

|  |
| --- |
| **The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2000** **(“The Law”)** |
|  |
| Application for a Personal Fiduciary Licence  |
|  |
| **Full Name of Applicant:**       |
|  |
| This form is for an application for a personal fiduciary licence by an individual. There are separate forms for applications by a single company, a single partnership and by more than one company or partnership for a full fiduciary licence.Please complete all sections fully. If you indicate “to follow” on any question, please note that consideration of this application may be delayed pending receipt of all relevant information. If you are completing the Microsoft Word version of this form from the Commission’s website, the boxes will expand, as required, for your answer. If you are completing this form by hand, please use block letters throughout.*An online Personal Questionnaire and/or Online Appointment form should be submitted through the Commission’s Online PQ Portal.* |
|  |
| *Please send the completed form and prescribed fee (see the Financial Services Commission (Fees) Regulations, available on the Commission’s website) as follows:*Application form:Scan the fully completed application form signed by the relevant officers and supporting documentation, as itemised in the application form, together with an explanatory covering letter scheduling the contents and send electronically to authorisations@gfsc.ggPrescribed fee: Send by BACS to:Bank: HSBC Guernsey BranchAddress: 20-22 High Street, St Peter Port, Guernsey GY1 2LBSort code: 40-22-25Account Number: 91460722IBAN: GB53MIDL40222591460722Swift: MIDLGGS1XXXAccount Name:  Guernsey Financial Services CommissionReference: *“Applicant’s name”* |

**SECTION A: PERSONAL DETAILS**

1. Full name:

|  |  |
| --- | --- |
| Surname: |       |
| Forenames(s): |       |

2. Please give details of any previous names:

|  |  |
| --- | --- |
| Full name: |       |
| Reason for change: |       |

3. Date and place of birth:

|  |  |
| --- | --- |
| Date of birth: |       |
| Place of birth: |       |

4. Nationality:

|  |
| --- |
|       |

5. Please give details of any change of nationality:

|  |
| --- |
|       |

6. Private address(es):

|  |
| --- |
|       |
| Tel:  |       | Fax:  |       | E-Mail:  |       |

7. Please give details of any other private address(es) in the last ten years with dates:

|  |
| --- |
|       |

8. Principal business address if different from present private address:

|  |
| --- |
|       |
| Tel:  |       | Fax:  |       | E-Mail:  |       |

9. Website address, if any:

|  |
| --- |
|       |

**SECTION B: DETAILS OF ACTIVITIES/PROPOSED ACTIVITIES**

10. Please give details of where, or from where, you proposes to carry on regulated activities (see Note 1)

Guernsey [ ] [ ]  Alderney [ ] [ ]  Sark [ ] [ ]  Elsewhere [ ] [ ]

(Please give details below)

|  |
| --- |
|       |

11. In the tables below, please state:

Your proposed regulated activities (see Note 1):

|  |
| --- |
| Regulated activities |
|       |

 The numbers of appointments as director, trustee, protector and personal representative to be held by you:

|  |  |
| --- | --- |
| Directorships:  |       |
| Trusteeships: |       |
| Protectorships: |       |
| Appointments as executor or administrator of an estate: |       |

12. Please state the number of companies, by place of incorporation, of which you propose to act as director (see Note 2)

|  |  |
| --- | --- |
| Place of incorporation | Number of companies |
|       |       |

13. Please give any trading name(s) which you propose to use for regulated activities, if different from your own name:

|  |
| --- |
|       |

14. Please give details of:

1. 1 any trading name(s) used by you; and
	1. the corporate and any trading name(s) used by any company(ies) of which you are or were, or any associate is or was (see Note 3), a director (see Note 2) or a controller (see Note 3)

where those names have been used within the last 5 years. There is no need to repeat names listed in answers to questions 1, 2 and 13.

|  |
| --- |
|       |

15. Do you, or does any company of which you are a controller or director (see Notes 2 and 3), carry on or propose to carry on outside the Bailiwick of Guernsey activities which, if carried on in or from within the Bailiwick of Guernsey, would be regulated activities (see Note 1)? If so, please give details including the name of any company used or to be used and details of any authorisation held:

|  |
| --- |
|       |

# SECTION C: EXPERIENCE AND QUALIFICATIONS

16. Please give the following details for each period of employment (including self-employment) during the last ten years starting with your present employment. Any gaps in employment during this period must be explained. If more space is needed the answers should be written on a separate signed and dated sheet of paper and referenced to this question.

|  |  |  |
| --- | --- | --- |
| Period of employment (month and year): | From:  |       |
|  Name of present employer: |       |
|  Address of present employer: |       |
|  Nature of present employer’s business: |       |
|  Position and responsibilities: |       |
|  |  |
|  Period of previous employment (month and year):  | From:  |       | To:  |       |
|  Name of previous employer: |       |
|  Address of previous employer: |       |
|  Nature of previous employer’s business: |       |
|  Position and responsibilities: |       |
| Reason for leaving: |       |
|  |  |  |
|  Period of previous employment (month and year):  | From:  |       | To:  |       |
|  Name of previous employer: |       |
|  Address of previous employer: |       |
|  Nature of previous employer’s business: |       |
|  Position and responsibilities: |       |
| Reason for leaving: |       |

17. Please give details of:

17.1 All relevant educational and professional qualifications including dates of qualification:

|  |
| --- |
|       |

* 1. Other relevant training, with dates:

|  |
| --- |
|       |

* 1. Intended continuing education and training:

|  |
| --- |
|       |

* 1. Any membership, licence or authorisation which you hold or have held in relation to any finance business or any profession anywhere in the world, including the name of the authorising body and your membership/registration/licence number:

|  |
| --- |
|       |

**SECTION D: FINANCIAL INFORMATION**

18. Please give the name and address of your accountants (if any):

|  |
| --- |
|       |

1. Please supply a budgeted profit and loss account for the year following the proposed date of commencement of regulated activities.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Attached: | Yes  | [ ] [ ]  | To follow | [ ] [ ]  | Date available  |       |

# SECTION E: INSURANCE AND INDEMNITY

20. Please give details of the insurance cover you have or propose to have against liabilities incurred in carrying on regulated activities. This should include whether you have, or propose to have, any cover in respect of the following:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| * Professional Indemnity Insurance
 | Yes  | [ ] [ ]  | No | [ ] [ ]  |
|  |  |  |  |  |
| * Directors’ and Officers’ Insurance
 | Yes | [ ] [ ]  | No | [ ] [ ]  |
|  |  |  |  |  |
| * Insurance against theft or other loss of negotiable instruments, warrants or other property
 |
|  belonging to you or to your clients/customers. | Yes | [ ]  [ ]  No [ ] [ ]  |

Details:

|  |
| --- |
|       |

21. Please describe any other relevant terms of cover, (e.g. reinstatements or exclusions) relating to your proposed regulated activities:

|  |
| --- |
|       |

22. Please give details of any claims brought against and/or made by you which were (or, according to the policy terms, should have been) notified to your insurer under this policy or any similar policies in the last three years preceding the date of this application (whether or not any payment was made by the insurer):

|  |
| --- |
|       |

23. Please give details of any respect in which cover or proposed cover falls short of that described in the relevant Code of Practice published by the Commission pursuant to section 35 of the Law and comment on whether, and if so why, you consider the cover to be sufficient:

|  |
| --- |
|       |

# SECTION F: ANTI-MONEY LAUNDERING PROCEDURES

24. Please supply a copy of your procedures for complying with Guernsey’s Anti-Money Laundering/Countering the Financing of Terrorism regime insofar as they apply to you. Please include details of where and how all relevant documents and information will be kept.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Attached: | Yes  | [ ] [ ]  | To follow | [ ] [ ]  | Date available  |       |

# SECTION G: RECORD-KEEPING

25. Please provide a copy of your procedures for the maintenance of records. Please include details of where and how all relevant documents and information will be kept.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Attached: | Yes  | [ ] [ ]  | To follow | [ ] [ ]  | Date available  |       |

# SECTION H: MEMBERSHIPS

26. Please state whether you are a member of, or intend to apply for membership of, any self-regulating organisation, professional body, investment exchange, clearing house etc. outside the Bailiwick.

|  |
| --- |
|       |

# SECTION I: OTHER INFORMATION

**Note**

The Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 (“the Law”) provides that individuals with convictions for criminal offences other than those which were imposed for a sentence of imprisonment for life, a sentence of imprisonment for a term exceeding 30 months or a sentence of detention under section 1(2) of the Homicide (Guernsey) Law, 1965 are rehabilitated after a specified period of time. After this period the conviction is considered to be spent. The effect of this is that the person concerned shall be treated as if he/she had not committed the offence. Subject to exceptions (see below), any obligation imposed on any person by any law or by the provisions of any agreement or arrangement shall not extend to requiring a person to disclose a spent conviction.

The Law and the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 (Commencement, Exclusions and Exceptions) Ordinance, 2006 permit the Commission to require the following persons to disclose any Relevant Spent Convictions (defined below) in the course of its assessment of the suitability of any such person:

(a) to hold any financial or related services permission meaning any licence, consent, authorisation, certificate, registration or other permission required to be obtained from the Commission by or under any enactment;

(b) to be granted any consent pursuant to the Control of Borrowing (Bailiwick of Guernsey) Ordinance, 1959; or

(c) to hold or engage in any office, occupation, employment or work in relation to:

(i) any licence, consent, authorisation, certificate, registration or other permission required to be obtained from the Commission by or under any enactment;

(ii) any consent pursuant to the Control of Borrowing (Bailiwick of Guernsey) Ordinance, 1959;

(iii) any office, occupation or work in the employment of, or undertaken on behalf of, the holder of a financial or related services permission; or

(iv) any office, occupation or work in the employment of, or undertaken on behalf of, an applicant for a financial or related services permission,

as a chief executive, controller, partner, associate, director, company secretary, trustee, manager, compliance officer or money laundering reporting officer.

Relevant Spent Conviction refers to any conviction of:

(a) an offence involving fraud, dishonesty or terrorist financing;

(b) an offence under any enactment (whether or not of the Bailiwick) relating to banking or other financial services, building societies, investment business, companies, insider dealing, market abuse or manipulation, consumer credit, consumer protection, credit unions, friendly societies, industrial and provident societies, insurance, trusts and trusteeships, the regulation of fiduciaries, insolvency or money laundering;

(c) an offence of perjury, or of attempting or conspiring to pervert the course of justice; or

(d) an offence committed (whether under the law of the Bailiwick or elsewhere) in connection with or in relation to taxation, for which a person aged 21 years or more may be sentenced to imprisonment for a term of two years or more.

This application form forms part of the Commission’s assessment process for suitability of individuals. Accordingly all spent convictions referred to in parts (a) to (d) of question 26 should be disclosed.

You should seek legal advice if you are in any doubt as to whether a conviction is considered to be spent or relevant.

27. Have you ever been convicted of any offence:

* 1. involving fraud, dishonesty or terrorist financing?
	2. under any enactment (whether or not of the Bailiwick) relating to banking or other financial services, building societies, investment business (including open and closed-ended collective investment funds), companies, insider dealing, market abuse or manipulation, consumer credit, consumer protection, credit unions, friendly societies, industrial and provident societies, insurance, trusts and trusteeships, the regulation of fiduciaries, insolvency or money laundering?
	3. of perjury, or of attempting or conspiring to pervert the course of justice?
	4. committed (whether under the law of the Bailiwick or elsewhere) in connection with or in relation to taxation, for which a person aged 21 or more may be sentenced to imprisonment for a term of two years or more?
	5. where the offence is not spent (excluding traffic offences unless these resulted in a ban from driving or involved driving without insurance)?

Yes [ ] [ ]  No [ ] [ ]

If the answer is Yes, please give full particulars including details of the court by which you were convicted, the offence, the penalty imposed and the date of conviction.

|  |
| --- |
|       |

1. Are there any pending cases against you involving the above offences?

Yes [ ] [ ]  No [ ] [ ]

If the answer is Yes, please give full particulars.

|  |
| --- |
|       |

1. Please give full details in the boxes below of any of the following which, in any jurisdiction, has happened or applies to you (including, where applicable, any of the following which have happened to any partnership of which you were a partner at the time). If none, please state “none”.
	1. declaration en desastre or of bankruptcy or analogous procedures made or pending:

|  |
| --- |
|       |

(b) composition with creditors or the appointment of a receiver over any asset:

|  |
| --- |
|       |

1. Please state whether you are involved in any such proceedings as referred to above as

at the time of this application:

|  |
| --- |
|       |

1. Please state whether you have ever been asked to resign from any office or employment, or have been dismissed or removed from any position (including any fiduciary office, or position of trust):

|  |
| --- |
|       |

(e) Please state whether, at any time in the last 10 years, you have been refused or have had revoked membership of any regulatory or professional body of which you had been or had applied to be, a member, or have resigned from such a body or, after making an application to be a member of such a body, have decided not to proceed with it:

|  |
| --- |
|       |

(f) Please state whether you have ever:

* 1. resigned from, been refused or had revoked your membership of, any association of dealers of securities or other financial instruments or any stock exchange or regulatory or professional body, or whether you have decided, after making an application to be a member of such a body, not to proceed with it:
	2. been barred from entry to any regulatory or professional body or had a practising certificate revoked, withdrawn or qualified (e.g. where conditions had to be added):

|  |
| --- |
|       |

(g) Please state whether you, or your employer (during your employment and as a result of any act or omission on your part or in connection with any matter in which you were involved) have ever been censured, disciplined or publicly criticised by a regulatory or supervisory organisation or professional body or made the subject of a court order at the instigation of any such body in any country in relation to your activities:

|  |
| --- |
|       |

(h) Please state whether you have ever been refused or had revoked any licence, registration, authorisation or equivalent approval to carry out financial services business:

|  |
| --- |
|       |

(i) Please state whether you are currently or have ever been named as a party to any litigation in respect of financial services:

|  |
| --- |
|       |

(j) Please state whether you have ever failed to satisfy any debt adjudged due and payable by you as a judgement debt under an order of court:

|  |
| --- |
|       |

(k) Please state whether you have entered into any settlements (including individual voluntary arrangements) in the last ten years, whether or not on an ex-gratia basis, to avoid or bring to an end legal action being brought against you, or to avoid adverse publicity in relation to financial services, companies, consumer protection, market abuse, insider dealing or money laundering:

|  |
| --- |
|       |

(l) Please state whether you have ever been disqualified from acting as a director of a company, or from acting in the management or conduct of the affairs of any company, partnership, unincorporated association or any legal arrangement:

|  |
| --- |
|       |

(m) Please state whether any company of which you were, at the time or in the year previous to the event, a director, controller or manager, been placed into compulsory liquidation, had a receiver or an administrator appointed or entered into any arrangement with its creditors:

|  |
| --- |
|       |

 (n) Please state whether you have ever, in connection with the formation or management of any body corporate, partnership, unincorporated association or other legal arrangement been adjudged by a Court to be civilly liable for any fraud, dishonesty or any other misconduct by you towards such a body or towards any members or creditors of such a body:

|  |
| --- |
|       |

(o) Please state whether, at any time in the last ten years, you have been refused or had withdrawn any licence, recognition or authorisation under the legislation of any country or whether you have ever been refused or had revoked any authorisation to carry on activities in any country:

|  |
| --- |
|       |

 (p) Please provide details of the imposition of any non-standard conditions on any licence or authority you have had to carry on business within the last ten years:

|  |
| --- |
|       |

 (q) Please state whether you have ever been investigated by any regulatory body of which you are, or were at the time, a member or by any other regulatory body in any country in relation to your activities, excepting investigations conducted in the course of normal monitoring and surveillance procedures with no material adverse findings:

|  |
| --- |
|       |

(r) Please state whether you have ever been the subject of formal investigation under the legislation of any country:

|  |
| --- |
|       |

30. Please complete below any further information of which you believe the Commission should be aware when considering this application. If you are attaching any continuation sheets, please state the number of sheets attached:

|  |
| --- |
|       |

# SECTION I: APPLICATION AND DECLARATION

I apply under section 5 of the Law for a personal fiduciary licence under section 4(3) of the Law.

I declare that the information given in and with this application is complete and correct to the best of

my knowledge and belief and that I am aware of no other facts of which the Commission should be aware. I undertake to inform the Commission promptly of any changes material to the application which occur before it has been determined.

I am aware that it is an offence under section 46(1) of the Law knowingly or recklessly to supply information in connection with an application for a fiduciary licence which is false or misleading in

a material particular (see Note 4).

I have made a BACS payment to the Guernsey Financial Services Commission’s bank account being the application fee payable in accordance with the Financial Services Commission (Fees) Regulations, details of which are available on the Commission’s website at www.gfsc.gg.

I understand that the professional bodies of which I am a member, or of which I have applied for membership, or of which I am no longer a member, may require my written permission before verifying the status of my membership. I hereby confirm that such professional bodies may provide the Commission with the information it requires to carry out its functions.

|  |  |
| --- | --- |
| Name in block capitals: |       |
|  |  |
| Signature: |  |
|  |  |
| Date: |  |

**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)

**NOTES**

**Note 1:** “Regulated activities” are those described in section 2 of the Law.

**Note 2:** “Director” includes a shadow director as defined by section 132(1) of the Companies (Guernsey) Law, 2008.

**Note 3:** The following definitions are found within section 58 of the Law:

“Controller” in relation to a company means –

(a) a managing director or chief executive of that company or of any other company of which that company is a subsidiary;

(b) a person who, alone or with associates, is entitled to exercise, or control the exercise of, 15% or more of the voting power in general meeting of that company or of any other company of which that company is a subsidiary;

(c) a person in accordance with whose directions or instructions any director of that company or of any other company of which that company is a subsidiary, or any controller of that company, is accustomed to act.

“Associate” in relation to any person, means –

1. the spouse, child or step-child of that person;
2. any company of which that person is a director;
3. any person who is an employee or partner of that person;
4. if that person is a company –
	1. any director or subsidiary of that company; and
	2. any director or employee of any such subsidiary; and
5. if that person has with any other person an agreement or arrangement as to the acquisition, holding or disposal of shares or other interests in a company or under which they undertake to act together in exercising their voting power in relation to a company, that other person.

**Note 4:** Section 47 of the Law provides that a person guilty of an offence under section 46(1) is liable –

1. on summary conviction, to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding 3 months or to both;
2. on conviction on indictment, to a fine, to imprisonment for a term not exceeding 2 years or to both.