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THE PROTECTION OF INVESTORS

(BAILIWICK OF GUERNSEY) LAW, 2020

NOTIFICATION OF INTENTION TO CARRY ON THE RESTRICTED ACTIVITY OF PROMOTION OF CONTROLLED INVESTMENTS – CATEGORY 1: COLLECTIVE INVESTMENT SCHEMES

*Before completing this Form EX, please refer to the Guidance Notes on Page 5*

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| Applicant: |

Form should be submitted electronically together with all supporting documents, where applicable, to authorisations@gfsc.gg

Prescribed fee: Send by BACS to:

Bank: HSBC Guernsey Branch

Address: 20-22 High Street, St Peter Port, Guernsey GY1 2LB

Sort code: 40-22-25

Account Number: 91460722

IBAN: GB53MIDL40222591460722

Swift: MIDLGGS1XXX

Account Name:  Guernsey Financial Services Commission

Reference: *“Applicant’s name”*

*In case of difficulty in completing this form please contact the Commission in Guernsey*

*on +44 1481 712706*

**1. Name, address and email address of the applicant:**

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**2. Designated country or territory in which applicant has his main place of business:**

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**3. Name of each collective investment scheme to be promoted by the applicant in the Bailiwick of Guernsey:**

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*Note: Supporting documentary evidence in respect of each of these schemes is required*

* *see “Declaration and Undertaking” below*

**4. Proposed date of commencement of promotion in the Bailiwick of Guernsey of the**

 **schemes listed at 3 above:**

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**5. Manner in which the schemes listed at 3 above are to be promoted in the Bailiwick of Guernsey** *(see Guidance Note 4)*

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**6. Island(s) in which the schemes listed at 3 above are to be promoted:**

Guernsey Alderney Sark *(please tick appropriate box(es))*

**7. Address and telephone number in the Bailiwick of Guernsey for the service of any notice or documents** *(see Guidance Note 5)*

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**Declaration and Undertaking**

I declare that the information supplied at 1.-7. above is complete and correct to the best of my knowledge and belief at the time of notification, and am aware that it is an offence under the Financial Services Business (Enforcement Powers) (Bailiwick of Guernsey) Law, 2020 to furnish false or misleading information.

I undertake to notify the Guernsey Financial Services Commission, by completion of a further Form EX, if I wish to promote in the Bailiwick any further schemes not listed at 3. above.

I undertake to notify the Guernsey Financial Services Commission by email to IFPD@gfsc.gg immediately should any matters change in relation to the promoting party (named at 1. above) or the scheme(s) (named at 3. above), which would have the effect of either of them no longer meeting the relevant criteria as set out in the certification below, and at the end of note 4 in the attached Guidance Notes

I also undertake to notify the Commission by e-mail to IFPD@gfsc.gg immediately of any material changes in the information provided at 1.-7. above (including where there have been changes to an entity’s name, address, email address or regulatory/authorisation status ).

I attach electronically herewith –

1. in respect of each scheme listed at 3 above –
	1. a copy of the latest prospectus and other promotional material which will accompany the prospectus;
	2. a copy of the latest annual report of the scheme;
	3. documentary evidence from the regulatory authority in the designated country or territory named at 2 above that the scheme is of a class or description specified in the relevant Schedule to the Investor Protection (Designated Countries and Territories) Regulations 1989, 1992 and 2015;

and (b) the fee prescribed by virtue of the relevant Financial Services Commission Fees Regulations, has been made by BACS to the Guernsey Financial Services Commission’s bank account.

I certify that the applicant named at 1. above is permitted to promote the schemes listed at 3. above in the manner described at 5. above in the designated country or territory named at 2. above.

Signed : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *(Duly authorised officer of applicant)*

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(in block capitals)*

Telephone number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Guidance Notes For Completion Of Form EX**

1. Under Section 44(1)(c)of the Protection of Investors (Bailiwick of Guernsey) Law, 2020 (“the Law”), and the Investor Protection (Designated Countries and Territories) Regulations 1989, 1992 and 2015 made thereunder, the United Kingdom, the Bailiwick of Jersey, the Isle of Man, the Republic of Ireland and certain other countries designated in relation to Alternative Investment Funds within the meaning of the EU Alternative Investment Fund Managers Directive have been granted designated status. Persons or bodies which have their main place of business in, and are regulated under the laws of those jurisdictions, and do not have a permanent place of business in the Bailiwick of Guernsey, are now able to promote in Guernsey certain collective investment schemes without the need for a licence under the Law, subject to prior notice to the Guernsey Financial Services Commission by means of the attached Form EX.

2. Under Schedule 2 to the Law, “promotion” is defined as -

 (a) advertising;

1. issuing a prospectus, application form or proposal form;
2. circulating or making available promotional material.

 **Note: A simple list of fund prices, without any address or telephone number, is not regarded as “advertising”.**

3. For the attached Form EX to be valid, **please note that it must be accompanied by the documents and the appropriate Notification Fee referred to in (a) and (b) of the Declaration of Undertaking set out in the Form**. BACS payments should be made to the “Guernsey Financial Services Commission”, as detailed above. It should be noted that no fee is payable in respect of Jersey schemes.

4. Please indicate at paragraph 5, in relation to each of the schemes listed at paragraph 3, the general policy to be followed in its promotion, and in particular whether it is to be promoted:

1. by advertising (specifying the media to be used);
2. by issuing prospectuses, application forms or proposal forms (stating the method of issue);
3. by circulating or making available promotional material (describing the general nature of the material and the persons to whom, and the manner in which, it is to be circulated or made available).

**Please note that Section 44(1)(c) of the Law only permits a person giving notification to promote a scheme in the manner in which he is permitted to promote it in the designated country or territory concerned.**

5. The address required at Section 7 of the Form should be an address in Guernsey unless the applicant proposes to promote the schemes listed at Section 3 of the Form solely in Alderney or Sark, when an address in the relevant island should be provided.

### Note: The Data Protection (Bailiwick of Guernsey) Law, 2017

For the purpose of the Data Protection (Bailiwick of Guernsey) Law, 2017 please note that any personal data provided to the Commission will be used by the Commission to discharge its regulatory activities and statutory functions. Further information, relating to the Commission’s Data Protection policy, can be located on the website at [www.gfsc.gg/data-protection](http://www.gfsc.gg/data-protection).