



FINANCIAL SERVICES COMMISSION BULLETIN ON NEW REQUIREMENTS RELATED TO REGISTRATION PROCESSING AND FIT & PROPER ASSESSMENTS

1.0 BACKGROUND

- 1.1 The FSC has decided to implement certain administrative procedural changes in an effort to further streamline (a) the processing of applications for licensing and registration under relevant industry statutes¹, and (b) its procedures for the initial evaluation and monitoring of the fit and proper status of covered persons².
- 1.2 The purpose of the document is to bring to the attention of persons licensed or seeking to be licensed under relevant industry statutes the procedural requirements the Financial Services Commission ("FSC") has decided to effect in relation to the:
- (i) character references for applicants;
 - (ii) persons who may verify proof of academic qualifications submitted with applications; and
 - (iii) stale dates for fit and proper documents.

2.0 PROCEDURAL CHANGES

2.1 Verification of Copies of Records of Academic Qualifications

- 2.1.1 Appendix I contains a table setting out the categories of persons who the FSC now recognize as being eligible to verify documents submitted with applications as being authentic copies of original academic records (i.e., copies of degrees, certificates, diplomas, etc). *These changes came into effect on September 14, 2009.*

¹ "Relevant industry statutes" are the financial service specific legislation administered by the FSC, namely, the Insurance Act, Pensions (Superannuation Funds and Retirement Schemes) Act and Securities Act.

² A "covered person" is being used here to refer to any person who is required by a relevant industry statute to be fit and proper by virtue of (i) the person being registered under a relevant industry statute (e.g., a sales representative of an insurance company or a dealer's representative of a securities dealer or a responsible officer of a pensions administrator), (ii) that person's assigned role in a licensee/registrant (e.g., a director of an insurance company or trustee of a pension fund) or (iii) because that person is in control of shares having a significant percentage of voting rights in a licensee/registrant (e.g., a person owning 10% or more of the voting rights in a company that is a licensed securities dealer).

2.2 Character References

- 2.2.1 Appendix II outlines the information that must now be submitted to the FSC in relation to character references for persons applying to be licensed or registered under a relevant statute. *These changes came into effect on September 14, 2009.*

2.3 Stale Dates for Fit and Proper Documents

- 2.3.1 The FSC carries out an initial assessment of the fit and proper status of prospective licensees, registrants and other covered persons as part of the Commission's registration approval process. The FSC also conducts on-going monitoring of the fit and proper status of persons who have already been licensed or registered under a relevant statute.

- 2.3.2 The FSC requires the submission of certain documents to facilitate its assessments (both initial and on-going monitoring) of the fit and proper status of licensees, registrants and other covered persons. These documents include the following:

- (i) Police Record;
- (ii) Confidential Report from previous employer(s)
- (iii) Completed Fit and Proper Questionnaire; and
- (iv) Current Résumé.

Collectively, the four documents above are herein referred to as "the Fit and Proper Documents".

- 2.3.3 Prior to the issue date of this bulletin, the FSC regarded a Fit and Proper Document as being stale if it was at least three years old. *With effect from the date of this bulletin the FSC will regard as being stale any Fit and Proper Document that is at least 5 years old.*

3.0 QUERIES

- 3.1 Any queries regarding the foregoing may be directed to:

The Registrar
Financial Services Commission
39-43 Barbados Avenue
Kingston 5

Telephone: (876) 906-3010
E-mail: registrar@fscjamaica.org

Appendix I - Verification of Copies of Records of Academic Qualifications

Listed in the table below are the categories of persons who, as of September 14, 2009, are eligible to verify copies of documents providing proof of Academic Qualifications (i.e., copies of degrees, certificates, diplomas, etc).

Industry	Applicable to	Persons who may verify
Insurance	<ul style="list-style-type: none"> • Officers³ of Applicants/Registrants • Sales Representatives • Individual Registrants (i.e., agents, claims negotiators, consultants, investigators and loss adjusters) 	Any one of the following: <ul style="list-style-type: none"> ✓ Justice of the Peace, ✓ Minister of Religion, ✓ Notary Public, ✓ Attorney at Law, ✓ Inspector of Police or higher rank, ✓ Branch Manager of the Applicant (where the Applicant is attached to a branch office of an entity registered under the Insurance Act), ✓ Officer⁴ of the Applicant's Employer; or ✓ FSC Registration Officer.
Pensions	<ul style="list-style-type: none"> • Covered persons⁵ of Applicants/Licensees • Responsible Officers 	Any one of the following: <ul style="list-style-type: none"> ✓ Justice of the Peace, ✓ Minister of Religion, ✓ Notary Public, ✓ Attorney at Law, ✓ Inspector of Police or higher rank, ✓ Branch Manager of the Applicant (where the Applicant is attached to a branch office of an entity licensed under the Pensions (Superannuation

³ The term "officer" is used here to mean all persons who (a) manage or control an entity registered under the Insurance Act and (b) who by virtue of them so doing are required to submit to the FSC proof of their academic qualifications.

⁴ See previous footnote.

⁵ The term "covered persons" is defined in regulation 2 of the Pensions (Superannuation Funds and Retirement Schemes)(Registration, Licensing and Reporting) Regulations, 2006 as including, "in relation to an applicant...-

- (a) a person having a material interest in or control of shares equivalent in value to ten per cent or more of the applicant's total shares which carry voting rights;
- (b) the members of the applicant's board of directors including any person the applicant proposes to appoint to the board);
- (c) the applicant's manager, assistant manager, accountant, and company secretary;
- (d) the person who (by whatever name called) performs the duties normally carried out by any of the officers specified in paragraphs (b) and (c)."

Industry	Applicable to	Persons who may verify
		Funds and Retirement Schemes) Act), ✓ Officer ⁶ of the Applicant's Employer or ✓ FSC Registration Officer.
Securities	<ul style="list-style-type: none"> • Officers⁷ of Applicants/Licensees/Registrants • Representatives • Responsible Officers • Individual Licensees (i.e., Dealer's and Investment Adviser's) 	Any one of the following: ✓ Justice of the Peace, ✓ Minister of Religion, ✓ Notary Public, ✓ Attorney at Law, ✓ Inspector of Police or higher rank, ✓ Branch Manager of the Applicant (where the Applicant is attached to a branch office of an entity licensed under the Securities Act), ✓ Officer ⁸ of the Applicant's Employer as defined by the Securities Act or ✓ FSC Registration Officer.

⁶ The term "officer" as used here means those persons identified in paragraphs (b),(c) and (d) of the definition of covered persons set out in the previous footnote.

⁷ The term "officer" is defined in section 2 of the Securities Act to mean "*in relation to a company, ... a person who, in that company-*

(a) *is a director of the company, president or vice-president (however designated), general manager, secretary, responsible officer, financial controller or treasurer; or*

(b) *performs functions similar to those normally performed by the holder of any position referred to in paragraph (a)."*

⁸ See previous footnote.

Appendix II - Character References for Applicants

As of September 14, 2009 the FSC requires the information set out in the table below to be submitted to the FSC in relation to Character References.

Industry	Applicable to	Information
Insurance	<ul style="list-style-type: none"> • Sales Representatives • Individual Registrants 	<p>Name and contact details of two referees, who must not be a relative or anyone connected to the applicant's current employer (in any capacity other than a customer).</p> <p><u>Written references are no longer required.</u></p>
Pensions	<ul style="list-style-type: none"> • Responsible Officers for Investment Managers • Responsible Officers for Administrators 	
Securities	<ul style="list-style-type: none"> • Representatives for Dealers/Investment Advisors • Responsible Officers for Dealers/Investment Advisors • Individual Dealers/Investment Advisors • Officers of Overseas Mutual Funds, their Fund Managers and Custodians 	<p>Name and contact details of three referees, who must not be a relative or anyone connected to the applicant's current employer (in any capacity other than a customer).</p> <p><u>Written references are no longer required.</u></p>