

**Application for Gibraltar firms applying for Financial Promotions

Full name of applicant firm**

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**Important information you should read before completing this form**

Please keep a copy of your completed forms and any supporting documents you include in your application for future reference.

The FCA processes personal data in line with the requirements of the UK General Data Protection Regulation (EU) 2016/679 and the Data Protection Act 2018. For further information about the way we use the personal data collected in this form, please read our privacy notice available on our website: [www.fca.org.uk/privacy](http://www.fca.org.uk/privacy) .

 **It is important that you provide accurate and complete information.  Knowingly or recklessly giving the FCA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000).  SUP 15.6.1R and SUP 15.6.4R (where applicable) require an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to the FCA and to notify the FCA immediately if materially inaccurate information has been provided.  If necessary, please take appropriate professional advice before supplying information to us.**

**Purpose of this form**

This form collects the information from Gibraltar firms wishing to apply for permission to approve Financial Promotions.

Only authorised persons (for the purposes of section 31 of the Financial Services and Markets Act 2000) can approve financial promotions.  A permission granted by the FCA to approve financial promotions therefore remains effective only for so long as the firm remains an authorised person.

**You must ensure you answer every question. If a question does not apply to the applicant firm then it should be answered as 'Not Applicable'.**

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**Filling in the form**

**1** If you are using your computer to complete the pack use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question

**2** If you think a question is not relevant to you, write 'not applicable' and explain why.

**3** If you leave a question blank or do not attach the required supporting information without telling us why, we will have to treat the application as incomplete. This will increase the time taken to assess your application.

**4** If there is not enough space on the forms you may use separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.

**5** Ensure you have:

* completed this form
* attached any supporting documents, and
* paid the application fee

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| 1 | Application contact details |

Contact for this application

 **1.1 Contact details of the person we will get in touch with about this application**

This must be someone who works for the applicant firm, and not a professional adviser.

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| Title |       |

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| First names |       |

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| Surname |       |

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| Job title |       |

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| Business address |       |
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| Postcode |       |

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| Phone number (including STD code) |       |

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| Mobile number (optional) |       |

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| Email address |       |
| 2 | Firm details |

 **2.1 Registration number in Gibraltar**

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 **2.2 Registration status in Gibraltar**

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 **2.3 What activities does the firm undertake?**

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| 3 | Financial promotions |

Financial promotions

From 7th February 2024 all authorised persons will require specific FCA permission to approve financial promotions for unauthorised persons. Authorised persons do not need to seek FCA permission to approve (i) their own financial promotions; or (ii) the financial promotions of their group entities or appointed representatives (in relation to regulated activities for which the firm has accepted responsibility).

 **3.1 Is the applicant firm applying for permission to approve financial promotions for unauthorised persons (other than its group entities or appointed representatives) under section 21 of FSMA?**

By selecting yes you are applying for permission to approve financial promotions for unauthorised persons. This will not affect the firm's ability to approve its own financial promotions or those of its appointed representatives and members of its group. You will be asked further questions about this in the application for permission to approve financial promotions.

[ ]  No⏵You do not need to complete this form

[ ]  Yes ⏵Continue to Question 3.2

 **3.2 Give details below of the type of investments the applicant firm wants to apply for permission to approve financial promotions for.**

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| **Add** | **Investment Type** |
| [ ]  | Deposits |
| [ ]  | Insurance |
| [ ]  | Listed shares |
| [ ]  | Unlisted shares |
| [ ]  | Debentures |
| [ ]  | Alternative debentures |
| [ ]  | Government and public security |
| [ ]  | Warrants |
| [ ]  | Certificates representing certain securities |
| [ ]  | Units |
| [ ]  | Pensions |
| [ ]  | Options |
| [ ]  | Futures |
| [ ]  | Contracts for differences |
| [ ]  | Emission allowances |
| [ ]  | Lloyd’s syndicate capacity membership |
| [ ]  | Funeral plans |
| [ ]  | Mortgages |
| [ ]  | Home reversion plans |
| [ ]  | Home purchase plans |
| [ ]  | Regulated sale and rent back agreement |
| [ ]  | Consumer credit |
| [ ]  | Consumer hire |
| [ ]  | Cryptoassets |
| [ ]  | Peer to Peer |
| [ ]  | Rights to or interests in investments |
| [ ]  | Claims management activity  |

 **3.3 Give details of the categories of investment which have marketing restrictions which the applicant firm expects to approve financial promotions for.**

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| --- | --- | --- | --- |
| **Investment Type** | **Non-mass market investments (NMMI)** | **Restricted Mass Market Investments (RMMI)** | **No relevant restrictions** |
| Unlisted shares | [ ]  | [ ]  | [ ]  |
| Listed shares | [ ]  | [ ]  | [ ]  |
| Debentures | [ ]  | [ ]  | [ ]  |
| Alternative debentures | [ ]  | [ ]  | [ ]  |
| Units | [ ]  | [ ]  | [ ]  |

Policies and procedures

 **3.4 How will the applicant firm ensure that the financial promotion is fair, clear and not misleading and otherwise complies with applicable financial promotion rules, both before approving it and, where relevant, during continued monitoring of its compliance with applicable financial promotion rules?**

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 **3.5 How will the applicant firm ensure the authenticity of the propositions described in the promotions it is asked to approve?**

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 **3.6 How will the applicant firm mitigate the particular risks which it has identified for approving financial promotions for unauthorised persons? How will the applicant firm maintain adequate records of the financial promotions which it will approve?**

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 **3.7 How will the applicant firm ensure the commercial viability of the propositions described in the promotions it is asked to approve?**

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 **3.8 What process will the applicant firm follow for withdrawing an approval of a financial promotion, where this is required?**

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 **3.9 Is the applicant firm seeking permission to approve financial promotions for designated investments?**

[ ]  No4Continue to Question 3.12

[ ]  Yes

 **3.10 How will the applicant firm assess whether relevant investments are reasonably capable of delivering advertised or headline rates of return?**

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 **3.11 How will the applicant firm assess whether there are any fees, commissions or other charges within a relevant investment’s structure or elsewhere that could materially affect the investment’s ability to deliver advertised or headline rates of return?**

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 **3.12 Will the applicant firm be approving financial promotions that retail customers can access?**

[ ]  No

[ ]  Yes

**3.13 Approximately how many financial promotions does the applicant firm expect to approve if it is granted permission to do so?**

First 12 months

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Year 2

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Year 3

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**3.14 Explain what fees the applicant firm intends to charge for approving and (where applicable) ongoing monitoring of financial promotions?**

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**3.15 Give details of the**

* **revenue the applicant firm estimates it will make from approving financial promotions**
* **percentage of the applicant firm’s estimated revenue from approving financial promotions.**

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 **3.16 Give details of the relevant experience of individuals who will approve promotions**

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| **Name of individual** | **Summary of experience** |
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| 4 | Supporting documents |

 **4.1 Please attach and list below any other documents you have provided.**

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 **4.2 Please provide any details on supporting documents if necessary.**

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Other information

 **4.3 Is there anything else you would like to tell us or should tell us about this application?**

[ ] [ ]  No

[ ]  [ ]  Yes⏵Give details below

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| 5 | Application fee |

### Payment method

Payment is by cheque. **The application fee is not refundable.**

### How to pay

1 Make the cheque payable to the Financial Conduct Authority. We cannot accept post-dated cheques.

2 Write the name of the applicant on the back of the cheque.

3 Write 'Application for financial promotions’ on the back of the cheque.

4 Send the cheque to us at Financial Conduct Authority, 12 Endeavour Square, London, E20 1JN

### Application fee

 **5.1 You must confirm you have enclosed the fee for your application.**

**[ ]  Category 5**

Please refer to FEES 3 Annex 1AR for the details of the amount chargeable for each category - [https://www.handbook.fca.org.uk/handbook/FEES/3/Annex1AR.html](https://www.handbook.fca.org.uk/handbook/FEES/3/Annex1A.html)

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| 6 | Declaration and signatures |

 It is a criminal offence, knowingly or recklessly, to give the appropriate regulator information that is materially false or misleading (see sections 398 and 400 FSMA). Even if you believe or know that information has been provided to the appropriate regulator before (whether as part of another application or otherwise) or is in the public domain, you must nonetheless disclose it clearly and fully in this form and as part of this application – you should not assume that the appropriate regulator will itself identify such information during the assessment of this application. If there is any doubt about the relevance of information, it should be included.

There will be a delay in processing the application if information is inaccurate or incomplete, and it may call into question the suitability of the applicant and/or lead to the appropriate regulator exercising its powers (including but not limited to taking disciplinary/ Enforcement action). You must notify the appropriate regulator immediately if there is a change to the information in this form and/or if inaccurate information has been provided.

I/We confirm that the information provided in this application is accurate and complete to the best of my/our knowledge. I/We will notify the appropriate regulator immediately if there is a material change to the information provided.

I/We authorise the appropriate regulator to make such enquiries and seek such further information as it thinks appropriate to identify and verify information that it considers relevant to the assessment of this application. These checks may include credit reference checks or information pertaining to fitness and propriety. I/We are aware that the results of these enquiries may be disclosed to the firm/employer/applicant.

I/We agree that the appropriate regulator may, in the course of processing this application, undertake a Police National Computer (PNC) check in respect of any or all of the persons to whom this application relates.

Where the signatory to this application has provided an address and/or email address in connection with the applicant’s business, the signatory agrees on behalf of the applicant that the appropriate regulator may use such address and email address as the ‘proper address for service’ at which to give the applicant a ‘relevant document’ as those terms are defined in Financial Services and Markets Act 2000 (Service of Notice) Regulations (SI 2001/1420).

I/We have attached the relevant documents where requested or where marked as 'send later' I/we have them fully ready and available on request and I/we have taken all reasonable steps to ensure they are correct.

I/We confirm that where I/We have certified that documents are ready they have been prepared to an appropriate standard and are available for immediate inspection by the appropriate regulator.

I/We understand that the appropriate regulator may require the applicant firm to provide further information or documents at any time.

I/We confirm that I/we are authorised to sign this form on behalf of the firm and/or controller(s) and (where applicable) to give each of the confirmations on behalf of the applicant set out in this declaration.

 The FCA and the Bank of England process personal data in line with the requirements of the General Data Protection Regulation (EU) 2016/679 and the Data Protection Act 2018. For further information about the way we use the personal data collected in this form, please read the privacy notices available on the FCA’s website at: <https://www.fca.org.uk/data-protection> and the Bank of England’s website at: <https://www.bankofengland.co.uk/prudential-regulation/authorisations>

In addition to other regulatory responsibilities, firms and approved persons have a responsibility to disclose to the appropriate regulator matters of which it would reasonably expect to be notified. Failure to notify the appropriate regulator of such information may lead to the appropriate regulator taking disciplinary or other action against the firm and/or individuals.

Review and Submission

The ability to submit this form is given to an appropriate user or users by the firm’s principal compliance contact.

[ ] [ ]  Tick here to confirm that the person submitting this form on behalf of the firm and (if applicable) the individual named below – have read and understood the declaration.

[ ] [ ]  I can confirm that a permanent copy of this application, signed by myself and the signatories, will be retained for an appropriate period, for inspection at the FCA /PRA’s request.

Who must sign the declaration?

The person or persons signing this application must have legal authority to act as a signatory on behalf of the applicant. This can be, for example, the owner of a sole trader business, or a director or a partner. There can be one or two required signatures depending on the number of directors / partners in the applicant.

Person 1

 **Name of signatory**

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 **Signature**

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 **Date (dd/mm/yyyy)**

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Person 2

 **Name of signatory**

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 **Signature**

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 **Date (dd/mm/yyyy)**

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