UCITS Application Form

Section 1 Information

**March 2024**

**Instructions Paper**

SECTION 1 – UCITS

**INFORMATION REGARDING THE PROPOSED UCITS**

Please complete the following by inserting the information requested and ticking the applicant column of boxes (to confirm compliance), unless otherwise indicated

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  | Applicant |  |  |
| **1.1** | UCITS TITLE |  |  |  |
|  | State the name of the UCITS |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| **1.2** | LEGAL STRUCTURE |  |  |  |
|  |  |  |  |  |
| 1.2.1 | State legal structure (i.e. Investment Company, Irish Collective Asset-management Vehicle (“ICAV”), Unit Trust or Common Contractual Fund (‘CCF’)) |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  | Yes/No |  |  |
| 1.2.2 | Is the UCITS an Umbrella? |  |  |  |
|  | If yes, state the name(s) of Sub-Fund(s): |  |  |  |
|  |  |  |  |  |
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**1.3** **PROPOSED PARTIES TO THE UCITS**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | State Name and Address | PreviouslyCleared/ Approved?‘Yes/No’[[1]](#footnote-1) |  |  |  |  |
| Management |  |  |  |  |  |  |
| Company |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| Depositary |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
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|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| Sub- |  | N/A |  |  |  |  |
| Custodian[[2]](#footnote-2) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| Administrator |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| Transfer |  |  |  |  |  |  |
| Agent[[3]](#footnote-3) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| Investment/ |  |  |  |  |  |  |
| Sub- |  |  |  |  |  |  |
| Investment |  |  |  |  |  |  |
| Manager(s)[[4]](#footnote-4) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  Investment/ |  |  |  |  |  |  |
| Sub- |  | N/A |  |  |  |  |
| Investment |  |  |  |  |  |  |
| Adviser(s)[[5]](#footnote-5) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| Legal |  | N/A |  |  |  |  |
| Advisor |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| Any third  |  |  |  |  |  |  |
| party contracted by the UCITS or the Management Company acting for the UCITS to carry out its work |  | N/A |  |  |  |  |
|  |  |  |  |  |  |  |
| Auditor |  | N/A |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
| Company |  |  |  |  |  |  |
| Secretary |  | N/A |  |  |  |  |
| (must be Irish |  |  |  |  |  |  |
| Resident) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
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|  |  |  |  |  |  |  |
| **1.4** | **DIRECTORS** |  |  |  |
|  |  |  |  |  |
| 1.4.1 | List the Directors of the Investment Company/ICAV (or Management Company in the case of a Unit Trust/CCF) and indicate whether Irish Resident |  |  |  |
|  |  |  |  |  |
|  | Name | Irish |  |  |  |  |
|  |  |  |  |  |  |  |
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| **1.5** | GENERAL |  |  |  |  |
|  |  |  |  |  |  |
| 1.5.1 | State the name, address and employer of the Money Laundering Reporting Officer |  |  |  |  |
|  |  (of the Investment Company/ICAV or Management Company for Unit Trust/CCF). |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  | Where the employer of the Money Laundering Reporting Officer is located outside the |  |  |  |  |
|  | State confirm: |  |  |  |  |
| a) | The UCITS’ obligations under the Act and guidance notes requirements, in  |  |  |  |  |
|  | particular the obligation to report suspicious transactions to the Gardaí, were specifically brought to the attention of the board of directors; and |  |  |  |  |
| b) | The entity (employer) is located in a FATF country. |  |  |  |  |

* + 1. Confirm which of the following ranges best represents the likely shareholder base of the

UCITS/Sub-Fund(s)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |
| a) under 1000 |  |  |  |  |  |
| b) 1,000-4,999 |  |  |  |  |  |
| c) 5,000-9,999 |  |  |  |  |  |
| d) 10,000 or over |  |  |  |  |  |
|  |  |
|  |  | Yes/No |  |  |  |  |
| 1.5.3 | Is it intended to promote the sale of units/shares of the UCITS/Sub- |  |  |  |  |  |
|  | Fund(s) to Irish Residents? |  |  |  |  |  |
|  |  |  |  |  |  |  |
| 1.5.4 | Confirm that the documentation will be submitted to the Irish Stock |  |  |  |  |  |
|  | Exchange if the UCITS is seeking a listing. |  |  |  |  |  |
|  |  |  |  |  |  |  |
| 1.5.5 | Is the UCITS seeking derogations from the following Regulations? | Yes/No |  |  |  |  |
| a) | Regulation 70; |  |  |  |  |  |
| b) | Regulation 71 (for Index Funds); |  |  |  |  |  |
| c) | Regulation 72; and/or |  |  |  |  |  |
| d) | Regulation 73 (for Investment in UCITS and other Collective  |  |  |  |  |  |
|  | Investment Undertakings) |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  | If yes, confirm that a request for the derogation is set out in the letter seeking authorisation. |  |  |  |  |
|  |  |  |  |  |  |
| 1.5.6 | Will the UCITS/Sub-Fund(s) be marketed in Japan and constitute a public offer? |  |  |  |  |
|  |  |  |  |  |  |
|  | If yes, confirm (on behalf of the Board/Management Company) that:  |  |  |  |  |
| a) | an SRS will be issued; |  |  |  |  |
|  |  |  |  |  |  |
| b) | it contains all information set out in the Central Bank UCITS Regulations; and |  |  |  |  |
|  |  |  |  |  |  |
| c) | it does not contain information which conflicts with the prospectus or the Central Bank  |  |  |  |  |
|  | UCITS Regulations. |  |  |  |  |
|  |  |  |  |  |  |
| 1.5.7 | Confirm that the UCITS/Sub-Fund(s) intends to promote the sale of its units/shares to  |  |  |  |  |
|  | the public within the EU. |  |  |  |  |
|  |  |  |  |  |  |
| 1.5.8 | State in which EU Member State(s) the UCITS/Sub-Fund(s) intends to initially promote  |  |  |  |  |
|  | the sale of its units/shares. |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
| 1.5.9 | Is the Fund an exchange-traded fund? |  |  |  |  |
|  |  |  |  |  |  |
| 1.5.10 | Disclose the postal address for correspondence relating to the annual Industry Funding Levy. |  |  |  |  |
|  |  |  |  |  |  |
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| 1.5.11 | Please provide the name and a valid email address for a Director of the UCITS |  |  |  |  |
|  | (in the case of an Investment Company or ICAV) or a Director of the management company (in the case of a Unit Trust or Common Contractual Fund). Please note that the Additional Supervisory Levy notice under The Central Bank Act 1942 (Section 32D) (Additional and Supplementary Supervisory Levies – Regulated Entities) Regulations 2019 will issue to this individual. |  |  |  |  |
|  | Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Email address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |  |  |

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| **1.6** | LETTERS TO ACCOMPANY THE APPLICATION |  |  |  |  |
| 1.6.1 | Draft letter: |  |  |  |  |
| a) | seeking authorisation/approval of the UCITS/Sub-Fund(s) under the UCITS Regulations; |  |  |  |  |
|  |  |  |  |  |  |
| b) | where the UCITS intends to invest up to 100% in certain issuers, reference must be  |  |  |  |  |
|  | made to the Article/Clause number in the constitutional document and authorisation sought; and |  |  |  |  |
|  |  |  |  |  |  |
| c) | detail any derogations required, including proposed limits, etc. |  |  |  |  |
|  |  |  |  |  |  |
| 1.6.2 | Other letters/confirmations (as applicable) |  |  |  |  |
|  |  |  |  |  |  |
| a) | Investment in AIFs – will fall under the categories outlined in the Central Bank  |  |  |  |  |
|  | Guidance - UCITS Acceptable investments in Other Investment Funds. |  |  |  |  |
|  |  |  |  |  |  |
| b) | Confirmation from the Management Company’s that the operation of the manager’s  |  |  |  |  |
|  | box will not commence until formal arrangements regarding its operation have been agreed between the Central Bank and the Management Company. |  |  |  |  |
|  |  |  |  |  |  |
| c) | Where a new class is being created with a fixed price, attach the following:  |  |  |  |  |
| i) | Letter from the trustee confirming that “the proposal to issue a share class in the  |  |  |  |  |
|  | UCITS at an initial offer price rather than at current NAV per share will not, in our view, prejudice the existing shareholders in the UCITS” or wording to this effect. |  |  |  |  |
| ii) | A numeric example from the Trustee to demonstrate how all investors will be treated |  |  |  |  |
|  | equally. (e.g. what calculation method is used, how units/shares are allocated) |  |  |  |  |
|  |  |  |  |  |  |
| d) | Where the use of ‘guaranteed’ is in the name of a UCITS the responsible person shall |  |  |  |  |
|  | provide written confirmation from the legal advisor to the UCITS that the guarantee satisfies the conditions set out in Central Bank Regulation 94(1). |  |  |  |  |
|  |  |  |  |  |  |

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| --- | --- | --- | --- | --- | --- |
| **1.7** | **OTHER DOCUMENTS TO BE SUBMITTED** |  |  |  |  |
|  |  | Marked UpYes/No |  | If ‘Yes’ NamePrevious UCITS |  |  |  |  |
|  |  |  |  |  |  |  |
|  | Draft Prospectus |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |
| **1.8** | **OTHER INFORMATION** |  |  |  |
| 1.8.1 | Please provide a designated email address to enable the Central Bank to contact the  |  |  |  |
|  | UCITS in relation to any specific fund issues, correspondence, questionnaires etc.This designated email address should be continuously monitored on a daily basis. Should this designated email address change, the UCITS should communicate the new address immediately to the Central Bank by filing a Regulatory Report Return on the Central Bank of Ireland Portal with the updated details. |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| 1.8.2 | State the email address and for whose attention the Central Bank’s correspondence  |  |  |  |
|  | and the scanned version of the letter of authorisation should issue. Please note if this  |  |  |  |
|  | point of contact changes during the review, the Central Bank should be notified in writing. |  |  |  |
|  |  |  |  |  |

Any personal data provided by you may be processed by the Central Bank in connection with the performance of its statutory functions. If you have any questions in relation to the processing of your personal data by the Central Bank, you may contact our Data Protection Officer at dataprotection@centralbank.ie. A copy of the Central Bank’s Data Protection Notice is available at [www.centralbank.ie/fns/privacy-statement](http://www.centralbank.ie/fns/privacy-statement).



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PO Box 559, Dublin 1, Ireland

1. Please be aware that, in respect of management companies and/or investment managers/sub-investment managers which are not yet cleared to act in their proposed capacity at the point of submission of the fund application, the application will be returned as incomplete. [↑](#footnote-ref-1)
2. If specifically appointed to the UCITS, i.e., not part of the global custody network. [↑](#footnote-ref-2)
3. If Transfer Agent appointed in addition to Administrator/Management Company [↑](#footnote-ref-3)
4. i.e. entities with discretionary investment powers [↑](#footnote-ref-4)
5. i.e. entities with no discretionary investment powers [↑](#footnote-ref-5)