

SECTION 2

LICENSING POLICY

GENERAL LICENSING POLICY FOR THOSE SEEKING A FIDUCIARY (CORPORATE OR TRUST SERVICE PROVIDER'S) LICENCE

2.1 FIT AND PROPER

The Act requires that:-

- the applicant for a fiduciary (CSP or TSP) licence;
- any controller, director, chief executive, manager or partner of the applicant;
- any individual whose appointment as a director or secretary of a client company or as a partner of a partnership is arranged by a CSP; and
- any other person with significant powers or responsibilities with respect to any regulated activity undertaken by the applicant are fit and proper. A direction will be issued under section 9 of the Corporate Service Providers Act 2000 if the Commission determines that such an individual is not "fit and proper". The [Corporate Service Providers \("not fit and proper"\) regulations 2005](#) specify the information to be included in a register and public statements of such directions.

2.2 GENERAL LICENSING POLICY AND SPECIFIC REQUIREMENTS FOR FIDUCIARY LICENCEHOLDERS

The fitness and propriety criteria apply both in relation to the initial application for a fiduciary licence and thereafter on an ongoing basis. In terms of [Section 3 of the amended Act](#), the Commission has published Guidance Notes setting out the criteria it will normally apply in assessing fitness and propriety. The general principles are contained in the [General Licensing Policy for those seeking a Banking, Investment Business or Fiduciary Licence](#). The specific requirements and expectations relating to CSPs and TSPs are set out in the tables in Appendices 1 and 2 to the licensing policy.

In terms of Section 6 of the amended Act, the Commission has also made regulatory codes which set out the Commission's requirements in relation to the conduct of CSP and TSP business and place ongoing objectives on a holder of a CSP and/or TSP licence (see Section 3 below).

2.3 REVIEW PROCESS

A person aggrieved by a decision of the Commission may apply for a review of the decision pursuant to the provisions of [section 18](#) of the amended Act.