

**MAITLAND
SOUTH AFRICA**

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT**

1. PREAMBLE

Section 51 of the Promotion of Access to Information Act No.2 of 2000, (“the Act”) requires that the Maitland companies in South Africa as private bodies must compile a manual giving information to the public regarding the procedure to be followed in requesting information from Maitland for the purpose of exercising or protecting rights.

2. INTRODUCTION

- 2.1 Maitland is a professional services firm, providing legal, tax, fiduciary, wealth management and administration services from offices in locations across Europe, South Africa and the British Virgin Islands. Maitland offers integrated, high value-added international business solutions to corporations and high net worth families.
- 2.2 In South Africa Maitland offers Trust and Corporate services, Legal Advisory services, Wealth Management services and Fund services from three centres based in Johannesburg, Durban and Cape Town.
- 2.3 The Legal Advisory services are conducted through Maitland Advisory (Pty) Limited from the Cape Town office.
- 2.4 The Trust and Corporate services are conducted through Maitland Trust Limited and its subsidiaries, situated in Johannesburg, Cape Town and Durban. A FAIS representative of Maitland Trust Limited, Theseus Trustees (South Africa) (Pty) Ltd, is administered from the office of Maitland Trust Limited in Johannesburg.
- 2.5 The Wealth Management services are conducted through Maitland Asset Management (Pty) Ltd from the Cape Town office.
- 2.6 The Fund services are conducted through Maitland FS Holdings (Pty) Ltd and Maitland Trust Ltd from the Cape Town office. A nominee company, Source Nominees (Pty) Limited, which is wholly owned by Maitland FS Holdings (Pty) Limited acts as an independent nominee holding investments on behalf of clients.
- 2.7 This manual documents the categories of information held by the South African offices of Maitland and aims to assist potential requestors in requesting access to information from Maitland as contemplated under the Act.
- 2.8 The following words or expressions bear the following meanings in this manual:
 - 2.8.1 “**the Act**” means the Promotion of Access to Information Act No.2 of 2000, together with the regulations and rules published in terms of this Act;

2.8.2 “**Manual**” means this manual together with its annexures, as amended from time to time, made available at the offices of Maitland South Africa;

2.8.3 “**SAHRC**” means the South African Human Rights Commission.

3. PART I

3.1 Company Details

3.1.1 Maitland Advisory (Pty) Limited

Registration Number: 1982/000968/07

Street Address: Maitland House 1, River Park, Gloucester Road, Mowbray, 7700

Postal Address: PO Box 3149, Cape Town 8000

Telephone: +27 (0)21 681 8000

Fax: +27 (0)21 681 8100

Head: Mr Veit Schuhen (veit.schuhen@maitlandgroup.com)

Website: www.maitlandgroup.com

3.1.2 Maitland Trust Limited

Registration Number: 1981/009543/06

Street Address – Johannesburg branch: 1st Floor, 32 Fricker Road, Illovo, 2196

Street Address – Cape Town branch: Maitland House 1, River Park, Gloucester Road, Mowbray, 7700

Postal Address: PO Box 781396, Sandton, 2146

Telephone: +27 (0)11 530 8400

Fax: +27 (0)11 530 8410

Head: Mr Veit Schuhen (veit.schuhen@maitlandgroup.com)

Website: www.maitlandgroup.com

3.1.3 Maitland Trustees (Pty) Ltd

Registration Number: 1999/002503/07

Street Address: The Manor House, 14 Nuttall Gardens, Morningside, Durban, 4001

Postal Address: PO Box 70121, Overport, 4067

Telephone: +27 (0)31 313 9200

Fax: +27 (0)31 313 9210

Head: Mr Kurt van Staden (kurt.vanstaden@maitlandgroup.com)

Website: www.maitlandgroup.com

3.1.4 Theseus Trustees (South Africa) Pty Ltd

Registration Number 2004/028720/07

Street Address: 1st Floor, 32 Fricker Road, Illovo, 2196

Postal Address: PO Box 781396, Sandton, 2146

Telephone +27 (0)11 530 8400

Fax +27 (0)11 530 8410

Head: Mr Kurt van Staden (kurt.vanstaden@maitlandgroup.com)

Website: none

3.1.5 Maitland Trust (KZN) (Pty) Ltd

Registration Number: 2001/020319/07

Street Address: The Manor House, 14 Nuttall Gardens, Morningside, Durban, 4001

Postal Address: PO Box 70121, Overport, 4067

Telephone: +27 (0)31 313 9200

Fax: +27 (0)31 313 9210

Head: Mr Veit Schuhen (veit.schuhen@maitlandgroup.com)

Website: www.maitlandgroup.com

3.1.6 Maitland Executors Limited

Registration Number: 1895/000007/06

Street Address: 1st Floor, 32 Fricker Road, Illovo, 2196

Postal Address: PO Box 781396, Sandton, 2146

Telephone: +27 (0)11 530 8400

Fax: +27 (0)11 530 8410

Head: Mr Veit Schuhen (veit.schuhen@maitlandgroup.com)

Website: www.maitlandgroup.com

3.1.7 Maitland Special Trustees (Pty) Limited

Registration Number: 2008/014402/07

Street Address: Maitland House 1, River Park, Gloucester Road, Mowbray, 7700

Postal Address: PO Box 3149, Cape Town 8000

Telephone: +27 (0)21 681 8000

Fax: +27 (0)21 681 8100

Head: Mr Veit Schuhen (veit.schuhen@maitlandgroup.com)

Website: www.maitlandgroup.com

3.1.8 Maitland Asset Management (Pty) Limited

Registration Number: 2002/025867/07

Street Address: Maitland House 1, River Park, Gloucester Road, Mowbray, 7700

Postal Address: PO Box 3149, Cape Town 8000

Telephone: +27 (0)21 681 8000

Fax: +27 (0)21 681 8100

Head: Mr Veit Schuhen (veit.schuhen@maitlandgroup.com)

Website: www.maitlandgroup.com

3.1.9 Maitland FS Holdings (Pty) Limited

Registration Number: 1998/004065/07

Street Address: Maitland House 1, River Park, Gloucester Road, Mowbray, 7700

Postal Address: PO Box 3149, Cape Town 8000

Telephone: +27 (0)21 681 8000

Fax: +27 (0)21 681 8100

Head: Mr Veit Schuhen (veit.schuhen@maitlandgroup.com)

Website: www.maitlandgroup.com

3.1.10 Source Nominees (Pty) Limited

Registration Number: 1999/002921/07

Street Address: Maitland House 1, River Park, Gloucester Road, Mowbray, 7700

Postal Address: PO Box 3149, Cape Town 8000

Telephone: +27 (0)21 681 8000

Fax: +27 (0)21 681 8100

Head: Mr Nick Baikoff (nick.baikoff@maitlandgroup.co.za)

Website: www.maitlandgroup.com

4. **PART II**

4.1 **The Official Guide**

4.1.1 A guide on how to use the Act has been compiled by the SAHRC in terms of section 10 of the Act and can be viewed on the SAHRC website. Any queries should be directed to:

4.1.2 The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Physical address: Braampark Forum 3, 33 Hoofd Street, Braamfontein, South Africa

Postal Address: Private Bag X2700, Houghton, 2041, Johannesburg, South Africa

Telephone: +27 (0)11 877 3600

Fax: +27 (0)11 403 0668

Website: www.sahrc.org.za

E-mail: info@sahrc.org.za

5. **PART III**

5.1 **Categories of Information**

5.1.1 Statutory Company Information

(a) Memorandum and Articles of Association

(b) Certificates issued by the Registrar of Companies

(c) Company resolutions

(d) Proxy forms

(e) Company forms (CM forms) lodged with the Registrar in terms of the Companies Act, Minute books

(f) Share registers

(g) Director's attendance registers

- (h) Shareholder agreements

5.1.2 Accounting Records

- (a) Annual financial statements

- (b) Books of account

- (c) Invoices, statements, receipts, vouchers and bills of exchange

- (d) Auditor's reports

- (e) Income Tax returns

- (f) Value Added Tax returns, invoices and supporting documentation

5.1.3 Banking Details

- (a) Bank facilities and account details

- (b) Overdraft facilities

- (c) Bank statements

- (d) Bank signatory forms

- (e) Other banking records and agreements

5.1.4 Human Resources / Employment Records

- (a) Contracts of employment

- (b) Personnel files

- (c) Disciplinary records

- (d) Employee benefit records

- (e) Salary and wage register

- (f) Provident fund agreement

- (g) Provident fund rules

- (h) Provident fund actuarial valuation reports

- (i) Minutes of meetings of trustees and members of provident fund

- (j) Provident fund contribution reports

- (k) Attendance and leave registers

- (l) Expense accounts

- (m) Group life

- (n) Human resource policies and codes of conduct

- (o) Training manual

5.1.5 Intellectual Property

- (a) Licences relating to trade-marks and intellectual property rights held by Maitland

5.1.6 Client Information

- (a) Documentation and other information received from clients, including documentary information required in compliance with the Financial Intelligence Centre Act 38 of 2001.
- (b) Documentation and other information received from third parties.
- (c) Correspondence with clients.
- (d) Correspondence with third parties.
- (e) Information prepared by employees for clients, including opinions, memoranda and reports.
- (f) Trust Deeds
- (g) Letters of Engagement
- (h) Letters of Authority
- (i) Letters of Executorship
- (j) Letters of Curatorship
- (k) Certificates of Adiation
- (l) Letters of Wishes
- (m) Death Certificates
- (n) Documentation issued by the office of the Master of the High Court
- (o) Powers of Attorney
- (p) Wills
- (q) Documentation in respect of trust or estate assets
- (r) Financial statements
- (s) Investment mandates
- (t) Agendas and minutes of trustee meetings
- (u) Trustee resolutions
- (v) Documentation issued by the South African Revenue Service
- (w) Other information relating to, or held on behalf of, clients

5.1.7 Library Information

- (a) Information circulars

- (b) Publications
- (c) Precedents
- (d) Opinions
- (e) Other information held by the library.

5.1.8 Insurance Records

- (a) Insurance policies taken out for the benefit of Maitland and its employees, including:
- (b) Group life assurance and disability income protection insurance;
- (c) Insurance in respect of the property occupied by Maitland.
- (d) Insurance in respect of the movable property of Maitland.
- (e) Professional indemnity insurance in respect of Maitland.
- (f) Directors and Officers liability cover.
- (g) Fidelity insurance in respect of trust monies and client investment monies held by Maitland.

5.1.9 Immovable And Movable Property

- (a) Agreements of lease of immovable property occupied by Maitland.
- (b) Credit sale agreements and/or hire purchase agreements.
- (c) Other agreements for the purchase, ordinary sale, conditional sale or hire of assets.

5.1.10 Information Technology

- (a) Computer software, support and maintenance agreements.
- (b) Disaster recovery plans
- (c) Other documentation pertaining to computer systems and computer programmes held by Maitland.

5.1.11 Compliance

- (a) Compliance manuals
- (b) Compliance reports
- (c) Compliance policies
- (d) Complaints register

5.1.12 Sales And Marketing

- (a) Brochures, Newsletters and Advertising Materials
- (b) Marketing agreements

5.1.13 Miscellaneous Agreements

- (a) Loans from third parties (including banks).
- (b) Loans to third parties.
- (c) Suretyship agreements.
- (d) Security agreements, guarantees and indemnities.
- (e) Agency, management and distribution agreements.
- (f) Agreements with suppliers.
- (g) Confidentiality and/or non-disclosure agreements.
- (h) Any other relevant agreements.

6. PART IV

6.1 Records Available In Terms Of Other Legislation

6.2 Records are kept in accordance with such other legislation as is applicable to Maitland which includes, but is not limited to, the following:

- 6.2.1 Estate Duty Act 45 of 1955
- 6.2.2 Pension Funds Act 24 of 1956
- 6.2.3 Income Tax Act 58 of 1962
- 6.2.4 Administration of Estates Act 66 of 1965
- 6.2.5 Stamp Duties Act 77 of 1968
- 6.2.6 Attorneys Act 53 of 1979
- 6.2.7 Financial Advisory and Intermediary Services Act 37 of 2002
- 6.2.8 Regional Services Councils Act 57 of 1985
- 6.2.9 Trust Property Control Act 57 of 1988
- 6.2.10 Value Added Tax Act 89 of 1991
- 6.2.11 Occupational Health and Safety Act 85 of 1993
- 6.2.12 Labour Relations Act 66 of 1995
- 6.2.13 Basic Conditions of Employment Act 75 of 1997
- 6.2.14 Employment Equity Act 55 of 1998
- 6.2.15 Prevention of Organised Crime Act 121 of 1998
- 6.2.16 Medical Schemes Act 131 of 1998
- 6.2.17 Skills Development Levies Act 9 of 1999

- 6.2.18 Financial Intelligence Centre Act 38 of 2001
- 6.2.19 Unemployment Insurance Act 63 of 2001
- 6.2.20 Unemployment Insurance Contributions Act 4 of 2002
- 6.2.21 Collective Investment Schemes Control Act 45 of 2002
- 6.2.22 Companies Act 71 of 2008

7. **PART V**

7.1 **Request Procedures**

7.2 Any and all records shall only be made available subject to the provisions of the Act.

7.2.1 Form Of Request

- (a) When making a request to access a record, the requester must use the prescribed form (refer to Annexure A), addressed to the head of the relevant Maitland office.
- (b) The requester must provide sufficient detail on the request form to allow for the identification of the record and the requester. The requester should also indicate which form of access is required and specify a postal address or fax number in the Republic.
- (c) The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- (d) If a request is being made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request.

7.2.2 Fees

- (a) A requester who seeks access to a record containing personal information about the requester is not required to pay the request fee. Every other requester who is not a personal requester must pay the required fee.
- (b) The fee payable is detailed in the request form. The requester may lodge an application to the court against the tender or payment of the request fee.
- (c) If the request is granted, a further fee will be payable for the search, preparation and reproduction of the record.

8. **PART VI**

8.1 **Availability Of Manual**

8.1.1 This manual is available for inspection by the general public upon request, during office hours and free of charge, at the offices of Maitland. Copies of the manual may be made subject to the prescribed fees.

8.1.2 Copies may also be requested from the SAHRC.

8.1.3 The manual is also posted on Maitland's website.

9. **PART VII**

9.1 **Information Automatically Available**

9.1.1 The following categories of records are automatically available for inspection, purchase or photocopying without having to be requested in terms of the Act:

- (a) Newsletters
- (b) Booklets
- (c) Pamphlets / Brochures
- (d) Reports of a public nature
- (e) Other information intended for public viewing.

10. **PART VIII**

10.1 Prescribed fees and forms in respect of private bodies

10.2 The prescribed forms for requests to public and private bodies, are attached to this manual and are available on the website of the Department of Justice and Constitutional Development, www.doj.gov.za.

ANNEXURE A

GENERAL: VALUE-ADDED TAX

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I

FEES IN RESPECT OF GUIDE

The fee for a copy of the guide as contemplated in regulations 2(3)(b) and 3(4)(c) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II

FEES IN RESPECT OF PUBLIC BODIES

Not applicable to Maitland

PART III

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

- (a) For every photocopy of an A4-size page or part thereof R1,10
- (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
- (c) For a copy in a computer-readable form on -
 - (i) stiffy disc R7,50
 - (ii) compact disc R70,00
- (d) (i) For a transcription of visual images, for an A4-size page or part thereof R40,00
 - (ii) For a copy of visual images R60,00
- (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - (ii) For a copy of an audio record R30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

- (1)(a) For every photocopy of an A4-size page or part thereof R1,10
- (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
- (c) For a copy in a computer-readable form on -
 - (i) stiffy disc R7,50
 - (ii) compact disc R70,00
- (d) (i) For a transcription of visual images, for an A4-size page or part thereof R40,00
 - (ii) For a copy of visual images R60,00
- (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - (ii) For a copy of an audio record R30,00

(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.

(2) For purposes of section 54(2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.