

EIGHTH SCHEDULE (Regulation 125)
FORM 3
FORM FOR APPLICATION FOR LICENCE AS REIT TRUSTEE OR REIT
MANAGER
THE CAPITAL MARKETS ACT
(Cap. 485A)
THE CAPITAL MARKETS (REAL ESTATE INVESTMENT TRUSTS)
(COLLECTIVE INVESTMENT SCHEMES) REGULATIONS, 2012
APPLICATION FORM
APPLICATION FOR A LICENCE/ RENEWAL OF LICENCE TO CONDUCT THE
BUSINESS OF A REIT MANAGER OR REIT TRUSTEE

Application is made for a REIT Manager/REIT Trustee (tick as appropriate) licence/*renewal of licence (delete where inapplicable)* under the Capital Markets (Collective Investment Schemes) (Real Estate Investment Trusts) Regulations, 2012 and the following statements 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 the application or renewal.*

1. Name of company..... Limited
2. Registered office.....
3. Date of incorporation.....
4. Address
5. E-mail
6. Location, address and telephone number of principal office.....
.....

7. Location, address and telephone number of branch offices
.....

8. Details of capital structure:

(a) Nominal capital (Kshs.)

(b) Number of shares

(c) Paid-up capital (Kshs)

9. Shareholders (please attach a list)

Name	Address & telephone number	Number of shares Held
------	----------------------------	-----------------------

10(a) Directors (please attach a list)

Name	Identity Card/ Passport number	Date of Appointment	Date of birth	Permanent address & 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 and other key personnel

Name	Identity Card/ Passport number	Date of Appointment	Date of birth	Permanent address & telephone number	Academic Or Professional qualification	Number of shares held in the company

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

.....

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

.....

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

.....

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

(a) denied any licence or approval under the Capital Markets Act or equivalent legislation in any other jurisdiction: Yes/No.
If Yes, give details.

.....

(b) a director of a company providing banking, insurance, financial or investment advisory services whose licence has been revoked by the appropriate authority? Yes/No. If Yes, give details.

.....

(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.

.....

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

.....

16. Is the applicant and/or a person associated with the applicant now the subject of any

proceeding that could result in a 'yes' answer to the above question (15)? Yes/No. If 'yes,' give details.

.....

17(1) Is the applicant, or any shareholder, director or the secretary of the applicant, a member or director of a member company of any securities exchange? Yes/ No. If 'yes', give details.

.....

(2) Have any of the above persons been –

(a) refused membership of any securities organization? Yes / No. If 'yes', give details

.....

(b) expelled from or suspended from trading on or membership of any securities organization? Yes/No. If 'yes' give details

.....

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

.....

18. Business references:

Name	Address	Telephone number (s)	Occupation

19. One bank reference, where the applicant is a bank the reference shall be given by another bank independent of the applicant.

20. Profile of the chief executive and key employees in the applicant company:

Name	Post	Qualifications	Experience

21. List the office facilities of the applicant

.....

22. State the exact nature of the activity to be carried on which obliges the applicant to apply for a license from the Capital Markets Authority

.....

23. Any other additional information considered relevant to this application:

.....

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) business plan complying with the requirements of Regulation 125(1)(d) of the
Capital Markets (Real Estate Investment Trusts) (Collective Investment
Schemes) Regulations, 2012;

(d) a statement of the un-audited 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 the case of application of licence), management accounts
upto the 30th November and audited annual accounts for
the preceding year (in the case of renewal of licence);

(e) a declaration by the 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 the application –

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

(ii) there 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;

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

(g) an application fee of Kshs. 2,500.