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GENERAL NOTICE

South African Reserve Bank

General Notice

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GENERAL NOTICE

NOTICE 680 OF 2006



South African Reserve Bank

National Payment System Department

**DIRECTIVE FOR
CONDUCT WITHIN THE NATIONAL PAYMENT SYSTEM**

**IN RESPECT OF BANKS INVOLVED IN THE COLLECTION OF PAYMENT
INSTRUCTIONS IN THE EARLY DEBIT ORDER (EDO) PAYMENT CLEARING
HOUSES (PCHs)**

DIRECTIVE NO. 2 OF 2006

1. BACKGROUND, PURPOSE, AND POSITION OF THE RESERVE BANK

1.1 Background

1.1.1 In terms of the National Payment System Act, 1998 (Act No. 78 of 1998 as amended – “the NPS Act”), the South African Reserve Bank (“the Bank”) is required to provide for the management, administration, operation, regulation and supervision of payment, clearing and settlement systems in the Republic of South Africa; and to provide for connected matters.

1.1.2 The National Payment System (“NPS”) encompasses the entire payment process from payer to beneficiary and includes settlement between banks. The process includes all the tools, systems, mechanisms, institutions, agreements, procedures, rules or laws applied or utilised to effect payment. The NPS enables the circulation of money, that is, it enables transacting parties to exchange value.

1.1.3 In terms of the NPS Act, the Bank may from time to time, after consultation with the payment system management body, issue directives to any person regarding a payment system or the application of the provisions of the NPS Act (section 12 (1)).

1.2 Purpose

1.2.1 The Bank is issuing this directive to provide for conduct of banks within the NPS involved in the collection of payment instructions in the Early Debit Order (EDO) Payment Clearing Houses (PCHs).

1.3 Position of the Bank

1.3.1 Although the Bank prefers credit transfers, it acknowledges that debit payment systems that process payment instructions to bank accounts directly after the processing of bulk credits, are required by users of the NPS¹, provided that risk in the NPS is controlled.

1.3.2 Payments can be made from different sources for example, money, funds such as deposits, prepaid amounts, credits accumulated from discounts received and credit available to the payer.

1.3.3 In the recent past banks have allowed, for collection purposes, practices

¹ In the normal course of a banking day, several payment facilities are required and available, e.g. processing of salaries and credits (credits which are processed first and normally early in the morning), early debit collections (EDO - typically for loan collections and normally processed directly after the bulk credits), real-time (Automated Teller Machine (ATM) or Point of Sale (POS) type transactions) which are processed immediately upon receipt, Electronic Funds Transfer (EFT's) (which normally occur later in the day) and cheques which are processed as they are presented.

- 1.3.3 In the recent past banks have allowed, for collection purposes, practices whereby certain persons' payment instructions have been granted preferential treatment over others. These preferential practices have taken place using various mechanisms including sorting-at-source and the abuse of the Automated Teller Machine system.
- 1.3.4 The Bank considers the above preferential practices as contrary to the efficiency, effectiveness and neutrality of the NPS. Therefore, the Bank, after consultation with the banking industry and relevant stakeholders, has decided to issue this Directive in respect of the collection of debit payment instructions in the EDO PCHs.

2. DEFINITIONS

In this Directive, unless the context indicates otherwise, the words and expressions used herein shall have the same meaning assigned to them in the NPS Act and cognate expressions shall have corresponding meanings.

- 2.1 'sorting-at-source' means the process whereby the beneficiary of payment instructions sorts each paying banks' payment instructions together and then submits those payment instructions directly to each paying bank, where the proceeds of such payment instructions are credited to an account in the name of the beneficiary.

3. DIRECTIVE

3.1 Banks involved in the collection of payment instructions in the EDO PCHs are directed to:

- 3.1.1 Implement payment systems and infrastructure to facilitate the collection of payment instructions through the EDO PCHs and establish operational stability of the EDO PCH systems between 16 February 2006 and 30 June 2006. The EDO PCHs are :
- 3.1.1.1 The Authenticated Early Debit Order PCH (AEDO); and
- 3.1.1.2 The Non Authenticated Early Debit Order PCH (NAEDO).
- 3.1.2 Process the EDO PCHs systems **first** after bulk credits;
- 3.1.3 Process payment instructions of the EDO PCHs together on a random basis;

- 3.1.4 Not process transactions relating to new business concluded (e.g. loans granted, renewed or revolved) after 30 June 2006 using preferential practices;
- 3.1.5 Phase out all existing preferential practices by no later than 31 December 2007; and
- 3.1.6 Allow and enable the Payments Association of South Africa (PASA) to monitor the phasing out of existing preferential practices.

4. CONCLUSION

- 4.1 This directive is not exhaustive and may be supplemented and/or amended from time to time.
- 4.2 In order to maintain the effectiveness, efficiency and neutrality of the NPS, all banks in the NPS that are, or become involved in the PCH's indicated in 3.1.1 are obliged to act in accordance with the NPS Act and in particular, this directive issued in terms of the NPS Act (section 12 (1)).
- 4.3 This directive becomes effective immediately after the date of publication hereof.
- 4.4 Contravention of this directive is an offence in terms of section 12 of the NPS Act.
- 4.5 Persons who are uncertain as to whether their current or future business practices are aligned with this directive should initiate discussions with the National Payment System Department of the Bank to clarify the matter.

5 REPEAL OF DIRECTIVE NO. 1 OF 2006

- 5.1 The Directive No. 1 of 2006 issued in terms of the NPS Act, published under the General Notice No. 231 of 2006 of 24 February 2006, is hereby repealed.

Any enquiries or clarification concerning this directive may be addressed to:

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PO Box 427
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OR to the following e-mail address: npsdirectives@resbank.co.za