

INTERNATIONAL MUTUAL FUNDS ACT 2008
(Section 18)

APPLICATION FOR RECOGNITION AS PRIVATE OR PROFESSIONAL FUND

1. Applicant:

State name and address of the fund.

2. Constitution:

(a) State the legal form of the fund:

- (i) company
- (ii) partnership
- (iii) unit trust

(b) State the name of the country or jurisdiction where the fund is constituted;

(c) State whether the fund is a private or professional fund.

3. Verification as Private or Professional Fund

The following evidence is submitted as verification of the Fund's status as a private/professional fund, within the meaning of section 2 of the Act:

[Copies of the constitutional documents of the fund, copies of invitations to subscribe to the Fund on a private basis, minimum subscription requirements, etc]

4. Officers:

(a) State name, address, and place of birth and citizenship of each of the following officers of the fund:

- (i) directors;
- (ii) general partners; or

(iii) trustees

(b) State educational and professional qualification of each of the officers in sub-paragraph (a).

(c) Give details of business, occupation or employment of each of the officers mentioned in sub-paragraph (a).

5. References:

Supply two (2) personal references, a bank reference and where it is the practice to make one (1) available in the relevant jurisdiction, a police clearance certificate for each of the officers mentioned in paragraph 3(a).

6. Functionaries:

State names, addresses and business activities of each of the fund's:

- (a) managers;
- (b) administrators;
- (c) investment advisers; and
- (d) custodians.

7. Prior Registration:

State if the fund is now or has ever been registered, licensed, recognised or authorised under any law or regulations relating to mutual funds, collective investment schemes/funds or securities in any country or jurisdiction.

8. Refusal or Disciplinary Measure:

Has the fund, any of its officers mentioned in paragraph 3(a), managers, administrators, investment advisers or custodians been the subject of:

- (a) any refusal of an application for registration, licensing, recognition or authorisation, or
- (b) any suspension, cancellation or revocation of registration, licence, recognition or authorisation,

by any authority in any country or jurisdiction?

If so, give details and reasons.

9. Civil Proceedings:

Has a judgement been rendered or any suit, action or proceedings pending against any of the officers mentioned in paragraph 3(a) or of any of the functionaries listed in question 5 above, in civil proceedings in any court or tribunal in any country or jurisdiction which has been or is based in whole or in part on fraud, theft, deceit, misrepresentation or similar conduct?

If so, give details.

10. Offences:

Have any of the officers mentioned in paragraph 3(a) or of any of the functionaries listed in question 5 above, been or is being charged, indicted or convicted in any country or jurisdiction for any offence in any criminal or civil proceedings relating to fraud or theft arising out of dealing in mutual funds, collective investment schemes/funds or securities?

11. Bankruptcy:

Have any of the officers mentioned in paragraph 3(a) or of any of the functionaries listed in question 5 above been:

- (a) declared bankrupt or been party to bankruptcy or insolvency proceedings; or
- (b) subject to proceedings relating to winding-up, dissolution or creditors' arrangement, or
- (c) subject to proceedings relating to receivership or Creditors, compromise, in any country or jurisdiction?

If so, give details and reasons.

AFFIDAVIT

I, of (address), in my capacity as director/general partner/trustee,* acting for and on behalf of, the applicant *private/professional fund herein, do depose and say that I have read and understood the questions in the application submitted herewith and hereby certify under that the above statements and information provided in respect of the application are true, correct and complete to the best of my knowledge and belief and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths, Affidavit and Declarations Act 1963.

Declared at _____

This _____ of _____ 20____ before me:

Solicitor of Supreme Court of Samoa, Notary Public
(or other person authorized to take a statutory declaration)

* Delete as appropriate