



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notice

NAMIBIA FINANCIAL INSTITUTIONS SUPERVISORY AUTHORITY

No. 362

2019

STANDARDS UNDER THE MICROLENDING ACT, 2018

The Standards, as set out in the Schedule, are issued by the Namibia Financial Institutions Supervisory Authority (NAMFISA) under section 35(1) of the Microlending Act, 2018 (Act No. 7 of 2018). The Standards come into effect on the date of publication.

K. S. MATOMOLA
CHIEF EXECUTIVE OFFICER

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PART I
INTRODUCTORY PROVISIONS

1. Citation

The Standards may be cited as Microlending Standards ML.S.1 and ML.S.2 respectively.

2. Interpretation

- (1) In the Standards “the Act” means the Microlending Act, 2018, including the regulations made thereunder, and the standards issued by NAMFISA under the Act; and
- (2) any word or expression to which a meaning has been assigned in the Act bears that meaning, unless the context indicates otherwise.

PART II

MICROLENDING ACT, 2018
THE FORM AND MANNER OF ANY APPLICATION REQUIRED TO BE
MADE UNDER THE ACT

STANDARD ML.S.1

issued by NAMFISA under section 35(1) of the Microlending Act, 2018

1. Definitions

- (1) In this Standard -
 - (a) “Act” means the Microlending Act, 2018, including the regulations made thereunder, and the standards issued by NAMFISA under the Act;
 - (b) “microlending branch” means any additional premises, other than the existent licensed premises, from where microlending business will be conducted, and it includes any premises at which a microlender allows for loan applications to be made or submitted; and
 - (c) “NAMFISA ERS” means the Electronic Regulatory System which facilitates communication between NAMFISA and the microlending industry.
- (2) Words and phrases defined in the Act have the same meaning in this Standard, unless the context indicates otherwise, including, without limitation, the following as defined in section 1 of the Act:
 - (a) banking institution;
 - (b) branch manager;
 - (c) credit bureau;
 - (d) day;
 - (e) Financial Intelligence Act;
 - (f) key responsible person;

- (g) licensed premises;
- (h) loan agreement;
- (i) microlender;
- (j) NAMFISA; and
- (k) principal officer.

2. Applicability

This Standard is applicable to any person who conducts, or intends to conduct, business as a microlender in Namibia.

3. Application for registration as a microlender

- (1) Every application, in terms of section 5(1) of the Act, to NAMFISA for registration as a microlender must be made on a form set out under Schedule 1 attached to this Standard, on the NAMFISA ERS.
- (2) The completed form must be submitted with the following documentation:
 - (a) a certified copy of the applicant's Income Tax registration certificate and, if applicable, a certified copy of the applicant's Value Added Tax (VAT) registration certificate, issued by the Ministry of Finance;
 - (b) a certified copy of each natural key responsible person's certificate of conduct/crime clearance certificate, issued by such person's local police, and which was issued no longer than 12 months prior to the date of application to NAMFISA;
 - (c) a certified copy of each natural key responsible person's identity document or passport;
 - (d) a copy of the updated curriculum vitae of the principal officer, a certified copy of the principal officer's educational qualifications and proof of his or her relevant experience, including but not limited to reference letters from previous employers or clients or certificates of service from previous employers, or in the absence thereof, a declaration under oath confirming his or her relevant experience;
 - (e) proof, from a banking institution, of a bank account in the name of the applicant;
 - (f) a copy of the standard written loan agreement pursuant to section 24(2) of the Act;
 - (g) where the applicant is a corporate entity or trust, a certified copy of the memorandum of association and articles, or other instrument constituting or defining the constitution of the corporate entity or other foundation documents of the applicant;
 - (h) proof of source of funds and amount of start-up capital to finance the microlending business;

- (i) NAMFISA ERS nominations on the form set out under Schedule 2 attached to this Standard;
 - (j) a certified copy of the appointment letter of the applicant's auditor, accounting officer or bookkeeper. The appointment letter must contain the physical registered business address and the postal address of the concerned auditor, accounting officer or bookkeeper, as well as the telephone number, fax number and e-mail address of such person;
 - (k) a copy of the microlender's compliance programme in accordance with the Financial Intelligence Act, 2012 (Act No. 13 of 2012); and
 - (l) proof of payment of the non-refundable application fee of N\$2 000.00, payment of which must be made in accordance with the instructions set out under Schedule 3 attached to this Standard.
- (3) Every registered microlender must, within 3 months after registration, submit to NAMFISA, on the NAMFISA ERS, a certified copy of the certificate of fitness and registration issued by the relevant local authority, village council, town council or municipality in respect of the premises from where the microlending business will be conducted.

4. Application for the change of name, use of another name, use of shortened form or derivative of the name

- (1) Every application by a registered microlender, in terms of section 18 of the Act, to NAMFISA for the change of the name under which it is registered, use of another name or use of a shortened form or derivative of a name must be made on a form set out under Schedule 4 attached to this Standard, on the NAMFISA ERS.
- (2) The completed form must be signed by the principal officer or any other key responsible person.
- (3) Where the applicant is a corporate entity or trust, certified copies of the relevant amended memorandum of association and articles, or other amended instrument constituting or defining the constitution of the corporate entity or trust or other amended foundation documents of the applicant evidencing the name change must be submitted to NAMFISA, on the NAMFISA ERS, within 30 days of the approval for the change of name by NAMFISA.

5. Application for purchase, amalgamation or transfer of microlending business

- (1) Every application, in terms of section 19 of the Act, to NAMFISA for the purchase, amalgamation or transfer of the microlending business, must be made on a form set out under Schedule 1 attached to this Standard, on the NAMFISA ERS.
- (2) The completed form must be signed by the principal officer, or any other key responsible person, and submitted together with the following documentation:
 - (a) a certified copy of the applicant's Income Tax registration certificate and, if applicable, a certified copy of the applicant's VAT registration certificate, issued by the Ministry of Finance;
 - (b) a certified copy of each natural key responsible person's certificate of conduct/crime clearance certificate, issued by such person's local police, and

which was issued no longer than 12 months prior to the date of application to NAMFISA;

- (c) a certified copy of each new natural key responsible person's identity document or passport;
- (d) if a new principal officer is appointed, a copy of the principal officer's updated curriculum vitae, certified copies of the principal officer's educational qualifications and proof of his or her relevant experience, including but not limited to reference letters from previous employers or clients or certificates of service from previous employers, or in the absence thereof, a declaration under oath confirming his or her relevant experience;
- (e) a signed copy of the agreement for the purchase, amalgamation or transfer of the microlending business;
- (f) proof of source of funds for the purchase of the microlending business;
- (g) NAMFISA ERS nominations on the form set out under Schedule 2 attached to this Standard;
- (h) if any of the microlenders involved in the purchase, amalgamation or transfer is a corporate entity or trust, the memorandum of association and articles, or other instrument constituting or defining the constitution of the corporate entity or trust or other foundation documents of the corporate entity, as the case may be; and
- (i) any further information relevant to the purchase, amalgamation or transfer of ownership of the microlending business.

6. Application to conduct other business on licensed premises

- (1) Every application by a registered microlender, in terms of section 20 of the Act, to NAMFISA for conducting other business on licensed premises must be made on a form set out under Schedule 5 attached to this Standard, on the NAMFISA ERS.
- (2) The completed form must be signed by the principal officer, or any other key responsible person, and submitted together with the following documentation:
 - (a) proof, from a banking institution, of a separate bank account opened for such other business pursuant to section 20(3) of the Act;
 - (b) a certified copy of the certificate of fitness and registration issued by the relevant local authority, village council, town council or municipality as proof that the premises is fit for the envisaged other business activities to be conducted; and
 - (c) the printed declaration of the NAMFISA ERS form which must be signed by the principal officer or any other key responsible person.

7. Application for the opening of additional microlending branches

- (1) Every application by a registered microlender, in terms of section 21 of the Act, to NAMFISA for the opening of an additional microlending branch must be made on a form set out under Schedule 6 attached to this Standard, on the NAMFISA ERS.

- (2) The completed form must be signed by the principal officer, or any other key responsible person, and submitted together with the following documentation:
 - (a) proof of source of funds and the amount to be invested in the envisaged additional microlending branch; and
 - (b) the city, town or village and the suburb within the city, town or village where the additional microlending branch will be located.
- (3) The microlender must, within three months of the approval of the additional microlending branch, submit to NAMFISA a form set out under Schedule 7 attached to this Standard, on the NAMFISA ERS.
- (4) The completed form, as referred to under clause (3) above, must be submitted together with the following documentation:
 - (a) a certified copy of the certificate of fitness and registration issued by the relevant local authority, village council, town council or municipality pertaining to the additional microlending branch;
 - (b) a declaration that the office set-up of the additional microlending branch complies with the basic office infrastructure requirements in terms of the existence of:
 - (i) electronic device(s) with subscription to a credit bureau which has been established in terms of the relevant laws;
 - (ii) office tables and chairs; and
 - (iii) filing system(s);
 - (c) a certified copy of the branch manager's identity document or passport;
 - (d) a copy of the updated curriculum vitae of the branch manager, certified copies of his or her educational qualifications and proof of his or her relevant experience, including but not limited to reference letters from previous employers or clients or certificates of service from previous employers, or in the absence thereof, a declaration under oath confirming his or her relevant experience;
 - (e) certified copy of the branch manager's certificate of conduct/crime clearance certificate, issued by such person's local police, and which was issued no longer than 12 months prior to the date of application to NAMFISA; and
 - (f) the completed Sections F, G and H and the relevant Declaration under oath of Schedule 1 attached to this Standard.

8. Manner of submitting applications

All applications made under this Standard must be submitted to NAMFISA both manually in hard copy as well as electronically on the NAMFISA ERS.

9. Additional information

NAMFISA may require any microlender or applicant that has lodged an application in terms of any provision under this Standard, to furnish such further information and documents which NAMFISA may determine reasonably necessary in order to consider the application.

SUPPORTING SCHEDULES

The following supporting schedules are attached to and form part of this Standard:

- Schedule 1: Application for registration as a microlender/purchase/amalgamation/transfer of microlending business form
- Schedule 2: NAMFISA ERS nomination form
- Schedule 3: Application fee payment instructions
- Schedule 4: Application for change of name/use of alternative name/use of shortened form or derivative of the name
- Schedule 5: Application to conduct other business on licensed premises
- Schedule 6: Application for additional microlending branch
- Schedule 7: Additional microlending branch post-approval form

SCHEDULE 1**APPLICATION FOR REGISTRATION AS A MICROLENDER/PURCHASE/
AMALGAMATION/TRANSFER OF MICROLENDING BUSINESS****SECTION A: WHERE THE APPLICANT IS A CORPORATE ENTITY OR A TRUST – DETAILS
OF THE CORPORATE ENTITY/TRUST TO BE PROVIDED**

A.1 Full registered name: _____

A.2 Previously registered name(s): _____

A.3 Trading name(s): _____

A.4 Corporate entity/trust registration No.: _____

A.5 Country of Registration: _____

A.6 If not incorporated in Namibia please provide description of the corporate entity/trust: _____
_____A.7 Income Tax Registration No. and VAT Registration No., if applicable: _____

A.8 Financial year end: _____

A.9 Nature of business: _____

A.10 Registered address: _____

A.11 Principal place of business: _____

A.12 Contact person: _____

A.13 Postal address: _____

A.14 Telephone No: _____

A.15 Fax No: _____

A.16 Mobile No: _____

A.17 Is the entity/trust subject to financial services regulation in a foreign country or a financial services intermediary?: _____

A.18 If yes, which jurisdiction: _____

A.19 Name of foreign regulator(s): _____

SECTION B: WHERE THE APPLICANT IS A CORPORATE ENTITY OR A TRUST – (HONESTY AND INTEGRITY QUESTIONNAIRE)

to be provided in respect of the applicant where the applicant is a corporate entity or trust, as well as for each shareholder where the shareholder is a legal person

If the answer to any of the questions is yes, provide full details on a separate page and attach certified documents to the form:

		YES	NO
1	Has any adverse finding been made against the corporate entity/trust/legal person within a period of ten years preceding the date of application in any civil or criminal proceedings by a court of law (whether in Namibia or elsewhere), in which the entity/trust/legal person has been found to have acted fraudulently, dishonestly, unprofessionally, dishonorably or in breach of a fiduciary duty?	<input type="checkbox"/>	<input type="checkbox"/>
2	Has the corporate entity/trust/legal person within a period of ten years preceding the date of application, been found guilty by any professional, financial services industry or regulatory body (whether in Namibia or elsewhere), of an act of dishonesty, negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
3	Has the corporate entity/trust/legal person within a period of ten years preceding the date of application, been denied membership of any body referred to in question 2 above on account of an act of dishonesty, negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
4	Has the corporate entity/trust/legal person within a period of ten years preceding the date of application, been found guilty by any regulatory or supervisory body (whether in Namibia or elsewhere), or has an authorization to carry on business been refused, suspended or withdrawn by any such body on account of an act of dishonesty, negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
5	Has the corporate entity/trust/legal person at any time prior to the date of application been disqualified or prohibited by any court of law (whether in Namibia or elsewhere) from taking part in the management of any other corporate entity or other statutorily created, recognized or regulated body, irrespective whether such disqualification has since been lifted or not?	<input type="checkbox"/>	<input type="checkbox"/>
6	Has the corporate entity/trust/legal person been the subject of any investigation or disciplinary proceedings or has administrative action been taken or administrative penalties been imposed by any regulatory authority, professional or government body, agency, exchange or self-regulatory organisation (whether in Namibia or elsewhere)?	<input type="checkbox"/>	<input type="checkbox"/>
7	Has the corporate entity/trust/legal person ever been refused authorization to carry on business by any regulatory body (whether in Namibia or elsewhere), or has such authorization ever been suspended or revoked by any such body, because of negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
8	Has the corporate entity/trust/legal person ever been placed under judicial management, insolvency, liquidation or any other processes of a similar nature?	<input type="checkbox"/>	<input type="checkbox"/>
9	Has the corporate entity/trust/legal person ever been convicted of an offence or found to be liable under the Financial Intelligence Act, 2012 (Act No. 13 of 2012), and/or the Prevention of Organized Crime Act, 2004 (Act No. 29 of 2004) and/or the Prevention and Combating of Terrorist and Proliferation Activities Act, 2014 (Act No. 4 of 2014) and/or any other similar Acts describing similar offences and/or liability in any other country?	<input type="checkbox"/>	<input type="checkbox"/>
10	Does the corporate entity/trust/legal person have any additional information, which should be brought to NAMFISA's attention, which may have an impact on the evaluation by NAMFISA of the corporate entity/trust/legal person's conduct?	<input type="checkbox"/>	<input type="checkbox"/>

SECTION C: WHERE THE APPLICANT IS A CORPORATE ENTITY OR A TRUST - SOURCE OF FUNDS AND AMOUNT OF START-UP CAPITAL:

C.1 Source of Funds: _____

C.2 Amount of start-up capital: _____

NB: Kindly note that all source of funds must be properly and thoroughly supported with documentary evidence of how the money was earned, i.e. what activities were conducted to generate the funds.

DECLARATION BY APPLICANT WHERE THE APPLICANT IS A CORPORATE ENTITY OR A TRUST

I, _____ (full names) in my capacity as _____ of the applicant referred to herein, hereby declare under oath/affirm as follows:

This statement consisting of _____ pages, was completed by me. The contents of this statement are true to the best of my knowledge and belief.

I undertake that, as long as I continue to be a _____ of the entity/trust, I will notify NAMFISA of any material changes to, or affecting the completeness or accuracy of, the information supplied to NAMFISA as soon as possible, but in any event no later than 30 days from the day that the changes come to my attention.

I know and understand the content of this declaration. I do not have objections to taking the prescribed oath/affirmation. I consider the prescribed oath/affirmation to be binding on my conscience.

SIGNATURE OF DEPONENT

I hereby declare that the deponent has sworn/affirmed to and signed the declaration in my presence at _____ on the ____ day of _____ 20 ____ and he/she declared as follows: that the facts herein contained fall within his or her personal knowledge and that he/she understands the contents hereof; that he/she has no objection to taking the oath/affirmation; that he/she regards the oath/affirmation as binding on his/her conscience.

COMMISSIONER OF OATHS

FULL NAMES: _____

CAPACITY: _____

ADDRESS: _____

SECTION D: WHERE THE APPLICANT IS A SOLE PROPRIETOR OR A PARTNERSHIP - DETAILS OF EVERY NATURAL PERSON WITH AN OWNERSHIP INTEREST TO BE PROVIDED

to be provided for each natural person/partner

D.1 Full name of person with ownership interest: _____

D.2 Previous surname(s): _____

D.3 Nature of ownership interest: _____

D.4 Trading name(s): _____

D.5 Nationality of person with ownership interest: _____

D.6 Identification No/Passport No: _____

D.7 Date of Birth: _____

D.8 Place of Birth: _____

D.9 Income Tax Registration No. and VAT Registration No., if applicable: _____

D.10 Occupation: _____

D.11 Residential address: _____

D.12 Business address: _____

D.13 E-mail: _____

D.14 Telephone No: _____

D.15 Mobile No: _____

D.16 Fax No: _____

SECTION E: WHERE THE APPLICANT IS A SOLE PROPRIETOR OR A PARTNERSHIP - SOURCE OF FUNDS AND AMOUNT OF START-UP CAPITAL:

E.1 Source of Funds: _____

E.2 Amount of start-up capital: _____

NB: Kindly note that all source of funds must be properly and thoroughly supported with documentary evidence of how the money was earned, i.e. what activities were conducted to generate the funds.

DECLARATION BY APPLICANT WHERE THE APPLICANT IS A SOLE PROPRIETOR OR A PARTNERSHIP

I, _____ (full names) hereby declare under oath/affirm as follows:

This statement consisting of _____ pages, each initialed by me. The content of this statement is true and correct to the best of my knowledge and belief.

I undertake that, as long as I continue to be _____ (state designation) of the institution, I will notify NAMFISA of any material changes to, or affecting the completeness or accuracy of, the information supplied to NAMFISA in this statement as soon as possible, but in any event no later than 30 days from the day that the changes come to my attention.

I know and understand the content of this declaration. I do not have objections to taking the prescribed oath/affirmation. I consider the prescribed oath/affirmation to be binding on my conscience.

SIGNATURE OF DEPONENT

I hereby declare that the deponent has sworn/affirmed to and signed this statement in my presence at _____ on the ____ day of _____ 20 ____ and he/she declared as follows: that the facts herein contained fall within his or her personal knowledge and that he/she understands the contents hereof; that he/she has no objection to taking the oath/affirmation; that he/she regards the oath/affirmation as binding on his/her conscience.

COMMISSIONER OF OATHS

FULL NAMES _____

CAPACITY _____

ADDRESS _____

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SECTION F: PRINCIPAL OFFICER, BRANCH MANAGER AND OTHER NATURAL KEY RESPONSIBLE PERSON

To be provided for the principal officer and, if applicable, each branch manager and other natural key responsible person (directors/trustees)

F.1 Full name(s): _____

F.2 Previous surname(s): _____

F.3 Nationality: _____

F.4 Identification/ Passport No.: _____

F.5 Occupation: _____

F.6 Date appointed: _____

F.7 Residential address: _____

F.8 Business address: _____

F.9 E-mail: _____

F.10 Telephone No: _____

F.11 Mobile No: _____

F.12 Fax No: _____

F.13 Relation to applicant: _____

SECTION G: NATURAL KEY RESPONSIBLE PERSON'S HONESTY AND INTEGRITY QUESTIONNAIRE

Full Name(s) of Natural Person: _____

If the answer to any of the questions is yes, provide full details on a separate page and attach certified documents to the form:

		YES	NO
1	Has any adverse finding been made against you within a period of ten years preceding the date of application in any civil or criminal proceedings by a court of law (whether in Namibia or elsewhere), in which you were found to have acted fraudulently, dishonestly, unprofessionally, dishonorably or in breach of a fiduciary duty?	<input type="checkbox"/>	<input type="checkbox"/>
2	Have you within a period of ten years preceding the date of application been found guilty by any professional, financial services industry or regulatory body (whether in Namibia or elsewhere), of an act of dishonesty, negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
3	Have you within a period of ten years preceding the date of application been denied membership of any body referred to in question 2 above on account of an act of dishonesty, negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
4	Have you within a period of ten years preceding the date of application been found guilty by any regulatory or supervisory body (whether in Namibia or elsewhere), or has an authorization to carry on business been refused, suspended or withdrawn by any such body on account of an act of dishonesty, negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
5	Have you at any time prior to the date of application been disqualified or prohibited by any court of law (whether in Namibia or elsewhere) from taking part in the management of any corporate entity or other statutorily created, recognized or regulated body, irrespective whether such disqualification has since been lifted or not?	<input type="checkbox"/>	<input type="checkbox"/>
6	Have you been the subject of any investigation or disciplinary proceedings or has administrative action been taken or administrative penalties been imposed by any regulatory authority, professional or government body or agency, an exchange or self-regulatory organisation (whether in Namibia, or elsewhere)?	<input type="checkbox"/>	<input type="checkbox"/>
7	Have you ever been refused authorization to carry on business by any regulatory body (whether in Namibia or elsewhere), or has such authorization ever been suspended or revoked by any such body, because of negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
8	Are you subject to an order of a competent court holding you to be mentally unfit or disordered?	<input type="checkbox"/>	<input type="checkbox"/>

9	Have you within a period of ten years preceding the date of application been removed from office or left office on account of misconduct relating to fraud, theft or the misappropriation of money, whether in Namibia or elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>
10	Have you within a period of ten years preceding the date of application received a grant of amnesty or free pardon for any offence?	<input type="checkbox"/>	<input type="checkbox"/>
11	Has your estate ever been sequestrated?	<input type="checkbox"/>	<input type="checkbox"/>
12	Have you ever been convicted of an offence or found to be liable under the Financial Intelligence Act, 2012 (Act No. 13 of 2012), and/or the Prevention of Organized Crime Act, 2004 (Act No. 29 of 2004), and/or the Prevention and Combating of Terrorist and Proliferation Activities Act, 2014 (Act No. 4 of 2014) and/or any other similar Acts describing similar offences and/or liability in any country?	<input type="checkbox"/>	<input type="checkbox"/>
13	Have you within a period of five years preceding the date of application been adversely listed on a Credit Bureau (whether in Namibia or elsewhere)?	<input type="checkbox"/>	<input type="checkbox"/>
14	Have you previously been appointed as a Principal Officer or Director in the financial services industry or as a Branch Manager in the microlending industry? If yes, provide more information, i.e. duration, which company, etc.	<input type="checkbox"/>	<input type="checkbox"/>
15	Are you involved in other corporate entities as a Director, Shareholder, Member, Trustee, etc.? If yes, provide more information, i.e. duration, which company, etc.	<input type="checkbox"/>	<input type="checkbox"/>
16	Has any corporate entity in respect of which you are or were a Member, Shareholder, Director, Trustee or officer ever been convicted of an offence or found to be liable under the Financial Intelligence Act, 2012 (Act No. 13 of 2012), and/or the Prevention of Organized Crime Act, 2004 (Act No. 29 of 2004), and/or the Prevention and Combating of Terrorist and Proliferation Activities Act, 2014 (Act No. 4 of 2014) and/or any other similar Acts describing similar offences and/or liability in any country?	<input type="checkbox"/>	<input type="checkbox"/>
17	Do you have any additional information, which should be brought to NAMFISA's attention, which may have an impact on the evaluation by NAMFISA of your good character and integrity?	<input type="checkbox"/>	<input type="checkbox"/>

SECTION H: COMPETENCE OF PRINCIPAL OFFICER, BRANCH MANAGER AND OTHER NATURAL KEY RESPONSIBLE PERSON

Full name(s) of Principal Officer/Branch Manager/other natural key responsible person: _____

H.1 Training (complete table below):

Qualification	Institution	Date obtained

H.2 Experience (complete table below):

Relevant employment history and/or experience in the industry: (To be supported with proof of relevant experience, included but not limited to reference letters from previous employers or clients or certificates of service from previous employers). Enclose detailed Curriculum Vitae (CV) of the Principal Officer, Branch Manager and other natural key responsible person.

Position held	Employer	Contact Details	Period

DECLARATION BY PRINCIPAL OFFICER, BRANCH MANAGER AND/OR OTHER NATURAL KEY RESPONSIBLE PERSON

I, _____ (full names) hereby declare under oath/affirm as follows:

This statement consisting of _____ pages, each initialed by me. The content of this statement is true and correct to the best of my knowledge and belief.

I undertake that, as long as I continue to be _____ (state designation) of the institution, I will notify NAMFISA of any material changes to, or affecting the completeness or accuracy of, the information supplied to NAMFISA in this statement as soon as possible, but in any event no later than 30 days from the day that the changes come to my attention.

I know and understand the content of this declaration. I do not have objections to taking the prescribed oath/affirmation. I consider the prescribed oath/affirmation to be binding on my conscience.

SIGNATURE OF DEPONENT

I hereby declare that the deponent has sworn/affirmed to and signed this statement in my presence at _____ on the ____ day of _____ 20__ and he/she declared as follows: that the facts herein contained fall within his or her personal knowledge and that he/she understands the contents hereof; that he/she has no objection to taking the oath/affirmation; that he/she regards the oath/affirmation as binding on his/her conscience.

COMMISSIONER OF OATHS

FULL NAMES _____

CAPACITY _____

ADDRESS _____

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SECTION I: ADDITIONAL FILE ATTACHMENTS

Additional attachments	file	
	Certified copy of applicant's Income Tax registration certificate and, if applicable, the VAT registration certificate	
	Certified copies of each natural key responsible person's certificate of conduct/crime clearance certificate	
	Certified copies of each natural key responsible person's identity document or passport	
	Copy of Principal Officer's and/or Branch Manager's and/or natural key responsible person's updated curriculum vitae	
	Certified copies of the Principal Officer's and/or Branch Manager's and/or natural key responsible person's educational qualifications	
	Proof of Principal Officer's and/or Branch Manager's and/or natural key responsible person's relevant experience	
	Proof from a banking institution of a bank account in the name of the applicant	
	Copy of the standard written loan agreement	
	Certified copies of the corporate entity's/trust's memorandum of association and articles or other instrument constituting or defining the constitution of the corporate entity/trust or other foundation documents	
	Proof of source of funds to finance the microlending business	
	NAMFISA ERS nomination form	
	Certified copy of the appointment letter of the applicant's auditor, accounting officer or bookkeeper	
	Copy of the applicant's compliance programme	
	Proof of payment of the applicant fee	
	Copy of the agreement of purchase, amalgamation or transfer of microlending business	
	Proof of source of funds for the purchase of the microlending business	
	Where any microlender involved in the purchase, amalgamation or transfer is a corporate entity/trust, certified copies of the corporate entity's/trust's memorandum of association and articles or other instrument constituting or defining the constitution of the corporate entity/trust or other foundation documents	

SCHEDULE 2**NAMFISA ELECTRONIC REGULATORY SYSTEM (ERS) NOMINATION FORM**

Registered name:			
NAMFISA Registration No:			
List of ERS user nominees:			
	Name of Nominee	Designation (i.e. Principal Officer, Director, Member or Owner/etc.)	E-mail Address
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
Authorised Signature (Chief Executive Officer/Managing Director/Owner/Principal Officer):			
Designation:			
Please print name and sign below:			
	Name (print)		
	Signature		
	Date		

SCHEDULE 3**APPLICATION FEE PAYMENT INSTRUCTIONS**

The application fee must be paid into the following bank account:

Name of Bank:	Standard Bank
Account name:	NAMFISA
Account number:	241440351
Branch:	Gustav Voigts
Branch Code:	082772
Reference:	(Name of microlending business)

SCHEDULE 4**APPLICATION FOR CHANGE OF NAME/USE OF ALTERNATIVE NAME/USE OF SHORTENED FORM OR DERIVATIVE OF THE NAME**

Registered name:	
NAMFISA Registration No:	
Proposed name:	
Reason for proposed new name /change of name / use of alternative name / use of shortened form or derivative of the name:	
Attach Original License or, if lost, a sworn declaration to that effect	
<p>By signing this document I confirm that all the above information is true and accurate and can be relied on and that I will disclose all necessary material information that may be required by NAMFISA.</p> <p>SIGNED ON BEHALF OF THE APPLICANT: Name: Capacity: Signature:</p>	

SCHEDULE 5**APPLICATION TO CONDUCT OTHER BUSINESS ON LICENSED PREMISES**

SECTION A	
Registered name:	
NAMFISA Registration No:	
Description of envisaged other business to be conducted on licensed premises:	
Reason for conducting envisaged other business on licensed premises:	
Additional file attachments:	
Attach certified copy of Certificate of Fitness and Registration issued by the relevant local authority, village council, town council or municipality as proof that the premises is fit for the envisaged other activities to be conducted	
Attach proof from a banking institution, of a separate bank account opened for such other business	
SECTION B	
By signing this document I confirm that all the above information is true and accurate and can be relied on and that I will disclose all necessary material information that may be required by NAMFISA.	
SIGNED ON BEHALF OF THE APPLICANT:	
Name:	
Capacity:	
Signature:	

SCHEDULE 6**APPLICATION FOR ADDITIONAL MICROLENDING BRANCH****SECTION A: WHERE THE APPLICANT IS A CORPORATE ENTITY OR A TRUST – DETAILS OF THE CORPORATE ENTITY/TRUST TO BE PROVIDED**

A.1 Full registered name: _____

A.2 Trading name(s): _____

A.3 NAMFISA registration No.: _____

A.4 Registered address: _____

A.5 Principal place of business: _____

A.6 Contact person: _____

A.7 Postal address: _____

A.8 Telephone No: _____

A.9 Fax No: _____

A.10 Mobile No: _____

A.11 Physical address of additional branch: _____

A.12 Description of additional branch (for example, will it be an in-store kiosk or a stand-alone additional branch): _____

SECTION B: WHERE THE APPLICANT IS A SOLE PROPRIETOR OR A PARTNERSHIP – DETAILS OF EVERY NATURAL PERSON WITH AN OWNERSHIP INTEREST TO BE PROVIDED*to be provided for each natural person/partner*

B.1 Full name of person with ownership interest:

B.2 Trading name(s): _____

B.3 NAMFISA registration No: _____

B.4 Previous surname(s): _____

B.5 Nationality: _____

B.6 Identification No/Passport No: _____

B.7 Occupation: _____

B.8 Residential address: _____

B.9 Business address: _____

B.10 E-mail: _____

B.11 Telephone No: _____

B.12 Mobile No: _____

B.13 Fax No: _____

B.14 Physical address of additional branch: _____

B.15 Description of additional branch (for example, will it be an in-store kiosk or a stand-alone additional branch): _____

SECTION C: SOURCE OF FUNDS TO FINANCE ADDITIONAL MICROLENDING BRANCH:

C.1 Source of Funds: _____

C.2 Amount with which operations of additional branch is financed: _____

NB: Kindly note that all source of funds must be properly and thoroughly supported with documentary evidence of how the money was earned, i.e. what activities were conducted to generate the funds.

CERTIFICATION OF COMPLIANCE

On behalf of the applicant..... (name of microlender) I, the undersigned, (full names), in my capacity as principal officer, do hereby confirm that all the requirements of the Act have been complied with in full and that appropriate procedures have been implemented to ensure on-going compliance.

I am not aware of any substantial non-compliance with the requirements of the Act.

Signature

Date: _____

Name: _____

SECTION D: BRANCH MANAGER, IF ALREADY APPOINTED AT THE TIME OF THE APPLICATION

D.1 Full name(s): _____

D.2 Previous surname(s): _____

D.3 Nationality: _____

D.4 Identification/ Passport No.: _____

D.5 Previous Occupation: _____

D.6 Date appointed: _____

D.7 Residential address: _____

D.8 Business address: _____

D.9 E-mail: _____

D.10 Telephone No: _____

D.11 Mobile No: _____

D.12 Fax No: _____

D.13 Relation to applicant: _____

D.14 **Training** (complete table below):

Qualification	Institution	Date obtained

D.15 **Experience** (complete table below):

Relevant employment history and/or experience in the industry: (To be supported with proof of relevant experience, including but not limited to reference letters from previous employers or clients or certificates of service from previous employers). Enclose detailed Curriculum Vitae (CV) of the Branch Manager.

Position held	Employer	Contact Details	Period

DECLARATION BY APPLICANT WHERE THE APPLICANT IS A CORPORATE ENTITY OR A TRUST

I, _____ (full names) in my capacity as _____ of the applicant referred to herein, hereby declare under oath/affirm as follows:

This statement consisting of _____ pages, was completed by me. The contents of this statement are true to the best of my knowledge and belief.

I undertake that, as long as I continue to be a _____ of the entity, I will notify NAMFISA of any material changes to, or affecting the completeness or accuracy of, the information supplied to NAMFISA as soon as possible, but in any event no later than 30 days from the day that the changes come to my attention.

I know and understand the content of this declaration. I do not have objections to taking the prescribed oath/affirmation. I consider the prescribed oath/affirmation to be binding on my conscience.

SIGNATURE OF DEPONENT

I hereby declare that the deponent has sworn/affirmed to and signed the declaration in my presence at _____ on the ____ day of _____ 20__ and he/she declared as follows: that the facts herein contained fall within his or her personal knowledge and that he/she understands the contents hereof; that he/she has no objection to taking the oath/affirmation; that he/she regards the oath/affirmation as binding on his/her conscience.

COMMISSIONER OF OATHS

FULL NAMES: _____

CAPACITY: _____

ADDRESS: _____

DECLARATION WHERE THE APPLICANT IS A SOLE PROPRIETOR OR A PARTNERSHIP

I, _____ (full names) hereby declare under oath/affirm as follows:

This statement consisting of _____ pages, each initialed by me. The content of this statement is true and correct to the best of my knowledge and belief.

I undertake that, as long as I continue to be _____ (state designation) of the institution, I will notify NAMFISA of any material changes to, or affecting the completeness or accuracy of, the information supplied to NAMFISA in this statement as soon as possible, but in any event no later than 30 days from the day that the changes come to my attention.

I know and understand the content of this declaration. I do not have objections to taking the prescribed oath/affirmation. I consider the prescribed oath/affirmation to be binding on my conscience.

SIGNATURE OF DEPONENT

I hereby declare that the deponent has sworn/affirmed to and signed this statement in my presence at _____ on the ____ day of _____ 20 ____ and he/she declared as follows: that the facts herein contained fall within his or her personal knowledge and that he/she understands the contents hereof; that he/she has no objection to taking the oath/affirmation; that he/she regards the oath/affirmation as binding on his/her conscience.

COMMISSIONER OF OATHS

FULL NAMES _____

CAPACITY _____

ADDRESS _____

Initialling of each page by Commissioner of Oaths and deponent

SCHEDULE 7

ADDITIONAL MICROLENDING BRANCH POST-APPROVAL FORM

SECTION A			
Registered name:			
NAMFISA Registration No:			
This section allows you to add details of the new additional microlending branch:			
Physical Address of branch	Address line 1:		
	Address line 2:		
	Address line 3:		
	Town/City:		
Postal Address of branch	Address line 1:		
	Address line 2:		
	Address line 3:		
	Town/City:		
Branch Telephone No			
Branch Fax No			
Branch e-mail address			
Basic Office Infrastructure information:			If no, kindly add comments
a. Sufficient tables and chairs?	Yes:	No:	
b. Electronic device with subscription to a registered credit bureau?	Yes:	No:	
c. Filing systems?	Yes:	No:	
d. Reasonable degree of confidentiality maintained at office?	Yes:	No:	
1. Attachment: Certificate of Fitness and Registration issued by Local Authority where additional microlending branch is situated:			
2. Attachment: photos of office set-up:			
SECTION B			
1. Full names of branch manager:			
2. Identity No:			
2. Personal postal address:			
3. Personal residential address:			
4. Personal telephone Nos:			
Attachment 1: CV			
Attachment 2: Certified copy of ID			
Attachment 3: Certified copy of educational qualifications (including highest school leaving certificate)			

Attachment 4: Certified copy of Certificate of Conduct	
Attachment 5: Completed Natural Persons Fit and Proper questionnaire	
Attachment 6: Proof of relevant experience	
SECTION C	
By signing this document I confirm that all the above information is true and accurate and can be relied on and that I will disclose all necessary material information that may be required by NAMFISA.	
SIGNED ON BEHALF OF THE APPLICANT: Name: Capacity: Signature:	

MICROLENDING ACT, 2018
FIT AND PROPER CRITERIA FOR ANY KEY RESPONSIBLE PERSON

STANDARD ML.S.2

issued by NAMFISA under section 35(1) of the Microlending Act, 2018

1. Definitions

- (1) In this Standard, “Act” means the Microlending Act, 2018, including the regulations made thereunder, and the standards issued by NAMFISA under the Act.
- (2) Words and phrases defined in the Act have the same meaning in this Standard, unless the context indicates otherwise, including, without limitation, the following, as defined in section 1 of the Act:
 - (a) branch manager;
 - (b) credit bureau;
 - (c) Financial Intelligence Act;
 - (d) key responsible person;
 - (e) microlender;
 - (f) NAMFISA; and
 - (g) principal officer.

2. Applicability

This Standard is applicable to any key responsible person.

3. Fit and proper criteria for a principal officer

- (1) Every microlender registered under the Act is required to appoint a principal officer in terms of section 14(1) of the Act.
- (2) A principal officer appointed in terms of section 14(1) of the Act must -
 - (a) comply with NAMFISA’s fit and proper requirements for key responsible persons in terms of Schedule 1 of the Act;
 - (b) be in possession of a Grade 10 certificate or equivalent qualification and have at least four years administrative or business experience; or
 - (c) be in possession of a Grade 12 certificate or equivalent qualification and have at least two years administrative or business experience; and
 - (d) be employed at the microlending business on a full-time basis.
- (3) In the event that a microlender, after its registration as a microlender, appoints a new principal officer, the newly appointed principal officer must -

- (a) comply with the provisions of clause 3(2); and
- (b) within 30 days of his or her appointment, submit the following documents to NAMFISA pursuant to section 14(10) of the Act -
 - (i) a duly completed fit and proper assessment set out under Schedule 1 attached to this Standard;
 - (ii) a certified copy of his or her Identity Document (ID) or passport;
 - (iii) a copy of his or her updated Curriculum Vitae (CV), certified copies of his or her educational qualifications and proof of his or her relevant experience, including but not limited to reference letters from previous employers or clients or certificates of service from previous employers, or in the absence thereof, a declaration under oath confirming his or her relevant experience; and
 - (iv) a certified copy of the certificate of conduct/crime clearance certificate, issued by the principal officer's local police, and which was issued no longer than 12 months prior to the date of submission to NAMFISA.

4. Fit and proper criteria for a branch manager

- (1) Every microlender registered under the Act is required to appoint a branch manager in terms of section 21(4) of the Act.
- (2) A branch manager appointed in terms of section 21(4) of the Act must -
 - (a) comply with NAMFISA's fit and proper requirements for key responsible persons in terms of Schedule 1 of the Act;
 - (b) be in possession of a Grade 10 certificate or equivalent qualification and have at least two years administrative or business experience; or
 - (c) be in possession of a Grade 12 certificate or equivalent qualification and have at least one year administrative or business experience.
- (3) Should the microlender be necessitated to, at any time, appoint a new branch manager, the newly appointed branch manager must -
 - (a) comply with the provisions of clause 4(2); and
 - (b) within 30 days of his or her appointment, submit the following documents to NAMFISA pursuant to section 21(10) of the Act -
 - (i) a duly completed fit and proper assessment set out under Schedule 1 attached to this Standard;
 - (ii) a certified copy of his or her Identity Document (ID) or passport;
 - (iii) a copy of his or her updated Curriculum Vitae (CV), certified copies of his or her educational qualifications and proof of his or her relevant experience, including but not limited to reference letters from previous employers or clients or certificates of service from

previous employers, or in the absence thereof, a declaration under oath confirming his or her relevant experience; and

- (iv) a certified copy of the certificate of conduct/crime clearance certificate, issued by the branch manager's local police, and which was issued no longer than 12 months prior to the date of submission to NAMFISA.

5. Fit and proper criteria for directors

A person appointed as a director by a microlender must -

- (a) comply with NAMFISA's fit and proper requirements for key responsible persons in terms of Schedule 1 of the Act;
- (b) complete the fit and proper assessment set out in Schedule 1 attached to this Standard;
- (c) be in possession of a Grade 12 certificate or equivalent qualification and have at least two years business experience;
- (d) submit a certified copy of his or her Identity Document (ID) or passport;
- (e) submit a copy of his or her Curriculum Vitae (CV), certified copies of his or her educational qualifications and proof of his or her relevant experience, including but not limited to reference letters from previous employers or clients or certificates of service from previous employers, or in the absence thereof, a declaration under oath confirming his or her relevant experience; and
- (f) submit a certified copy of the certificate of conduct/crime clearance certificate, issued by the director's local police, and which was issued no longer than 12 months prior to the date of submission to NAMFISA.

6. Fit and proper criteria for a shareholder, member, owner, legal or natural person with at least five percent ownership or decision-making role in the microlending business

Any shareholder, member, owner, legal or natural person with at least five percent ownership or decision-making role in the microlending business must -

- (a) comply with NAMFISA's fit and proper requirements for key responsible persons in terms of Schedule 1 of the Act;
- (b) complete the fit and proper assessment set out in Schedule 1 attached to this Standard;
- (c) where applicable, submit a certified copy of his or her Identity Document (ID) or passport;
- (d) where applicable, submit his or her Curriculum Vitae (CV);
- (e) where applicable, submit a certified copy of the certificate of conduct/crime clearance certificate, issued by such person's local police, and which was issued no longer than 12 months prior to the date of submission to NAMFISA; and
- (f) where the key responsible person is a legal person, a certified copy of the memorandum of association and articles, or other instrument constituting or defining the constitution of the corporate entity or other foundation documents of the key responsible person.

SUPPORTING SCHEDULE

The following supporting schedule is attached to and form part of this Standard:

Schedule 1: Fit and proper assessment

SCHEDULE 1**FIT AND PROPER ASSESSMENT****SECTION A: PERSONAL INFORMATION – NATURAL PERSON KEY RESPONSIBLE PERSON**

A.1 Full names: _____

A.2 Previous names: _____

A.3 Current Nationality: _____

A.4 Previous Nationality: _____

A.5 Identification number or Passport number: _____

A.6 Date of Birth: _____

A.7 Place of Birth: _____

A.8 Residential address: _____

A.9 Business address: _____

A.10 Telephone number: _____

A.11 Fax number: _____

A.12 E-mail address: _____

A.13 Mobile number: _____

A.14 Occupation: _____

A.15 Nature and location of business (*where applicable*): _____

SECTION B: HONESTY AND INTEGRITY – NATURAL PERSON KEY RESPONSIBLE PERSON

Full name(s) of Natural Person Key Responsible Person:

If the answer to any of the questions is yes, provide full details on a separate page and attach certified documents to the form:

		YES	NO
1	Has any adverse finding been made against you within a period of ten years preceding the date of application in any civil or criminal proceedings by a court of law (whether in Namibia or elsewhere), in which you were found to have acted fraudulently, dishonestly, unprofessionally, dishonorably or in breach of a fiduciary duty?	<input type="checkbox"/>	<input type="checkbox"/>
2	Have you within a period of ten years preceding the date of application been found guilty by any professional, financial services industry or regulatory body (whether in Namibia or elsewhere), of an act of dishonesty, negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
3	Have you within a period of ten years preceding the date of application been denied membership of any body referred to in question 2 above on account of an act of dishonesty, negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
4	Have you within a period of ten years preceding the date of application been found guilty by any regulatory or supervisory body (whether in Namibia or elsewhere), or has an authorization to carry on business been refused, suspended or withdrawn by any such body on account of an act of dishonesty, negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
5	Have you at any time prior to the date of application been disqualified or prohibited by any court of law (whether in Namibia or elsewhere) from taking part in the management of any corporate entity or other statutorily created, recognized or regulated body, irrespective whether such disqualification has since been lifted or not?	<input type="checkbox"/>	<input type="checkbox"/>
6	Have you been the subject of any investigation or disciplinary proceedings or has administrative action been taken or administrative penalties been imposed by any regulatory authority, professional or government body or agency, an exchange or a self-regulatory organisation (whether in Namibia, or elsewhere)?	<input type="checkbox"/>	<input type="checkbox"/>
7	Have you ever been refused authorization to carry on business by any regulatory body (whether in Namibia or elsewhere), or has such authorization ever been suspended or revoked by any such body, because of negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
8	Are you subject to an order of a competent court holding you to be mentally unfit or disordered?	<input type="checkbox"/>	<input type="checkbox"/>
9	Have you within a period of ten years preceding the date of application been removed from or left office on account of misconduct relating to fraud, theft or the misappropriation of money, whether in Namibia or elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>
10	Have you within a period of ten years preceding the date of application received a grant of amnesty or free pardon for any offence?	<input type="checkbox"/>	<input type="checkbox"/>
11	Has your estate ever been sequestrated?	<input type="checkbox"/>	<input type="checkbox"/>
12	Have you ever been convicted of an offence or found to be liable under the Financial Intelligence Act, 2012 (Act No. 13 of 2012), and/or the Prevention of Organized Crime Act, 2004 (Act No. 29 of 2004), and/or the Prevention and Combating of Terrorist and Proliferation Activities Act, 2014 (Act No. 4 of 2014) and/or any other similar Acts describing similar offences and/or liability in any country?	<input type="checkbox"/>	<input type="checkbox"/>
13	Have you within a period of five years preceding the date of application been adversely listed on a Credit Bureau (whether in Namibia or elsewhere)?	<input type="checkbox"/>	<input type="checkbox"/>

14	Have you previously been appointed as a Principal Officer or Director in the financial services industry or as a Branch Manager in the microlending industry? If yes, provide more information, i.e. duration, which company, etc.	<input type="checkbox"/>	<input type="checkbox"/>
15	Are you involved in other corporate entities as a Director, Shareholder, Member, Trustee, etc.? If yes, provide more information, i.e. duration, which company, etc.	<input type="checkbox"/>	<input type="checkbox"/>
16	Has any corporate entity in respect of which you are or were a Member, Shareholder, Director, Trustee or officer ever been convicted or an offence or found to be liable under the Financial Intelligence Act, 2012 (Act No. 13 of 2012), and/or the Prevention of Organized Crime Act, 2004 (Act No. 29 of 2004), and/or the Prevention and Combating of Terrorist and Proliferation Activities Act, 2014 (Act No. 4 of 2014) and/or any other similar Acts describing similar offences and/or liability in any country?	<input type="checkbox"/>	<input type="checkbox"/>
17	Do you have any additional information, which should be brought to NAMFISA's attention, which may have an impact on the evaluation by NAMFISA of your good character and integrity?	<input type="checkbox"/>	<input type="checkbox"/>

SECTION C: COMPETENCE – NATURAL PERSON KEY RESPONSIBLE PERSON

Full name(s) of Natural Person Key Responsible Person:

C.1 **Training** (complete table below):

Qualification	Institution	Date obtained

C.2 **Experience** (complete table below):

Relevant employment history and/or experience in the industry: (To be supported with proof of relevant experience, including but not limited to reference letters from previous employers or clients or certificates of service from previous employers). Enclose detailed Curriculum Vitae (CV) of the natural person key responsible person.

Position held	Employer	Contact Details	Period

SECTION D: WHERE THE NATURAL PERSON KEY RESPONSIBLE PERSON IS A PART OWNER - SOURCE OF FUNDS AND AMOUNT OF CAPITAL:

Full name(s) of Natural Person Key Responsible Person:

D.1 Source of Funds: _____

D.2 Amount of share capital: _____

NB: Kindly note that all source of funds must be properly and thoroughly supported with documentary evidence of how the money was earned, i.e. what activities were conducted to generate the funds.

DECLARATION BY THE NATURAL PERSON KEY RESPONSIBLE PERSON

I, _____ (full names) hereby declare under oath/affirm as follows:

This statement consisting of _____ pages, each initialed by me. The content of this statement is true and correct to the best of my knowledge and belief.

I undertake that, as long as I continue to be a key responsible person of _____ (name of microlender), I will notify NAMFISA of any material changes to, or affecting the completeness or accuracy of, the information supplied to NAMFISA in this statement as soon as possible, but in any event no later than 30 days from the day that the changes come to my attention.

I know and understand the content of this declaration. I do not have objections to taking the prescribed oath/affirmation. I consider the prescribed oath/affirmation to be binding on my conscience.

SIGNATURE OF DEPONENT

I hereby declare that the deponent has sworn to and signed this statement in my presence at _____ on the ____ day of _____ 20 ____ and he/she declared as follows: that the facts herein contained fall within his/her personal knowledge and that he/she understands the contents hereof; that he/she has no objection to taking the oath/affirmation; that he/she regards the oath/affirmation as binding on his/her conscience.

COMMISSIONER OF OATHS

FULL NAMES _____

CAPACITY _____

ADDRESS _____

SECTION E: INFORMATION - LEGAL PERSON KEY RESPONSIBLE PERSON

E.1 Full registered name: _____

E.2 Previously registered name(s): _____

E.3 Trading name(s): _____

E.4 Corporate entity/legal person registration No.: _____

E.5 Country of registration: _____

E.6 If not incorporated in Namibia please provide description of the corporate entity/legal person:

E.7 Income Tax Registration No. and VAT Registration No., if applicable:

E.8 Financial year end: _____

E.9 Nature of business: _____

E.10 Registered address: _____

E.11 Principal place of business: _____

E.12 Contact person: _____

E.13 Postal address: _____

E.14 Telephone No: _____

E.15 Fax No: _____

E.16 Mobile No: _____

E.17 Is the corporate entity/legal person subject to financial services regulation in a foreign country or a financial services intermediary?: _____

E.18 If yes, which jurisdiction: _____

E.19 Name of foreign regulator(s): _____

SECTION F: HONESTY AND INTEGRITY – LEGAL PERSON KEY RESPONSIBLE PERSON

Full name(s) of legal person: _____

If the answer to any of the questions is yes, provide full details on a separate page and attach certified documents to the form:

		YES	NO
1	Has any adverse finding been made against the legal person within a period of ten years preceding the date of application in any civil or criminal proceedings by a court of law (whether in Namibia or elsewhere), in which the legal person has been found to have acted fraudulently, dishonestly, unprofessionally, dishonorably or in breach of a fiduciary duty?	<input type="checkbox"/>	<input type="checkbox"/>
2	Has the legal person within a period of ten years preceding the date of application, been found guilty by any professional, financial services industry or regulatory body (whether in Namibia or elsewhere), of an act of dishonesty, negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
3	Has the legal person within a period of ten years preceding the date of application, been denied membership of any body referred to in question 2 above on account of an act of dishonesty, negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
4	Has the legal person within a period of ten years preceding the date of application, been found guilty by any regulatory or supervisory body (whether in Namibia or elsewhere), or has an authorization to carry on business been refused, suspended or withdrawn by any such body on account of an act of dishonesty, negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
5	Has the legal person at any time prior to the date of application been disqualified or prohibited by any court of law (whether in Namibia or elsewhere) from taking part in the management of any other corporate entity or other statutorily created, recognized or regulated body, irrespective whether such disqualification has since been lifted or not?	<input type="checkbox"/>	<input type="checkbox"/>

6	Has the legal person been the subject of any investigation or disciplinary proceedings or has administrative action been taken or administrative penalties been imposed by any regulatory authority, professional or government body or agency, an exchange or self-regulatory organisation (whether in Namibia or elsewhere)?	<input type="checkbox"/>	<input type="checkbox"/>
7	Has the legal person ever been refused authorization to carry on business by any regulatory body (whether in Namibia or elsewhere), or has such authorization ever been suspended or revoked by any such body, because of negligence, incompetence or mismanagement?	<input type="checkbox"/>	<input type="checkbox"/>
8	Has the legal person ever been placed under judicial management, insolvency, liquidation or any other processes of a similar nature?	<input type="checkbox"/>	<input type="checkbox"/>
9	Has the legal person ever been convicted of an offence or found to be liable under the Financial Intelligence Act, 2012 (Act No. 13 of 2012), and/or the Prevention of Organized Crime Act, 2004 (Act No. 29 of 2004), and/or the Prevention and Combating of Terrorist and Proliferation Activities Act, 2014 (Act No. 4 of 2014) and/or any other similar Acts describing similar offences and/or liability in any country?	<input type="checkbox"/>	<input type="checkbox"/>
10	Does the legal person have any additional information, which should be brought to NAMFISA's attention, which may have an impact on the evaluation by NAMFISA of the legal person's conduct?	<input type="checkbox"/>	<input type="checkbox"/>

SECTION G: SOURCE OF FUNDS AND AMOUNT OF SHARE CAPITAL:

Full name(s) of Legal Person Key Responsible Person: _____

G.1 Source of Funds: _____

G.2 Amount of share capital: _____

NB: Kindly note that all source of funds must be properly and thoroughly supported with documentary evidence of how the money was earned, i.e. what activities were conducted to generate the funds.

DECLARATION BY APPLICANT WHERE THE KEY RESPONSIBLE PERSON IS A LEGAL PERSON

I, _____ (full names) in my capacity as _____ of the applicant referred to herein, hereby declare under oath/affirm as follows:

This statement consisting of _____ pages, was completed by me. The contents of this statement are true to the best of my knowledge and belief.

I undertake that, as long as I continue to be a _____ of the entity, I will notify NAMFISA of any material changes to, or affecting the completeness or accuracy of, the information supplied to NAMFISA as soon as possible, but in any event no later than 30 days from the day that the changes come to my attention.

I know and understand the content of this declaration. I do not have objections to taking the prescribed oath/affirmation. I consider the prescribed oath/affirmation to be binding on my conscience.

SIGNATURE OF DEPONENT

I hereby declare that the deponent has sworn/affirmed to and signed the declaration in my presence at _____ on the ____ day of _____ 20____ and he/she declared as follows: that the facts herein contained fall within his or her personal knowledge and that he/she understands the contents hereof; that he/she has no objection to taking the oath/affirmation; that he/she regards the oath/affirmation as binding on his/her conscience.

COMMISSIONER OF OATHS

FULL NAMES: _____

CAPACITY: _____

ADDRESS: _____
