**If insufficient space is provided,**

 **please attach a separate sheet.**

FINANCIAL INSTITUTIONS ACT 1994

APPLICATION FOR AUTHORITY TO SET UP A FINANCIAL INSTITUTION OPERATING IN OR FROM MALTA

**Applicants are required to submit their applications to the competent authority (‘the authority’) as appointed under Article 12(1) of the Act. Before answering this questionnaire, applicants should read the Financial Institutions Act 1994 and the Financial Institutions Rules issued in conjunction with this Act.**

QUESTIONNAIRE

 ***(Questions 1-8 relate to the promoters of the proposed institution)***

**1. Please state the name(s) of the promoters (corporate name and any business name(s) used for purposes of or in connection with any business carried on by them).**

**2. If any of the promoters is a body corporate, indicate the legal form of the institution.**

**3. Any former name(s) by which any institution in 2 above has been known.**

**4. The name the promoters propose to use for purpose of or in connection with the business proposed to be carried on by it in or from Malta.**

**5. Country or territory and date of incorporation or formation of all promoting institutions.**

**6. (a) Registered address of the Head Office, and**

 **(b) principal place of business in Malta if different (including address).**

**7. If the promoters' principal place of business is in a country or territory outside Malta, give details of any banking authorisation granted by authorities in that country or territory and give the names of the authorities concerned. (Please authorise such authorities to give the authority any relative information it might request to enable it to determine this application and provide a copy of such authorisation).**

**8. Name(s) and address(es) of the promoters' bankers in Malta within the last 10 years. If no bankers held in Malta, please give details of such bankers outside Malta. (Please also indicate the promoters' principal bankers.) Relative authorisations as in 7 above are required.**

***(Questions 9 - 32 relate to the applicant institution (thereto ‘the institution’) to be licensed).***

 **9. Name and address of the institution's auditors in Malta. Please give the name and professional qualification of the partner(s) who will be responsible for the assignment.**

**10. Names of all officers and controllers of the institution as defined in Article 2 of the Act, indicating with respect to controllers and with reference to Article 9(5) of the Act the sense in which persons, whether individual or corporate, are controllers. Please attach a curriculum vitae for all identified officers and controllers.**

**11. Names of all qualifying shareholders of the institution as defined in Article 2 of the Act, indicating the sense in which and the extent to which the persons, whether individuals or institutions, constitute qualifying shareholders. (The authority may request references from suitable persons in respect of any such shareholder.)**

**12. Is the business of the institution effectively directed by at least two individuals as required by Article 5(1)(b) of the Act (the 'four eyes' principle)? The names, positions in the institution and curriculum vitae of the persons who will effectively direct the business should be given.**

**13. Does the institution hold, or has it ever held, any authority from a supervisory body to carry on any business activity in Malta or elsewhere? If so, give particulars. If any such authority has been revoked or in any way restricted, give particulars.**

**14. Has the institution ever applied for any authority from a supervisory body to carry on any business in Malta or elsewhere other than an authority mentioned in answer to Question 13? If so, give particulars. If any such application was for any reason refused or withdrawn after it was made, give particulars.**

**15. List all companies "in the same group" as the institution.**

**16. Has the institution or any company in the same group within the last 10 years failed to satisfy a judgement debt under a court order in Malta or elsewhere within a year of the making of the order? If so, give particulars.**

**17. Has the institution or any company in the same group made any compromise or arrangement with its creditors within the last 10 years or otherwise failed to satisfy creditors in full? If so, give particulars.**

**18. Has any person been appointed in Malta to take charge of the assets or to assume control of the business of the institution or of any company in the same group, or has the substantial equivalent of any such person been appointed in any other jurisdiction, in the last 10 years? If so, give particulars, including whether such person or equivalent is still acting under the appointment.**

**19. Has a petition been served in Malta for the appointment of a person as in Question 18, or has the substantial equivalent of such a petition been served in any other jurisdiction, in the last 10 years? If so, give particulars.**

**20. Has a notice of resolution for the voluntary liquidation of the institution or of any company in the same group been given in Malta, or has the substantial equivalent of such a notice been given in any other jurisdiction, in the last 10 years? If so, give particulars.**

1. **Has a petition been served in Malta for the compulsory liquidation of the institution or any company in the same group, or has the substantial equivalent of such a petition been served in any other jurisdiction, in the last 10 years? If so, give particulars.**

**22. Are the affairs of the institution or any company in the same group being or have ever previously been investigated by an inspector or other authorised officer appointed to do so under any Maltese or overseas legislation? If so, give particulars.**

**23. Has the institution or any company in the same group ever been refused entry in Malta or elsewhere to any professional body or trade association concerned with banking or financial activities or decided not to apply for entry after making an approach? If so, give particulars.**

**24. i) To what date have the institution's tax computations been agreed by the Inland Revenue (or equivalent taxation authority in any other relevant jurisdiction)?**

 **(ii) To what date have the assessments based on these computations been settled?**

**25. Are there any material matters in dispute between the institution and the Inland Revenue (or any equivalent taxation authority in any other jurisdiction)? If so, give particulars.**

**26. Is the institution or any company in the same group engaged, or does it expect to be engaged, in Malta or elsewhere, in any litigation which may have a material effect on the resources of the institution? If so, give particulars.**

**27. Is the institution engaged, or does it expect to be engaged, in any business relationship with any of its directors, controllers or managers? If so, give particulars.**

**28. Is the business of any of the institution's officers or controllers, or of companies in the same group guaranteed or otherwise underwritten or secured, or expected to be guaranteed or underwritten or secured, by the institution? If so, give particulars.**

**29. Please provide a statement of aims and programme of operations for the future development of the business for a minimum of 3 years from the date of this application, including the sources, nature and scale of business envisaged, balance sheet and profit and loss projections for each year and details of the staffing, management, organisation and controls of the institution. The assumptions underlying the projections should be stated. In addition, please provide a sensitivity analysis of the plan submitted or other similar analysis of the extent to which the forecasts will change other projections depending on varying assumptions. Indicate activities as listed in the Schedule to the Act which the institution intends to undertake.**

**30. Please provide audited accounts for the institution for the last three financial years (if available). If the most recent audited accounts are more than six months out of date, they should be accompanied by management accounts (which need not be audited) showing the current financial position and the current results of the institution.**

**31. Please provide \* copies of the Memorandum and Articles of Association or any other constitutional documents of the institution.**

**32. Please provide any other information which may assist the authority in reaching a decision on the application.**

DECLARATION

**We certify that we have read the Financial Institutions Act 1994 and the relative Financial Institutions Rules in particular the Rule on Application for an Authorisation to establish a Financial Institution and Articles 22 and 23 of the Act.**

**We certify that the information given in answer to the questions above is complete and accurate to the best of our knowledge, information and belief and that there are no other facts relevant to this application of which the authority should be aware.**

**We undertake to inform the authority of any changes material to the application which arise while the authority is considering the application.**

**We undertake that, in the event that the institution is granted authorisation under the Financial Institutions Act 1994 we will notify the authority of any material changes to or affecting the completeness or accuracy of the answers to the above questions immediately these come to our attention.**

**We are aware of our obligations under Article 9 of the Financial Institutions Act 1994. We further undertake to forthwith inform the authority of the fact that any person has become or ceased to be an officer of the institution as defined in Article 2 of the Financial Institutions Act 1994.**

**Name**       **Position held**

**Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date**

**Name**       **Position held**

**Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date**