

Notification and Declaration Forms

Mutual Fund and Hedge Fund Act, 2008



FINANCIAL SERVICES AUTHORITY

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Version: 29th March, 2022

Introduction

In an effort to facilitate the ongoing obligation of licensees under the Mutual Fund and Hedge Fund Act, 2008 (“the Act”) in submission of relevant declarations to the Financial Services Authority (“the Authority”) as required under the Act, the Authority has drafted this document consolidating all the relevant forms for the declarations.

This document aims to facilitate the accessibility of such declarations with the aim of improving the service delivered to licensees.

The forms for the declarations contained in this document include:

- Offering Memorandum Declaration Form
- Custodian Declaration Form
- Fund licence renewal - Declaration of compliance
- Fund Administrator licence renewal - Declaration of compliance
- Foreign fund exemption renewal - Declaration of compliance
- Approved foreign administrator exemption renewal - Declaration of compliance
- Notice of Outsourcing of Compliance

Offering Memorandum Declaration Form

To: Financial Services Authority

I, _____, declare that the Offering Memorandum complies with the requirements of the Mutual Fund and Hedge Fund Act, 2008 and the relevant laws of the jurisdiction where the fund will be marketed.

Dated: _____

Signature: _____

Name: _____

Director/Trustee/General Partner _____

For and on behalf of:

[Name of applicant or licensee company]

Custodian Declaration Form

To: Financial Services Authority

We declare that the company has read and understood the principles and guidelines on the custody of fund assets as published by the Financial Services Authority and in consideration of these, hereby consent to the appointment of [insert the name of the custodian] as the custodian of the [insert name of the fund] and declare that the appointed custodian complies with these principles and guidelines.

We endeavor to ensure that the appointed custodian remains in compliance with the published principles and guidelines and any amendments thereto.

Dated: _____

Signature: _____

Name: _____

Director/Trustee/General Partner: _____

For and on behalf of: _____

[Name of applicant or licensee company]

Fund licence renewal

Declaration of Compliance

To: Financial Services Authority

We, [full name and address of licensee], declare that we are not in breach of any duties or other obligations imposed on us under the Mutual Fund and Hedge Fund Act.

We undertake to continue to comply with our duties and other obligations under the Act.

Dated: _____

Signature: _____

Name: _____

Director/Trustee/General Partner: _____

For and on behalf of: _____

[Name of licensed fund]

Fund Administrator Licence Renewal

Declaration of Compliance

To: Financial Services Authority

We, [full name and address of licensee], declare that we are not in breach of any duties or other obligations imposed on us under the Mutual Fund and Hedge Fund Act.

We undertake to continue to comply with our duties and other obligations under the Act.

Dated: _____

Signature: _____

Name: _____

Director/Trustee/General Partner: _____

For and on behalf of: _____

[Name of licensee company]

Foreign Fund Exemption Renewal

Declaration of Compliance

To: Financial Services Authority

We, [full name and address of licensee], declare that we are not in breach of any duties or other obligations imposed on us under the Mutual Fund and Hedge Fund Act.

We undertake to continue to comply with our duties and other obligations under the Act.

Dated: _____

Signature: _____

Name: _____

Director/Trustee/General Partner: _____

For and on behalf of: _____

[Name of Fund]

Approved Foreign Administrator Exemption Renewal

Declaration of Compliance

To: Financial Services Authority

We, [full name and address of licensee], declare that we are not in breach of any duties or other obligations imposed on us under the Mutual Fund and Hedge Fund Act.

We undertake to continue to comply with our duties and other obligations under the Act.

Dated: _____

Signature: _____

Name: _____

Director/Trustee/General Partner: _____

For and on behalf of: _____

[Name of Foreign fund administrator]

NOTICE OF OUTSOURCING OF COMPLIANCE

1. Details of Licensee

Name:	
Licence type:	
Licence Number:	
Registered Address:	

2. Reasons for Outsourcing of Compliance

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3. Details of proposed service provider

Name:	
Company promoting the Service Provider:	
Residential Address:	
Business Address:	
Passport or ID No :	

CONSENT

By signing and submitting this application form you hereby understand and consent that in the event that the application is successful the Financial Services Authority may publish on its website or other publications, the name of the approved person.

DECLARATION

I, (insert name of applicant) holding Passport No: (insert Passport number), a proposed compliance officer of (insert name of licensed entity), do hereby solemnly and sincerely declare that:

- (a) I have read and understood Section 23 of the Financial Services Act, 2013 pertaining to the compliance function of a licensed entity and Codes on Outsourcing of Compliance:
- (b) to the best of my knowledge and belief in making this declaration, that I am a fit and proper person and have adequate qualifications and working experience to undertake the compliance function,
- (c) the information given in this declaration is true and correct,
- (d) I understand that if it is found that I have made a false declaration, I may be disqualified from acting in the capacity mentioned above.

Signature: _____

Name: _____

**Company
(if applicable):** _____

Applicant: _____

Witness: _____

Name:

Address:

Occupation: