
(Section *)
Anguilla
INVESTMENT BUSINESS ACT

INFORMATION IN SUPPORT OF AN APPLICATION
PERSONAL INFORMATION FORM

Notes: It is an offence to make a representation which you do not believe to be true or, with intent to deceive, to provide any information or submit a return that you know to be false or materially misleading.

Failure to provide information may itself be viewed by the Commission as evidence that you are not fit and proper.

The information in this document is required with respect to an application for licensing from each applicant or, if incorporated, each beneficial owner holding 10% or more of the applicant's issued share capital or voting power, and each director and senior officer of an applicant company, or partner if a partnership, and such other persons as the Commission may require.

The information in this document is also required with respect to an application for approval of the issue or transfer of shares or other interests in a licensee and with respect to an application for approval of a director, senior officer, compliance officer, money laundering reporting officer, or money laundering compliance officer of a licensee.

Unless the Commission otherwise consents or a section is not relevant, you must complete all sections of this form, giving reasons where the Commission would reasonably expect an explanation, and attaching additional sheets if appropriate. Sections that are not relevant must be marked N/A.

1. Full name and proposed role with applicant or licensee, as the case may be:

2. Former name (if any) including any previous name or names by which known:

3. Date and place of birth: _____

4. Nationality or nationalities (if naturalised attach a copy of the naturalisation certificate, and state former nationality):

5. Full home address: _____

6. List home addresses in full for previous five years if different from that given above, and give the related dates: _____

7. Marital status. If married (including common law marriage) give full name of spouse (including any previous name or names by which known), and date and place of birth of spouse:

8. Provide passport particulars and one other form of identification. Enclose copies of relevant pages of passport and other identification certified as true copies by an unrelated lawyer, notary or other party authorized by law to make such a certification:¹

9. Give full details of your profession or occupation over the past ten years; include the names and addresses of all employers or places of work and the nature of your employment; give all relevant dates and state briefly the reasons for changes:

10. List all companies, partnerships, or sole proprietorships in which you hold or have held an interest of 10% or more, or the position of director, senior officer, compliance officer, money laundering reporting officer, or money laundering compliance officer during the past ten years. Give brief particulars of the nature of the business of all the entities:

11. Give details of academic and professional qualifications and date(s) obtained, if not already included in or attached to the application form:

12. Have you ever been employed, or had an interest in:

(a) a financial services activity?

(b) a gambling activity?

¹ Where the lawyer, notary or other party is prohibited from certifying government-issued documents, an unrelated party making the copy may certify by affidavit to the lawyer, notary or other party that the copy is true and accurate.

If YES, provide details: _____

13. In relation to the proposed investment business, are you acting wholly or partly as a nominee or agent for, or trustee of, another person?

If YES, give the name and address of the person and the precise nature of your relationship or the arrangement: _____

14. Give the full details of the ownership interest you hold (or will hold upon incorporation) in the proposed investment business or licensee, as the case may be, and the corresponding interest of any person connected² to you, whether legal or beneficial, direct or indirect, including the percentage ownership or voting power that this will represent, if applicable:

14. Have you or your spouse ever been declared bankrupt or been the subject of a bankruptcy petition, or ever received a judgment against you in a civil court, whether or not the judgment is under appeal?

If YES, give full details:

15. Has any company or other entity of or in which you were or your spouse was a partner, director, or senior officer or held a significant ownership interest become insolvent, been put into receivership, administration, or judicial management, or been the subject of a winding up or bankruptcy petition during your tenure or your spouse's tenure at, or while you or your spouse had a significant ownership interest in, the company or entity?

If YES, give full details: _____

16. Have you (or an entity of or in which you were a partner, director, or senior officer or held a significant interest) ever applied for a financial services business licence, authorization, or other permission during your tenure at, or while you had a significant ownership interest in, the entity?

If YES, state the type of financial services business, name of entity, location, jurisdiction of application, and period during which the licence, authorization, or other permission was held (if granted):

17. Have you (or an entity of or in which you were a partner, director, or senior officer or held a significant interest) ever been refused a financial services business licence, authorisation, or other permission or had such licence, authorisation, or other permission withdrawn or revoked or been found to be unsuitable or not fit and proper during your tenure at, or while you had a significant ownership interest in, the entity?

If YES, state where, when, and for what reason: _____

18. Have you ever been the subject of enforcement proceedings by any licensing or regulatory authority?

If YES, provide details:

19. Have you ever been barred from acting or refused approval as a shareholder, partner, director, senior officer, compliance officer, money laundering reporting officer, or money laundering compliance officer?

If YES, provide details:

20. Have you been dismissed or asked to resign from any office, employment, fiduciary office, or position of trust for misconduct, breach of fiduciary duty or violation of trust, subject to disciplinary proceedings, or barred from entry to any profession or occupation?

If YES, provide details: _____

21. Have you ever been judged by a court to be civilly liable or responsible for any fraud, malfeasance, wrongful trading, market abuse, or other misconduct or are any such proceedings pending?

If YES, provide details: _____

22. Have you as a sole proprietor, partner, or holder of a significant interest, director, or senior officer of or in an entity, ever been a party to a lawsuit as either a plaintiff or defendant as a result of alleged misconduct, breach of fiduciary duty or violation of trust (by you or another person)?

If YES, give details. List all cases without exception, including bankruptcies or insolvencies.

Plaintiff/Defendant

Court and Case Number

Location

Year

Result

23. Have you ever been arrested, detained, charged, indicted, summoned to answer, prosecuted, convicted, or found guilty of or for any alleged criminal or regulatory offence or breach (except MINOR traffic offences)?

If YES, give details. List all cases:

Date (of arrest etc)

Age at the time

Charge or allegation (if any)

Location

Result

24. Will you participate actively in the oversight, management, or operation of the proposed investment business?

If YES, give details: _____

25. Are you a holder of a significant interest in, or a director, senior officer, compliance officer, money laundering reporting officer, or money laundering compliance officer of any other investment business company or other financial institution?

If YES, attach details: _____

26. Has your interest in the proposed investment business been assigned, pledged, or hypothecated to any person, have you entered into any agreement whereby your interest is to be assigned or pledged or sold either wholly or in part?

If YES, give details: _____

27. Have you made any arrangements for persons to advance money, or other asset, to you to assist in financing your investment or interest in the proposed investment business?

If YES, give details: _____

28. Do your assets exceed your liabilities, including contingent liabilities, and are your assets likely to continue to exceed your liabilities for the foreseeable future?

If NO, provide details: _____

29. Give the names, addresses, and telephone numbers of three referees, including a financial institution:

Referees must not be relatives. You should tell them that the Commission might contact them.

I certify that to the best of my knowledge and belief the information I have given in this form is complete and correct and, having read the provisions of the Investment Business Act, the Financial Services Commission Act, and the Anti-Money Laundering and Terrorist Financing Code relevant to my proposed role, and being informed about the business or proposed business of the licensee, I am aware of no other information about me of which the Commission would reasonably wish to be aware.

I undertake to inform the Commission immediately of any material changes to the information supplied in this form.

Date: Signed:

Print name of signatory

AUTHORISATION TO SEEK ADDITIONAL INFORMATION

I authorise the Commission to contact all relevant authorities and authorise the authorities to provide the Commission with whatever information it may request.

Signed: _____

(Section *)
Anguilla
Investment Business Act

INVESTMENT BUSINESS FEES

Note: All fees specified below are in US dollars and are non-refundable.

Application fees

1. Subject to paragraph (h), an applicant for a licence under section 7(1) shall pay-
 - a. For filing an application for a Class 'A' licence (arranging investments) - \$750
 - b. For filing an application for a Class 'B' licence (dealing investments) - \$750
 - c. For filing an application for a Class 'C' licence (managing investments) - \$750
 - d. For filing an application for a Class 'D1' licence (giving investment advice when not prevented from holding client assets) - \$750
 - e. For filing an application for a Class 'D2' licence (giving investment advice when prevented from holding client assets) - \$750
 - f. For filing an application for a Class 'E' licence (providing administration and safeguarding of investments) - \$1,000
 - g. For filing an application for a Class 'F' licence (conducting marketplace activities) - \$5,000
 - h. For filing an application for all, or any combination of a Class 'B', 'C' and 'D1' licence, the highest individual application fee.

Annual licence fees

2. Subject to paragraph (i), on the grant of a licence, and for each calendar year after that, a licensee shall pay-
 - a. For a Class 'A' licence (arranging investments) – \$1,000
 - b. For a Class 'B' licence (dealing investments) – \$1,000
 - c. For a Class 'C' licence – (managing investments) \$1,000
 - d. For a Class 'D1' licence (giving investment advice when not prevented from holding client assets) – \$1,000
 - e. For a Class 'D2' licence (giving investment advice when prevented from holding client assets) – 1,000
 - f. For a Class 'E' licence (providing arrangements and safeguarding of investments) – \$2,500

g. For a Class 'F' licence (conducting marketplace activities) – \$5,000

i. If a licence is granted on or after July 1, half of the relevant prescribed licence fee is payable at the time of the grant.

Fees for other applications or consents

3. For other applications under these Regulations, an applicant shall pay the following fee:

a. Application for approval under section 11 of the Investment Business Act (director or senior officer) - \$200

b. Application for approval under section 12 of the Investment Business Act (holding, issuing or transferring shares of licensee) - \$200

c. Application for approval under section 27 of the Financial Services Commission Act (compliance officer)- \$200

d. Application for consent under the Table of Notifications and Consents set out in Schedule 2 to the Code of Practice for Investment Business- \$200

e. Any other application for the approval or consent of the Commission under the Investment Business Act– \$150.

WORKING DRAFT

(Section *)
Anguilla
INVESTMENT BUSINESS ACT

APPLICATION FOR APPROVAL OF ISSUE OR TRANSFER OF SHARES OR OTHER INTERESTS

To:

Financial Services Commission, The Valley, Anguilla, B.W.I. AI-2640

Date:

Dear Sir or Madame:

Re: Name of licensee

We/ I³ apply for the Commission's approval of the issue/transfer/other disposition of shares/other interests⁴ in the above-mentioned licensee as required under section 12 of the Act.

Name and address of allottee or transferee of shares or other interests:

Name and address of transferor of shares or other interests:

If the interests being issued, transferred, or otherwise disposed of are not shares, give a description: _____

Number of shares or other interests and percentage of total to which the application relates:

We/I⁵ attach "Information in Support of an Application" duly completed by the proposed allottee or transferee/me⁶ and any other information that may be relevant to the application.

Application fee enclosed in the amount of \$_____ (or evidence of payment of fee attached).

Yours faithfully,

³ Delete as appropriate.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

Signed by the duly authorised representative of the licensee

Print name and position

WORKING DRAFT

(Section *)
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INVESTMENT BUSINESS ACT

**APPLICATION FOR APPROVAL OF DIRECTOR, SENIOR OFFICER, COMPLIANCE
OFFICER, MLRO, OR MLCO**

To

Financial Services Commission, The Valley, Anguilla, B.W.I. AI-2640

Dear Sir or Madam:

Re: Name of licensee or proposed licensee

We apply for approval of the appointment of:

as a director/senior officer/compliance officer/money laundering reporting officer/money laundering compliance officer⁷

and, if senior officer, to hold the title of _____.

We attach “Information in Support of an Application – Personal Information Form” duly completed and any other information that may be relevant to the application. If a proposed compliance officer, money laundering reporting officer, or money laundering compliance officer will have duties or responsibilities in addition to those usually associated with those roles, then we have attached full details.

Application fee enclosed in the amount of \$_____ (or evidence of payment of fee attached).

Yours faithfully

Signed by the duly authorised representative of the licensee or proposed licensee

Print name and position

⁷ Delete as appropriate.