

FIRST SCHEDULE

Form 1
(r. 4(1))

APPLICATION FOR A LICENSE TO CONDUCT THE BUSINESS OF A FUTURES EXCHANGE

Application is made for a futures exchange license under the Act and the following are made in respect thereof:

Note:

If space is insufficient to provide details, please attach annexure(s). Any annexure(s) should be identified as such and signed by the signatory of this application.

Information provided should be as at the date of application or renewal.

1. Name of the Company..... Limited

2. Registered office.....

3. Date of incorporation.....

4. Address.....

5. E-mail.....

6. Location, address and telephone number of principal office.....
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7. Location, address and telephone number of branch offices.....
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8. Details of capital structure:

(a) Nominal/authorized capital (KSh.).....

(b) Number of shares.....

(c) Paid-up capital (KSh.).....

9. Shareholders (please attach list)

Name	Address and telephone number	Number of shares held

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10. (a) Directors (please attach a list)

Name	Identity card/Passport number	Date of appointment	Date of Birth	Permanent address and telephone number	Academic or professional qualification	Number of shares held in the company

(b) Secretary

Name.....
 Address.....

Institute of Certified Secretaries of Kenya Registration
 No.....

(c) Chief Executive Officers and other key personnel

Name	Identity card/Passport number	Date of appointment	Date of Birth	Permanent address and telephone number	Academic or professional qualification	Number of shares held in the company

11. Particulars of other directorship (s) of the directors and secretary.....

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12. Particulars of shares held by the directors and secretary in other companies.....

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13. Has the applicant or any of its directors, secretary or members of senior management at any time been placed under receivership, declared bankrupt or compounded with or made an assignment for the benefit of his creditors in Kenya or elsewhere? Yes/No. If “Yes”, give details

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14. Has any director, secretary or key personnel of the applicant been a director of a company that has been:

(a) denied any license or approval under the Capital Markets Act or equivalent in any other jurisdiction: Yes/No

If Yes, give details.....

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(b) a director of a company providing banking, insurance, financial or investment advisory services whose license has been revoked by the appointing authority:

Yes/No. If Yes, give details.....

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(c) subjected to any form of disciplinary action by any professional body of which the applicant or any of its director was a member? Yes/No. if Yes, give details.....

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15. Has any court ever found that the applicant, or a person associated with the applicant was involved in the violation of the Capital Markets Act or Regulations thereunder or equivalent law outside Kenya? Yes/No. If Yes, give details.....

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16. Is the applicant or a person associated with the applicant is subject to any proceedings that could result in a “yes” answer to question 15? Yes/No. If “yes” give details.....

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17. (1) is the applicant, any shareholder, director or secretary of the applicant a member or director of a member company of any securities exchange, futures exchange or commodities exchange?

Yes/No. If “yes” give details.

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..... (2) have
any of the above persons been—

(a) refused admission as a futures member of any securities organization? Yes/No. if
Yes, give details.....

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(b) expelled from or suspended from trading on any securities organization? Yes/No if
Yes, give details.....

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(c) subjected to any other form of disciplinary action by any stock exchange? Yes/No if
Yes, give details.....

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18. Business references:

Name	Address	Telephone number(s)	Occupation

19. Profile of the chief executive officer and key personnel in the applicant company

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20. List of office facilities of the applicant.....

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21. Any other additional information considered relevant to this applicant.....

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We.....(Director)..... (Director)
and.....(Secretary) declare that all the information given in
this application and in the attached documents is true and correct.

Dated this.....day of.....20.... Signed:
.....) Director

.....) Director

.....) Secretary

Note:

1. The following shall be submitted with the application for a license: (a) memorandum and articles of association;

(b) certificate of incorporation;

(c) feasibility plan complying with regulation 4 (2)(e) of these regulations;

(d) rules of the proposed futures exchange containing provisions in compliance with the matters detailed under regulation 3 of these regulations;

(e) details of the proposed trading system complying with the requirements of regulation 7 of these Regulations;

(f) statements of the unaudited accounts for the period of accounting year ending not earlier than six months prior to the date of application and audited annual accounts for the preceding two years (in case of application of license);

(g) a declaration by directors as to whether after due enquiry by them in relation to the interval between the date to which the last accounts have been made and a date not earlier than fourteen days before the date of application-

(i) the business of the company has, in their opinion, been satisfactorily maintained;

(ii) they have, in their opinion, arisen any circumstances adversely affecting the company's trading or value of its assets;

(iii) there are any contingent liabilities by reason of any guarantees given by the company or any of its subsidiaries;

(iv) there are, since the last annual accounts, any changes in published reserves or any unusual factors affecting the profit of the company or any of its subsidiaries;

(h) a declaration by persons authorized as prescribed to accompany the application form; and

(i) application fee.
