

**Revocation of Authorisation of an
Investment Company / ICAV**

July 2019

**Consultation Paper | CPX**

NB: Revocations are processed at the end of each month and all requirements must be met including all levies fully paid to proposed date of revocation. Incomplete applications will be held over to the next month. It is recommended that applications are made as early as possible in advance of the proposed date of revocation to ensure processing is completed prior to month end.

**Name of Company/ICAV: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Accounting Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date of Appointment of Liquidator (if applicable): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Please confirm that the following are attached/confirmed by placing a tick, “yes”, “no” or “n/a”, as applicable in the first column of boxes**

Please tick

|  |  |  |
| --- | --- | --- |
| 1. | Original signed letter from the Investment Company[[1]](#footnote-1), Management Company, Depositary or Liquidator[[2]](#footnote-2) requesting revocation of authorisation of the fund |  |
|  |
| 2. | Confirm that the aforementioned letter indicates the rationale for the termination  |  |
|  |  |  |
| 3. | If a liquidator was appointed to the fund confirm that this was done by way of  |  |
|  | special resolution of the shareholders |
|  |  |
| 4. | (1) Confirm if the final repurchase of shares in the fund was: |  |
|  | a) voluntary; or |  |
|  | b) compulsory |  |
|  | (2) If compulsory: |  |
|  | a) state Article No. under which compulsory repurchase was effected \_\_\_\_\_\_\_\_\_\_\_\_\_ |  |
|  | b) a Director of the Management Company/fund must confirm that all procedures relating to the compulsory repurchase of shares in the fund, as set out in the constitutional document have been complied with[[3]](#footnote-3) |  |
|  |  |  |
|  |
| 5.1 | If a liquidator has been appointed, a Director of the Management Company/fund must confirm that  |  |
|  | any distributions effected in anticipation of and prior to the appointment of a liquidator were carried out in accordance with the distribution provisions on the termination/winding up of the fund set out in the constitutional document[[4]](#footnote-4) |  |
|  | ***Or*** |  |
| 5.2 | If a liquidator has not been appointed a Director of the Management Company/fund must confirm  |  |
|  | that distributions were carried out in accordance with the distribution provisions on the termination /winding up of the fund set out in the constitutional document. |  |
|  |  |  |
| 6.1 | a) Original signed letter from the Depositary confirming that final disbursement of assets |  |
|  | has taken place and is in order and that it is not aware of any outstanding claims or disputes with investors or creditors and where relevant, that sufficient provision has been made for the costs of liquidation; and |  |
|   | b) Audited accounts to be submitted to the Central Bank of Ireland showing a zero NAV  |  |
|  | (where a liquidator has been appointed to the fund, audited accounts must be received covering the period from the date of the last audited accounts to the date of appointment of the liquidator) |  |
|  | c) If a liquidator has been appointed attach the liquidator’s statement of account |  |
| 7. | The following must be completed in respect of paragraph 5, and also in respect of  |  |  |
|  | paragraph 4(2) b) if the answer to paragraph 4(1)b) is‘yes’: |  |  |
|  | **Confirmed on behalf of the Fund is respect of paragraph 4 (2) b)[[5]](#footnote-5) and/or 5**  |  |  |
|  | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |  |  |
|  | **Director of Management Company/Fund Date** |  |  |
|  | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |  |  |
|  | **Name of Signatory Date**If a liquidator has been appointed to the Company the liquidator must confirm that they gave their sanction to the director in relation to the above confirmation. **Liquidator Date****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |  |  |
|   |  |

**EMIR INFORMATION REQUIRED**

Regulation 648/2012 on OTC Derivatives, Central Counterparties and Trade Repositories (as amended)(“EMIR”) implements increased transparency in respect of derivatives by imposing, amongst other obligations, requirements concerning Reporting of all derivative contracts (including exchange traded derivatives) to Trade Repositories (“TRs”).

1. Is the  fund and sub-fund(s), if relevant, currently counterparty to any derivative contracts YES/NO

 (delete as appropriate)

1. Has the  fund and sub-fund(s), if relevant, successfully exited (terminated) outstanding trades with the relevant TR(s). YES/NO

 (delete as appropriate)

1. Provide LEI code for:

|  |  |
| --- | --- |
| **List name of fund and any sub-fund(s)** | **LEI code** |
|  |  |
|  |  |
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| --- | --- | --- | --- |
|  | **Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  |  |  |
|  | **Name (in Print): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |  |  |
|  | **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |  |  |
|  | **Applicant Firm’s Representative: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |  |  |

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1. References to Investment Company include an investment company authorised under Part 24 of the Companies Act, 2014 or an ICAV authorised under The Irish Collective Asset-management Vehicles Act 2015. [↑](#footnote-ref-1)
2. In the case of a liquidator, the letter should be on the headed paper of the Company and reference should be made to the liquidator signing for and on behalf of the Company. [↑](#footnote-ref-2)
3. Note – if a liquidator has been appointed the Director(s) giving the confirmation must obtain the sanction of the liquidator prior to giving the confirmation. See point 7. [↑](#footnote-ref-3)
4. Note – if a liquidator has been appointed the Director(s) giving the confirmation must obtain the sanction of the liquidator prior to giving the confirmation. See point 7 [↑](#footnote-ref-4)
5. Delete reference if not applicable [↑](#footnote-ref-5)