within 48 hours from the date of: (i) receiving notice of the termination or the appointment of the audit firm/ individual auditor; (ii) giving notice of resignation by the audit firm/ individual auditor; and/or (iii) the appointment of a new individual auditor (where the audit firm remains unchanged), except in the instance where that appointment is as a result of rotation of audits amongst individuals in terms of the Act, then the audit firm can send one notification of all such changes on the last day of every quarter commencing on 30 November 2017	Audit firm IFRS Adviser Reporting Accountant Reporting Accountant Specialist	Refer to section	Potential JSE withdrawal of auditor accreditation	JSE
13. MEDICAL SCHEMES ACT, 131 OF 1998 Section 36(5)(a)	The auditor must also when he or she furnishes a report or other document of particulars as contemplated in section 20(5)(b) of the Public Accountants' and Auditors Act, 1991, also furnish a copy thereof to the Registrar.	Auditor	Reportable Irregularity	Fine not exceeding 10 million rand and/ or imprisonment for a period not exceeding 5 years Section 66 (1)	Registrar of Medical Schemes
Section 36(5)(b)	The auditor of a medical scheme shall inform the Registrar in writing of any matter relating to the affairs of the medical scheme of which he or she became aware in the performance of his or her functions as	Auditor	Any matter which may prejudice the medical scheme's	Fine not exceeding 10 million rand and/ or imprisonment	Registrar of Medical Schemes

² JSE Consultation Paper – JSE Listings Review dated May 2022 proposes the removal of the Auditor Accreditation Model

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	auditor and which, in the opinion of the auditor, may prejudice the medical scheme's ability to comply with the Act.		ability to comply with the Act	for a period not exceeding 5 years Section 66 (1)	
14. MUTUAL BANKS ACT, 124 OF 1993 Section 46	Every auditor of a mutual bank shall report to the board of that mutual bank any material irregularity or undesirable practice in the conduct of the business of the mutual bank which has come to his notice, and if that irregularity or undesirable practice is not rectified or discontinued within a period of one month from the date upon which it was reported to the board, the auditor shall report it to the Registrar.	Auditor	Material Irregularity or undesirable practice	Guilty of an offence and liable to a fine or imprisonment of up to six months Section 92(3)(b)	South African Reserve Bank (SARB)
15. NATIONAL CREDIT ACT, 34 OF 2005 Regulation 67 and 68	A credit provider must require the person appointed in terms of regulation 67 to perform an assurance engagement in accordance with guidelines to be issued by the National Credit Regulator and issue a report to the National Credit Regulator on the basis of that person's findings with regard to that engagement.	Auditor Accounting Officer Person appointed in terms of Regulation 67	Non-compliance with the Act Refer to the NCR Guideline	Fine and/or to imprisonment for a period not exceeding 12 months Section 161 (1) (b)	National Credit Regulator (NCR)
16. PENSION FUNDS ACT, 24 of 1956 Section 9	An auditor of a fund must within 21 days of his or her appointment being terminated, other than in accordance with section 8 (5), submit a written report to the registrar detailing the auditor's perceived reasons for the termination; if the auditor, but for the termination referred to in paragraph (a), would have had reason to submit a report contemplated in section 45 (3) of the Auditing Profession Act 2005, submit such a report to the registrar; and on becoming aware of any matter	Auditor	Refer to section.	The registrar may impose an administrative penalty in the case of any failure by a pension fund, administrator or third party to	Registrar of Pension Funds

Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
	relating to the affairs of the pension fund, which, in the opinion of the auditor, may prejudice the fund or its members, inform the registrar thereof in writing.			submit to the registrar any scheme, statement, report, return or other document or information required in terms of this Act to be submitted, not exceeding R1 000 or such other amount prescribed by the registrar for every day during which the failure continues. Section 37 (2)	
17. PROTECTION OF CONSTITUTIONAL DEMOCRACY AGAINST TERRORIST AND RELATED ACTIVITIES ACT, 33	Any person who— -has reason to suspect that any other person intends to commit or has committed an offence referred to in this Chapter; or -is aware of the presence at any place of any other person who is so suspected of intending to commit or	Any person	Offences stipulated and relating to terrorist activities.	Fine or to imprisonment for a period not exceeding 15 ³ years Section 18	South African Police Service (SAPS)

³ Section 18 (1)(e) of the Protection Of Constitutional Democracy Against Terrorist And Related Activities Act has been amended by updating imprisonment period from 5 years to 15 years, effective date to be confirmed.

Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
OF 2004 (POCDATARA) Section 12	having committed such an offence, must report as soon as reasonably possible such suspicion or presence, as the case may be, or cause such suspicion or presence to be reported to any police official. Note: The offences relate to terrorist activities including the finance of such activities and property related to such activities.				
18. PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013 Section 21 (2)	The operator must notify the responsible party immediately where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person. .	Operator	Compromise of a data subject's personal information	Administrative fine not exceeding R 10 000 000 Section 109	Responsible party
Section 22 (1)	Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, the responsible party must notify— (a) the Regulator; and (b) subject to subsection (3), the data subject, unless the identity of such data subject cannot be established	Responsible party	Compromise of a data subject's personal information	Administrative fine not exceeding R 10 000 000 Section 109	Information Regulator Data subject

Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
<p>19. PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, 12 of 2004 (PRECCA)</p> <p>Section 34</p>	<p>Any person who holds a position of authority and who knows or ought reasonably to have known or suspected that any other person has committed an offence under Part 1, 2, 3 or 4, or section 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2; or the offence of theft, fraud, extortion, forgery or uttering a forged document, involving an amount of R100 000 or more, must report such knowledge or suspicion or cause such knowledge or suspicion to be reported to the police official in the Directorate for Priority Crime Investigation referred to in section 17C of the South African Police Service Act, 1995.</p> <p>Note: Accountants and auditors are NOT generally regarded as persons who hold positions of authority vis-a vis their clients for purposes of interpretation of the provision. It is however suggested that legal advice is sought on this matter before taking any action and each circumstance assessed on own merit.</p>	<p>Person who holds position of authority</p> <p>(See Note)</p>	<p>Fraud , Theft, Corruption > R100 000</p>	<p>Fine or 10 years imprisonment and a fine of five times the value of the gratification</p> <p>High Court or a regional court - Fine not exceeding R30 million, and/or to imprisonment for a period not exceeding 10 years</p> <p>Magistrate's court, to a fine not exceeding R10 million, or to imprisonment for a period not exceeding three years⁴</p> <p>Section 26 (1) (b)</p>	<p>Directorate for Priority Crime Investigation referred to in section 17C of the South African Police Service Act, 1995</p>

⁴ Shows amendments proposed by the Prevention and Combating of Corrupt Activities Draft Amendment Bill 2017

Regulatory Requirement	Regulatory Reporting Duty (Note that more than one reporting duty may arise. Reporting under one regulatory requirement does not discharge obligations under another regulatory requirement/s if relevant.)	Who must report	What must be reported (Consult full text of sections for detail)	Maximum Penalty for Non - Compliance	Regulator/ Entity to which report should be made
20. TRUST PROPERTY CONTROL ACT, 57 OF 1988 Section 15	If an irregularity in connection with the administration of a trust comes to the notice of a person who audits the accounts of a trust, such person shall, if in his opinion it is a material irregularity, report it in writing to the trustee, and if such irregularity is not rectified to the satisfaction of such person within one month as from the date upon which it was reported to the trustee, that person shall reportt in writing to the Master.	Auditor	Material Irregularity	Cannot be established with reasonable certainty from the Act	Master of the Supreme Court appointed under the Administration of Estates Act