

ATTACHMENT FOR THE REPUBLIC OF SOUTH AFRICA
(BANKS, BROKERS AND INVESTMENT FUNDS)

1. QI is subject to the following laws and regulations of the Republic of South Africa governing the requirements of QI to obtain documentation confirming the identity of QI's account holders.
 - (i) Financial Intelligence Act, FIC Act 38 of 2001 ("FIC")
 - (ii) The Financial Intelligence Centre Amendment Act, 2008 (Act 11 of 2008) ("FICA")
 - (iii) The Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act 33 of 2004) ("POCDTRA")
 - (iv) Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998) ("POCA")

2. QI represents that the laws identified above are enforced by the following enforcement bodies and QI shall provide the IRS with an English translation of any reports or other documentation issued by these enforcement bodies that are relevant to QI's functions as a qualified intermediary.
 - (i) The Financial Services Board
 - a) The Financial Advisory and Intermediary Services (FAIS) Department
 - b) The FAIS Enforcement Department
 - (ii) The Financial Intelligence Centre

3. QI represents that the following penalties apply to failure to obtain, maintain, and evaluate documentation obtained under the laws and regulations identified in item 1 above.
 - (i) Imprisonment for a period not exceeding five years and or a fine not exceeding R10 million for natural persons and R50million for any legal person under FIC.
 - (ii) A person convicted of an offence mentioned in sections 55, 61, 61A, 62, 62A, 62B, 62C or 62D, is liable to imprisonment for a period not exceeding 5 (five) to 15 (fifteen) years or a fine not exceeding R100 million.
 - (iii) Any person who engages in a terrorist activity is guilty of the offence of terrorism. Any person who is convicted of an offence may be liable to a fine ranging from R100 million to R250 million and imprisonment ranging from 5 years to life.

- (iv) Any person convicted of an offence relating to racketeering activities, shall be liable to a fine not exceeding R1 000 million, or to imprisonment for a period up to imprisonment for life.

Offences relating to Money laundering, assisting another to benefit from proceeds of unlawful activities or Acquisition, possession or use of proceeds of unlawful activities shall be liable to a fine not exceeding R100 million, or to imprisonment for a period not exceeding 30 years.

4. QI shall use the following specific documentary evidence (and also any specific documentation added by an amendment to this item 4 as agreed to by the IRS) to comply with section 5 of this Agreement, provided that the following specific documentary evidence satisfies the requirements of the laws and regulations identified in item 1 above. In the case of a foreign person, QI may, instead, use a Form W-8 in accordance with section 5 of this Agreement. Either QI, or a banking or securities association in the Republic of South Africa, may request an amendment of this item 4.

(i) For Natural Persons:

- a) South African-issued green bar-coded identity document (for South African residents)
- b) Driver's license
- c) Passport
- d) Government issued identification card
- e) Birth certificate for persons under the age of 18 years

(ii) For Legal Persons:

- a) Listed and Unlisted Companies (including Pension Funds):
 1. Certificate of incorporation
 2. Memorandum of Incorporation
- b) Trusts:
 1. Trust deed or other founding document (eg: will for Will Trust)
- c) Close corporations:
 1. Founding Statement and Certificate of Incorporation (CK1) or CIPRO certificate
- d) Partnerships:
 1. Partnership Agreement
- e) Estates:
 1. Letter of Executorship
 2. Letter of Authority

5. QI shall follow the procedures set forth below (and also any procedures added by an amendment to this item 5 as agreed to by the IRS) to confirm the identity of account holders that do not open accounts in person or who provide new documentation for existing accounts other than in person. In the case of a foreign person, QI may, instead, use a Form W-8 in accordance with section 5 of this Agreement. Either QI, or a banking or securities association in the Republic of South Africa, may request an amendment to this item 5.
 - (i) QI shall not open an account by any means other than by establishing in person the identity of a customer through the account holder's own identity documents, except as permitted in (ii), (iii) and (iv) below.
 - (ii) QI may obtain by mail or otherwise a copy that is an exact reproduction of the specific documentary evidence listed in item 4 above from another person that is subject to know-your-customer rules that have been approved by the IRS for purposes of qualified intermediary agreements, provided that the laws and regulations listed in item 1 permit QI to rely on the other person to identify the account holder.
 - (iii) QI may obtain a photocopy of the specific documentary evidence listed in item 4 by mail or otherwise remotely from the account holder or a person acting on behalf of the account holder, provided that the photocopy has been certified as a true and correct copy by a person whose authority to make such certification appears on the photocopy, and provided that the laws and regulations listed in item 1 permit QI to rely on the certified photocopy to identify the account holder.
 - (iv)
 - a) QI may obtain by mail or otherwise a copy that is an exact reproduction of the specific documentary evidence listed in item 4 from an affiliate of QI or a correspondent bank of QI, provided that the affiliate or correspondent bank has established in person the identity of the account holder and the laws and regulations listed in item 1 permit QI to rely on documentation provided by that affiliate or correspondent bank to identify the account holder.
 - b) For accounts opened prior to January 1, 2001, if QI was not required under its know-your-customer rules to maintain originals or copies of documentation, QI may rely on its account information if it has complied with all other aspects of its know-your-customer rules regarding establishment of an account holder's identity, it has a record that the documentation required under the know-your-customer rules was actually examined by an employee of QI, or an employee of an affiliate of QI or a correspondent bank of QI, in accordance with the know-your-customer rules, and it has no information in its possession that would require QI to treat the documentation as invalid under the rules of section 5.10(B) of this Agreement.