



FINANCIAL REGULATOR  
*Rialtóir Airgeadais*

Name of Applicant	
Proposed Position	
Name of Proposing Entity	

# Individual Questionnaire

December 2008

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# Introduction

**Please note the following in respect of completing the attached form:**

- **This questionnaire is divided into 6 sections, with two appendices.**
- **All applicants must complete Sections 1, 2, 4 and 5.**
- **All applicants other than those currently approved by the Financial Regulator or another financial services regulator in an EU/EEA jurisdiction must complete sections 3 and 6.**
- **All applicants must sign the appropriate declarations in Appendix 1.**
- **The proposing entity must complete Appendix 2 in all cases.**
- **Please refer to pages 17 and 18 which provide guidance in relation to the completion of this questionnaire and the approval process.**

# Section 1

## Personal Details

**To be completed by all applicants**

1.1 *Individual's full name*

*Title*

*Surname*

Mr./Mrs./Ms. etc

*Forename(s)*

1.2 *Former Names (if any)*

*Date of Change of Name (if any)*

Day

Month

Year

1.3 *Date of Birth*

Day

Month

Year

1.4 *Place of Birth*

Country

City/Town

1.5 *Nationality*

1.6 *Private Address*

*Have you been at this address for less than six months?*

**YES**

**NO**

1.7 *If you answered yes to Question 1.6 above, please provide previous address(es) below.*

1.8 *Passport*

Passport Number:						
Place of Issue:						
Expiry Date:	Day		Month		Year	

1.9 *Please state below the proposed position to be held by the applicant:*

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1.10 *Are you currently or were you previously approved by the Financial Regulator?*

<b>YES</b>		<b>NO</b>	
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*If yes please provide the details below:*

Position Held	Name of Entity	Date approved	Date approval ceased

1.11 *Are you currently or were you previously approved by any other financial services regulator?*

<b>YES</b>		<b>NO</b>	
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*If yes please provide the details below:*

Name of Regulator	Country	Position Held	Name of Entity	Date approved	Date approval ceased

1.12 *Have you ever been refused approval by a financial services regulator?*

<b>YES</b>		<b>NO</b>	
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*If yes please provide the details below:*

Name of Regulator	Country	Name of Entity	Position Sought	Date of Refusal

# Section 2

## Experience

*To be completed by all applicants*

### 2.1 Employment History

All applicants must provide a **CV setting out full employment details.**

(See note on page 18 for further information)

### 2.2 Qualifications and Memberships

Please give the following details of any qualifications you have acquired, including memberships of professional associations:

Nature of qualification/ membership	Name of awarding institution/ professional association	Country	Date obtained (mm/yyyy)

### 2.3 Relevant Training

Please give similar details in relation to any other training received that may be relevant to the proposed position:

Nature of Training	Name institution/ professional association	Country	Duration of training (months)	Date obtained (mm/yyyy)

# Section 3

## Good Reputation and Character

***To be completed by all applicants (except proposed approved persons who are currently approved by the Financial Regulator or another EU/EEA Regulator.)***

The following questions should be answered by entering a tick (✓) in the appropriate box. In any case where the response to a question is YES, full details should be given on a separate sheet and referenced to the appropriate question.

		YES	NO
3.1	Have you been convicted of any offence involving fraud, dishonesty, breach of trust, tax offences or of aiding and abetting tax evasion in the State or elsewhere, including any conviction related to financial crime?		
3.2	Have you been a director or manager of an entity that was, during your period as a director or manager, convicted of an offence involving fraud, dishonesty, breach of trust, tax offences or of aiding and abetting tax evasion in the State or elsewhere, including any conviction related to financial crime?		
3.3	Have you at any time, in the State or elsewhere, been declared bankrupt, or entered into any compromise with creditors related to bankruptcy or insolvency or are you currently the subject of bankruptcy proceedings? Are you aware of any such proceedings pending?		
3.4	Have you at any time failed to satisfy a judgement debt under a Court Order made in the State or elsewhere within one year of the making of the Order?		
3.5	Have you ever been disqualified or restricted, in the State or elsewhere, by a Court from acting as a director of a company, or from acting in the management or conduct of the affairs of any company, partnership or unincorporated association?		
3.6	Have you ever resigned from a professional or regulatory body in the State or elsewhere?		
3.7	Have you ever been refused entry to any profession or been dismissed or compelled to resign from any office or employment, or from any fiduciary office or position of trust, whether or not remunerated?		

		YES	NO
3.8	Have you ever been prohibited, suspended or refused the right, in the State or elsewhere, to carry on any trade, business or profession for which a specific licence, registration or other authority is required?		
3.9	In the last ten years, have you been the director of an entity, in the State or elsewhere, which has gone into liquidation, receivership or examinership and, in such circumstances, entered into any arrangements with its creditors which gave rise to a loss to the creditors either while you were a director or within one year of your ceasing to be a director?		
3.10	Has any entity with which you were associated as a Director, Manager or Shareholder (holding 20% or more of the share capital of the entity) during the last ten years been compulsory wound up either whilst you were associated with it or within one year after you ceased to be associated with it?		
3.11	Have you ever been concerned with the management or conduct of affairs of any entity that, by reason of any matter relating to a time when you were so concerned, has been censured, disciplined or publicly criticised, by any enquiry, by any governmental or statutory authority, by any professional body or by a similar body overseas?		
3.12	Have you ever been concerned with the management or conduct of affairs of any entity which applied for regulatory approval in respect of any financial services business in the State or in any other jurisdiction and, by reason of any matter relating to a time when you were so concerned, was refused the application or had the approval subsequently withdrawn?		



# Section 4

## Business Interests in Financial Entities and Other Firms

**To be completed by all applicants having interests in financial entities other than the proposing entity or group in respect of which the application is made.**

*Please indicate whether this section applies to the applicant:*

YES		NO	
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If no, please continue to Section 5. If yes, please complete the following sections as appropriate.

*Please indicate whether Section 4.1 applies to the applicant:*

YES		NO	
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*If yes please provide details below:*

- 4.1 Give details of any current interests in financial entities, i.e.:
- ownership or beneficial ownership of shares specifying % holding
  - directorships held
  - management positions

Please note, if you are providing a list of interests in a separate attachment, full details (i.e. the four columns below) must be completed.

The Name of the Entity	Current interest in the entity (see categories above)	Principal Activities of the entity	Relationship of the entity, if any, to the proposing entity

*Please indicate whether Section 4.2 applies to the applicant:*

<b>YES</b>		<b>NO</b>	
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*If yes please provide details below:*

- 4.2 Give details, if you have, or have had in the last 10 years, interests in any other business, whether a financial entity or otherwise, i.e.:
- ownership or beneficial ownership of more than 10% of the business
  - directorships held
  - management positions

Please note, if you are providing a list of interests in a separate attachment, full details (i.e. the four columns below) must be completed.

The Name of the Entity	Interest in the entity (see categories above)	Principal Activities of the entity	Relationship of the entity, if any, to the proposing entity

*Please indicate whether Section 4.3 applies to the applicant:*

<b>YES</b>		<b>NO</b>	
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*If yes please provide details below:*

- 4.3 State whether you have or have had any other business interest involving a personal liability in the last 10 years.

The Name of the Entity	Interest in the entity	Principal Activities of the entity	Relationship of the entity, if any, to the proposing entity

# Section 5

## Shareholdings in Proposing Entity or Group Companies

**To be completed by all applicants having a shareholding in the proposing entity or its group companies, including the parent company.**

*Please indicate whether this section applies to the applicant:*

YES		NO	
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*If yes please provide details below:*

	YES	NO
5.1 Have you entered into any agreement with any other person (natural or legal) that will influence the way in which you exercise your voting rights or the way in which you otherwise behave in your relationship with the proposing entity?		

5.2 Please state below:

- how many shares or share options of the proposing entity or its group companies, including the parent company (please state which entity) are registered in your name, (including any holdings held on your behalf) or in the name of an associate

- the voting rights, if any attached

- the percentage of the total share issue that they represent. (Amounts under 10% of the share capital can be described as “under 10%”).

	YES	NO
5.3 Have you personally given any guarantees in respect of the proposing entity’s liabilities or those of any entity or individual?		

If YES, give details below.

# Section 6

## References

**To be completed by all applicants (except proposed approved persons who are currently approved by the Financial Regulator or another EU/EEA Regulator.)**

- 6.1 Please provide **two referees** who are familiar with your financial service activities, **one of whom must be your most recent previous employer.**

Referee 1 (Most recent previous employer)

Name	
Position	
Address	
Email Address	

Referee 2

Name	
Position	
Address	
Email Address	

- 6.2 Have both these referees given their permission? **YES** **NO**
- |  |  |
|--|--|
|  |  |
|--|--|

- 6.3 State whether you consent to the Financial Regulator taking up these references at this stage. **YES** **NO**
- |  |  |
|--|--|
|  |  |
|--|--|

If NO, please give reasons below:

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- 6.4. Please note that individuals seeking approval to carry on a bureau de change business or a money transmission business who are/have been resident outside the state for an extended period (more than six months) in the last five years are required to provide a clearance letter/certificate from the police authorities of that jurisdiction.
- 6.5. Please note that the Financial Regulator may carry out a Regulator check if the individual has previously been employed by a regulated entity in another jurisdiction.

# APPENDIX 1

## DECLARATIONS BY PROPOSED APPROVED PERSON

### DECLARATION

I, ..... (*name of individual*) declare that:

- (i) To the best of my knowledge, information and belief, I have truthfully and fully answered each question in this Questionnaire, and have disclosed any and all other information, which might reasonably be considered relevant to this application.
- (ii) I will promptly notify the Financial Regulator of any changes in the information which I have provided and confirm that I will inform the Financial Regulator in writing of the details of such changes and any other relevant/material information of which I may become aware at any time after the date of this Declaration.
- (iii) I hereby authorise the Financial Regulator to make enquiries with an Garda Síochána as to any convictions that may or may not be recorded against me.
- (iv) I authorise an Garda Síochána to furnish to the Financial Regulator a statement that there are no convictions recorded against me in the Republic of Ireland (“the State”) or elsewhere, or a statement of all prosecutions successful or not, pending or completed in the State or elsewhere as the case may be.
- (v) I hereby authorise:
  - the Revenue Commissioners;
  - the Office of the Director of Corporate Enforcement;
  - the Companies Registration Office;
  - Irish Auditing and Accounting Services Authority;
  - all former employers;
  - all personal referees;
  - all credit agencies;
  - all educational and professional institutions listed by me in Section 2.2 of this application;
  - to release information material to this application which they may have about me to the Financial Regulator and I release them from any liability or responsibility from doing so.
- (vi) This application includes any and all information relevant and material to my application for authorisation.
- (vii) I acknowledge that the Financial Regulator may process any personal data relevant to me for the purposes of performing the Financial Regulator’s statutory functions including the orderly and prudent authorisation and supervision of regulated financial services entities and the appointment and supervision of approved persons.

(viii) I am aware that it may be:

- a. an offence and/or
- b. grounds for refusal of my application and/or
- c. grounds for revocation of an authorisation granted on foot of the within application and/or
- d. grounds for the Financial Regulator to commence an Administrative Sanctions Procedure against both myself and/or the proposing entity

for me and/or the proposing entity to knowingly or recklessly:

- provide false or misleading information and/or to make a false or misleading statement (which, I acknowledge, may include the withholding by me of relevant information) in this application for authorisation;
- fail to inform and/or withhold from the Financial Regulator details of any change in circumstances/new information which is relevant and/or material to my status as an approved person.

*Dated this*

*day of*

*20*

*Signed:*

*Position/Proposed Position:*



# DECLARATION TO BE COMPLETED WHERE THE PROPOSED APPLICANT IS A PROPOSED DIRECTOR OF THE PROPOSING ENTITY

## DECLARATION

I, ..... (*name of individual*) declare that:

- (i) I am fully aware of the obligations and the duties of a director of a company under the Companies Acts 1963 to 2003 as amended.
- (ii) I hereby confirm my awareness of my responsibilities arising from the legislation, regulations, codes of practice, guidance notes, guidelines and any other rules or directives, which are of relevance to the proposed position and I confirm my intention to ensure that the proposing entity of which I am to be a Director will be run in compliance with the same.

*Dated this* ..... *day of* ..... 20.....

*Signed:*

*Position/Proposed Position:*

# APPENDIX 2

## DECLARATION BY PROPOSING ENTITY

*(To be signed by any one of the following:*

- Chairman, Chief Executive, Director, Compliance Officer or Secretary of an Incorporated Company (Where the proposing entity is already authorised, the Declaration must be signed by an approved person of the proposing entity)*
- Sole traders*
- Director/Partner (as appropriate) of the Promoter, in the case of an applicant collective investment scheme)*

I, ....., of.....(*name of proposing entity*) ("the proposing entity") submit the above Questionnaire and declare that:-

- (i) To the best of my knowledge, information and belief, the information that it contains is true, accurate and supports my view that this person fulfils all the criteria for the post for which he/she is proposed.

(ii) **Select (✓) I or II and/or III as appropriate**

- I. The proposing entity has satisfied itself that the proposed approved person has the experience necessary that deems him/her, in the opinion of the proposing entity, capable of fulfilling the role. Full details of the relevant experience are provided as part of the application and have been verified by the proposing entity.

or

- II. The proposing entity acknowledges that the proposed approved person is a director/individual with no previous experience in the relevant financial services sector and/or in financial business but the proposing entity has set out as part of the application a written statement confirming the contribution it is believed he/she will make to the proposing entity.

and/or



III. The proposing entity acknowledges that the proposed approved person has already accepted appointments as director in respect of 25 or more firms/funds. The proposing entity is satisfied that the proposed approved person is in a position to discharge his/her obligations as director of the proposing entity in an effective and professional manner notwithstanding any other obligations of the proposed approved person<sup>1</sup>.



- (iii) The proposing entity will notify the Financial Regulator without delay of the resignation of the proposed approved person.
- (iv) The proposing entity will notify the Financial Regulator without delay of any change in circumstances of such that would render the information contained in this application out of date/inaccurate.
- (v) I am aware that it may be:
- an offence and/or
  - grounds for refusal of this application and/or
  - grounds for revocation of an authorisation granted on foot of the within application and/or
  - grounds for the Financial Regulator to commence an Administrative Sanctions Procedure against both myself and/or the proposing entity

for me and/or the proposing entity to knowingly or recklessly

- provide false or misleading information and/or to make a false or misleading statement (which, I acknowledge, may include the withholding by me and/or the proposing entity of relevant information) in this application for authorisation
- fail to inform and/or withhold from the Financial Regulator details of any change in circumstances/new information which is relevant and/or material to the status of the proposed approved person.

*Dated this* \_\_\_\_\_ *day of* \_\_\_\_\_ 20\_\_\_\_

*Name:* \_\_\_\_\_ *Signature:* \_\_\_\_\_

*Position (specify from list above):* \_\_\_\_\_

*For and on behalf of (name of proposing entity):* \_\_\_\_\_

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<sup>1</sup> Applicants should satisfy themselves that their application complies with the requirements of section 45 of the Companies (Amendment) (No. 2) Act 1999 regarding any applicable limitation on the number of directorships, which may be held by any one person.

## Notes re Completion of the Individual Questionnaire and the Approval Process

The Individual Questionnaire is to be completed as part of the common fit and proper test to be applied to proposed Directors, relevant Managers and certain post holders (“approved persons”) of financial entities. The information provided in the form is to provide information to the proposing entity and the Financial Regulator to assist them in forming a view as to the fitness and probity of proposed approved persons. A **full description** of the common fit and proper test, entitled **FIT AND PROPER REQUIREMENTS** is available on the Financial Regulator’s website, [www.financialregulator.ie](http://www.financialregulator.ie).

Once a person has been selected by a proposing entity, that person is required to complete the Individual Questionnaire (IQ). The Individual Questionnaire consists of a number of sections. Broadly speaking, all proposed individuals should complete sections 1 (personal details), 2 (qualifications and experience), 4 (other business interests) and 5 (shareholdings in proposing entity). All applicants other than those currently approved by the Financial Regulator or another EU/EEA financial services regulator must complete sections 3 (good reputation and character) and 6 (references).

All applicants must sign the appropriate declarations at Appendix 1 of the IQ.

Where applicants have been approved by financial services regulators in third countries, the proposing entity will ascertain from the Financial Regulator whether these approvals will have the same status as EU/EEA approvals.

The proposing entity is required to peruse the information entered in the completed IQ to ensure accuracy and completeness and seek clarifications

from the proposed approved person where necessary. Once satisfied that all is in order, the proposing entity will forward the completed IQ to the Financial Regulator, having completed the declaration at Appendix 2 and thereby confirming that it is prepared to proceed with the appointment.

The Financial Regulator will examine the information provided in the IQ and may pursue further enquiries about a proposed approved person in order to form a view as to a person's fitness and probity. The document **FIT AND PROPER REQUIREMENTS**, available on the Financial Regulator's website, sets out how the Financial Regulator will take information provided into account in forming its view.

The Financial Regulator will endeavour to respond to the proposal as quickly as normal checks allow. If, having considered the information provided in the IQ and any other information, the Financial Regulator is proposing to refuse an application, there will be a full due process. This will include providing details to the applicant of the cause of concern (subject to the Financial Regulator's powers to do so). The applicant will have a right of reply at this stage and rights of recourse to other appeals mechanisms, including, where appropriate, the Irish Financial Services Appeals Tribunal and the Courts.

#### **Note on Section 2.1 of IQ - Employment History**

A CV must be provided setting out full details (dates on which employment commenced and ceased; name, address and business of employer; position held by the applicant; main responsibilities and reasons for leaving each position) of the applicant's employment history starting with his/her most recent employment. Where there are material issues that may be of interest to the Financial Regulator, such as unusual reasons for leaving employment or for periods of unemployment, details of these should be disclosed. The applicant should provide a complete employment history from leaving full-time education or for the most recent ten years whichever is the shorter. In the latter case, applicants should, as above, provide details of material issues occurring outside of the most recent ten year period.

Applicants may give a full employment history, particularly if older experience is especially relevant to the position. Applicants should endeavour, as far as possible, to provide month specific data which follows chronologically.

### **Statement re Purpose and Use of Personal Data**

The Financial Regulator fully respects your right to privacy, and any personal data that you volunteer to the Financial Regulator will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988 & 2003.

Any personal data provided by you will not, otherwise than in accordance with law, be made available to any third parties, and will only be used by the Financial Regulator for the purposes of performing the Financial Regulator's statutory functions including the orderly and prudent authorisation and supervision of regulated financial services entities and the appointment and supervision of approved persons.

Pursuant to the Data Protection Acts 1988 & 2003, you have certain rights to obtain a copy of the personal data held concerning you.



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**Consumer help-line**

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**Register of Financial Service Providers help-line**

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**F** +353 1 410 4900

[www.financialregulator.ie](http://www.financialregulator.ie)

[www.itsyourmoney.ie](http://www.itsyourmoney.ie)

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