

FINANCIAL SERVICES BOARD



FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002 ("FAIS ACT")

FAIS CIRCULAR 5/2011

DATE: 9 May 2011

Circular on Regulatory Examinations: Examination Cancellation Clause

The Office of the Registrar has determined that the examination policies and procedures governing the development and delivery of the regulatory examinations must be applied consistently by the examination bodies offering these examinations. Of particular relevance is the examination cancellation clause recently instituted and is presented below.

With immediate effect, the following are the terms and conditions pertaining to the postponement or cancellation of a candidate's registration to write a particular examination.

For paper-based and electronic examinations:

- i. A Postponement received prior to 10 working days before the date of an exam will not be subject to a penalty.
- ii. A Postponement received within 10 working days of the date of an exam will result in a penalty of 100% of the examination fee.
- iii. A Cancellation received by a candidate or corporate client within 10 working days of the date of an exam will result in a penalty of 100% of the examination fee. The non-arrival by a candidate to an exam will result in a penalty of 100% of the exam fee.
- iv. A Cancellation effected by a candidate or corporate client outside the cancellation period will result in a penalty of 20% of the examination fee.

To date, the examination bodies have entered into numerous service level agreements with clients wherein differing cancellation clauses have been negotiated. In some instances, these agreements may be considered to be advantageous to the examination body concerned. In essence, cancellation clauses should not be a point of competitive advantage in the offering of the regulatory examinations. The Registrar is opposed to this level of differentiation between examination bodies.

Examination bodies have been instructed by the Registrar to engage with their respective clients in cases where service level agreements have been set up that include a cancellation clause that contravenes the aforementioned terms of cancellation or postponement.