



Financial Services
Commission

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V2.0

FSC Ref

Date received

Notice Of A Proposal To Establish A Representative Office In Gibraltar

Notes For Completion

Before completing this questionnaire, those individuals directing overseas deposit-taking institutions should read the Financial Services (Banking) Act, and in particular Part XA.

Completed questionnaires should be sent to:

The Commissioner of Banking
Financial Services Commission
PO Box 940
Suite 943
Europort
Gibraltar

*Please use black ink and **BLOCK CAPITALS** or typescript for all answers.*

If insufficient space is provided, please attach a separate sheet.

Representative Office

1. (i) Registered name of institution in country or territory of incorporation or formation, name under which it carries on business in the country or territory in which it has its principal place of business (if different) and any business name(s) which it uses in these countries or territories.

- (ii) Name(s) which the institution proposes to use in relation to activities conducted by it in Gibraltar after establishment of the representative office. (Names should be in relevant local language. Where the institution proposes to use in Gibraltar an English translation of the name, the foreign language version should also be given).

2. Address of head office and of proposed Gibraltar office (if known).

3. Legal form of institution (body corporate, partnership, etc.).

4. Country or territory of incorporation or formation and of principal place of business, if different.

5. Authorisations currently held by the institution in country or territory of incorporation or formation (and of principal place of business, if different). Copies of certificates or letters of authorisation (if any) should be provided. (If the documents are not in English, a certified English translation should be provided.)

6. Primary activities of institution (e.g. commercial lending, corporate finance advice, money market activities).

7. Proposed role of Gibraltar office.

8. Is the institution seeking, or has it ever sought, any other authorisation in Gibraltar (e.g. under the Financial Services Act)? If so, please give particulars.

9. Will staff at the Gibraltar representative office be employed by the institution? If not, what will the arrangements be? (In some cases, for example, the premises of a subsidiary or other company may serve as the representative office).

10. Names and functions of main Gibraltar personnel (if known), and likely total number of staff who will work in the representative office.

11. Have home supervisory authorities been informed of the proposal to establish a representative office in Gibraltar, and are they content? Please provide a copy of a letter or other document (if any) informing home supervisory authorities of proposal to establish a representative office in Gibraltar, and copies of any letters of response from such authorities.

(If the documents are not in English, an English translation should be provided.) If the home supervisory authorities have not been informed an explanation should be given as to why this is the case.

12. Names of all directors and controllers (as defined in section 2 of the Financial Services (Banking) Act, indicating in the case of shareholder controllers how much of the voting power of the institution each holds.

13. Has the institution ever applied for any authorisation from a supervisory authority in a country or territory other than Gibraltar (excluding an authorisation mentioned in answer to Question 5)? If so, give particulars. If any such application was for any reason refused or withdrawn after it was made give particulars.

14. Has the institution ever been censured, warned as to future conduct, disciplined or publicly criticised by, or made the subject of a court order at the instigation of, any government department or agency, professional association or other regulatory body? If so, give particulars.

15. Has the institution or a subsidiary had a winding-up order made in respect of it or been made subject to an administration order, otherwise made any compromise or arrangement with its creditors or ceased trading or has anything analogous to any of these events occurred under the laws of any other country or territory? If so, give particulars.

16. Has any authorisation held by the institution ever been revoked? If so, give particulars.

The following documents should also be provided –

- (1) A copy of the institution’s memorandum and articles (or equivalent). If the documents are not in English, a certified English translation should be provided.
- (2) A copy of the institution’s latest annual report and audited accounts. If the documents are not in English, a certified English translation should be provided.

Declaration

We certify that we have read section 82(6) of the Financial Services (Banking) Act 1992 (which is set out below). We are aware that it is an offence under section 82 of the Act for a person wilfully to provide to the Commissioner of Banking any information which he knows to be untrue in any material respect.

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 relevant facts of which the Commissioner of Banking should be aware.

We undertake to inform the Commissioner of Banking of any material changes.

DATED this day of 20 .

Name	Name
Signed	Signed

Financial Services (Banking) Act - Section 82(6)

A person who —

(a) in or in connection with any application under the Act; or

(b) in supplying to the Commissioner or to the Banking Supervisor or to any officer authorised by or acting on behalf of either of those officers any information for the purposes of the Act,

wilfully makes any statement that he knows to be untrue in any material respect, is guilty of an offence and is liable on conviction on indictment to imprisonment for two years and to a fine of four times the amount at level 5 on the standard scale.