

**Investment Services Act (List of Notified AIFs) Regulations, 2016**

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**Investment Services Rules**

**for**

**Investment Services Providers**

**Notification form to be submitted for inclusion of an Alternative Investment Fund in the List of Notified AIFs held by the MFSA in terms of the Investment Services Act (List of Notified AIFs) Regulations**

**The Director – Authorisation Unit**

**Malta Financial Services Authority**

**Notabile Road**

**Attard BKR 3000**

**15/01/2018**

Dear Sir/Madam

**Re: Notification to the MFSA of an AIF**

In terms of regulation 6 of the Investment Services Act (List of Notified AIFs) Regulations, please find a notification for inclusion in the List of Notified AIFs held by the MFSA of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [name of AIF], established as:

|  |  |
| --- | --- |
|  | an investment company with variable share capital under the Companies Act (Investment Companies with Variable Share Capital) Regulations; |
|  | an investment company with fixed share capital under the Companies Act (Investment Companies with Fixed Share Capital) Regulations; |
|  | an incorporated cell company under the Companies Act (SICAV Incorporated Cell Companies) Regulations; |
|  | an incorporated cell of a Recognised Incorporated Cell Company under the Companies Act (Recognised Incorporated Cell Companies) Regulations; |
|  | a limited partnership under the Companies Act; |
|  | a unit trust under the Trusts and Trustees Act; |
|  | a contractual fund under the Investment Services Act (Contractual Funds) Regulations |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [name of sub-fund(s)] is/ is a sub-fund/s of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a Notified AIF already included in the List of Notified AIFs.

The notification is being made by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Name of AIFM] being

* ☐ an AIFM:

1. which is in possession of an investment services licence issued in terms of the Investment Services Act to provide fund management services to AIFs established in Malta; and
2. which has satisfied all post-licencing business conditions imposed by the MFSA.

OR

* ☐ an AIFM authorised to provide services to an AIF established in Malta in accordance with regulations 6 and 7 of the Investment Services Act (Alternative Investment Fund Manager) (Passport) Regulations.

*(Applicable to AIFMs licenced in terms of the Investment Services Act)*

The AIFM hereby confirms that:

* no changes were necessary to the valuation arrangements of the AIFM;

Or

the changes to the valuation arrangements of the AIFM have been approved by the Authority;

* no changes were necessary to the investment management function of the AIFM;

Or

the changes investment management function of the AIFM have been approved by the Authority;

The AIFM hereby confirms that the revised risk management policy has been filed with the Authority.

***Where the AIFM does not deem that changes to the valuation arrangements or investment management function are necessary, the AIFM should provide a detailed outline of the basis on which the AIFM considers the relevant individuals/entities to be competent to carry out the investment management or valuation function of the AIFM in relation to the nature of the underlying assets of the NAIF, taking into consideration the competence criteria ordinarily adopted by the Authority. This information would need to be submitted together with the documentation outlined hereunder.***

It is hereby being confirmed that the MFSA may rely upon the following documents which are being included with this notification:

a prospectus containing the minimum contents prescribed in the Investment Services Rules for Investment Services Providers and modelled on the templates provided;

a resolution by the governing body of the AIF certifying that the prospectus has the minimum contents prescribed in the Investment Services Rules for Investment Services Providers and modelled on the templates provided;

a self-certification by the AIFM certifying that, having regard to any delegate manager(s) or advisers it has in place, it has the necessary competence and experience to manage the AIF and monitor effectively any delegate;

a joint declaration by the AIFM and the governing body of the AIF by which the AIFM undertakes responsibility for the AIF, including, *inter alia*, the regulatory obligations arising under the AIFMD;

a declaration by the AIFM confirming that it has carried out the necessary due diligence with regard to the service providers of the AIF and the governing body of the AIF.

The AIFM hereby confirms that:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has been appointed as money laundering reporting officer, and

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (e-mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) is the appointed compliance officer of the AIFM.

The AIFM hereby confirms that the notification fee payable in terms of the Investment Services Act (Fees) Regulations has been paid:

by direct transfer[[1]](#footnote-1) and a copy of the proof of payment is being attached; or

by cheque attached to this notification form.

It is warranted that the AIFM will notify the Malta Financial Services Authority of any change in the information forming part of this notification or its supporting documents.

|  |  |
| --- | --- |
| **Name of AIFM** |  |
|  |  |
| **Signature** |  |
|  |  |
| **Authorised to sign on behalf of the Board of Directors of the AIFM** |  |
|  |  |
| **Date** |  |

**Note:** The 10 working days start running *from the date of receipt of the complete notification pack including the original signed declarations and the notification fee*.

1. **MFSA Bank Details**

   Bank Name: Bank of Valletta plc, 229, Fleur De Lys Road, Santa Venera

   Account: Current

   Account No.: 15803811041

   IBAN: MT06 VALL 2201 3000 0000 1580 3811 041

   BIC/ Switft Code: VALL MT MT

   Beneficiary: Malta Financial Services Authority

   In respect of: *Give full details of settlement so that we can allocate payment*

   **Please instruct your bankers to transfer full amount due to the MFSA Account. Bank charges are to be incurred by applicant.**  [↑](#footnote-ref-1)