

SECURITIES AND FUTURES ACT
(Cap. 289)

SECURITIES AND FUTURES
(LICENSING AND CONDUCT OF BUSINESS)
REGULATIONS (Rg 10)

**NOTICE OF COMMENCEMENT OF BUSINESS OF
PERSON EXEMPTED FROM HOLDING A CAPITAL
MARKETS SERVICES LICENCE TO CARRY ON
BUSINESS IN LEVERAGED FOREIGN EXCHANGE
TRADING UNDER PARAGRAPH 4(6)(a) OF THE
SECOND SCHEDULE OF THE REGULATIONS**

FORM
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Explanatory Notes

1. Please read the explanatory notes and questions carefully before completing and lodging the notification form to the Monetary Authority of Singapore (“the Authority”).
2. All questions must be answered. If a question is not applicable, please mark “N.A.” in the space provided. Should there be insufficient space for your answers, please attach annex(es) which should be identified as such and signed by the signatories to this notification.
3. Where there is an asterisk (*), please delete whichever is inapplicable.
4. Please tick (√) in the relevant boxes where appropriate.
5. In this Form -
 - (a) “exempt person” refers to a person exempt from holding a capital markets services licence under paragraph 4(1)(c) of the Second Schedule to the Securities and Futures (Licensing and Conduct of Business) Regulations (Rg 10) (“the Regulations”);
 - (b) “key officer”, in relation to an exempt person that is not an individual, means:
 - (i) a director or equivalent person; or
 - (ii) a chief executive officer or equivalent person.

FOR OFFICIAL USE ONLY

Notification received on:

Remarks:

I Information on the exempt person

Name of corporation /
sole proprietorship / partnership * : _____

Principal address where the
business operates : _____

Address of registered office
(if different from above) : _____

Telephone number / fax number : _____

URL of webpage (if any) : _____

E-mail address : _____

NRIC No. / Passport No. /
Company / Business Registration
No.* **(please attach a copy of the
relevant document)** : _____

Date and place of incorporation : _____

Paid-up capital
(in the case of a corporation) : _____

Financial year end : _____

II Please provide details of the type(s) of services including:

- (i) size of operation in terms of staff strength, volume of business and annual revenues;
- (ii) geographical scope of operation;
- (iii) organisation chart detailing key officers, representatives and reporting lines for its business of providing its services; and
- (iv) areas of potential conflicts of interest and explain in detail how such conflict will be resolved or mitigated.

In this respect, please indicate if the corporation has any related entity that is / was* licensed or exempted in Singapore or elsewhere:

Name of corporation : _____

Nature of business : _____

Operating address : _____

III Particulars of shareholder(s) of the corporation/partners of the business*:

Please attach a copy of identification document

Name	Percentage Shareholding / Partnership	Date of Acquisition	Company / Business Registration No. / Identity Card No. / Passport No. / UIN No. (for Singapore permanent resident)	Address

In the case where the shareholder or partner is a corporation, please also provide the following information in respect of each relevant shareholder (including intermediate and ultimate shareholders) or partner:

- (a) Date and place of incorporation of the corporation;
- (b) Business activities of the corporation;
- (c) Where any shareholder of the corporation is an individual holding 5% or more of the total number of voting shares in that corporation, provide the curriculum vitae of that individual and information on the executive directorship of that individual in any corporation;
- (d) Organization structure of the corporation and group of companies for which the corporation is part of;
- (e) Names of the chairman and other members of the board of directors of the corporation; and
- (f) Licensing status of corporation and where applicable, shareholders of the corporation.

Note: For a partnership or sole proprietorship, please furnish a copy of the curriculum vitae of each partner/ the sole-proprietor*.

IV Particulars of director(s) of the corporation:

Please attach a copy of identification document

Name	Executive / Non-Executive	Date of Appointment	NRIC No. / Passport No. / UIN No. (for Singapore permanent resident)	Address

V Particulars of key officer(s) and representative(s)

Provide the following information on the key officer(s) and representative(s):

- (a) Name;
- (b) Designation;
- (c) Residential Address;
- (d) Office and Home Telephone Number;
- (e) E-mail Address;
- (f) Date of Birth (dd/mm/yy);
- (g) Nationality (for non-Singapore citizens, state whether you are a Singapore permanent resident);
- (h) Identity Card No. / Passport No. (for non-Singapore citizen) / UIN No. (for Singapore permanent resident). Please provide a copy of identification document;
- (i) Information on Employment Pass("EP"):
For key officer and representative who is not a Singapore citizen or permanent resident, has the person obtained an EP?

<input type="checkbox"/> Yes (<u>Please provide a copy of the EP</u>) Immigration Ref. No.: _____ Date of grant of EP: _____ Expiry date of EP: _____ <input type="checkbox"/> No but has applied for EP Date of application for EP: _____ <input type="checkbox"/> No and has not applied for EP Reason(s) for not applying: _____
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- (j) Employment history (including periods of part-time employment or unemployment), business and other activities during the past 10 years;
- (k) Directorship in any corporation [please provide name of that corporation, nature of business, type of directorship (whether executive or non-executive) and date of appointment];
- (l) Shareholdings where 5% or more of the total number of voting shares are in any other corporation in Singapore or elsewhere (please provide name of that corporation, the nature of its business, date of acquisition and percentage of shareholding in that corporation).

VI Fit and Proper Criteria for exempt person, key officer(s) and representative(s)

For each key officer and representative, if the answer to point 1(a) to 1(d) is in the affirmative, please provide all relevant particulars and supporting documents.

Pursuant to regulation 14(5)(b) of the Regulations any person (including all its key officers and representatives) exempt under paragraph 4(1)(c) of the Second Schedule to the Regulations are required to be fit and proper.

Honesty, Integrity and Reputation

1. Within the past 10 years, has the exempt person or any of its key officers or representatives —

	Yes	No
(a) been licensed, registered or approved under a law in any jurisdiction which requires licensing, registration or approval in relation to any regulated activity?	<input type="checkbox"/>	<input type="checkbox"/>
(b) been licensed, registered, or otherwise authorised by law to carry on any trade, business (including sole proprietorships and partnerships) or profession (including, accountancy, engineering, law and architecture) in any jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
(c) been a shareholder of any corporation which holds membership of any class or description of any operator of a market or clearing facility in any jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
(d) carried on business under any name other than the name stated in this application in any jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
(e) been refused the right or restricted in his right to carry on any trade, business or profession for which a specific licence, registration or other authorisation is required by law in any jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
(f) been issued a prohibition order under any Act administered by the Authority or been prohibited from operating in any jurisdiction by any financial services regulatory authority?	<input type="checkbox"/>	<input type="checkbox"/>
(g) been censured, disciplined, suspended or refused membership or registration by the Authority, any other regulatory authority, an operator of a market or clearing facility, any professional body or government agency, whether in Singapore or elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>
(h) been the subject of any complaint made reasonably and in good faith, relating to activities that are regulated by the Authority or under any law in any jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
(i) been the subject of any proceedings of a disciplinary or criminal nature or been notified of any potential proceedings or of any investigation which might lead to those proceedings, under any law in any jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>

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|-----|--|--------------------------|--------------------------|
| (j) | been convicted of any offence, served any term of imprisonment or is being subject to any pending proceedings which may lead to a conviction of any offence, under any law in any jurisdiction? | <input type="checkbox"/> | <input type="checkbox"/> |
| (k) | had any civil penalty enforcement action taken against him by the Authority or any other regulatory authority under any law in any jurisdiction? | <input type="checkbox"/> | <input type="checkbox"/> |
| (l) | contravened or abetted another person in breach of any laws or regulations, business rules or codes of conduct, whether in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |
| (m) | been the subject of any investigations or disciplinary proceedings or been issued a warning or reprimand by the Authority, any other regulatory authority, an operator of a market or clearing facility, any professional body or government agency, whether in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |
| (n) | been refused a fidelity or surety bond, whether in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |
| (o) | been or is a director, partner, substantial shareholder or concerned in the management of a business that has been censured, disciplined, prosecuted or convicted of a criminal offence, or been the subject of any disciplinary or criminal investigation or proceeding, in Singapore or elsewhere, in relation to any matter that took place while he was a director, partner, substantial shareholder or concerned in the management of the business? | <input type="checkbox"/> | <input type="checkbox"/> |
| (p) | been or is a director, partner, substantial shareholder or concerned in the management of a business that has been suspended or refused membership or registration by the Authority, any other regulatory authority, an operator of a market or clearing facility, any professional body or government agency, whether in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |
| (q) | been a director, partner, substantial shareholder or concerned in the management of a business that has gone into insolvency, liquidation or administration during the period when, or within a period of one year after, he was a director, partner, substantial shareholder or concerned in the management of the business, whether in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |
| (r) | been dismissed or asked to resign from office, employment, a position of trust, or a fiduciary appointment or similar position, whether in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |

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|-----|--|--------------------------|--------------------------|
| (s) | been or is subject to disciplinary proceedings by his current or former employer(s), whether in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |
| (t) | been disqualified from acting as a director or disqualified from acting in any managerial capacity, whether in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |
| (u) | been an officer found liable for an offence committed by a body corporate as a result of the offence having proved to have been committed with the consent or connivance of, or neglect attributable to, the officer, whether in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |

2. Has the exempt person or any of its key officers or representatives —

Yes No

- | | | | |
|-----|--|--------------------------|--------------------------|
| (a) | had any judgment (in particular, that associated with a finding of fraud, misrepresentation or dishonesty) entered against him in any civil proceedings or is a party to any pending proceedings which may lead to such a judgment, under any law in any jurisdiction? | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) | accepted civil liability for fraud, misrepresentation or dishonesty under any law in any jurisdiction? | <input type="checkbox"/> | <input type="checkbox"/> |

Financial Soundness

3. Within the past 10 years, has the exempt person, key officers or representatives —

Yes No

- | | | | |
|-----|---|--------------------------|--------------------------|
| (a) | been or is unable to fulfill any of his financial obligations, in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) | entered into a compromise or scheme of arrangement with its or his creditors, or made an assignment for the benefit of its or his creditors, being a compromise, scheme of arrangement or assignment that is still in operation, whether in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) | been or is subject to a judgment debt which is unsatisfied, either in whole or in part, whether in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) | been or is the subject of a bankruptcy petition, whether in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) | been adjudicated a bankrupt and the bankruptcy is undischarged, whether in Singapore or elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> |

(f) been or is subject to any other process outside Singapore that is similar to those referred to in (d) and (e)?

VII Date of commencement of business in respect of leveraged foreign exchange trading with accredited investors: _____
(dd/mm/yy)

VIII DECLARATION

(a) I am aware that section 329(1) and (3) of the Securities and Futures Act (Cap. 289) (“the Act”) provides as follows:

ANY PERSON WHO FURNISHES THE AUTHORITY WITH ANY INFORMATION UNDER THIS ACT SHALL USE DUE CARE TO ENSURE THAT THE INFORMATION IS NOT FALSE OR MISLEADING IN ANY MATERIAL PARTICULAR. ANY PERSON WHO CONTRAVENES SUBSECTION (1) SHALL BE GUILTY OF AN OFFENCE AND SHALL BE LIABLE ON CONVICTION TO A FINE NOT EXCEEDING \$50,000 OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING 2 YEARS OR TO BOTH.

(b) I am aware that under section 99(6) of the Act, the Authority may withdraw the exemption granted to any person under section 99 of the Act if the exempt person fails to satisfy the Authority that that person and all persons under regulation 14(5)(b) of the Regulations are fit and proper persons;

(c) I have read the Guidelines on Fit and Proper Criteria (“the Guidelines”) issued by the Authority and in submitting this form, I am satisfied that the exempt person, key officer(s) and representative(s) are fit and proper based on the criteria stated in the Guidelines;

(d) I declare that all information given in this Form and in the attached annexes (if any) is true and correct.

Signature : _____

Name : _____

Designation : Director / Company Secretary /
Sole Proprietor / Partner*

Date : _____
(dd/mm/yy)