

## Application for Authorisation

Notes to assist with the completion of Form A for both UK and Overseas, for MiFID authorisation applications for members of the management body and persons effectively directing the business

Please take time to read these notes carefully. They will help you to fill in Form A correctly.

When completing the application forms you will need to refer to the Handbook:  
<https://www.handbook.fca.org.uk>

If after reading these notes you need more help please:

- check our website;
- consult the Handbook: <https://www.handbook.fca.org.uk>;
- call the Customer Contact Centre on 0300 500 0597; or
- email the FCA Customer Contact Centre: [firm.queries@fca.org.uk](mailto:firm.queries@fca.org.uk).

These notes, while aiming to help you, do not replace the rules and guidance in the Handbook.

### **Terms in these notes**

These notes use the following terms:

- 'candidate' refers to the individual for whom Form A is being completed by the Applicant,
- 'the Applicant' refers to the firm applying for authorisation of the candidate,
- 'the FCA', 'we', 'us' or 'our' refers to the Financial Conduct Authority,
- 'the PRA', refers to the Prudential Regulation Authority, and
- 'FSMA' refers to the Financial Services and Markets Act 2000.

### **What is Form A used for?**

There are various versions of Form A including the 'MIFID II Form A'. In general, Form A is used by an authorised firm which seeks the FCA and/or PRA's approval under section 59 of the Financial Services and Markets Act 2000 (FSMA) for a particular individual to perform controlled functions. Form A is referred to in the Supervision Manual (SUP) <https://www.handbook.fca.org.uk/handbook/SUP> which is part of the Handbook. Full details of the approved persons regime and the application process are given in SUP 10A of the FCA Handbook. Applications for corporate candidates must be made using an adapted Form A that will be supplied by the FCA and/or PRA upon request. MiFID II and its implementing measures require firms applying for authorisation under MIFID II to provide specific information about members of the management body and the persons who effectively direct the business as part of their application for authorisation.

The MIFID II Form A has been developed to enable firms to use the same form for the purpose of seeking approval under section 59 FSMA and for the purpose of providing the information required as part of an application for authorisation under MIFID II. Please find the MiFID II Application and notification user guide at <https://www.fca.org.uk/publication/documents/mifid-ii-application-notification-guide.pdf>

### **Important information about Form A**

Form A is of the utmost importance to enable the FCA to perform an assessment of the fitness and propriety of the candidate.

All information relevant to the application must be provided to the FCA with Form A. This applies even if the information is, or is believed to be, already known to the FCA as a result of it being in the public domain, or it having been previously disclosed to the FCA and/or PRA or to another regulatory body. In all circumstances, disclosures should be full, frank and unambiguous.

If the firm or candidate becomes aware of further information which might be relevant to the application following submission of Form A, it should provide it to us immediately. The obligation to provide full, frank and unambiguous information does not stop with the submission of Form A.

The information supplied by the candidate should be verified by the firm wherever possible. If the FCA and vetting checks reveal any matters that have not been disclosed, then applications will be delayed and, in some cases, possibly rejected.

The firm is responsible for the accuracy of the data and completion of Form A. If Form A is not fully and correctly completed, we may need to return it for proper completion. This could significantly delay our decision on whether to grant approval to perform the requested controlled functions.

We may require the applicant to provide further information at any time after receiving an application and before determining whether approval is to be granted or not. We may direct the format in which this information is provided, for example, in an interview with the candidate.

### **Key assumptions about the firm and the candidate**

The FCA relies on the information contained in Form A and makes certain assumptions about the firm and the candidate in considering the information contained in the form. It is very important that the candidate and the firm are aware of the following assumptions:

1. It is assumed that the candidate is not performing the controlled function applied for. A candidate must not perform any controlled function until the FCA has granted approval. If the firm permits the candidate to perform controlled functions without FCA approval it may be in breach of section 59 of FSMA and the candidate may also be in breach of their regulatory obligations.
2. It is assumed that the firm and the candidate know and understand the factors which we take into account when considering the fitness and propriety of the candidate. These factors are set out in the Handbook: Fit and Proper Test for Approved Persons (FIT): <https://www.handbook.fca.org.uk/handbook/FIT>.
3. It is assumed that the candidate knows and understands the obligations and responsibilities of an approved person. These are set out in the Handbook: Statements of Principle and Code of Practice for Approved Persons (APER): <https://www.handbook.fca.org.uk/handbook/APER>.
4. Finally, it is assumed that both the firm and the candidate have read and understood these guidance notes in completing Form A. The responsibility for the accuracy and completeness of the information supplied rests with the candidate and the firm. Seeking legal and/or compliance advice about how to complete Form A will not discharge that responsibility.

### **Completing Form A**

Form A must be completed in black ink and (if in manuscript) in BLOCK LETTERS.

Indicate clearly if a question is not applicable. Select the appropriate box where a yes/no answer is required. Where you answer 'yes' you must:

1. provide further details in section 6 (Supplementary Information) of Form A; if there is insufficient space for a detailed answer then you may attach further pages, and
2. tick 'yes' at the bottom of the relevant page of the Form A to confirm that you have provided additional information.

If you want to attach additional information to Form A it must be securely attached, for example by stapling it to Form A and you should state in section 6 (Supplementary Information) the number of additional sheets attached.

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## Individual details

Section 1 – Personal identification details.

Guidance for Questions 1.01-1.15

### Details of the individual

#### **Title, first names and last name**

No additional notes.

### Personal identification details

#### **Commonly used first names and last name**

If the candidate is commonly known by a different name other than that which appears on their passport or National Insurance card then put this name here. This may include, for example, a shortened version of their full name or where they are known by a middle name or names given as a result of naming conventions whether for religious or other reasons. If the candidate has more than one alternative name, please give all other names known by in the Supplementary Information (Section 6).

#### **Date of birth**

No additional notes.

#### **National Insurance number**

No additional notes.

#### **Passport number (if National Insurance number not available)**

If the candidate has more than one passport number, please give all passport numbers held and the reasons for this in the Supplementary Information (Section 6).

#### **Nationality**

If the candidate has more than one nationality, please give all nationalities held and the reasons for this in the Supplementary information (Section 6).

#### **Place of birth**

No additional notes.

#### **Contact telephone number**

No additional notes.

#### **Previous names**

If the candidate has changed their name (surname or forenames), for example due to marriage, then please enter this previous name. If the candidate has more than one previous name, please provide all details here.

## Address details

### Current and previous addresses

A full 3-year history for all United Kingdom addresses must be given for the candidate. If any gaps are as a result of the candidate being resident outside the UK, please state this and give details of where the candidate resided during this period.

The system will not allow this question to be validated until a full 3-year history has been provided.

## Directorships

### Has the candidate held any directorships in the last 10 years?

If yes, provide:

Name of undertaking,

Nature of business,

Country of incorporation, and

Date the directorship ceased.

You can find the meaning of Director in the Handbook Glossary.

Please provide this information in Supplementary information (section 6).

## Application contact details

This section contains the notes you will need for Section 2 – Firm identification details.

### **Please enter the contact details of the person we can get in touch with about this application**

This should be someone in the UK.

If you feel that a second contact name is useful e.g. if the main contact won't be available for a long period of time, please provide details in Section 6 (Supplementary information).

### **Applicant firm**

#### **Name of firm making the application**

No additional notes.

#### **Firm Reference Number (FRN)**

No additional notes.

### **Associated individual**

#### **Title, first name(s), last name**

No additional notes.

#### **Position/Job title**

No additional notes.

#### **Mobile number**

No additional notes.

#### **Email address**

No additional notes.

#### **Address, country**

No additional notes.

#### **Telephone number**

No additional notes.

#### **Fax number**

No additional notes.

## Individual arrangements

This section contains the notes you will need for Section 3 – Arrangements and controlled functions.

### Arrangements

**State the nature of the arrangement between the candidate and the applicant firm.**

**If you answer group employee, please provide the name of group.**

**If you answer other arrangement, please provide the reason.**

#### Question 3.01

Please select the box in 3.01 that most accurately describes the arrangement with the candidate.

If the candidate will perform a controlled function on behalf of the firm for an appointed representative of the firm then select the appropriate box at 3.01e or 3.01f and detail the firm name and FRN. If the candidate proposes to perform controlled functions for more than one appointed representative, then the details of each appointed representative, including the firm name and FRN should be provided in Supplementary information – Section 6.



## Apply for controlled functions

This section contains the notes you will need for Section 3 – Arrangements and controlled functions.

### **If the application is made on behalf of more than one firm.**

Where the application is for the candidate to perform the controlled function(s) at a single firm, the firm should answer questions 3.02, 3.03 and 3.04. However, if the application is being made on behalf of a candidate who proposes to perform controlled functions for more than one firm, then question 3.05 must also be answered to describe the controlled functions and the relationships between the candidate and each firm for which the candidate proposes to perform the controlled function.

**Question 3.02** – Guidance about the particular controlled functions can be found in SUP 10A:

<https://www.handbook.fca.org.uk/handbook/SUP/10A/?view=chapter>

**Question 3.03** – This box should be left blank in all cases unless there is a reason to delay the commencement of the performance of the controlled functions (subject to approval) until a date which is after the FCA published standard response times, details of which can be found at:

[www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca)

The FCA will assume that the firm wishes an application to be determined as soon as possible unless this box is completed and the reason for the delay set out in Section 6.

Please note that the candidate must not perform the controlled function until FCA approval has been granted. To do so will mean that both the firm and the candidate may be in breach of FCA rules and principles.

### **Question 3.04**

The specific job title of the candidate must be included.

### **Insurance mediation**

This is not a controlled function in its own right. However, every firm that carries on insurance mediation activities must appoint an approved person(s) who will be responsible for insurance mediation activities at the firm (as detailed at MIPRU 2.2:

<https://www.handbook.fca.org.uk/handbook/MIPRU/2/2.html>).

This responsibility must be allocated to a member of the governing body of the firm or in certain circumstances, a senior manager (i.e. an individual that is applying for approval as CF1, 3-8 or 29).

Please note that insurance mediation is not applicable to appointed representatives.

Where a firm has appointed an appointed representative to carry on insurance mediation activity on its behalf, the person responsible for the firm's insurance mediation activity will also be responsible for the insurance mediation activity carried on by an appointed representative.

### **Mortgage Credit Directive intermediation<sup>1</sup>**

This is not a controlled function in its own right. However, every firm that carries on MCD credit intermediation activities must appoint an approved person(s) who will be responsible for MCD Credit Intermediation activities at the firm (as detailed at MIPRU 2.2:

<https://www.handbook.fca.org.uk/handbook/MIPRU/2/2.html>).

This responsibility must be allocated to a member of the governing body of the firm or in certain circumstances, a senior manager (i.e. an individual that is applying for approval as CF1, 3-8 or 29).

Where a firm has appointed an appointed representative to carry on MCD credit intermediation activity on its behalf, the person responsible for the firm's MCD credit intermediation activity will also be responsible for the MCD credit intermediation activity carried on by an appointed representative.

Unless the firm indicates otherwise, the FCA will assume that the arrangement given on the application form includes all of the activities that fall within the description of the controlled function. This means that a firm may alter a candidate's responsibilities within the broad description of a controlled function without needing further approval from the FCA.

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<sup>1</sup> The term 'Mortgage Credit Directive Intermediation', as used within this application, is equivalent to the term 'MCD Credit Intermediation' as defined with the Glossary of the FCA Handbook.

## Employment history

This section contains the notes you will need for Section 4 – Employment history in the past 10 years.

### 4.01 Employment details

#### What is the candidate's current employment status?

If you answer unemployed or in full-time education by ticking c or d please provide the following:

- Period: from and to
- Details of the previous employment history.

If you answer employed or self employed please provide:

- Period: from and to
- Name of employer
- Nature of business
- Has this employer previously been known by a different name? if yes please provide previous / other name of employer
- Last known address of employer
- Is/Was the employer regulated by a regulatory body? If yes, please provide the name of the regulatory body
- Is/Was the employer an appointed representative? If yes, please provide the following: of which principal firm, the position held and the responsibilities?
- Position held
- Responsibilities
- Reason for leaving (if more than one employment)

A full 10-year employment history for the candidate must be provided including the current employment at the time of application, with all gaps explained. If the record of employment does not go back 10 years, all periods of education and unemployment must be indicated. Full details of any periods of self-employment must be included.

Always give the address of the actual place of employment, rather than a central head office.

State the position held by the candidate and a brief explanation of his or her duties. If the candidate's job title included the word 'director' but his or her duties did not include those associated with the title of director, as defined in the Handbook Glossary, this should be indicated.

## Fitness and propriety

This section contains the notes you will need for Section 5 – Fitness and propriety.

If any disclosures are made in the fitness and propriety section of the application to perform a controlled function, full details should be provided in support of the application. This includes disclosures about any previous disciplinary investigation by previous regulators or employers involving the candidate.

We take non-disclosure seriously, especially where there is an apparent attempt to mislead. Non-disclosure will add to the seriousness of the undisclosed issue. If our vetting checks reveal any matters that have not been disclosed, then applications will be subject to investigation and the candidate's suitability to be approved will be called into question. A person who knowingly or recklessly provides information to the FCA that is false or misleading may commit a criminal offence, and could face prosecution under section 398 of the Act regardless of the status of their application.

You should also be aware that, while advice may be sought from a third party (e.g. legal advice), responsibility for the accuracy of information, as well as the disclosure of relevant information, on the form is ultimately the responsibility of the firm and the candidate.

If you answer 'yes' to any of the questions in this section, you must give complete details in Section 6 and attach relevant supporting documentation.

Terms used:

- **Criminal proceedings** – includes any proceedings from the point at which an individual or a firm is charged with a criminal offence to the point at which sentence is given.
- **Conviction** – includes any absolute or conditional discharge orders made against the person concerned.
- **Judgment debt** – a court judgment or order requiring a payment of money to be made by the individual or by a firm at which the individual previously held a position of significant influence.
- **Authorisation** – includes any authorisation, licence, registration, approval, notification, membership or relevant permission required to carry on any activity. This need not be an activity regulated by the FCA but applies to all activities requiring some kind of authorisation.
- **Position of influence** – includes acting as a controller, director, senior manager, managing member, designated member, partner company secretary, or otherwise performing a role of similar influence or responsibility.
- **Regulated activities** – includes not only activities regulated by the FCA under FSMA, but also the Payment Services Regulations 2009 and Electronic

Money Regulations 2011. It also includes activities regulated by other regulatory bodies (see definition of regulatory body below).

- **Regulatory body** – For the purposes of this form, a regulatory body includes but is not limited to the following:
  - a self-regulatory organisation – including the Investment Management Regulatory Organisation (IMRO), Securities and Futures Agency (SFA), Personal Investment Authority (PIA), Life Assurance and Unit Trust Regulatory Organisation (LAUTRO), Financial Intermediaries, Managers and Brokers Regulatory Association (FIMBRA), Association of Futures Brokers and Dealers Limited (AFBD), The Securities Association Limited (TSA);
  - a statutory body, including the Financial Conduct Authority (FCA), Prudential Regulatory Authority (PRA), Financial Services Authority (FSA), Office of Fair Trading (OFT), Securities and Investments Board (SIB), the Society of Lloyd's, the Registry of Friendly Societies, the Friendly Societies Commission, the Building Societies Commission, the Bank of England, HMRC, the Treasury – Insurance Directorate (formerly the DTI) and the recognised bodies;
  - the Serious Organised Crimes Agency (SOCA) or the Serious Fraud Organisation (SFO) or any police body; and
  - a designated professional body (a professional body designated by the Treasury under section 326A of the Financial Services and Markets Act 2000); or the equivalent of any of these regulatory bodies overseas.

It is for senior management to decide what checks should be made.

Please also note that FIT 2.1.3G contains non-exhaustive guidance on factors that the FCA may take into account (on a case-by-case basis) when determining an application for Part V approval and that, in any event, it is FSMA that sets out the threshold that a person must meet in order to be approved to perform a controlled function.

## Criminal proceedings

When answering the questions in this section the candidate should include matters whether in the UK or overseas. By virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, if the candidate is subject to the law of England and Wales, the candidate must disclose spent convictions and cautions (other than a protected conviction or caution). By virtue of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 and the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979, if the candidate is subject to the law of Scotland or Northern Ireland, spent convictions must be disclosed (other than a protected conviction). For the avoidance of doubt, references to the legislation above are references to the legislation as amended.

**Question 5.01.1a**

**Has the candidate ever been convicted of any criminal offence (whether spent or not and whether or not in the United Kingdom):**

- **Involving fraud, theft, false accounting, offences against the administration of public justice (such as perjury, perverting the course of justice and intimidating of witnesses or jurors), serious tax offences or other dishonesty, or**
- **Relating to companies, building societies, industrial and provident societies, credit unions, friendly societies, insurance, banking or other financial services, insolvency, consumer credit or consumer protection, money laundering, market manipulations or insider dealing?**

You should include any conviction of an offence for which the individual received an absolute or conditional discharge. However, only include traffic offences if they resulted in a ban from driving or involved driving without insurance.

**Question 5.01.1b**

**Is the candidate currently the subject of any criminal proceeding, whether in the UK or elsewhere?**

No additional notes.

**Question 5.01.1c**

**Has the candidate ever been given a caution in relation to any criminal offence?**

This question requires disclosure of any cautions in relation to any criminal offence, whenever they took place. Please note the following:

- protected cautions subject to the law of England & Wales do not need to be disclosed, and
- spent alternatives to prosecution subject to the law of Scotland do not need to be disclosed.

**Question 5.01.2**

**Has the candidate any convictions for any offences other than those in 5.01.1 above (excluding traffic offences that did not result in a ban from driving or did not involve driving without insurance)?**

If the answer to questions 5.01.1a or 5.01.2 is 'yes', please provide an official certificate of conviction or equivalent document if and so far as it is available from the UK or, where applicable, another country.

Please attach a copy of this form as an Additional Supporting Document.

**Question 5.01.3**

**Is the candidate the subject of any ongoing criminal investigation?**

No additional notes.

#### Question 5.01.4

**Has the candidate been ordered to produce documents pursuant to any ongoing criminal investigation or been the subject of a search (with or without a warrant) pursuant to any criminal investigation?**

In answering question 5.01.4, you should include all matters even where the candidate was not the subject of the investigation.

#### Question 5.01.5

**Has any firm at which the candidate holds or has held a position of influence ever:**

**a) Been convicted of any criminal offence?**

No additional notes.

**b) Been summonsed, charged with or otherwise investigated or prosecuted for any criminal offence?**

No additional notes.

**c) Been the subject of any criminal proceeding which has not resulted in a conviction?**

No additional notes.

**d) Been ordered to produce documents in relation to any criminal investigation or been the subject of a search (with or without a warrant) in a relation to any criminal investigation?**

Please see the notes at the beginning of this section for the meaning of 'position of influence' in the context of the questions in this form.

In answering question 5.01.5, you should include all matters arising during the individual's association with that firm and for a period of one year after the individual ceased to be associated with the firm. (You should include all matters even where the charge, prosecution or investigation has not resulted in a conviction and, in respect of 1.1.5d, even where the firm itself was not the subject of the investigation. However, firms are not required to disclose details of any specific individuals who were subject to historic (as opposed to ongoing) criminal investigations, prosecutions, summons or other historic criminal proceedings.)

### Civil proceedings

#### Question 5.02.1

**Has the candidate ever been the subject of a judgment debt or award against the candidate?**

This requires disclosure of any types of civil orders made against the individual which have resulted in an order being made by the court for the individual to make a payment of money. This includes County Court Judgments and other judgment debts; any such orders should be included even where the individual has paid the money and satisfied the order. A county court judgment is an order issued by a county court saying a person must pay a sum of money.

#### Question 5.02.2

**Has the candidate ever been party to any civil proceedings which resulted in any order against the candidate (other than a judgment debt or award referred to at 5.2.1 above)? (You should include, for example, injunctions and employment tribunal proceedings.)**

This question asks whether the individual has ever been a party to any other kind of civil dispute which did not result in them being required to make a payment of money. This could include, for example, an injunction or an award in employment tribunal proceedings.

### Question 5.02.3

**Is the candidate aware of:**

**a) Any proceedings that have begun, or anyone's intention to begin proceedings against the candidate, for a CCJ or other judgment debt?**

No additional notes.

**b) More than one set of proceedings, or anyone's intention to begin more than one set of proceedings, that may lead to a CCJ or other judgment debt?**

No additional notes.

**c) Anybody's intention to claim more than £1,000 of CCJs or judgment debts in total from the candidate?**

This question requires disclosure of any civil proceedings that are ongoing (i.e. have been commenced but not yet concluded or have not yet resulted in a judgment debt or County Court Judgment) or are about to begin that the individual is aware of.

### Question 5.02.4

**Does the candidate have any current judgment debts (including CCJs) made under a court order still outstanding, whether in full or in part?**

No additional notes.

### Question 5.02.5

**Has the candidate ever failed to satisfy any judgment debts (including CCJs) made under a court order still outstanding, whether in full or part, within one year of the order being made?**

No additional notes.

### Question 5.02.6

**Has the candidate ever:**

**a) Filed for the candidate's own bankruptcy or had a bankruptcy petition served on the candidate?**

This question covers all circumstances in which anyone started bankruptcy proceedings (or, in Scotland, called 'sequestration' of the individual's estate) in relation to the individual. It also includes circumstances where the individual him/herself began such proceedings.

**b) Been adjudged bankrupt?**

This question covers all circumstances in which anyone started bankruptcy proceedings (or, in Scotland, called 'sequestration' of the individual's estate) in relation to the individual. It also includes circumstances where the individual him/herself began such proceedings.

**c) Been the subject of a bankruptcy restrictions order (including an interim bankruptcy restrictions order) or offered a bankruptcy restrictions undertaking?**

This question covers all circumstances in which anyone started bankruptcy proceedings (or, in Scotland, called 'sequestration' of the individual's estate) in relation to the individual. It also includes circumstances where the individual him/herself began such proceedings.



**d) Made any arrangements with the candidate's creditors, for example a deed of arrangement or an individual voluntary arrangement (or in Scotland a trust deed)?**

This requires disclosure of any voluntary agreement which the individual has already entered into at any time with anyone to whom he/she owes money about the payment of a debt. This includes informal arrangements with creditors and the receipt of debt consolidation services. This could include where alternative mortgage arrangements have been made and also more formal arrangements such as an 'individual voluntary arrangement', whether or not these arrangements were entered into after advice from a debt management adviser.

**e) Had assets sequestered?**

No additional notes.

**f) Been involved in any proceedings relating to the above matters even if such proceedings did not result in the making of any kind of order against the candidate or result in any kind of agreement with the candidate?**

It is irrelevant whether or not any of the matters in 1.2.6a-e actually resulted in the making of an order, they must still be disclosed.

**Question 5.02.7**

**Does the candidate or any undertaking under their management, have any outstanding financial obligations arising from regulated activities, which have been carried out in the past (whether or not in the UK or overseas)?**

This requires disclosure of any other historical financial matters which might impact upon the current financial circumstances of the individual. For example, claims for clawback being made by a former employer should be disclosed here.

**Question 5.02.8**

**Has the candidate ever been adjudged by a court or tribunal (whether criminal, civil or administrative) for any fraud, misfeasance, negligence, wrongful trading or other misconduct?**

No additional notes.

**Question 5.02.9**

**Is the candidate currently:**

**a) Party to any civil proceedings (including those covered in 5.02.7 above)?**

No additional notes.

**b) Aware of anybody's intention to begin civil proceedings against the candidate? (You should include any ongoing disputes whether or not such dispute is likely to result in any order against the candidate.)**

No additional notes.

**Question 5.02.10**

**Has any firm at which the candidate holds or has held a position of influence ever been:**

**a) Adjudged by a court civilly liable for any fraud, misfeasance, wrongful trading or other misconduct?**

No additional notes.

**b) The subject of a judgment debt or award against the firm? (You should include all CCJs made against the firm, whether satisfied or not.)**

No additional notes.

**c) Party to any other civil proceedings which resulted in an order against the firm other than in relation to matters covered in 5.02.10a and 5.02.10b above?**

No additional notes.

**Question 5.02.11**

**Is any firm at which the candidate currently holds or has held, within the last 12 months from the date of submission of this form, a position of influence currently:**

**a) a party to civil proceedings?**

No additional notes.

**b) Aware of anyone's intention to begin civil proceedings against them?**

No additional notes.

**Question 5.02.12**

**Has any company, partnership, or unincorporated association of which the candidate is or has been a controller, director, senior manager, partner or company secretary, in the United Kingdom or elsewhere, at any time during their involvement, or within one year of such an involvement, been put into liquidation, wound up, ceased trading, had a receiver or administrator appointed or entered into any voluntary arrangement with its creditors?**

No additional notes.

**Business and employment matters**

These questions relate to roles the individual has previously performed, whether that role was related to the provision of a regulated activity or not. It should also be noted that these questions are not limited to only those previous roles listed in the Employment history section of this form but to matters whenever they occurred at any time. Relevant disclosures are expected, even if the individual was not actually in receipt of a salary.

**Question 5.03.1**

**Has the candidate ever been:**

**a) Disqualified from acting as a director or similar position (one where the candidate acts in a management capacity or conducts the affairs of any company, partnership or unincorporated association)?**

No additional notes.

**b) The subject of any proceedings of a disciplinary nature (whether or not the proceedings resulted in any finding against the candidate)?**

This question includes where the proceedings or internal investigations by a current or a previous employer have yet to be concluded.

**c) The subject of any investigation which has led or might lead to disciplinary proceedings?**

This question includes where the proceedings or internal investigations by a current or a previous employer have yet to be concluded.

**d) Notified of any potential proceedings of a disciplinary nature against the candidate?**

No additional notes.

**e) The subject of an investigation into allegations of misconduct or malpractice in connection with any business activity?**

No additional notes.

Note that full details must be provided if there were any issues that could affect the fitness and propriety of the individual that arose when leaving an employer listed in the Employment history section.

**Question 5.03.2**

**Has the candidate ever been refused entry to, or been dismissed, suspended or requested to resign from, any profession, vocation, office or employment, or from any fiduciary office or position of trust whether or not remunerated?**

No additional notes.

**Question 5.03.3**

**Does the candidate have any material written complaints made against the candidate by the candidate's clients or former clients in the last five years which the candidate has accepted, or which are awaiting determination, or have been upheld - by an ombudsman or complaints scheme?**

No additional notes.

## Regulatory matters

Please see notes on page 13 for the meaning of regulatory body and authorisation in the context of this form.

These questions are not limited to activities regulated by the FCA and are not limited to investigations by or matters involving a regulatory or industry body.

Where there is a reference to a regulatory body in the question, this should be interpreted widely and answers should include, for example, activities supervised by overseas financial regulators or other types of regulators such as government or statutory bodies, whether in the UK or overseas.

**Question 5.04.1**

**In relation to activities regulated by the FCA and or any other regulatory body (see notes on page 13), has:**

**-The candidate, or**

**-Any company, partnership or unincorporated associate of which the candidate is or has been a controller, director, senior manager, partner or company secretary, during the candidate's association with the entity and for a period of three years after the candidate ceased to be associated with it, ever:**

**a) Been refused, had revoked, restricted, been suspended from or terminated, any licence, authorisation, registration, notification, membership or any other permission granted by any such body?**

No additional notes.

**b) Been criticised, censured, disciplined, suspended, expelled, fined, or been the subject of any other disciplinary or interventional action by any such body?**

No additional notes.

**c) Received a warning (whether public or private) that such disciplinary or interventional action may be taken against the candidate or the firm?**

No additional notes.

**d) Been the subject of an investigation by any regulatory body, whether or not such an investigation resulted in a finding against the candidate or the firm?**

This includes any type of investigation of which the individual has ever been or is currently the subject (other than a criminal investigation which is dealt with in earlier questions). Be aware that the individual will wish to consider whether they have ever been (or are presently) the subject of any kind of civil investigation. It could also include an investigation by a former UK regulatory body or by the FCA.

**e) Been required or requested to produce documents or any other information to any regulatory body in connection with such an investigation (whether against the firm or otherwise)?**

No additional notes.

**f) Been investigated or been involved in an investigation by an inspector appointed under companies or any other legislation, or required to produce documents to the Secretary of State, or any other authority, under any such legislation?**

No additional notes.

**g) Ceased operating or resigned whilst under investigation by any such body or been required to cease operating or resign by any regulatory body?**

No additional notes.

**h) Decided, after making an application for any licence, authorisation, registration, notification, membership or any permission granted by any such body, not to proceed with it?**

No additional notes.

**i) Been the subject of any civil action relation to any regulated activity which has resulted in a finding by a court?**

No additional notes.

**j) Provided payment services or distributed or redeemed e-money on behalf of a regulated firm or itself under any contractual agreement where that agreement was terminated by the regulated firm?**

No additional notes.

**k) Been convicted of any criminal offence, censured, disciplined, or publicly criticised, by any inquiry, by the Takeover Panel or any governmental or statutory authority or any other regulatory body (other than as indicated in this group of questions)?**

No additional notes.

#### **Question 5.04.2**

**In relation to activities regulated by the FCA or any other regulatory body, have the candidate or any firm at which the candidate holds or has held a position of influence at any time during and within one year of the candidate's association with the firm ever:**

**a) Been found to have carried on activities for which authorisation or registration by the FCA/PRA or any other regulatory body is required without the requisite authorisation?**

**b) Been investigated for the possible carrying on of activities requiring authorisation or registration by the FCA/PRA or any other regulatory body without the requisite authorisation whether or not such investigation resulted in a finding against the candidate?**

**c) Been found to have performed a controlled function (or an equivalent function requiring approval by the FCA or any other regulatory body) without the requisite approval?**

**d) Been investigated for the possible performance of a controlled function (or an equivalent function requiring approval by the FCA/PRA or any other regulatory body) without the requisite approval, whether or not such investigation resulted in a finding against the candidate?**

**e) Been found to have failed to comply with an obligation under the Electronic Money Regulations 2011 or Payment Services Regulations 2009 to notify the FCA/PRA of the identity of a person acting in a position of influence over its electronic money or payment services business?**

**f) Been the subject of disqualification direction under section 59 of the Financial Services Act 1986 or a prohibition order under section 56 FSMA, or received a warning notice proposing that such a direction or order be made, or received a private warning?**

These questions relate to the performance of activities by firms or individuals without the appropriate licence or approval etc. These questions require the PSD individual or applicant firm to carefully consider what matters might be relevant and, where necessary, to find out the necessary information before submitting the form.

## Other matters

### Question 5.05.1

**Is the candidate, in the role to which the application relates, aware of any business interests, employment obligations, or any other circumstance which may conflict with the performance of the controlled functions for which approval is now being sought? Please include details of any financial or non-financial interests or relationships of the candidate and their close relatives to members of the management body and key function holders in the same institution, the parent institution and subsidiaries and shareholders. For the purposes of this question 'management body' has the meaning in Directive 2014/65/EU.**

The following is an indicative list of persons performing controlled functions who might be considered as members of the management body and/or those of persons who effectively direct the business of the firm for the purpose of the MiFID II requirements:

- CF1 Director
- CF2 Non-Executive Director
- CF3 Chief Executive

- CF4 Partner
- CF29 Significant Management

The term “key function holders” has the meaning in the Implementing Technical Standard under Article 7(5) of MiFID II on notifications by and to applicant and authorised investment firms. The FCA interprets “Key function holders” as meaning the persons who have significant influence over the direction of the institution, but who are not the CEO nor members of the management body. They include the heads of internal control functions and the CFO, where they are not members of the management body, and, where identified on a risk-based approach by CRD-institutions, other key function holders. Other key function holders might include heads of significant business lines, EEA branches, third country subsidiaries and other internal functions.

**Question 5.05.2**

**Is the candidate or the firm aware of any other information relevant to this notification that we might reasonably expect from the candidate?**

No additional notes.

## Supporting documents

This section contains the notes you will need for Section 6 – Supplementary information.

### Supplementary information

This section provides space for additional information. It should be used to disclose additional information about 'yes' answers in section 5 of the full Form A and any information which is not the subject of a specific question in section 5, but might be relevant to the consideration of fitness and propriety, including in relation to the reasons for leaving the firms listed in section 4. For more information on the factors which the FCA may take into account when considering applications, please refer to 'FIT' in the Handbook.

List here all directorships currently held or previously held in the past 10 years by the candidate.

Supporting documentation must also be provided, such as:

- A copy of the candidate's:
    - Curriculum Vitae (C.V.) including details of relevant education and professional training and professional experience.
    - The candidate's C.V. should include the names of all organisations where the candidate has worked during the past ten years, details of the nature and duration of the functions performed at those organisations and details of any activities at those organisations which are related to the role for which approval is being sought. The C.V. should also include details of all delegated powers and internal decision-making powers and details of the areas of operations for which the candidate was responsible whilst working at the organisations above. The information above does not need to be included in the C.V. if it has been provided in section 4 of this form.
  - References in relation to the candidate's reputation and experience (including contact details of the referees).
- **Please use this section to provide full details of:**
    - **why the candidate is competent and capable to carry out the controlled function(s) applied for**
    - **why the appointment complements the firm's business strategy, activity and market in which it operates**
    - **how the appointment was agreed including details of any discussions at governing body level (where applicable)**
    - **the minimum time that will be devoted to the performance of the person's functions within the firm (please provide an indication of the time spent per month and per annum)**

- **the human and financial resources devoted to the induction and training of the candidate (please provide an indication of the time spent per annum)**
- **details of any previous assessments of the candidate's fitness and propriety as a controller or director which have been undertaken by any other regulatory body (if known) (please include the date of the assessment, the name of the regulatory body and details of the outcome)**



## Individual declaration

This section contains the notes you will need for Section 7 – Declarations and signatures.

It is a criminal offence under section 398 of the Financial Services and Markets Act 2000 to knowingly or recklessly provide the FCA with false or misleading information.

### Declarations and signatures

This section contains declarations which must be signed by both an appropriate individual for the firm or applicant submitting the application and the candidate. Signatures **MUST NOT** be dated more than three months before the date of submission of the application. The FCA considers that an appropriate individual would either be an individual approved for a controlled function described under section 59(7B) of the Financial Services & Markets Act (the significant influence functions – controlled functions 1 to 12B, 28, 29, 40 or 50) or someone to whom the firm has delegated the authority to notify the FCA. The candidate should not sign the declaration on behalf of the firm unless he or she is a sole trader or the sole director in a limited company. If this authority has been delegated, the firm should keep records of those individuals authorised to sign on behalf of the firm. All signatures submitted on forms should be originals.

It is a criminal offence under section 398 of the Financial Services and Markets Act 2000 to knowingly or recklessly provide the FCA with false or misleading information.

Incoming EEA Firms undertaking non-MiFID business must confirm by using the tick box that the candidate is competent to perform the controlled function(s) for which this application is made.