FICA and AML Readiness Checklist

Financial Intelligence Centre Act 38 of 2001, as amended. What an accountable institution has to have in place.

You are an accountable institution if you carry on any business listed in Schedule 1 to the FIC Act. It follows what you do, not what your industry calls itself, and nobody notifies you. South Africa exited the FATF grey list on 24 October 2025 and remains off it, but no FIC Act duty was relaxed as a result.

1. Am I an accountable institution?

Schedule 1 was substituted on 29 November 2022 and took effect on 19 December 2022. It runs from item 1 to item 23, with items 15 to 18 no longer in use.

- [ ] **1. Test your activities against Schedule 1**
  The list covers legal practitioners, trust and company service providers, estate agents, banks, long term insurers, gambling operators, credit providers, financial services providers, money remitters, high value goods dealers and crypto asset service providers, among others.
  Schedule 1, GN 2800 of 29 November 2022

- [ ] **2. Check the two R100 000 activity thresholds**
  Any dealer who receives R100 000 or more for goods, in a single transaction or in linked transactions, in any form of payment and not only cash, is caught by item 20.
  Schedule 1 items 20 and 21

- [ ] **3. Map every item number that applies to you**
  A business can fall under more than one item, and must register separately under each. Group registration is not permitted and registering under the wrong item is itself a compliance failure.
  FIC Act s43B

2. Registration and governance

Section 43B requires registration with the Financial Intelligence Centre and current particulars. Section 42A places the compliance duty on the board or highest level of authority.

- [ ] **4. Register on goAML within 90 days**
  Registration is electronic and free, and must happen within 90 days of commencing business or of the Schedule 1 amendment that brought you in. You cannot file any report until you are registered.
  FIC Act s43B with Regulation 27A

- [ ] **5. Notify the FIC of changes within 90 days**
  Any change to your particulars, including contact person, address, ownership or activity, must be notified in writing within 90 days. Stale details are a common inspection finding.
  FIC Act s43B(4)

- [ ] **6. Appoint a compliance officer with real seniority**
  The board must appoint a person with sufficient competence and seniority to run the compliance function. That person supports the board, and does not absorb its responsibility.
  FIC Act s42A and s42(2)(s)

- [ ] **7. Obtain dated board approval of the RMCP**
  The board, senior management or other highest level of authority must approve the Risk Management and Compliance Programme. Keep the dated approval record, because inspectors ask for it.
  FIC Act s42(2A)

3. RMCP and customer due diligence

Section 42(1) requires a documented and implemented Risk Management and Compliance Programme. Sections 20A and 21 to 21H set the customer due diligence framework. Revised Guidance Note 7A of 1 September 2025 is the current interpretive guidance.

- [ ] **8. Write, document and actually implement the RMCP**
  It must cover risk identification and assessment, the controls you apply, and how you monitor whether those controls work, across the matters listed in section 42(2)(a) to (s).
  FIC Act s42(1) and s42(2)

- [ ] **9. Identify and verify every client, and refuse anonymous ones**
  Establish and verify the identity of the client, anyone acting for them and anyone they act for, from reliable and independent sources. Accounts in anonymous or fictitious names are prohibited.
  FIC Act s20A and s21

- [ ] **10. Establish beneficial ownership of legal persons**
  Go behind the entity to the natural persons who own or control it: controlling ownership interest first, then control by other means, then control over management. The CIPC and Master's registers alone are not enough.
  FIC Act s21B, FIC PCC 59

- [ ] **11. Screen for politically exposed persons**
  Determine whether a client or beneficial owner is a foreign or domestic politically exposed person, or a family member or close associate. Foreign PEPs are always high risk and need senior management approval.
  FIC Act s21F to s21H

- [ ] **12. Screen everyone against the targeted financial sanctions list**
  Screening applies to every client, beneficial owner, representative and transaction party, regardless of assigned risk. On a confirmed match you must not transact, must freeze immediately, and must report.
  FIC Act s26A and s26B

- [ ] **13. Train staff and give them the RMCP**
  Ongoing training must equip employees to meet the obligations relevant to their roles, and the RMCP document must be made available to each employee.
  FIC Act s43 and s42(3)

4. Reporting duties

Section 28 covers cash threshold reports, section 28A terrorist property, section 29 suspicious and unusual transactions, and section 31 international funds transfers. All reports go through goAML. The section 29 duty applies to any person carrying on a business, not only to accountable institutions.

- [ ] **14. Report cash of R50 000 and above within three business days**
  A cash threshold report is required where cash above R49 999.99 is received from or paid to a client. Cash includes notes, coin and travellers cheques.
  FIC Act s28

- [ ] **15. Report suspicion within 15 business days**
  The duty arises where you know or ought reasonably to have suspected proceeds of unlawful activity, a transaction with no apparent lawful purpose, structuring to avoid reporting, terrorist financing or tax evasion.
  FIC Act s29

- [ ] **16. Report terrorist property within five days**
  This is knowledge based, not suspicion based. The clock runs from the point of the list match.
  FIC Act s28A

- [ ] **17. File cross border transfer reports if the duty applies**
  This applies only to authorised dealers, authorised dealers with limited authority, certain financial services providers and the South African Postbank, at R20 000 and above, within three business days.
  FIC Act s31

5. Records, returns and inspection readiness

Sections 22 to 24 govern records and their retention. Section 45B gives inspection powers and sections 45C and 62E the sanction consequences.

- [ ] **18. Keep records for at least five years**
Customer due diligence records for five years after the relationship ends, transaction records for five years after the transaction, and report copies for five years after submission. Outsourcing storage does not outsource accountability.
FIC Act s22, s22A, s23 and s24

- [ ] **19. Check whether the 2026 risk and compliance return applied to you**
Directive 11 of 2026 required a return covering 2023 to 2026 from Schedule 1 items 1, 2, 3, 9, 11 excluding banks, 14, 20, 21 and 22. The deadlines of 30 June and 31 July 2026 have passed, and non-submission carries an administrative sanction.
FIC Directive 11 of 2026

- [ ] **20. Keep an inspection ready evidence file**
Board approval, RMCP version history, training registers, screening logs, client files and submitted reports in one place. Recurring inspection findings are no sanctions screening, an undocumented RMCP, and incomplete beneficial ownership.
FIC Act s45B and s42(4)

What non-compliance costs

- Administrative sanction: caution, reprimand, directive, restriction of business, and a financial penalty of up to R10 million for a natural person or R50 million for a legal person, section 45C(3).
- Criminal: up to R100 million or 15 years for the more serious offences, and up to R10 million or 5 years for the lesser ones including failure to register, section 68.
- What is actually imposed: 98 sanctions were published in 2024 to 2025, with reported penalties ranging from roughly R8 120 to R7.77 million. The statutory maxima are ceilings, not typical outcomes.
- There is no penalty free period for a newly caught accountable institution.