

Application for a Firm's Investment Business Certificate (Ireland)



Please read carefully section 4 of the *Practice Information* handbook, which can be found on ACCA's website (www.accaglobal.com/members/professional_standards) or requested from Authorisation (tel: +44 (0)141 534 4175), before completing this form. Please use **BLOCK CAPITALS** and **black ink** throughout and retain a photocopy of the completed form for future reference. Please allow up to 28 working days for your application to be assessed.

Return the form, with the appropriate fee, to:
Authorisation, ACCA, 2 Central Quay, 89 Hydepark Street, Glasgow G3 8BW, United Kingdom.

(Form 'PIB (Ireland)' (authorisation of non-APB partners/directors/controllers) is at page 11.)

Please note that all investment business certificates are issued on a calendar year basis and are valid until 31 December each year only.

REGISTRATION DETAILS

A Contact partner/director

Full name _____

ACCA membership number (if known/applicable)

B Name of firm

Please ensure that this name agrees with the name on your letterhead. (Incorporated firms (limited companies and limited liability partnerships) – Irish investment business certificates will be issued in the name of the incorporated firm, not its trading name(s))

Name of firm _____

Trading name (if any) _____

Firm's ACCA reference number (if known/applicable)

C Authorisation required

My firm wishes to apply for (tick as applicable)

Category A authorisation (product producers and sellers) Category B authorisation (product sellers only)

(NB Please refer to the Chartered Certified Accountants' Irish Investment Business Regulations 1999 with regard to what each category covers and bear in mind that the compensation levy for category A authorisation is higher than for category B)

Firms undertaking insurance mediation work

Please answer the following three questions if your firm requires registration to undertake insurance mediation.

- 1 In order to undertake insurance mediation a firm is required to hold professional indemnity insurance (PII) cover of the equivalent of €1,500,000 in the aggregate and €1,000,000 on each and every claim.

Please confirm if you already have in place the appropriate level of PII cover

Yes No

If no, please tick to confirm that you will take out the appropriate PII cover before undertaking any insurance mediation work.

Yes

- 2 Does anyone within either the management structure of your firm or the staff directly involved in insurance mediation* have a criminal conviction for any serious offences relating to financial activities or crimes against property?

Yes† No

- 3 Is anyone within either the management structure of your firm or the staff directly involved in insurance mediation* an undischarged bankrupt?

Yes† No

† Please provide details on a separate sheet.

* 'Staff' means sub-contractors and consultants as well as employees.

D Previous authorisation

My firm has previously been granted/applied for interim or full investment business authorisation from another Approved Professional Body (APB) or the Financial Regulator* Yes No

* You must tick 'Yes' if your firm (or any of its partners/directors) has made any form of application, including any application which was rejected or withdrawn, or which is still awaiting consideration.

If YES, please indicate which The Financial Regulator ACCA ICAI ICPAI

Was the application successful? Yes No

If no, please state the reasons on a separate sheet and attach it to this form.

Has your firm (or any of its partners/directors/responsible individuals) ever been subject to any regulatory action in respect of audit, investment business or insolvency by a regulatory body? ** Yes No

** You must tick 'Yes' if your firm (or any of its partners/directors/responsible individuals) has any pending regulatory matter(s) under investigation by a regulatory body.

If YES, please provide details on a separate sheet and attach it to this form.

Are you aware of any other regulatory matter(s) which may impact on your application? Yes No

If YES, please provide details on a separate sheet and attach it to this form.

E Composition of firm

Please tick one box only

My firm is controlled by qualified individuals and contains ACCA partners/directors

My firm is controlled by qualified individuals and contains **no** ACCA partners/directors (the above contact partner/director must apply for direct admission to ACCA membership as ACCA can only authorise firms to conduct investment business if at least one of the partners/directors in the firm is an ACCA member. Direct admission is only available to members of ICAI who hold practising certificates. Admission under the Mutual Recognition Directive is available to members of ICPAI who successfully complete the relevant aptitude test. The relevant forms are available via ACCA's website at www.accaglobal.com or by contacting ACCA Connect on +44 (0)141 582 2000.)

CONDITIONS FOR THE ISSUE OF A FIRM'S INVESTMENT BUSINESS CERTIFICATE (IRELAND)

In signing this section of the form I confirm that:

Eligibility

my firm is eligible for an investment business certificate (Ireland) as it is a sole proprietorship and I hold an ACCA practising certificate valid for Ireland or it is a partnership or incorporated firm with at least one partner/director who is a member of ACCA who holds an ACCA practising certificate valid for Ireland and all of the other partners/directors are not ineligible to practise accountancy and are either members of another Approved Professional Body (APB)* or are regulated by other professional bodies and has a majority of partners/directors who are either members of ACCA or of other APBs in accordance with the Chartered Certified Accountants' Irish Investment Business Regulations 1999 (IIBRs) 3(2)(iii) and 3(3)(iii);

(*Institute of Chartered Accountants in Ireland and Institute of Certified Public Accountants in Ireland)

Undertakings

each partner/director or controller of 15% or more of the votes in an incorporated firm who is not a member of ACCA will give the undertakings to Admissions and Licensing Committee in either (a) or (b) below in accordance with IIBR 3(2)(iii) and 3(3)(iii), as applicable

a member of another APB

"I confirm that I am a member of another APB and undertake and agree to be bound by:

- i the Chartered Certified Accountants' Global Practising Regulations 2003 and the Chartered Certified Accountants' Irish Investment Business Regulations 1999 (as amended from time to time) as if I was a member of ACCA;
- ii all bye-laws and regulations of ACCA (and regulations made pursuant to the bye-laws) concerning or relating to the provision of investment business services or investment advice as if I was a member of ACCA;
- iii the regulations concerning liability of ACCA in damages for its acts and omissions; and
- iv the disciplinary procedures of ACCA and penalties which may be imposed under such provisions insofar as such penalties could be applicable to a person who is not a member of ACCA."

- b other individual not ineligible to practise accountancy, regulated by another professional body and who, in the opinion of Admissions and Licensing Committee, holds an adequate qualification

"I confirm that I am not ineligible to practise accountancy and undertake and agree to be bound by

- i the Chartered Certified Accountants' Global Practising Regulations 2003 and the Chartered Certified Accountants' Irish Investment Business Regulations 1999 (as amended from time to time) as if I was a member of ACCA;
- ii the Charter, all bye-laws and regulations of ACCA (and regulations made pursuant to the bye-laws) as if I was a member of ACCA insofar as the same are appropriate and applicable, other than those relating to members' rights to attend and vote at meetings of ACCA and obligations to pay subscriptions;
- iii the regulations concerning liability of ACCA in damages for its acts and omissions; and
- iv the disciplinary procedures of ACCA and penalties which may be imposed under such provisions insofar as such penalties could be applicable to a person who is not a member of ACCA."

(Each partner/director/controller who is not a member of ACCA or another APB must provide additional information in a form specified by, and to the satisfaction of, Admissions and Licensing Committee. One copy of the appropriate form, PIB (Ireland), is attached to this form.)

Main business

the main business of my firm is the practice of accountancy and gross income which is derived from investment business services or investment advice (which is provided in an incidental manner and which is charged for separately from the firm's other work) is less than 20% of its total turnover in accordance with IIBR 3(1)(c), 3(2)(d) and 3(3)(d);

Trading name of firm

the name of the firm specified on this form is the name under which investment business services or investment advice is conducted and that any change to the name of the firm will be notified 28 days in advance of the implementation of any change and accompanied by an application for a new Irish investment business certificate (with the appropriate fee) from the stated date of the change as required under Chartered Certified Accountants' Global Practising Regulation (GPR) 12(1)(a) and GPR 12(1)(b);

(This name will appear on the Central Bank of Ireland's Register and on the investment business certificate. If a firm has more than one office a single authorisation will still be appropriate, providing the name and constitution under which these additional offices carry out investment business is identical across the firm. Where offices carry out business under names or constitutions which differ from the applicant firm, separate authorisation applications must be submitted.)

Overseas branches or offices

my firm has no branches or offices outside of the Republic of Ireland and the United Kingdom, as required by IIBR 3(7)(a);

Other authorisations

my firm does not hold any other authorisation under the Investment Intermediaries Act 1995 (IIA), as required by IIBR 3(7)(b);

Approval and withdrawal of authorisation, misconduct

my firm accepts that its application for authorisation will be dealt with in accordance with the provisions laid down in the Authorisation Regulations 1998 (ARs) and ARs 3, 4 and 5 in particular, and that its authorisation may be subject to conditions, suspension or withdrawal as determined by ACCA in accordance with the IIBRs. It further accepts that breaches of the IIBRs and undertakings given thereunder by partners/directors, or other persons connected with the firm may be treated as misconduct for the purposes of disciplinary proceedings against the firm and/or any of its partners/directors;

Excluded activities

my firm will not engage in the excluded activities detailed in IIBR 4(4);

Tied agents

my firm neither holds nor will it accept an appointment as another person's tied agent in accordance with IIBR 5(3);

Capital adequacy

my firm confirms that it is solvent and additionally, if applying for category A authorisation, to hold, on an ongoing basis, net business assets of €10,000;

Notification, monitoring and enforcement

my firm acknowledges its duty to notify ACCA in writing of all matters specified under GPR 12 and that such notification must, in certain circumstances, be given 28 days in advance. My firm undertakes to notify ACCA immediately in the event of any information previously supplied to it in support of an application ceasing to be true, accurate or complete, or in the event of any change in circumstances, or any event that may call into doubt the validity of any application, or the continuation of any application granted. My firm will provide such information as is necessary for ACCA to carry out its duties as an APB under the Investment Intermediaries Act 1995 ("the Act") and will co-operate with ACCA in its monitoring and enforcement of its regulations as required by GPR 14 and by regulation 18 of the Irish Annex to the GPRs;

Liability

my firm acknowledges that in the course of issuing an investment business certificate (Ireland), neither ACCA nor any of its officers or servants or agents nor any members of any committee of Council shall be liable in damages or otherwise for anything done or omitted to be done in the discharge or purported discharge of any function under the Act set out below unless the act or omission is shown to have been in bad faith. The functions referred to above are the functions of ACCA so far as relating to or matters arising out of:

- a the bye-laws, regulations and arrangements of ACCA so far as they relate to or are applied in respect of the carrying on of investment business certification under the Act or any matters concerning the Act and/or to which the requirements in the Act requires ACCA to comply;
- b the obligations with which paragraph 6 of Schedule 3 of the Act require ACCA to comply;
- c any guidance issued by ACCA in respect of any matter dealt with by such rules as are mentioned in (a) above;
- d the powers of ACCA under the provision mentioned in Section 54(3) of the Act; or
- e the obligations to which ACCA is subject by virtue of the Act;

Compensation scheme

my firm accepts its obligation to join, and make contributions to, the appropriate fund of the Investor Compensation Company Limited. (Fund A covers product producers and sellers. Fund B covers product sellers only.)

Professional indemnity insurance

my firm accepts its obligation to hold professional indemnity insurance cover of the equivalent of €1,500,000 in the aggregate and €1,000,000 on each and every claim in order to undertake insurance mediation work.

Anti money laundering

my firm will comply with the requirements of relevant money laundering legislation and regulation, including specifically that:

- my practice has a nominated officer to take responsibility for compliance
- there are procedures in place to gather and retain evidence of the identification of all clients
- principals and staff in my practice receive appropriate training
- ongoing compliance monitoring is carried out
- suspicions of money laundering are reported as required by law.

(Where reference is made to the GPRs, applicants applying for an investment business certificate (Ireland) should note that they must also comply with the Irish Annex to the GPRs.)

Contact partner's/director's signature

PROFESSIONAL INDEMNITY INSURANCE, CONTINUITY OF PRACTICE AND CAPITAL ADEQUACY

Professional indemnity insurance

I detail below the name of my firm's insurer and policy number/I enclose a quotation document as evidence that I have applied for a policy and undertake to provide details of my policy number to ACCA once it has been confirmed.*

Insurance company

Policy number

* Delete as applicable

Continuity of practice

My firm has made arrangements for continuity of practice

in the partnership agreement or memorandum and articles of association

OR

with the following firm which is authorised to conduct investment business services or investment advice

Name of firm

Professional body

Address

Town

County

Country

Postcode

Capital adequacy requirement

My firm is solvent and, if applying for Category A authorisation will hold, on an ongoing basis, net business assets of €10,000.

OFFICE DETAILS

The principal office address of this firm is

Town	County	Postcode
Tel	Fax	
Email	Website	

Incorporated firms only: is this the firm's registered address?

Yes No

If no, please ensure that the firm's registered address is clearly indicated below or attached on a separate sheet.

The branch offices of this firm are (please continue on a separate sheet if necessary)

A

Town	County	Postcode
Tel	Fax	Email

B

Town	County	Postcode
Tel	Fax	Email

C

Town	County	Postcode
Tel	Fax	Email

D

Town	County	Postcode
Tel	Fax	Email

E

Town	County	Postcode
Tel	Fax	Email

F

Town	County	Postcode
Tel	Fax	Email

COMPOSITION OF FIRM

Each partner/director (including contact partner/director) must sign below. In signing this section, each partner/director expressly gives the undertakings contained in pages 2 – 3 and 9 of this form.

Continue on a separate sheet if necessary.

A ACCA partners/directors

Office (ie principal or A, B, etc. as above)	Name	ACCA membership number	Signature
_____	_____	<input type="text"/>	_____
_____	_____	<input type="text"/>	_____
_____	_____	<input type="text"/>	_____
_____	_____	<input type="text"/>	_____
_____	_____	<input type="text"/>	_____

B Non-ACCA partners/directors who are members of other APBs (ie ICAI/ICPAI)

Office	Name	Date of birth	APB	Signature
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

C Other partners/directors who are not members of ACCA or other APBs

Office	Name	Qualification (if any)	Signature
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(NB The partners/directors at 'C' above must not constitute a majority. Each partner/director at 'C' must complete a form PIB (Ireland) irrespective of whether or not they provide any investment business services or investment advice on behalf of the firm.)

SHAREHOLDER DETAILS

This section is to be completed by incorporated firms only ie limited companies and, where applicable, limited liability partnerships.

A Share capital (not applicable to limited liability partnerships)

Authorised share capital _____ shares of € _____ each. Shares issued _____

If there is more than one share category, please provide full details on a separate sheet.

B Company registration number

Country in which registered _____

Date of latest Annual Return to Registrar of Companies _____

C Shareholders (limited liability partnerships should use this section to provide the voting rights of partners)

Directors

i ACCA directors who are shareholders (please continue on a separate sheet if necessary)

Name _____	Percentage of voting rights exercisable at general meetings _____	%
Name _____	Percentage of voting rights exercisable at general meetings _____	%
Name _____	Percentage of voting rights exercisable at general meetings _____	%
Name _____	Percentage of voting rights exercisable at general meetings _____	%
Name _____	Percentage of voting rights exercisable at general meetings _____	%

ii Non-ACCA directors who are members of other APBs who are shareholders (please continue on a separate sheet if necessary)

Name _____	Percentage of voting rights exercisable at general meetings _____	%
Name _____	Percentage of voting rights exercisable at general meetings _____	%
Name _____	Percentage of voting rights exercisable at general meetings _____	%
Name _____	Percentage of voting rights exercisable at general meetings _____	%
Name _____	Percentage of voting rights exercisable at general meetings _____	%

iii Directors who are not members of ACCA or other APBs who are shareholders (please continue on a separate sheet if necessary)

Name _____	Percentage of voting rights exercisable at general meetings _____	%
Name _____	Percentage of voting rights exercisable at general meetings _____	%
Name _____	Percentage of voting rights exercisable at general meetings _____	%
Name _____	Percentage of voting rights exercisable at general meetings _____	%
Name _____	Percentage of voting rights exercisable at general meetings _____	%

Controllers (Do not include persons already included above. Please continue on a separate sheet if necessary.)

iv Non-directors who are ACCA members and controllers of 15% or more of voting rights

Membership no. Name _____

Address _____

Postcode _____ Signature _____

Enter the percentage of voting rights exercisable at general meetings _____ %

Membership no. Name _____

Address _____

Postcode _____ Signature _____

Enter the percentage of voting rights exercisable at general meetings _____ %

v **Non-directors who are not members of ACCA but who are members of other APBs who are controllers of 15% or more of voting rights**

Name _____

Address _____

Postcode _____ Signature _____

Enter the percentage of voting rights exercisable at general meetings _____ %

Name _____

Address _____

Postcode _____ Signature _____

Enter the percentage of voting rights exercisable at general meetings _____ %

vi **Non-directors who are not members of ACCA or other APBs who are controllers of 15% or more of voting rights**
(Please supply a form PIB for each non-APB member controller listed below. Each controller must complete a form PIB (Ireland) irrespective of whether or not they provide investment business services or investment advice on behalf of the firm.)

Name _____

Address _____

Postcode _____ Signature _____

Enter the percentage of voting rights exercisable at general meetings _____ %

Name _____

Address _____

Postcode _____ Signature _____

Enter the percentage of voting rights exercisable at general meetings _____ %

vii **Percentage of total voting rights held by those named at C(i), (ii), (iv) and (v) _____ %**

If this total is less than 50%, ensure that you indicate below (by annotations in the margin) which of the remaining shareholders are members of ACCA or another APB.

ENCLOSURES

Fee

I enclose a cheque/draft, made payable to ACCA, for Stg £468

Cheque/draft number _____

OR

debit my

MasterCard Visa American Express Switch/Maestro Solo, with the sum of Stg £468

Card number (Please do not include your 3-digit security code in the last three boxes)

Start date/Valid from Expiry date Issue no. (if applicable)

Name on card _____

Signature of cardholder _____

Date _____

Attached forms

Completed PIB (Ireland) for each partner/director/controller who is not a member of ACCA or another APB.

Headed notepaper

Please enclose a sample of your headed notepaper/proposed headed notepaper with this form. If the principal and branch offices use different notepapers, enclose a sample of each notepaper used by the firm.

Additional sheets of information

I attach _____ (enter 'no' if applicable) additional sheets of information.

CONFIRMATION

If you have been subject to matters within the terms of bye-law 8 and Governance – Professional Conduct at ACCA is aware of this, you may sign and submit this form. If you are concerned that you may be subject to matters under bye-law 8 of which Governance – Professional Conduct is not already aware, please notify ACCA in writing to professionalconduct@accaglobal.com or 29 Lincoln's Inn Fields, London WC2A 3EE. Following this notification you may sign and submit this form.

I confirm that the information given in this form is true, accurate and complete to the best of my knowledge and belief after making all reasonable enquiries. I understand that a false declaration on this form may lead to disciplinary action being taken against me and/or my firm and/or may invalidate any decision relevant to this application. I confirm that I have read, and undertake to comply with the conditions for the issue of a firm's investment business certificate (Ireland). I further confirm that I have not been subject to any criminal, disciplinary, regulatory or any other matters within the terms of bye-law 8 (liability to disciplinary action) that may call into doubt the validity of my application, which I have not already brought to the attention of Governance – Professional Conduct. I understand that the UK Rehabilitation of Offenders Act 1974 does not apply to the accountancy profession, and that I am, therefore, required to disclose spent convictions. I am aware of, and will abide by, my continuing obligation to draw any such matters to ACCA's attention. I also confirm that I have read the Chartered Certified Accountants' Global Practising Regulations 2003 and the Chartered Certified Accountants' Irish Investment Business Regulations 1999 and have taken particular note of the notification obligations.

Contact partner's/director's signature _____

Date _____

CHECKLIST

Before you send your application to ACCA please check you have:

- Signed the conditions on page 3
- Provided continuity of practice details and professional indemnity insurance details on page 4
- Provided income details on page 8
- Signed the confirmation on page 9
- Completed a PIB (Ireland) form for each partner, director or controller who is not a member of ACCA or another Approved Professional Body.

Please return this form, with the appropriate fee, to:

Authorisation, ACCA, 2 Central Quay, 89 Hydepark Street, Glasgow G3 8BW, United Kingdom.

- 8 a** A member, relevant firm or registered student shall, subject to bye-law 11, be liable to disciplinary action if:
- i** he or it, whether in the course of carrying out his or its professional duties or otherwise, has been guilty of misconduct;
 - ii** in connection with his or its professional duties, he or it has performed his or its work, or conducted himself or itself, or conducted his or its practice, erroneously, inadequately, inefficiently or incompetently;
 - iii** he or it has committed any breach of these bye-laws or of any regulations made under them in respect of which he or it is bound;
 - iv** in the case of a relevant firm, any person has in the course of the business of that firm committed any breach of these bye-laws or of any regulations made under them in respect of which that person is bound;
 - v** he is a specified person in relation to a relevant firm against which a disciplinary order has been made and which has become effective or which has been disciplined by another professional body or pursuant to some other disciplinary process;
 - vi** he or it has been disciplined by another professional body or pursuant to some other disciplinary process;
 - vii** he or it has made an assignment for the benefit of creditors, or has made an arrangement for the payment of a composition to creditors, or has had an interim order made by the court in respect of him, or is a specified person in relation to a relevant firm which has made such an assignment or composition or been wound up as an unregistered company, or entered into a voluntary arrangement, administration or liquidation, in each case where applicable under the Insolvency Act 1986, or other similar or analogous event has occurred in relation to him or it under applicable legislation; or
 - viii** he or it has failed to satisfy a judgment debt without reasonable excuse for a period of two months (and the fact that he or it did not have sufficient funds to discharge the debt shall not be a reasonable excuse for this purpose) whether or not the debt remains outstanding at the time of the bringing of the disciplinary proceedings hereunder.
- b** Each of the paragraphs in bye-law 8(a) shall be without prejudice to the generality of any of the other paragraphs therein.
- c** For the purposes of bye-law 8(a), misconduct includes (but is not confined to) any act or omission which brings, or is likely to bring, discredit to the individual or relevant firm or to the Association or to the accountancy profession.
- d** For the purposes of bye-law 8(a), in considering the conduct alleged (which may consist of one or more acts or omissions), regard may be had to the following:
- i** whether an act or omission, which of itself may not amount to misconduct, has taken place on more than one occasion, such that together the acts or omissions may amount to misconduct;
 - ii** whether the acts or omissions have amounted to or involved dishonesty on the part of the individual or relevant firm in question;
 - iii** the nature, extent or degree of a breach of any code of practice, ethical or technical, adopted by Council, and to any regulation affecting members, relevant firms or registered students laid down or approved by Council.
- e** The following shall be conclusive proof of misconduct:
- i** the fact that a member, relevant firm or registered student has pleaded guilty to, or been found guilty of, any offence discreditable to him or, as the case may be, it, or derogatory to the Association or the accountancy profession, before a court of competent jurisdiction in the United Kingdom or before a court of competent jurisdiction in any other country where such court's judgments are in the opinion of Council (or relevant committee of Council) relevant;
 - ii** the fact that a member, relevant firm or registered student has been found to have acted fraudulently or dishonestly in any civil proceedings before any court of competent jurisdiction in the United Kingdom or before a court of competent jurisdiction in any other country where such court's judgments are enforceable in the United Kingdom.

Application for Authorisation of a partner/director/controller in a firm seeking an ACCA Investment Business Certificate (Ireland), who is not a member of ACCA or another Approved Professional Body under the Investment Intermediaries Act 1995



One form must be completed by each partner, director or controller (ie a 'controller' is a shareholder who controls 15% or more of the voting rights) in the firm who is not a member of ACCA or another Approved Professional Body (APB). Further copies can be found on ACCA's website (www.accaglobal.com/members/professional_standards) or requested from Authorisation (tel: +44 (0)141 534 4175) but photocopies are acceptable.

Please use **BLOCK CAPITALS** and black ink throughout and retain a photocopy of the completed form for future reference.

PERSONAL INFORMATION

Full name	Title	Date of birth
<hr/>		
Business address		
<hr/>		
<hr/>		
Town	County	Postcode
<hr/>		
Tel	Fax	
<hr/>		
Email	Website	
<hr/>		

Please provide an email address where we can contact you about your application

Is there an ACCA or other APB partner/director at your business address?

Yes No

If 'no' complete page 13 of this form and ensure it is signed by all the ACCA/APB partners/directors.

EDUCATION

Please state
Professional examinations passed or membership of professional bodies, with dates

Degrees held, with dates

EMPLOYMENT HISTORY

Please list below your employment history (including, and commencing with, your current post). If you held more than one position with the same employer, please list these separately.

Firm's/Employer's name

Address

Business

Job title

Responsibilities

Dates: From

To

Firm's/Employer's name

Address

Business

Job title

Responsibilities

Dates From

To

Firm's/Employer's name

Address

Business

Job title

Responsibilities

Dates: From

To

(continue on separate sheet if necessary)

DISCIPLINARY MATTERS

Please answer all of the following questions and, where 'yes' supply full details on a separate sheet.

Tick as applicable

- a i Has a petition for bankruptcy or for sequestration of your estate been presented against you at any time in the previous ten years? Yes No
- ii Are you aware that any such petition is pending? Yes No
- b Have you at any time in the previous ten years had a receiver appointed, failed to satisfy a debt adjudged due or a debt in respect of which a decree has been passed against you, or come to a compromise or similar arrangement with your creditors? Yes No
- c Have you at any time in the last ten years been subject to any disciplinary measures imposed on you by a regulatory and/or professional body of which you are, or were at the time, a member or by any other regulatory and/or professional body in Ireland/UK? Yes No
- d Have you been publicly criticised or disciplined in Ireland/UK or overseas in the last ten years by any organisation or body recognised or designated under the Irish Investment Intermediaries Act 1995 or the Financial Services and Markets Act 2000 or by any other professional body? Yes No
- e i Have any legal proceedings been successfully brought against you in relation to your investment business over the previous three years? Yes No
- In the same period have you agreed, as a result of any such legal proceedings, any out of court settlements? Yes No
- ii Are you involved in any such proceedings at the time of this application? Yes No
- f Have you ever been convicted of an offence involving fraud or other dishonesty or an offence under legislation (whether or not of Ireland) relating to other companies (including insider dealing), building societies, industrial and provident societies, credit unions, friendly societies, insurance, banking or other financial services, insolvency, consumer credit or consumer protection? Yes No

UNDERTAKING BY THE PARTNERS/DIRECTORS

We hereby undertake to appoint _____ being a partner/director in the firm and in full-time practice in Ireland or the UK, who is either

- * i a member of the Association of Chartered Certified Accountants and holding an Irish practising certificate issued by ACCA or
- * ii a member of another Approved Professional Body

(* Please delete whichever does not apply)

as the partner/director responsible for ensuring compliance in accordance with IIBR 11 in respect of the non-APB partner/director or controller specified in this form (PIB).

Signed by each of the ACCA/APB partners/directors in the firm

Full name	Signature	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CONFIRMATION

If you have been subject to matters within the terms of bye-law 8 and Governance – Professional Conduct at ACCA is aware of this, you may sign and submit this form. If you are concerned that you may be subject to matters under bye-law 8 of which Governance – Professional Conduct is not already aware, please notify ACCA in writing to professionalconduct@accaglobal.com or 29 Lincoln's Inn Fields, London WC2A 3EE. Following this notification you may sign and submit this form.

I _____ (name of person detailed on page 12)

declare that the whole of the information contained in this form is true, accurate and complete to the best of my knowledge and belief. I acknowledge that any statement contained herein which is known by me to be false may invalidate any decision by the Council of ACCA or any of its Committees as to the eligibility of my firm for authorisation by ACCA under the Investment Intermediaries Act 1995. I further confirm that I have not been subject to any criminal, disciplinary, regulatory or any other matters within the terms of bye-law 8 (liability to disciplinary action) that may call into doubt the validity of my application, which I have not already brought to the attention of Governance – Professional Conduct. I understand that the UK Rehabilitation of Offenders Act 1974 does not apply to the accountancy profession, and that I am, therefore, required to disclose spent convictions. I am aware of, and will abide by, my continuing obligation to draw any such matters to ACCA's attention.

I also confirm that I am not ineligible to practise accountancy and undertake and agree to be bound by

- i the Chartered Certified Accountants' Global Practising Regulations 2003, Authorisation Regulations 1998 and Irish Investment Business Regulations 1999 (as amended from time to time) as if I was a member of ACCA;
- ii the Charter, all bye-laws and regulations of ACCA (and regulations made pursuant to the bye-laws) as if I was a member of ACCA insofar as the same are appropriate and applicable) other than those relating to members' rights to attend and vote at meetings of ACCA and obligations to pay subscriptions;
- iii the regulations concerning liability of ACCA in damages for its acts and omissions; and
- iv the disciplinary procedures of ACCA and penalties which may be imposed under such provisions insofar as such penalties could be applicable to a person who is not a member of ACCA.

Signature _____

Date _____

- 8 a** A member, relevant firm or registered student shall, subject to bye-law 11, be liable to disciplinary action if:
- i** he or it, whether in the course of carrying out his or its professional duties or otherwise, has been guilty of misconduct;
 - ii** in connection with his or its professional duties, he or it has performed his or its work, or conducted himself or itself, or conducted his or its practice, erroneously, inadequately, inefficiently or incompetently;
 - iii** he or it has committed any breach of these bye-laws or of any regulations made under them in respect of which he or it is bound;
 - iv** in the case of a relevant firm, any person has in the course of the business of that firm committed any breach of these bye-laws or of any regulations made under them in respect of which that person is bound;
 - v** he is a specified person in relation to a relevant firm against which a disciplinary order has been made and which has become effective or which has been disciplined by another professional body or pursuant to some other disciplinary process;
 - vi** he or it has been disciplined by another professional body or pursuant to some other disciplinary process;
 - vii** he or it has made an assignment for the benefit of creditors, or has made an arrangement for the payment of a composition to creditors, or has had an interim order made by the court in respect of him, or is a specified person in relation to a relevant firm which has made such an assignment or composition or been wound up as an unregistered company, or entered into a voluntary arrangement, administration or liquidation, in each case where applicable under the Insolvency Act 1986, or other similar or analogous event has occurred in relation to him or it under applicable legislation; or
 - viii** he or it has failed to satisfy a judgment debt without reasonable excuse for a period of two months (and the fact that he or it did not have sufficient funds to discharge the debt shall not be a reasonable excuse for this purpose) whether or not the debt remains outstanding at the time of the bringing of the disciplinary proceedings hereunder.
- b** Each of the paragraphs in bye-law 8(a) shall be without prejudice to the generality of any of the other paragraphs therein.
- c** For the purposes of bye-law 8(a), misconduct includes (but is not confined to) any act or omission which brings, or is likely to bring, discredit to the individual or relevant firm or to the Association or to the accountancy profession.
- d** For the purposes of bye-law 8(a), in considering the conduct alleged (which may consist of one or more acts or omissions), regard may be had to the following:
- i** whether an act or omission, which of itself may not amount to misconduct, has taken place on more than one occasion, such that together the acts or omissions may amount to misconduct;
 - ii** whether the acts or omissions have amounted to or involved dishonesty on the part of the individual or relevant firm in question;
 - iii** the nature, extent or degree of a breach of any code of practice, ethical or technical, adopted by Council, and to any regulation affecting members, relevant firms or registered students laid down or approved by Council.
- e** The following shall be conclusive proof of misconduct:
- i** the fact that a member, relevant firm or registered student has pleaded guilty to, or been found guilty of, any offence discreditable to him or, as the case may be, it, or derogatory to the Association or the accountancy profession, before a court of competent jurisdiction in the United Kingdom or before a court of competent jurisdiction in any other country where such court's judgments are in the opinion of Council (or relevant committee of Council) relevant;
 - ii** the fact that a member, relevant firm or registered student has been found to have acted fraudulently or dishonestly in any civil proceedings before any court of competent jurisdiction in the United Kingdom or before a court of competent jurisdiction in any other country where such court's judgments are enforceable in the United Kingdom.