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**PERSONAL DECLARATION FORM FOR INDIVIDUALS WHO ARE OR ARE PROPOSING TO BECOME DIRECTORS OR KEY PERSONNEL OF A COMPANY LICENSED UNDER THE CAPITAL MARKETS ACT**

*Pursuant to Regulation 52 of the Capital Markets (Licensing Requirements)(General) Regulations, 2002*

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**COMPANY**

1. Name of Company in connection with which this form is being filled:

**PERSONAL INFORMATION**

2. i) Full names (Including former surname(s) and /or forenames by which you may have been known):

- ii) ID or passport Number:

3. Please state the capacity in which you are completing this form (namely, as one of the members of key personnel or as a director)

4. Please state your full title and describe the particular duties and responsibilities attaching to the position(s) which you hold or will hold. If you are completing this form in the capacity of director, indicate whether, in your position as director, you have or will have executive responsibility for the management of the applicant's business. In addition, please provide a copy of your **curriculum vitae**.

5. Date and place of

birth:

6. Citizen of:

7. Resident of:

8. Present business

address:

9. Present residential

address:

### **ACADEMIC AND PROFESSIONAL RECORD**

10. Professional & academic qualifications (starting with highest qualification)

11. Special awards or honors (if any)

12. Membership in professional organizations

13. Occupation or employment (Present or most recent and for the past ten years)  
Note to include the dates, Name & business of employer and positions held.

14. Bodies corporate (other than the applicant) where you are now an, officer, shareholder, or manager?  
Give relevant dates

15. Bodies corporate other than the applicant and those listed above where you have been a director, shareholder, controller or manager at any time during the last 10 years. Give relevant dates:

16. Past and present business affiliations (direct and indirect): Nature of affiliation (That is, director, officer, share Inclusive date holder with 10% and above (month and year):

**Nature of business**

**From**

**To**

Nature of business	From	To

17. Do any of the above business affiliations maintain a business relationship with the institution? If so, give particulars:

18. Family group: Business affiliation (State name of business and nature of affiliation i.e. director, officer, significant shareholder. Also indicate the nature of the family group member's relation to the Applicant. A family group member can be a spouse, parent, sibling, child, father-in-law, son-in-law, daughter-in-law, mother-in-law, brother-in-law, son-in-law, grand child or spouse of a grandchild).

**PROBITY, COMPETENCE AND SOUNDNESS OF JUDGEMENT**

19. Have you, in Kenya or elsewhere, been dismissed from any office or employment, or been subjected to disciplinary proceedings by your employer or barred from entry to any profession or occupation? If so give particulars:

20. Has an adverse finding been made against you at any time preceding the date of this questionnaire in any civil or criminal proceedings by a court of law (whether in the Republic of Kenya or elsewhere) in which you were found to have acted fraudulently, dishonestly, unprofessionally, dishonorably or in breach of a fiduciary duty. If so give particulars:

21. Have you at any time preceding the date of this questionnaire been found guilty by any professional or financial services industry body (whether in the Republic of Kenya or elsewhere) of an act of dishonesty, negligence, incompetence or management. If so give particulars:

22. Have you at any time preceding the date of this questionnaire been denied membership of any body on account of an act of dishonesty, negligence, incompetence or mismanagement? If so give particulars:

23. Have you at any time preceding the date of this questionnaire been found guilty by any regulatory or supervisory body (whether in the Republic of Kenya 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 by yourself? If so give particulars:

24. Have you at any time prior to the date of this questionnaire been disqualified or prohibited by any court of law (whether in the Republic of Kenya or elsewhere) from taking part in the management of any company or other statutorily created, recognized or regulated body, irrespective of whether such disqualification has since been lifted or not? If so give particulars:

**DILIGENCE WITH RESPECT TO THE PROPOSED ROLE**

25. Would you confirm that if appointed as a director of the Company that you will undertake your role diligently, in accordance with the duties of a director under the law and that you will do so without reservation? If so give particulars:

26. Are there any reasons which might impair your ability to undertake your role diligently?

**WHETHER INTERESTS OF CUSTOMERS MAY BE THREATENED BY VIRTUE OF PAST CONVICTIONS OR OFFENCES**

27. Have you at any time preceding the date of this questionnaire had any judgment (including a finding of fraud, misrepresentation or dishonesty) given against you in any civil or criminal proceedings, in the Republic of Kenya or elsewhere or are there any proceedings now pending which may lead to such judgment? If so give particulars:

28. Have you at any time preceding the date of this questionnaire had any judgment (including a finding of fraud, misrepresentation, misappropriation of funds, manipulation or securities/market transactions, dishonesty) given against you in any civil or criminal proceedings, in the government of Kenya, Africa or elsewhere or are any proceeding now pending which may lead to such judgment? If so give particulars:

29. Have you at any time preceding the date of this questionnaire knowingly or negligently aided or abetted other persons in the breaching of any laws, regulations, exchange rules and/or codes of conduct? If so give particulars:

30. Have you at any time preceding the date of this questionnaire been the subject of any investigation or disciplinary proceedings by any regulatory authority (whether in the Republic of Kenya or elsewhere) or exchange, professional body or government body or agency. If so give particulars:

### **CONTRAVENTION OF LAWS DESIGNED TO PROTECT MEMBERS OF THE PUBLIC**

31. Have you at any time preceding the date of this questionnaire ever been found to have contravened the provision of any law designed for the protection of members of the public against financial loss due to dishonesty or incompetence of, or malpractice by, persons engaged in transactions with marketable securities? If so give particulars:

32. Have you at any time preceding the date of this questionnaire ever been a controlling shareholder, director of a company or member of a corporation or been involved in any business which has been found to have contravened the provision of any law designed for the protection of members of the public against financial loss due to dishonesty or incompetence of, or malpractice by, persons engaged in transaction with marketable securities? If so give particulars:

### **LIQUIDATION OR STATUTORY MANAGEMENT**

33. Have you ever been a director of a brokerage firm that has been liquidated or has been under liquidation or statutory management?

34. Has any entity with which you were associated as a director, shareholder or manager in any country made any compromise or arrangement with its creditors, been wound up or otherwise ceased business either while you were associated with it or within one year after you ceased to be associated with it?

**IMPROPER BUSINESS PRACTICES**

- 35. Have you ever taken part in or been associated with any business practice that is fraudulent, prejudicial or which otherwise could be viewed to have discredited your methods of doing business? If so give particulars:

- 36. Have you ever taken part or been associated with any other business practice as would, or have you otherwise conducted yourself in such a manner as to cast doubt on your competence and soundness of judgment? If so give particulars:

**ADDITIONAL INFORMATION**

- 37. Do you have any additional information, which should be brought to the attention of the Capital Markets Authority which may have an impact on the evaluation by the Authority of your good character, integrity, suitability or otherwise for the position(s) held/to be held? If so give particulars (The omission of material facts may represent the provision of misleading information).

- 38. Indicate the names, addresses, telephone numbers and positions of three individuals of good standing who would be able to provide a reference on your personal and professional integrity. (The referees must not be related to you, and should have known you for at least three years).

**CONFIDENTIALITY**

39. The information given in response to this questionnaire shall be kept confidential by the Authority except in cases provided for by law.

**DECLARATION**

I am aware that it is an offence to knowingly or recklessly provide any information, which is false or misleading. I am also aware that omitting material information intentionally shall be construed to be an offence and may lead to rejection of my application.

I certify that the information given above is complete and accurate to the best of my knowledge, and that there are no other facts relevant to this application of which the supervisory authority should be aware. I undertake to inform the Authority of any changes material to the applications which arise while the application is under consideration and after taking up of the relevant post.

**NAME:**

**SIGNATURE:**

**DATED:**

**WITNESSED BEFORE ME:**

**SIGNED:**

Sworn at  this  day of  20

Before me

**COMMISSIONER FOR OATHS/MAGISTRATE**