***You may insert letterhead icon or logo here.***

**SD1.4 Declaration**

***for independent trustee licence (individual)***

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| **Applicant**  ***for a market services licence under Financial Markets Conduct Act 2013 (Part 6)*** | |
| **Applicant FSP number** | **Licence type - Independent trustee** |

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| **My details *to be completed by person making the declaration*** | | | | |
| **Personal details** | **Gender**  *tick one* € Male € Female | | **Date of birth** **/ /**  **DD MM YY** | |
| **Your name** | **First name** | **Middle name(s)** | **Last name** | |
| **Other names you are, or have ever been known as e.g. maiden names, aliases** | **First name** | **Middle name(s)** | **Last name** | |
| **Contact email and daytime phone** | **Business email** | | **Landline/mobile *–* include area codes** | |
| **Residential details** | **Street number and name** | | **Suburb** | |
| **Town or city** | | **Postcode** | **Country** |

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| **My declaration for the ‘fit and proper’ character assessment**  *Please select YES or NO for each question.* ***If any answer is YES, you must disclose full details below.***  *You must answer each question in relation to both New Zealand and/or other jurisdictions.* | | |
|  | Have you ever been charged with or convicted of (in New Zealand or overseas) a criminal offence relating to dishonesty, fraud, or misleading or deceptive conduct? | € YES € NO |
|  | Have you ever been convicted (in New Zealand or overseas) of any offence for which you were sentenced to, or were liable to be sentenced to, a term of imprisonment (even if you were not imprisoned)? | € YES € NO |
|  | Have you ever been charged with or convicted of an offence, or subject to a proceeding:   1. In **New Zealand** under any financial markets legislation, as defined in the Financial Markets Authority Act 2011? 2. In **another jurisdiction** under any financial markets legislation equivalent to that referred to in ‘a’ above? | € YES € NO |
|  | Have you ever been the subject of any civil proceedings (in New Zealand or overseas) for conduct relating to dishonesty, fraud, or misleading or deceptive conduct? | € YES € NO |

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| *Continued: Select YES or NO for each question. If any answer is YES, you must disclose full details below.* | | |
|  | Have you ever been the subject of any proceedings or action taken by a regulatory authority in New Zealand, or overseas? | € YES € NO |
|  | In the last 15 years have you been (in New Zealand or overseas) a trustee, director or partner of, or held any position of senior management in, any company or other incorporated or unincorporated entity which, while you were connected to that entity:   1. Was placed into liquidation, administration, receivership or statutory management (or any overseas equivalent status), or 2. Entered into any compromise agreement, moratorium or other restructuring to avoid liquidation, administration or receivership (or any overseas equivalent)? | € YES € NO |
|  | Have you ever been banned (in New Zealand or overseas) from:   1. Providing financial services, or 2. Acting as director of a company or other incorporated body, or 3. Being involved in the management of any class of incorporated or unincorporated entity? | € YES € NO |
|  | Have you ever been dismissed or asked to resign, or subject to disciplinary proceedings resulting from, or in respect of, a position of trust, fiduciary appointment or similar (in New Zealand or overseas)? | € YES € NO |
|  | Have you ever been refused registration or other entry into, or restricted from the right to carry on in, any profession or occupation under the law of the country, or under the membership rules of any professional body *at any time* (in New Zealand or overseas)? | € YES € NO |
|  | In the last 15 years have you been made bankrupt, entered into a compromise agreement with creditors or been placed into statutory management (in New Zealand or overseas)? | € YES € NO |
|  | Are you subject to any pending proceedings or actions (in New Zealand or overseas) that mean you would have to answer YES to any of the above questions, if an adverse finding was reached? | € YES € NO |

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| **Disclosure of full details for any YES answer given above (questions 1-11 inclusive)**  *Please clearly identify the question number each piece of information relates to.* |
| **Q 1** |
| **Q 2** |
| **Q 3** |
| **Q 4** |
| **Q 5** |
| **Q 6** |
| **Q 7** |
| **Q 8** |
| **Q 9** |
| **Q 10** |
| **Q 11** |

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| **Consent and declaration** |
| **Consent to disclosure of information**  I understand the information provided in this form is being collected by the Financial Markets Authority (FMA) about me in relation to my application for a licence to be an **independent trustee**.  In signing this declaration, I authorise the FMA to conduct enquiries and collect personal information about me from any **third party,** including any person and any New Zealand or overseas government agency, regulatory body or professional body – **for the purpose** of determining I am a **fit and proper** person to hold the position of independent trustee. This includes carrying out identity, good character, qualification and criminal record checks.  **For that purpose I authorise:**   * The FMA to disclose my personal information to any third party * The third party to disclose my personal information to the FMA * The FMA to use my personal information, provided or collected in connection with the Applicant’s market services licence application, when the FMA performs its functions and exercises its powers under the Financial Markets Conduct Act 2013 (FMC Act), or any other legislation.   **Declaration**  I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  ***Full name******Town/city***    **Declare that:**   1. I am the Applicant for a market service licence to be an independent trustee. 2. I understand that the FMA must be satisfied of the matters in section 396 of the FMC Act, before it can issue the market services licence. 3. The information provided in this form, and any appendix attached to it, is true, correct and complete.  |  | | --- | | **Signature** | | **Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_** | |

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| **Certification of compliance** |
| 1. **Compliance**   I, the Applicant, certify to the FMA that:   * I meet all the requirements of section 396(a)–(e) of the FMC Act * I will at all times meet the definition of ‘independent’ as defined in section 131(3) of the FMC Act.  1. **True and correct information**   I certify to the FMA that the information provided to the FMA in connection with the licence application this certificate relates to, is true and correct to the best of my knowledge.   1. **Certified by the Applicant**  |  |  | | --- | --- | | **Signature** | **Date**  **day/month/year** | | **Name** |   Under section 512 of the FMC Act every person commits an offence who, with respect to a document required by or for the purposes of the FMC Act, makes, or authorises the making of, a statement in it that is false or misleading in a material particular knowing it to be false or misleading and is liable on conviction to imprisonment for a term not exceeding five years, a fine not exceeding $200,000, or both.  Section 412 of the FMC Act requires a licensee to report to theFMA if a licensee believes that the information provided in applying for a licence under Part 6 of the FMC Act is false or misleading in a material particular.  The FMA may exercise powers under section 414 of the FMC Act, including the power to suspend or cancel a licence, if the information provided by a licensee in applying for a licence is false or misleading in a material particular. |

*Applicant: please upload signed form to your application – and retain original on file. We may ask for this later.*