

Personal Declaration Form

Overview

The Personal Declaration Form (the 'PDF') is to be populated for every natural person that is to be appointed a Key Person, (a person in a position of responsibility of the applicant/ licensee), a Director, an Ultimate Beneficial Owner, an Approved Person as per applicable laws and regulations and/or for any other person that the Authority may request. These forms need to be filled in specifically by the individuals themselves, through the Personal Portfolio, and the involvement needs to be approved by the Company, being the Licensee or the prospective applicant. (Refer to fit and proper guidelines for further clarifications).

Upon submission of the PDF, the applicant confirms that he/she is aware that various Sections of the application must be re-populated upon licence or certificate renewal and/or upon the request of the Authority and/or at any interval specified within the applicable rules and regulations and/or if there are any changes in the information provided.

Some points to remember while filling out the Personal Declaration Form:

- All answers must be completed in English. Documents provided in other languages must have an English translation attached thereto.
- Documents that are not in English Language should be translated. Any translations need to be dated, signed and certified by an independent person of proven competence confirming a faithful translation of the original.
- Use N/A in response to any question which is not applicable.
- Hard copy declaration documents are to be signed and submitted to the Authority in original, and not attached within 'Portal'. Furthermore, documents provided as original/certified true-copy, are not considered documents to be returned back to the issuer.
- The Authority reserves the right to request additional information. Failure to provide any information when requested by the Authority may result in the application being delayed or otherwise determined based on the information available to the Authority at the time which may affect the outcome of the application.
- The PDF shall not be accepted unless all relevant parts have been completed and the required documents submitted in full.

Application Enclosure Requirements

1. Certified True Copy of Birth Certificate
2. Certified True Copy of Passport and/or Identity Card (In accordance with details entered within the Form)

3. Certified True Copy of a recent police conduct or detailed conviction sheet, which must be submitted for every jurisdiction whereby the applicant resided for more than six months in the last two years.

The Authority at its discretion may request additional police conducts and conviction sheets.

(Applicants who are Maltese residents or have resided in Malta for more than six months in the past two years, will need to submit a police conduct, together with a criminal conviction sheet request form which can be downloaded from the MGA website and which needs to be submitted as a hard copy with wet signatures to the MGA offices.). All police conduct and/or conviction sheet receipts must be updated within six (6) months of the date of filing of the application.

4. Certified True Copy of a credit institution, bank reference or bank statement (*updated within six (6) months of the date of filing of the application*).
5. Certified True Copy of a utility bill showing the applicant's current address or any document verifying the residential address as stipulated in the FIAU Part I Implementing Procedures (*updated within six (6) months of the date of filing of the application*).
6. Declaration and evidence of Source of Wealth/Statement of Affairs which can be downloaded from the MGA website.

(Mandatory for any Ultimate Beneficial Owners and other persons lending/investing funds to be used for the purpose of the operation.)

Additional Documents required for MLRO Applicants

7. In the case of persons applying for the Key AML role, the application should also be supported by an MLRO Eligibility form, which form needs to be submitted as a hard copy with wet signatures to the MGA offices.
8. Proof of FIAU CASPAR registration is also required to be uploaded with the PDF Enclosures, where available.

Certification of Document Note:

Where documents are to be certified as true copies, certification must be carried out by an independent natural person who is authorised to do so under the laws of a reputable jurisdiction, such as a legal professional, accountancy professional, notary or Registrar of Companies or other registry (or equivalent). The certifier must make a written statement in the English Language confirming that the document is a true copy of the original document and that he/she has seen and verified the original document. Furthermore, the certified true copy must be dated and must include the full name, designation and contact details of the certifier.

If the document is composed of more than one page the certifier can either:

- certify each page individually; or
- certify the top of the first page and add a statement detailing the number of pages of the original document seen.

Translations of Document Note:

When document translations are provided to the Authority, they must be certified translations confirming that the document is a true translation from the original language and must include the full name, signature and contact details of the translator.

Politically Exposed Person (PEP)

A politically exposed person shall mean a natural person who is or who has been entrusted with prominent public functions, but shall not include middle-ranking or more junior officials.

Such natural persons, currently or previously entrusted with a prominent public function shall include:

- Heads of state, heads of government, ministers and deputy or assistant ministers;
- Members of parliament or of similar legislative bodies;
- Members of the governing bodies of political parties;
- Members of supreme courts, of constitutional courts or of other high-level judicial bodies, the decision of which are not subject to further appeal, except in exceptional circumstances;
- Members of courts of auditors or of the boards of central banks;
- Ambassadors, charges d'affaires and high-ranking officers in the armed forces;
- Members of the administrative, management or supervisory bodies of State-owned enterprises;
- Directors, deputy directors and members of the board or equivalent function of an international organisation.

The following persons shall be considered family members of politically exposed persons by reason of their close relations:

- the spouse, or a person considered to be equivalent to a spouse, of a politically exposed person;

- the children and their spouses, or persons considered to be equivalent to a spouse, of a politically exposed person;
- the parents of a politically exposed person;

Persons known to be close associates with politically exposed persons includes any natural persons who are known to have joint beneficial ownership of legal entities or legal arrangements, or any other close business relations, with a politically exposed person and natural persons who have sole beneficial ownership of a legal entity or legal arrangement which is known to have been set up for the de facto benefit of a politically exposed person.