

THE CAPITAL MARKETS AND SECURITIES (LICENSING) REGULATIONS
ARRANGEMENT OF REGULATIONS

Regulation

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SCHEDULES
THE CAPITAL MARKETS AND SECURITIES (LICENSING) REGULATIONS
G.N. No. 417 of 1996

PART I
PRELIMINARY PROVISIONS (regs 1-2)

1. Citation

Regulations may be cited as the Capital Markets and Securities (Licensing) Regulations.

2. Interpretation

In these Regulations, unless the context requires otherwise—

"**Act**" means the Capital Markets and Securities Act^{1*};

"**licence**" means a licence granted under Part IV of the Act; and

"**licensee**" shall be construed accordingly.

PART II
APPLICATION FOR LICENCES (regs 3-7)

3. Form of applications, notices and licences

Applications, notices and licences under the Act shall be in the form prescribed in the Schedule to these Regulations.

4. Directions in Forms

A form prescribed by these Regulations shall be completed in accordance with any directions specified in the form.

5. Manner of Application

(1) An Application for a licence or renewal of a licence in the form prescribed together with any relevant annexure shall be enclosed in a sealed envelope and lodged with the Authority.

(2) Each application for a licence or renewal of a licence, shall be accompanied by a detailed statement of the applicants assets and liabilities signed by the applicant.

(3) In the case of an applicant which is a company:

- (a) by two copies certified by a Director of the company to be true copies of the last balance sheet and of the last profit and loss account (if any), incorporating the results of the last financial year, and which have respectively been audited by the company's auditors (including every document required by law to be annexed or attached thereto); and
- (b) by a certified copy of the report of the auditors.

(4) Each application for a licence shall be accompanied by—

- (a) a detailed statement of the financial resources available to the applicant for purposes of undertaking the business under licence; and
- (b) such other information as the Authority may require in the consideration of an application.

6. Alteration of facts disclosed in application

An applicant for a licence shall forthwith give written notice to the Authority of—

- (a) any proposed alteration to; or
- (b) the occurrence of any event which affects in any material respect, information supplied by him to the Authority in relation to his application, being a proposal or act made or event occurring after lodging of application the decision of which remains pending in the authority.

7. Examination requirements

Application for a licence shall comply with examination requirements as may be determined by the Authority.

PART III
APPLICATION FEE (regs 8-9)

8. Fees

An application for a licence or renewal of a licence shall be accompanied by the fees prescribed in the Second Schedule.

9. Refusal of application

The Authority shall not consider any application made under these Regulations if it is not accompanied by the licence fees.

PART IV
DEALER'S DEPOSIT (regs 10-12)

10. Dealer's deposit

An application for a dealer's licence shall be accompanied by the deposit required under section 42 of the Act.

11. Refund of deposit

A deposit made under Regulation 10 shall be refunded to an applicant immediately after the application for a dealer's licence has been refused.

12. Application of deposit

A deposit made under Regulation 10 may be invested by the Authority in a manner the Authority deems appropriate provided that fifty five per cent of income earned by such investment after deduction of taxes due in accordance with the laws of Tanzania shall be retained by the Authority on behalf of a dealer.

PART V
GRANT OF LICENCES (regs 13-15)

13. Period of application

- (1) The Authority shall consider an application and inform an applicant of its decision within forty-five days after an application has been lodged with it provided that where further information has been required in accordance with section 36(2) of the Act, the period of 45 days shall in accordance with section 36(2) of the Act, the period of forty-five days shall be calculated from the time when further information is submitted to the Authority.
- (2) If no decision is made by the Authority within the period stated in subregulation (1), the respective application shall be deemed to have been refused.

14. Form of licence

A licence granted by the Authority shall be in the form specified in Form 7 in the First Schedule.

15. General conditions

It shall be a condition of every licence that—

- (a) the licence shall be personal to the applicant and shall not be transferable;
- (b) the holder of the licence shall forthwith give written notice to the Authority of—
 - (i) any proposed alteration to; or
 - (ii) the occurrence of any event which affects or may affect in any material respect,
any matter in respect of which he has supplied or was required to supply information to the Authority in the course of his application for that licence;
- (c) the holder of the licence shall comply with any directions of the Authority in respect of a proposed alteration or occurrence of the event notified to the Authority pursuant to subparagraph (b);
- (d) a licensee shall not carry on, nor hold himself out as carrying on, any securities business other than that permitted by his licence and shall carry on the said

- business from any premises specified in his licence; and
- (e) a licensee shall communicate to the Authority notices which are required by the Act in the relevant forms prescribed in the First Schedule.

PART VI

MISCELLANEOUS PROVISIONS (regs 16-17)

16. Replacement of licence

Where the Authority is satisfied that a licence has been inadvertently lost, destroyed or defaced, the Authority shall replace the licence on payment by the licensee of the fee prescribed in the Second Schedule.

17. Display of licence

- (1) Every holder of a licence granted under Part IV of the Act shall display his licence at all premises in which he transacts with the public the business authorised by the licence.
- (2) The requirement in subregulation (1) shall not be satisfied unless the licence is displayed in such a manner as to be readily visible to the public.

**FIRST SCHEDULE
FORMS
FORM 1
APPLICATION BY A COMPANY FOR A DEALER'S LICENCE
THE CAPITAL MARKETS AND SECURITIES ACT (CAP. 79)
(Section 36)**

Application is hereby made for a dealer's licence under the Act and the following statements are made in respect thereof:

Notes:

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

(2) This application must be accompanied by the last audited balance-sheet and profit and loss account certified as required by Regulation 5 of the Capital Markets and Securities (Licensing) Regulations.

INFORMATION ON THE APPLICANT

1.
 - (a) Name of applicant:
 - (b) Registered office:
 - (c) Place of incorporation:
 - (d) Full address and telephone number of the principal place at which the business of the applicant is to be carried on:
.....
.....
 - (e) The authorised and paid-up capital of the applicant, including the types of shares issued:
 Authorised Share Capital
 Paid-up Capital
 Types of Shares Issued

 - (f) The details of shareholders of the applicant, including the name, address, amount of shares being held and date of acquisition:
 Name of Shareholder
 Address

 No. of Shares
 Date Acquired
 - (g) Address of place at which applicant's register under section 52 of the Act will be kept:

 - (h) Set out as an annexure hereto details of each director and secretary showing full name, residential address, date of birth, office held, date of appointment and educational qualifications.
2. State the nature of the principal business of the applicant:

3.
 - (a) State in detail the activity and the manner in which the applicant proposes to conduct the business for which the applicant requires a dealer's licence:

(b) The type of clients with whom the applicant proposes to do business:
.....
.....
.....

(c) Describe in detail the organisational structure and internal control procedures which the applicant has adopted or proposes to adopt for its proposed business (Separate Annexure).

4. Set out name and address of each person who, directly or indirectly, exercises or has power to exercise a controlling influence over the management and policies of the applicant other than those shown as directors;
(Separate Annexure)

5. Is any director or secretary of the applicant a director of any other corporation? Using an annexure, answer "Yes" or "No" for each person; if "Yes" give details of:

- (a) names of corporations;
- (b) places of incorporation; and
- (c) dates of appointment.

(For questions 6 to 8, answer "Yes" or "No" in space provided. If "Yes" attach annexure giving all relevant particulars).

6. Has the applicant or any director or secretary of the applicant within the past ten years:

- (a) been licensed or registered in any place under any law which requires licensing or registration in relation to dealing in securities? *Answer*
- (b) been licensed, registered or otherwise authorised by law to carry on any trade, business or profession in any place?
- (c) been refused the right or restricted in its or his right to carry on any trade, business or profession for which a specific licence, registration or other authority is required by law in any place?

7. Has any director or secretary of the applicant within the past ten years—

- (a) been a member or partner in a member of the applicant within the past ten years?
- (b) been suspended from membership of any securities exchange or otherwise disciplined by a *securities exchange*?
- (c) been refused membership of any securities exchange?
- (d) been known by any name other than the names shown in this application?
- (e) been convicted of any offence other than a traffic offence in Tanzania or elsewhere or are there any proceedings now pending which may lead to such a conviction?
- (f) has judgement including findings in relation to fraud, misrepresentation or dishonesty been given against him in any civil proceedings, in Tanzania or elsewhere? (If "Yes", using an annexure give full details, including whether judgement is unsatisfied.)
- (g) been declared bankrupt or compounded with or made an arrangement for the benefit of his creditors, in Tanzania or elsewhere?
- (h) been engaged in the management of any corporation other than those referred to in answer to question 5?
- (i) been refused a fidelity or surety bond in Tanzania or elsewhere?
- (j) been disqualified as a director, or been director of a company that has gone into receivership or liquidation, in Tanzania or elsewhere?

8. Has any director or management staff of the applicant any experience in performing the functions in relation to the proposed activity of the applicant referred to in question 3?

(Separate Annexure)

9. In relation to each director and secretary of the applicant, set out below details of the officer's employment and business activities, during the previous ten years:

<i>Name of director or Secretary</i>	<i>Name and address of employer (if self-employed so state)</i>	<i>Nature of business</i>	<i>Description of duties of relation to the employment or activity</i>	<i>Period of employment or activity (give exact dates)</i>

(Separate Annexure)

10. Set out any additional information (including any formal qualifications or training of the directors or secretary of the applicant and the name of the institution that conducted the course) considered relevant to this application.

(Separate Annexure)

11. Set out below details of two persons with whom each director and the secretary of the applicant has had regular contact over the past five years and of whom the Authority may enquire regarding the character and reputation of the respective director or secretary.

<i>Name of character referee</i>	<i>Address of character referee</i>	<i>Occupation of character referee (Separate Annexure)</i>	<i>Secretary in respect of whom enquiries may be made</i>

12. I declare that all information given in this application and in the attached annexures is true and correct.

Dated this day of 20.....

Signature

Name

Capacity:

FORM 2
APPLICATION BY INDIVIDUAL FOR INVESTMENT ADVISER'S LICENCE
THE CAPITAL MARKETS AND SECURITIES ACT (CAP. 79)
(Section 36)

Application is hereby made for an investment adviser's licence under the Act and the following statements are made in respect thereof:

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

(2) This application shall be accompanied by a detailed statement of the applicant's assets and liabilities and shall be signed by the applicant.

1. Personal particulars of the applicant:

- (a) Name of applicant
- (b) Full address and telephone number of the principal place at which the business of the applicant is to be carried on:

.....
.....
.....

- (c) Residential address:

.....
.....
.....

- (d) Address of place at which applicant's register under section 52 of the Act will be kept:

.....
.....
.....

- (e) Academic and professional qualifications:

.....
.....
.....

2. (a) Indicate area of proposed business for which the applicant requires an Investment Adviser's licence:

- either: advises others concerning securities;
- or: issues or promulgates analyses or reports concerning securities;
- or: pursuant to a contract or arrangement with a customer, undertakes on behalf of the customer (whether on a discretionary authority granted by the customer or otherwise) the management of a portfolio of securities for the purpose of investment.

- (b) For each indicated area of proposed business, state in detail the manner in which the business will be conducted and the experience of the applicant and his management staff in that business.

(Separate Annexure)

- (c) Describe in detail the organisational structure and internal control procedures which the applicant has adopted or proposes to adopt in the conduct of his business.

3. The type of customers with whom the applicant proposes to do business.

(Separate Annexure)

4. Is the business of investment adviser the principal business carried on by the applicant? (Answer either "Yes" or "No". If "No", give details of the applicant's principal business in a separate annexure.)

5. Does the applicant have an interest in one or more of the shares in any company the

shares of which are quoted on a securities exchange, the aggregate of the nominal amount of which constitutes not less than 5% of the aggregate of the nominal amount of all the issued shares of the corporation? (Answer either : Yes" or "No". If "Yes" give full details of such interest including names of companies and percentage of interest in a separate annexure).

6. Is the applicant a director of any corporation in Tanzania or elsewhere? (Answer either "Yes" or "No") if "Yes", using an annexure, give details of—

- (a) Names or name of the corporation;
- (b) place or places of incorporation; and
- (c) the relevant interests.

(Answer questions by writing either "Yes" or "No" in space provided. If "Yes" attach annexures giving all relevant particulars.)

7. Has the applicant within the past 10 years—

- (a) been licensed or registered in any place under any law which requires licensing or registration in relation to dealing in securities or acting as investment adviser? *Answer*
.....
- (b) been licensed, registered or otherwise authorised by law to carry on any trade, business or profession in any place?
- (c) been refused the right or restricted in his right to carry on any trade, business or profession for which a specific licence, registration or other authority is required by law in any place?
- (d) been a member or partner in a member firm of a securities exchange?
- (e) been suspended from membership of any securities exchange of otherwise disciplined by a securities exchange?
- (f) been refused membership of any securities exchange?
- (g) carried on business under any name other than the name or names shown in this application?
- (h) been convicted of any offence other than a traffic offence in Tanzania or elsewhere or are there any proceedings now pending which may lead to such conviction? (If "Yes" attach annexure giving full details, of the conviction(s) or proceeding(s))
- (i) has judgement including finding in relation to fraud, misrepresentation or dishonestly been given against him in any civil proceedings, in Tanzania or elsewhere? (If "Yes" attach annexure giving full details, including whether judgment is unsatisfied.)
- (j) been censured or disciplined by any professional body, society or association of which he was or is a member? (If "Yes" attach annexure giving full details, including name of the professional body society or association.)
- (k) been declared bankrupt or compounded with or made an assignment for the benefit of his creditors in Tanzania or elsewhere?
- (l) been engaged in the management of any corporations other than those referred to in answer to question 6?
- (m) been refused a fidelity or surety bond in Tanzania or elsewhere?
- (n) been disqualified as a director, or been a director of a company that has gone into receivership or liquidation, in Tanzania or elsewhere?

8. Set out below details of the applicant's employment and business activities during the previous ten years:

<i>Name and address of employer (if self-employed so state)</i>	<i>Nature of business</i>	<i>Description of duties in relation to the employment or</i>	<i>Period of employment or activity (give exact dates)</i>

		<i>activity</i>	

(Separate Annexure)

9. Set out below details of two persons (who shall not be related to the applicant, and neither of whom shall have any interest in the success or otherwise of this application) with whom the applicant has had regular contact over the past five years and of whom the Authority may enquire regarding the applicant's character and reputation.

<i>Name</i>	<i>Address</i>	<i>Occupation</i>

(Separate Annexure)

10. Set out any additional information (including any formal qualifications or training and the name of the institution that conducted the course) considered relevant to this application.

(Separate Annexure)

11. I am aware of the provisions of section 35 of the Act relating to false statements made in applications.

12. I declare that all information given in this application and in the attached annexures (if any) is true and correct.

Dated this day of 20.....

Signature

FORM 3
APPLICATION BY A COMPANY FOR AN INVESTMENT ADVISER'S LICENCE
THE CAPITAL MARKETS AND SECURITIES ACT (CAP. 79)
(Section 36)

Application is hereby made for an Investment Adviser's licence under the Act and the following statements are made in respect thereof:

Notes:

- (1) If space is insufficient to provide details, where necessary, please attach annexure(s). Any such annexure should be identified as such and signed by the signatory to this application.
- (2) This application shall be accompanied by the last audited balance sheet and profit and loss account certified as required by Regulation 5 of the Capital Markets and Securities (Licensing) Regulations.

PART 1
INFORMATION ON THE APPLICANT

1. (a) Name of applicant:
- (b) Registered office:

- (c) Place of incorporation:
- (d) Full address and telephone number of the principal place at which the business of the applicant is or is to be carried on:

- (e) Authorised and paid-up capital of the applicant, including the types of shares issued or to be issued:
 Authorised Share Capital
 Paid Up Share Capital
 Types of Shares
- (f) The details of shareholders of the applicant, including the name, address, amount of shares being held and date of acquisition:
 (Separate Annexure)
- (g) Address of place at which applicant's register under section 52 of the Act will be kept

- (h) Set out as an annexure hereto details of each director and secretary showing full name, residential address, date of birth, office held, date of appointment and academic as well as professional qualifications.
- (2) State the nature of the principal business for which the applicant requires an Investment Adviser's licence:
 (Separate Annexure)
3. (a) Indicate areas of proposed business for which the applicant requires an Investment Adviser's licence:
 either: advises others concerning securities;
 or: issues or promulgates analyses or reports concerning securities;
 or: pursuant to a contract or arrangement with a customer, undertakes on behalf of the customer (whether on a discretionary authority granted by the customer or otherwise) the management on behalf of customers of a

portfolio of securities for the purpose of investment.

- (b) For each indicated area of proposed business, state in detail the manner in which business will be conducted and the experience of the application and its management.

(Separate Annexure)

- (c) The type of customers with whom the applicant proposes to do business.

(Separate Annexure)

- (d) Describe in detail the organisational structure and internal control procedures which the applicant has adopted or proposes to adopt in the conduct of its business.

(Separate Annexure)

4. Set out name and address of each person who directly or indirectly exercises or has power to exercise a controlling influence over the management and policies of the applicant other than those shown as directors.

(Separate Annexure)

5. Is any director or secretary of the applicant a director of any other corporation? Using an annexure, answer "Yes" or "No" for each person; if "Yes" give details of:

- (a) names of corporation;
(b) places of incorporation; and
(c) dates of appointment.

(For questions 6 and 7 answer "Yes" or "No" in space provided. If "Yes" attach annexure giving all relevant particulars.)

6. Has the applicant or any director or secretary of the applicant within the past ten years:

Answer

- (a) been licensed or registered in any place under any law which requires licensing or registration in relation to dealing in securities or acting as an investment adviser?
- (b) been licensed, registered or otherwise authorised by law to carry on any trade, business or profession in any place?
- (c) been refused the right or restricted in its or his right to carry on any trade, business or profession for which a specific licence, registration or other authority is required by law in any place?
7. Has any director or secretary of the applicant within the past ten years—
- (a) been a member or partner in a member firm of any securities exchange?
- (b) been suspended from membership of any securities exchange or otherwise disciplined by a securities exchange?
- (c) been refused membership of any securities exchange?
- (d) been known by any name other than the name or names shown in this application?
- (e) been convicted of any offence other than a traffic offence in Tanzania or elsewhere or are there any proceedings now pending which may lead to such a conviction?
- (f) has judgement including findings in relation to fraud, misrepresentation or dishonesty been given against him in any civil proceedings, in Tanzania or elsewhere? (If "Yes", using an annexure, give full details, including whether judgement is unsatisfied.)
- (g) been declared bankrupt or compounded with or made an assignment for the benefit of his creditors, in Tanzania or elsewhere?
- (h) been engaged in the management of any corporation other than those referred to in answer to question 5?

- (i) been refused a fidelity or surety bond in Tanzania or elsewhere?
- (j) been disqualified as a director, or been a director of a company
that has gone into receivership or liquidation, in Tanzania or elsewhere?

8. In relation to each director and secretary of the applicant, set out below details of the officer's employment and business activities, during the previous ten years.

<i>Name of director or Secretary</i>	<i>Name and address of employer (if self-employed, so state)</i>	<i>Nature of business</i>	<i>Description of duties in relation to the employment or activity</i>	<i>Period of employment or activity (give exact date)</i>

9. Set out any additional information (including any formal qualifications or training of the directors or secretary of the applicant and the name of the institution that conducted the relevant course) considered relevant to this application.

(Separate Annexure)

10. Set out below details of two persons (who shall not be related to the applicant, and neither of whom shall have any interest in the success or otherwise of this application) with whom each director and the secretary of the applicant has had regular contact over the past five years and of whom the Authority may enquire regarding the character and reputation of the respective director or secretary.

(Separate Annexure)

<i>Name of character referee</i>	<i>Address of character referee</i>	<i>Occupation of character referee</i>	<i>Name of director or secretary in respect of whom enquiries may be made</i>

PART 2 MISCELLANEOUS

1. We are aware of the provisions of section 39 of the Act relating to false statements made in applications.

2. We declare that all information given in this application and in the attached annexure (if any) is true and correct.

Dated this day of 20.....

ⁱⁱ1 Signature Signature

.....
Name of Director

.....
(Name of Director/Secretary) ⁱⁱⁱ2

FORM 4
APPLICATION FOR RENEWAL OF A DEALERS LICENCE OR FOR INVESTMENT
ADVISER'S LICENCE

THE CAPITAL MARKETS AND SECURITIES ACT (CAP. 79)
(Section 36)

Application is made for the renewal of:

A Dealer's Licence/Investment Adviser's Licence ^{iv} 1

and the following statements are made in respect of the applicant:

- 1.- (a) Applicant's name:
(b) Expiry date of licence:
(c) Licence No:

2. Where the applicant is a company the particulars set out below must be given. (Answer by writing either "Yes" or "No" in space the provided. If "Yes" attach annexure(s) giving all relevant particulars.)

- | | |
|---|---------------|
| (a) Since the last application: | <i>Answer</i> |
| (i) has there been a change in the shareholders of the applicant? | ..... |
| (ii) has there been a change in the applicant's directors, secretary, senior management personnel or external auditor? | ..... |
| (iii) has the applicant been convicted of any offence other than a traffic offence in Tanzania or elsewhere or are there any proceedings now pending which may lead to such a conviction? | ..... |
| (iv) has any of the applicant's directors been a director of any company other than those referred to in the last application? | ..... |
| (v) has the applicant taken any disciplinary action against any of its representatives? | ..... |
| (vi) has the applicant received any complaint? | ..... |
| (vii) has the applicant undertaken to conduct any material new business activity? If so, state the nature of the activity. | ..... |
| (b) Please furnish details of any other event which has occurred and which is likely to have a significant effect on the applicant's business during the currency of the licence, if granted (including any legal claim against the applicant). | |

3. Where the applicant is an individual person please complete the following— (Answer by writing either "Yes" or "No" in space provided. If "Yes" attach annexure(s) giving all relevant particulars.)

- | | |
|---|---------------|
| Since the last application has the applicant— | <i>Answer</i> |
| (a) been suspended from membership of any securities exchange or otherwise disciplined by a securities exchange? | ..... |
| (b) been convicted of any offence other than a traffic offence in Tanzania or elsewhere or are there any proceedings now pending which may lead to such a conviction? | ..... |
| (c) has judgement including findings in relation to fraud, misrepresentation or dishonesty been given against him in any civil proceedings, in Tanzania or elsewhere? (If "Yes", using an annexure, give full details, including whether judgement is unsatisfied.) | ..... |
| (d) been declared bankrupt or compounded with or made an assignment for the benefit of his creditors, in Tanzania or elsewhere? | ..... |
| (e) been engaged in the management of any company other than those referred to in the last application? | ..... |
| (f) been refused a fidelity or surety bond in Tanzania or elsewhere? | ..... |
| (g) undertaken to conduct any material new business activity, and, if | ..... |

so, state the nature of the activity?

(h) been disciplined by any professional body or other membership
body?

4. I am/we are ^{v2} aware of the provisions of section 42 of the Act relating to false statements
in applications.

5. I/We ^{vi3} declare that all information given in this application and in the attached annexure
(if any) is true and correct.

Dated this day of 20.....

^{vii}4 Signature
.....
(Name of Director/Secretary) ^{viii}5

FORM 5
APPLICATION FOR A REPRESENTATIVE LICENCE
THE CAPITAL MARKETS AND SECURITIES ACT (CAP. 79)
(Section 36)

Application is hereby made for—

a Dealer's Representative's/an Investment Representative's Licence ^{ix}1 and the following statements are made in respect of the application.

1. (a) Applicant's name:
 Other names
- (b) Residential address

 Tel. No.:
- (c) Date of birth Place of birth
- (d) No. of years applicant has resided in Tanzania
 Nationality
- (e) Occupation for which representative's licence is sought
- (f) Full name of principal
- (g) The full address at which the business of the principal is carried on

 Tel. No.
- (h) Nature of business of the principal

- (i) Address of place at which register under section 52 of the Act will be kept

- (j) Present remuneration arrangement with principal: salary, commission or both

- (k) Directorship in companies in Tanzania or elsewhere

2. (Answer either "Yes" or "No" in space provided. If "Yes" attach annexures giving all relevant particulars.) Has the applicant within the past ten years—

- (a) been licensed or registered in any law which requires licensing or registration to deal or trade in securities or act as investment adviser? *Answer*
- (b) been licensed, registered, or otherwise authorised by law to carry on any trade, business or profession in any place?
- (c) been refused the right or restricted in his right to carry on any trade, business or profession for which a specific licence, registration or other authority is required by law in any place?
- (d) been a shareholder in a member firm of any securities exchange?
- (e) been suspended from membership of any securities exchange or otherwise disciplined by a securities exchange?
- (f) been refused membership of any securities exchange?

- (g) carried on business under any name other than the name or names shown in this application in paragraph 1(a)?
- (h) been convicted of any offence, other than a traffic offence, in Tanzania or elsewhere, or are there any proceedings now pending which may lead to such a conviction?
- (i) has judgement including findings in relation to fraud, misrepresentation, or dishonesty been given against him in any civil proceedings in Tanzania or elsewhere? (If "Yes" attach annexure(s) giving full details, including whether judgment is unsatisfied.)
- (j) been refused a fidelity or surety bond in Tanzania or elsewhere?
- (k) been declared bankrupt or compounded with or made an assignment for the benefit of his creditors, in Tanzania or elsewhere?
- (l) been disqualified as a director of a company, or been a director of a company that has gone into receivership or liquidation in Tanzania or elsewhere?

3. Has the applicant had any experience in performing the functions of a dealers' representative or investment representative?

(Answer either "Yes" or "No". If "Yes" attach annexure(s) giving all relevant particulars.)

4. Set out below details of the applicant's employment and business activities during the previous ten years.

<i>Name and address of employer (if self-employed so state)</i>	<i>Nature of business</i>	<i>Description of duties in relation to the employment or activity</i>	<i>Period of employment or activity (give exact dates)</i>

(Separate Annexure)

5. Set out below details of two persons (who shall not be related to the applicant, and neither of whom shall have any interest in the success or otherwise of this application) with whom the applicant has had regular contact over the past five years and of whom the Authority may enquire regarding the applicant's character and reputation:

<i>Name</i>	<i>Address</i>	<i>Occupation</i>

(Separate Annexure)

6. Does the applicant have an interest in any one or more shares in any company, the shares of which are quoted on a securities exchange, the aggregate of the nominal amount of which constitutes not less than 5 percent of the aggregate of the nominal amount of all issued shares of the company? (Answer either "Yes" or "No". If "Yes", give full details of such interest including names of companies and percentage of interest in a separate annexure.)

7. Set out any additional information (including any formal qualifications or training of the applicant and the name of the institution that conducted the course) considered relevant to this application.

(Separate Annexure)

8. I am aware of the provisions of section 54 of the Act relating to false statements made in applications.

9. I declare that all information given in this application and in the attached annexure (if any) is true and correct.

Dated this day of 20.....

Signature
(Applicant)

Notes:

- (a) This application should be accompanied by a certificate in or to the effect of the following form:

To the Authority

On the basis of due and diligent enquiry of the background of the applicant named in this form who is in my direct employment or acting for or on behalf of me, and other information available, I believe him to be of good character and reputation and to have the competence and experience to perform the function of a representative.

Dated this day of 20.....

Signature:

Name:

Capacity:

- (b) Subject to paragraph (c) of this Note, the Certificate should be signed by each licensee by whom the applicant is to be employed or for or by arrangement with whom he is to act.
- (c) Where the applicant is to be employed by or to act for or by arrangement with a licensee the Certificate shall be signed by a director or the secretary of that licensee.

FORM 6
APPLICATION FOR RENEWAL OF REPRESENTATIVE'S LICENCE
THE CAPITAL MARKETS AND SECURITIES ACT (CAP. 79)

Application is hereby made for the renewal of—

A dealer's representative's/an investment representative's ^{x1} licence and the following statements are made in respect of the application.

1. (a) Applicant's name
- (b) Expiry date of licence Licence No.
- (c) Residential Address
- Telephone No.
- (d) Present remuneration arrangement with principal: salary, commission or both.

2. (Answer either "Yes" or "No" in space provided. If "Yes" attach annexure giving all relevant particulars.) Since the last application has the applicant—

- | | <i>Answer</i> |
|--|---------------|
| (a) been suspended from membership of any securities exchange or otherwise disciplined by a securities exchange? | |
| (b) been convicted of any offence other than a traffic offence in Tanzania or elsewhere, or are there any proceedings now pending which may lead to such a conviction? | |
| (c) has judgement including findings in relation to fraud, misrepresentation or dishonesty been given against him in any civil proceedings, in Tanzania or elsewhere? (If "Yes", using an annexure, give full details, including whether judgment is unsatisfied.) | |
| (d) been declared bankrupt or compounded with or made an assignment for the benefit of his creditors, in Tanzania or elsewhere? | |
| (e) been engaged in the management of any corporation other than those referred to in the last application? | |
| (f) been a director of any corporation other than those referred to in the last application? | |
| (g) been refused a fidelity or surety bond in Tanzania or elsewhere? | |
| (h) been the subject of any disciplinary action taken by his firm? | |
| (i) been disciplined by any professional or other membership body? | |

3. I am aware of the provisions of section 52 of the Act relating to false statements in making this application.

4. I declare that all information given in this application and in the attached annexure (if any) is true and correct.

Dated this day of 20.....

Signature

Name of applicant

Notes: (a) This application should be accompanied by a certificate in or to the effect of the following form:
To the Authority

On the basis of due and diligent enquiry made of the background of the applicant named in this form and who is in my direct employment or acting for or on behalf of me, and other information of a representative, I believe him to be of good character and reputation and to have the competence and experience to perform the function of a representative.

Dated this day of 20.....

Signature

Name

Capacity

(b) Subject to paragraph (c) of this Note the certificate should be signed by each

- licensee by whom that applicant is to be employed or for or by arrangement with whom he is to act.
- (c) Where the applicant is to be employed by or to act for or by arrangement with
 - (i) a firm, the individual partners of which are licensees, the certificate should be signed by one such partner on behalf of all the partners;
 - (ii) a licensee which is a company, by a director or the secretary of that company.

**FORM 7
LICENCE**

**THE CAPITAL MARKETS AND SECURITIES ACT (CAP. 79)
(Regulation 14)**

THIS LICENCE is granted to (name)
of
..... (address)
and authorises the said person to conduct or carry on the business of
..... (type of business)
in the United Republic of Tanzania for a period of one year beginning on the
and ending on the (both dates inclusive).

THIS LICENCE is issued subject to maintenance of the requirements of the provisions of the Capital markets and Securities Act, Regulations and Rules made thereunder and such conditions as may be stipulated by the Authority and by the stock exchange of which the applicant is or proposes to be a member.

Dated the 20.....
Licence No.

.....
Chairman
Capital Markets and Securities
Authority

.....
Chief Executive
Capital Markets and Securities
Authority

**FORM 8
NOTICE OF PLACE AT WHICH REGISTER IS TO BE KEPT
THE CAPITAL MARKETS AND SECURITIES ACT (CAP. 79)
(Section 52 and Regulation 15)**

1. Name:
.....
.....
2. Capacity in which section 50 of the Act applies
.....
3. Residential address and telephone number of applicant:
.....
.....
.....
.....
.....
4. Business address and telephone number:

-

-

-

5. Name of employer (if any):

6. Place at which register is to be kept:

7. Date of commencement of keeping register:

- Dated this day of 20.....
 Signature:
- Name:
- Capacity:

FORM 9
NOTICE OF CHANGE OF PLACE OF BUSINESS AND CHANGE OF PLACE AT WHICH REGISTER IS KEPT
 THE CAPITAL MARKETS AND SECURITIES ACT (CAP. 79)
 (Section 44 and Regulation 15)

1. Name of licensee:
2. Type of licence and licence number:
3. (a) Former address of place of business:

- (b) New address of place of business:

- (c) Date of change of place of business:
4. (a) Former address of place at which register was kept:

- (b) New address of place at which register is kept:

- (c) Date of change of address of place at which register is kept.
- Dated this day of 20.....
- Signature
- Name
- Capacity

FORM 10
NOTIFICATION OF CESSATION OF BUSINESS
THE CAPITAL MARKETS AND SECURITIES ACT (CAP. 79)
(Section 44 and Regulation 15)

1. Name of licensee:
.....

2. Type of licence held and licence number:
.....

3. Notice is hereby given that on the day of
..... 20..... business ceased to be carried on in
Tanzania by the above licensee in respect of which he was
licensed to carry on business.

Dated this day of 20.....

Signature

Name

Capacity

FORM 11
NOTICE OF CHANGE OF REPRESENTATIVE'S PRINCIPAL
AND NOTICE OF CHANGE OF PLACE AT WHICH REGISTER IS KEPT
THE CAPITAL MARKETS AND SECURITIES ACT (CAP. 79)
(Section 44 and Regulation 15)

1. Name of licensee:
2. Type of licence held and licence number:
3. Residential Address:
4. Notice is given that on the day of 20..... the licensee will cease to be a representative of and that from the day of 20..... the licensee will be representative of whose principal place of business is at
5. (a) Former address of place at which register was kept:
- (b) New address of place at which register is kept:
- (c) Date of change of address of place at which register is kept:

SECOND SCHEDULE
FEEs

(Regulation 8)

- | | | |
|----|--|---------------|
| 1. | On every application for a licence as a dealer, whether a new licence or for renewal | Shs. 50,000/- |
| 2. | On every application for a licence as an investment adviser whether for a new licence or for renewal | Shs. 40,000/- |
| 3. | On every application for a dealer's representative whether for a new licence or for renewal | Shs. 30,000/- |
| 4. | On every application as an investment representative whether for a new licence or for renewal | Shs. 30,000/- |
| 5. | The replacement of licence | Shs. 10,000/- |
