

**Creditor Declaration Form FOR THE Authorisation OF A MORTGAGE CREDIT INTERMEDIARY TIED TO ONLY ONE CREDITOR**

**UNDER REGULATION 32 OF THE European Union (Consumer Mortgage Credit Agreements) Regulations 2016**

**(the Regulations)**

**June 2018**



**NOTES ON COMPLETION**

This Declaration form must be completed by a Creditor[[1]](#footnote-1) who wishes to appoint a tied mortgage credit intermediary under Regulation 30 of the European Union (Consumer Mortgage Credit Agreements) Regulations 2016 **(the Regulations)**.

A “Mortgage credit intermediary” is a person who is not acting as a creditor, and is not merely introducing, either directly or indirectly, a consumer to a creditor or credit intermediary, and who in the course of his or her trade, business or profession, for remuneration, which may take a pecuniary form or any other agreed form of financial consideration:

* + presents or offers credit agreements to consumers; or
  + assists consumers by undertaking preparatory work or other pre-contractual administration in respect of credit agreements; or
  + concludes credit agreements with consumers on behalf of a creditor.

**PLEASE DO NOT COMPLETE THIS APPLICATION FORM UNTIL YOU HAVE READ AND ARE FAMILIAR WITH THE REGULATIONS.**

1. This Declaration form must be completed by the Creditor (**typed format) who wishes to appoint a tied mortgage credit intermediary.** This form must be submitted to the Central Bank of Ireland (the Central Bank) by the Creditor in conjunction with an Application for Authorisation (the application) under the Regulations on behalf of a Tied Mortgage Credit Intermediary[[2]](#footnote-2).
2. Please note that application processing will not commence until a completed [Application Form for Authorisation as a Retail Intermediary](http://www.centralbank.ie/regulation/industry-sectors/retailintermediaries/Documents/230316%20Application%20form%20for%20Authorisation%20as%20a%20Retail%20Intermediary.docx) (and required supporting documents), completed Creditor Declaration Form, completed Individual Questionnaire(s), and a completed Garda Vetting Form (where relevant) have been received. Please see the Central Bank website [www.centralbank.ie](http://www.centralbank.ie), under ‘Financial Regulation’ and ‘Brokers/Retail Intermediaries’ for further information on the application process.
3. A separate application must be made by the creditor in respect of each proposed tied mortgage credit intermediary.
4. All questions must be answered. Do not leave any blank spaces. All input boxes with “YES/NO” directly over them should be completed with a “Yes” or “No” answer.
5. If the applicant is unable to submit an item of information requested in this form, please provide an explanation in a covering letter. Please note that the omission of information requested may result in the application submission not being progressed or a delay in the application process.
6. Further information or clarification may be requested by the Central Bank (having regard to the replies furnished in this form) for the purpose of assessing and reaching a determination in respect of an application.
7. **The creditor is obliged to notify/inform the Central Bank of any changes to the information provided in the Declaration form during the application process (prior to authorisation).** If you have any queries in relation to this form, please address them to [RIAuthorisations@centralbank.ie](mailto:RIAuthorisations@centralbank.ie).
8. Please ensure that all information provided is accurate and complete and that all information which might reasonably be considered relevant for the purpose of the application is disclosed. If you do not, the application may be refused or the processing of your application may be delayed.

**A physical copy and an electronic copy of all application documentation should be provided to the Central Bank.**

**Physical copy versions should be sent to:**

Retail Intermediary Authorisations Section

Consumer Protection – Policy and Authorisations

Central Bank of Ireland

PO Box 559

Dublin 1

**Electronic copy versions can be submitted with physical copy submissions, or alternatively can be emailed to** [**RIAuthorisations@centralbank.ie**](mailto:retailintermediaries@centralbank.ie)**.**

*The Central Bank may process personal data provided by you in order to fulfil its statutory functions or to facilitate its business operations. Any personal data will be processed in accordance with the requirements of data protection legislation. Any queries concerning the processing of personal data by the Central Bank may be directed to* [*dataprotection@centralbank.ie*](mailto: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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| **CREDITOR DECLARATION** |

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| --- | --- | --- | --- |
| 1. | **Full legal name** of the Creditor: | |  |
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|  |  |  |  |
| 2. | Creditor Central Bank reference number (C Number), if applicable: | |  |
|  |  | |  |
|  |  | |  |
| 3. | **Full legal name** of Tied Mortgage Credit Intermediary acting on behalf of the Creditor: | |  |  |  |
|  |  | |  |  |  |
|  |  | |  |  |  |
| 4. | Tied Mortgage Credit Intermediary Central Bank reference number (C Number), if applicable: | |  |  |  |
|  |  | |  |  |  |
|  |  | |  |  |  |
| 5. | Professional Indemnity Insurance: Please note that it is a mandatory requirement under Regulation 30(3)(a) of the Regulations that a mortgage credit intermediary shall hold PII covering the territories in which the intermediary offers services, or some other comparable guarantee against liability arising from professional negligence. In respect of a tied mortgage credit intermediary, Regulation 30(5) of the Regulations provides that the insurance or comparable guarantee referred to may be provided by a creditor for which the mortgage credit intermediary is empowered to act. | | **Yes / No** |  |  |
|  | 1. Confirm that the tied mortgage credit intermediary named above is covered by | |  |
|  | the required PII, or some other comparable guarantee, in accordance with Regulation 30(5) of the Regulations. | |  |
|  | 1. Confirm whether the PII, or other comparable guarantee, in accordance with Regulation 30(5) of the Regulations is provided by the creditor. | | **Yes / No**   |  | | --- | |  | |
|  |  | | **Yes / No** |
| 6. | Confirm that the Creditor takes full and unconditional responsibility for any action or | |  |
|  | omission on the part of the tied mortgage credit intermediary named above, in any area to which the Regulations apply. | |  |
|  |  | | **Yes / No** |
| 7. | Confirm that each individual / member of a board of a limited company / member | |  |
|  | of a partnership of the tied mortgage credit intermediary named above has the appropriate knowledge and ability to comply with their requirements under the Regulations (i.e. are in compliance with Regulation 10 of the Regulations and with the Minimum Competency Code 2011). | |  |
|  |  | | **Yes / No** |
| 8. | Confirm that the Creditor is satisfied that the tied mortgage credit intermediary named above | |  |
|  | satisfies the authorisation criteria set out in Regulations 30 and 31 of the Regulations. | |  |
|  |  | | **Yes / No** |
|  | Confirm that the Creditor will be responsible for monitoring compliance with the requirements | |  |
|  | of Regulation 30 (3) and (6) of the Regulations, relating to professional indemnity insurance and fitness and probity; | |  |
|  |  | |  |
| 10. | Confirm that the tied mortgage credit intermediary named above does not hold any of the following: | | **Yes / No** |
|  | 1. a bookmaker’s licence issued under the Betting Act 1931 (No. 27 of 1931); | |  |
|  | 1. a licence for the sale of intoxicating liquor granted under the Licensing Acts 1833 to 1994; | |  |
|  | 1. a gaming licence issued under the Gaming and Lotteries Act 1956 (No.2 of 1956); | |  |
|  | 1. a pawnbroker’s licence granted under the Pawnbrokers Act 1964 (No. 31 of 1964); | |  |
|  | 1. a moneylender’s licence. | |  |

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| **CREDITOR DECLARATION** | |
|  | **Where brackets are included below, amend the text therein as appropriate.** |
| **[*Creditor’s legal name*]** confirms that the information supplied on this form to the Central Bank of Ireland is correct and up to date.  **[*I/We*]** acknowledge that the Central Bank of Ireland may disclose information in the performance of its statutory functions or otherwise as may be specifically authorised by law.  **[*I/We*]** warrant that we have truthfully and fully answered the relevant questions in this form and disclosed any other information which might reasonably be considered relevant for the purpose of this application.  **[*I/We*]** warrant that the structure of this form has not been altered.  **[*I/We*]** warrant that we will promptly notify the Central Bank of Ireland of any changes in the information wehave provided and supply any other relevant information which may come to light in the period during which this application is being considered and, if this application is approved, thereafter.   |  | | --- | | *Printed Name of Signatory:*  *Position of Signatory:*  *Date:* |  |  | | --- | | *Signed:* |  |  | | --- | | *For and on behalf of: [****Creditor’s legal name****]* | | |
|  | |

T +353 1 224 4547 www.centralbank.ie RIAuthorisations@centralbank.ie



1. Meaning a natural or legal person who grants or promises to grant credit falling within Regulation 5 of the Regulations in the course of his or her trade, business or profession. [↑](#footnote-ref-1)
2. Tied Mortgage Credit Intermediary meaning a mortgage credit intermediary who acts on behalf of and under the full and unconditional responsibility of only one creditor. [↑](#footnote-ref-2)