

Code for Fit and Proper Virtual Asset Service Providers



FINANCIAL SERVICES AUTHORITY

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INTERPRETATION

“applicant” means a person applying for a license under the VASP Act;

“Authority” means the Financial Services Authority established under the Financial Services Authority Act, 2013;

“board of directors” means the collective group of appointed directors having the power to act on behalf of the licensee;

“capability” means the capacity and the ability of an individual to carry out a given function;

“compliance function” means the independent function that identifies, assesses, monitors and reports on a licensee’s compliance risk, including the provision of compliance training to member of staff and having responsibility for ensuring compliance by the licensee with its regulatory obligations;

“compliance officer” means a fit and proper individual appointed by a licensee and approved by the Authority to undertake the function as prescribed under section 23(2) of the FSA Act or section 8 of the AML/CFT Regulations;

“fit and proper” means the quality and state of knowledge, skills, and experience that is required to be applied by an individual in the performance of his/her duties;

“director” means:

- (a) an individual that is appointed in relation to a company incorporated under the Companies Act, 1972 (excluding an overseas company); or
- (b) is appointed in relation to a company incorporated under the International Business Companies Act, 2016 for the purpose of the licensee in question.

“financial status” means the status that indicates whether an individual is in good financial standing;

“honesty” means acting truthfully;

“integrity” means the soundness of moral character of the individual which establishes trust and thus provides the basis for reliance on their judgment;

“licensee” means a person authorized under section 7 of the VASP Act;

“principal officer” means the chief executive officer and any other person who holds a position of significant power and responsibility to manage key controlling functions in the licensee;

“probity” means the quality of having strong moral principles;

“qualification” means a qualification that has been validated by the SQA or the institution issuing the respective qualification.

“regulated entities” means any entity regulated under the Financial Services Legislations under Schedule 1 of the FSA Act;

“regulatory obligations” means an obligation imposed by:

- (a) the VASP Act;
- (b) the Anti – Money Laundering and Countering the Financing of Terrorism Act (“AML/CFT Act”).
- (c) the AML/CFT Regulations;
- (d) any Codes issued by the Authority;
- (e) directions or directives issued by the Authority that applies to the licensee; or
- (f) a condition attached to a licence granted; and
- (g) any statutory instrument that may be issued by the Authority.

“relevant academic qualifications” includes qualifications in the following fields and/or in another field as may be deemed relevant by the Authority:

- (a) Business;
- (b) Economics;
- (c) Accounting;
- (d) Finance;
- (e) Law;
- (f) Risk Management;
- (g) Information or Cyber Security;
- (h) Financial Technology;
- (i) Compliance;
- (j) Software Development or Engineering;

“relevant person” means an individual determined to be fit and proper to fulfil a role as prescribed in this Code.

“relevant role” means the following roles for which an individual proposed for appointment to, must be and remain fit and proper:

- (a) Director;
- (b) Information Security Officer;
- (c) Principal officer; and
- (d) Roles in which significant powers are exercised or exercisable;

“relevant professional qualifications” includes qualifications in the following fields but not limited:

- (i) Anti-Money Laundering;
- (ii) Compliance;

- (iii) Company Direction;
- (iv) Corporate Governance;
- (v) Counter Financing of Terrorism;
- (vi) Financial Crime Compliance;
- (vii) Financial Services;
- (viii) International Finance and Administration; and
- (ix) Risk Management;

“relevant work experience” means within a field which is relevant to the particular sector which a licensee or an applicant makes or intends to make a service offering, recognized and/ or deemed relevant by the Authority for the purpose of undertaking the fit and proper assessment’;

“significant owner” means a person who in relation to a company, either alone or with any associate or associates, —

- (a) holds 10% or more of the shares in the company or another company of which it is a subsidiary company;
- (b) is entitled to exercise or control the exercise of 10% or more of the voting power at any general meeting of the company or another company of which it is such a subsidiary; or
- (c) is able to exercise a significant influence over the management of the company or another company of which the company is such a subsidiary by virtue of a holding of shares in it or an entitlement to exercise, or control the exercise of, the voting power at any general meeting of the company, or as the case may be, the other company concerned;

“significant powers and responsibilities” are defined as, but not limited to:

- (a) management and oversight of the day-to-day operations and staff;
- (b) advising the board of the licensee on material matters relevant to the licensee in line with corporate governance framework;
- (c) ensuring that staff and the board have sufficient, up-to-date and timely information concerning the operations and affairs of the licensee;
- (d) acting as an intermediary between the board and employees/ For example, advising the board on relevant matters, ensuring they have sufficient and up-to-date information or making recommendations to support the board in ongoing assessments and evaluations;
- (e) formulating policies and making recommendations to the board;
- (f) deciding or guiding courses of action in operations by staff;
- (g) conducting regular training for staff within the licensee;
- (h) analysing and overseeing operations of the licensee;
- (i) formulating and implementing policies and procedures of the licensee;
- (j) assisting in the identification and evaluation of other officers and board members as may be appropriate; or
- (k) making recommendations to support the board in ongoing assessments and evaluations.

“VASP” means the Virtual Asset Service Providers;

“VASP Act” means the Virtual Asset Service Providers Act, 2024.

1. INTRODUCTION

- 1.1. This Code for Fit and Proper (“Code”), which must be read in conjunction with the Virtual Asset Services Provider Act, 2024 (“VASP Act”), and the Financial Services Authority Act, 2013 (“FSA Act”), as issued by the Financial Services Authority (“the Authority”/ “FSA”) in accordance with section 33(1) of the FSA Act and section 12(1) the VASP Act.
- 1.2. This Code is legally binding and therefore must be adhered to by all licensees authorized pursuant to section 7 of the VASP Act.

2. SCOPE

- 2.1. This Code sets out the standards expected by the Authority from individuals required to be fit and proper and formalizes the level of competencies required.
- 2.2. Section 12(3) of the VASP Act requires that licensees take all reasonable steps to ensure that a person to whom the fit and proper criteria applies, is and remains fit and proper to fulfil the relevant role.
- 2.3. In accordance with section 4(2)(g) of the VASP Act, the Authority may, after consultation with such persons or bodies as appears to be representative of the interests concerned, revise this Code by revoking, varying, amending or adding to its provisions.

3. COMPLIANCE WITH FIT AND PROPER REQUIREMENTS

- 3.1. An applicant must ensure that individuals to be appointed to relevant roles:
 - (a) satisfy the fitness and propriety requirements in this Code;
 - (b) are only formally appointed to such roles after the approval of the Authority has been granted pursuant to Section 12 of the VASP Act; and
 - (c) remain fit and proper throughout the duration over which the individual holds the relevant role.
- 3.2. Applicants must ensure that individuals to be appointed as Compliance Officer satisfy the fit and proper requirement stipulated under the Code for Compliance Officers, or such other Code as may be prescribed by the Authority concerning the fitness and propriety of individuals fulfilling the compliance function role.
- 3.3. The Authority will consider, on a case-by-case basis, the responsibilities of any particular individual in relation to the organization structure.
- 3.4. Where the Authority is of the opinion that an individual has significant powers and responsibilities in the management of the licensee’s business, the Authority will determine whether the individual is “fit and proper” for the proposed function/role.

- 3.5. The Authority will exercise its judgment and discretion in determining whether an individual is “fit and proper” in accordance with the criteria set out in section 12(4) of the VASP Act, which includes:
- (a) the individual’s probity, competence, experience and soundness of judgment for fulfilling the responsibilities of the relevant position;
 - (b) the diligence with which the individual is fulfilling or likely to fulfil those responsibilities;
 - (c) the person’s educational and professional qualifications and membership of professional or other relevant bodies as applicable or such other equivalent as may be relevant;
 - (d) the person’s knowledge and understanding of the legal and professional obligations to be assumed or undertaken;
 - (e) any evidence that the person has committed any offence involving dishonesty or fraud or has contravened any law designed to protect members of the public arising from dishonesty; and
 - (f) financial standing and integrity.
- 3.6. In assessing the fitness and propriety of an individual, the Authority may also have regard to whether the interests of clients of the licensee are likely to be threatened by the individual holding the relevant role and/ or undertaking those responsibilities.
- 3.7. The Authority will also take account of whether an applicant or existing licensee has a sufficient number of directors who:
- (a) are capable of exercising independent judgment,
 - (b) have sufficient knowledge, skills, experience and understanding of the business, including understanding the risks associated with the business of the applicant or licenses, in order to ensure that the board can effectively and efficiently fulfil its duties and responsibilities, and
 - (c) have sufficient time and commitment to undertake their duties diligently.

4. COMPLIANCE WITH FIT AND PROPER REQUIREMENTS

4.1. Obligations of the licensee

- 4.1.1. The licensee is responsible for the conduct of its directors, officers, agents and representatives, in the performance of their duties. It is therefore important to recommend suitably competent individuals to be approved for appointment as in roles which are involved in or have the capacity to materially influence the control and direction of the business.
- 4.1.2. The licensee shall be responsible for ensuring that any proposed and existing director, principal officer, information security officer, compliance officer and significant owner:

(a) satisfies the criteria specified in this this Code from the outset and on an ongoing basis; and

(b) are familiar with the business activities of the licensee, the structure of internal controls within the licensee and the relevant legislation governing the conduct of the licensee.

4.1.3. A formal appointment may only be made following the Authority's determination that the individual has been determined fit and proper for the role to be assumed. No individual shall hold a position of significant power and responsibility within the office of a licensee, unless approved by the Authority.

4.2. The onus is on the applicant and the licensee to satisfy the Authority that an applicant is fit and proper, rather than on the Authority to prove that the applicant is not fit and proper. Therefore, the licensee shall ensure that, whenever it submits a fit and proper application to the Authority, it has conducted its own relevant checks on the individual and is of the opinion that the individual will be found fit and proper by the Authority.

5. APPLICATION REQUIREMENTS

5.1. The licensee is required to lodge a fitness and propriety application, as so prescribed, prior to formally appointing an individual as director, principal officer, information security officer or compliance officer.

5.2. The licensee (at post licensing stage) or an individual submitting its application or entity submitting an application on behalf of an individual (at pre licensing stage) shall be responsible for verifying the accuracy and completeness of the information submitted and satisfy itself as to its authenticity in respect of the individual for which the application relates.

5.3. A fit and proper application must comprise of a cover letter including therein a list all the supporting documents attached with the letter, as required per the VASP Act and signed by a Director of the licensee of which the applicant is applying a position with or a registered agent on behalf of the applicant/licensee. If same is signed by an agent, the cover letter should be accompanied with a consent letter signed by the directors appointing them as the contact person for all application-related matters.

5.4. Additionally, a completed Personal Questionnaire Form and/or Beneficial Ownership Form, accompanied by the relevant supporting documents must also be submitted.

5.5. In respect of the assessment of competency and capability of an individual, the minimum criteria may vary subject to the:

(a) significance of the proposed duties and responsibilities to be assumed; and

(b) nature, size, complexity, structure and diversity of the licensee's business. The expectation will be particularly higher for applicants applying in connection to a licensee

with a wider scope of operation, larger client base, product/ service offering to name a few variable.

- 5.6. In assessing whether an individual is a Fit and Proper person, the applicant or licensed VASPs should ensure that the individual should at all times, possess adequate knowledge, skills and experience to undertake the permissible activities of the VASP.
- 5.7. All licensees must ensure that any fit and proper application lodged with the Authority is submitted in its entirety. If the information provided is inaccurate or incomplete, the Authority will deem the application as incomplete, in which case it would not be accepted. Missing information will, almost certainly, lengthen the application process. The Authority may reject and close such applications.
- 5.8. The required competencies, minimum qualifications and work experience needed to obtain a fit and proper approval as a director, principal officer, information security officer or compliance officer, are detailed in Annexes 1 through 4.

6. DETERMINATION OF FIT AND PROPER APPLICATION

- 6.1. When considering whether an individual is fit and proper, the Authority shall have regard to the following criteria:
 - (a) Probity, Honesty and Integrity;
 - (b) Competence and Capability;
 - (c) Financial status; and
 - (d) any other considerations including, but not limited to the outcome of interviews which may be conducted with an individual.
- 6.2. As the particular circumstances of each applicant differs and various roles or positions entail different responsibilities, the emphasis and extent of the application of this code may vary. Each application will be considered on its own merits and the relevant matters of each applicant will be examined on a case-by-case basis.
- 6.3. The criteria set out in paragraph 6.1 will be as follows:

6.3.1. *Probity, Honesty and Integrity*

In assessing probity, honesty and integrity, the Authority will consider, amongst other things, whether the individual:

- (a) has been dismissed or asked to resign from employment;
- (b) has been disqualified from acting as a director or from any managerial capacity;
- (c) is the subject of any proceeding of a disciplinary or criminal nature, or has been notified of any potential proceedings or investigations which might lead to such proceedings;

- (d) has been charged or convicted of an offence in Seychelles or elsewhere or is being subject to any pending proceedings which may lead to such a conviction, under any law in any jurisdiction;
- (e) committed any offence involving dishonesty, fraud or violence;
- (f) any evidence that the person has committed any offence involving dishonesty, incompetence, malpractice or conduct of discharged or undischarged bankrupts or otherwise insolvent persons;
- (g) has been the subject of any complaint made reasonably and in good faith, relating to activities that are regulated by the Authority or under any law in any jurisdiction;
- (h) has been the subject of an investigation conducted by a regulatory or criminal investigative body;
- (i) has been untruthful or provided false or misleading information to the Authority or been uncooperative in any dealings with the Authority or any other regulatory authority in any jurisdiction; and
- (j) has been refused, or is connected to a person who has been refused, any kind of authorisation to carry out a trade, business or profession or has had such an authorisation revoked, withdrawn or terminated, or has been expelled by a regulatory or government body;

6.3.2. *Competence and Capability*

6.3.2.1. In assessing competence and capability, the Authority will consider, amongst other things, whether the individual:

- (a) has satisfactory academic and/or professional qualifications;
- (b) has adequate skills and work experience in a related field;
- (c) would have sufficient time and commitment to undertake the proposed duties diligently;
- (d) has satisfactory past performance or expertise, having regard to the nature of the individual's previous roles and responsibilities, whether in Seychelles or elsewhere; and
- (e) where the individual would be assuming concurrent responsibilities, whether such responsibilities would give rise to a conflict of interest, whether actual or apparent or otherwise impair the individual's ability to discharge the proposed duties in relation to any activity regulated by the Authority under the relevant legislation.

6.3.2.2. A director, principal officer, information security officer or compliance officer should demonstrate that they have obtained:

- (a) Adequate relevant global Virtual Asset sector and management experience, or such experience in another relevant sector; and
- (b) Possess a good understanding of the regulatory framework which governs the nature of the job or role and the market

6.3.3. *Financial Status*

In assessing financial status, the Authority will consider among other things, whether the individual:

- (a) is or has been unable to fulfil any financial obligations, whether in Seychelles or elsewhere;
- (b) is or has been the subject of a bankruptcy petition, whether in Seychelles or elsewhere;
- (c) has been adjudicated a bankrupt and the bankruptcy is undischarged, whether in Seychelles or elsewhere; or
- (d) is or has been subject to any other process outside of Seychelles that is similar to those referred above.

6.3.4. *Requirement to Attend an Interview*

The Authority may, for the purposes of making a determination as to granting the approval to engage in regulated activities, may be required, subject to the provision of reasonable notice, to attend an interview with the Authority.

7. WITHDRAWAL OF APPLICATION FOR FIT AND PROPER APPROVAL

- 7.1. A licensee may withdraw a fit and proper application at any time before the Authority has reached a decision, provided that written notification is provided to the Authority.
- 7.2. The application documents submitted for Fit and Proper shall not be returned to the licensee upon withdrawal of an application. Withdrawal of a fit and proper application which accompanies a license application may result in the latter being rejected, preventing the applicant from re-applying for a license for the period prescribed under the VASP Act. This will be assessed by the Authority on a case-by-case basis.

8. ONGOING NOTIFICATIONS

- 8.1. The licensee shall notify the Authority, in writing, where any of the following events have occurred or changes will be made where:
 - (a) the role of a relevant person will be discontinued or made redundant, resigns, removed or ceased from their role or whose employment or engagement is terminated by the licensee;
 - (b) the role or responsibilities of a relevant person will be restructured, reorganized or materially changed from the description provided at the time the Authority approved their appointment;
- 8.2. The licensee shall notify the Authority in writing of any changes described in (a) and (b) within 12 hours.

- 8.3. Following this notification, the licensee shall have 5 working days to submit a written report detailing the particulars of the situation and the mitigating measures to be undertaken.¹
- 8.4. The licensee shall provide the required notification to the Authority, in such form as may be prescribed by the Authority.
- 8.5. The information the licensee shall include in the required notification under subsection 8.2 shall include information about -
- (a) The proposed date on which the role will be discontinued or made redundant;
 - (b) The changes made to the relevant person's role as a result of the restructuring, reorganization or other material changes with reference to the original role description provided to the Authority when the relevant person was first approved;
 - (c) Whether, in the view of the licensee, the affected role no longer meets the criteria for which approval is required under section 12 of the VASP Act.
- 8.6. The information the licensee shall include in the required notification under subsection 8.3 shall include information about –
- (a) Where the individual has died, the date on which the individual ceased to hold the role, and a copy of the death certificate or such other record or extract documenting the death;
 - (b) Where the individual has submitted notice of their resignation from the role or a decision has been made by the licensee to remove the individual from the role –
 - i. the date on which the individual will cease to hold the role;
 - ii. description of the reasons provided by the individual for their resignation or the reasons relied upon by the licensee to remove the individual from the role
 - (c) Where their employment or engagement has been terminated by the licensee –
 - i. the date on which the individual ceased to hold the role;
 - ii. the reasons for terminating the individual's employment or engagement;
 - iii. description of measures the licensee will take to ensure that the responsibilities of the role will be fulfilled until a relevant person is approved as fit and proper by the Authority.

9. OBJECTION TO AN APPOINTMENT

- 9.1. In the event that the Authority determines an individual not to be fit and proper, the Authority shall object in writing to the appointment of the proposed individual.
- 9.2. In cases where an objection has been raised by the Authority in respect of a proposed appointment, the Authority may make certain recommendations to the licensee where it shall take such steps or actions as recommended.

¹ The proposed change will be subject to the Authority's approval.

10. ONGOING COMPLIANCE WITH FIT AND PROPER REQUIREMENTS

- 10.1. The licensee shall be responsible for conducting ongoing monitoring and screening to ensure that all relevant persons remain fit and proper.
- 10.2. The licensee shall be responsible for ensuring sufficient resources are also made available to allow relevant persons to access training and continuing education and development to ensure they are able to maintain the requisite level of knowledge to perform their roles in a competent and capable manner.

11. INDIVIDUALS CEASING TO BE FIT AND PROPER

- 11.1. A relevant person may cease to be fit and proper if he or she fails to continue to satisfy the fit and proper criteria set out in the VASP Act, the AML/CFT Regulations or this Code.
- 11.2. Where the Authority determines that an individual is no longer fit and proper, it shall inform the applicant or licensee, in writing of such a determination stating the reasons for it and of its intention to suspend or remove its fit and proper status, in accordance with section 12(5) of the VASP Act.
- 11.3. Unless the relevant person, by written notice submitted to the Authority, gives good reasons as to why the fit and proper status should not be removed, the fit and proper status shall be suspended or removed on a date not less than 14 working days after the date of the notice.

12. FAILURE TO COMPLY WITH THE CODE

The Authority may take relevant enforcement action against a licensee or relevant person that contravenes this Code, as provided under section 32 of the VASP Act.

13. INDIVIDUALS CURRENTLY FIT AND PROPER

- 13.1. An individual who has been determined “fit and proper” by the Authority within another licensee overseen by the Authority will not be automatically deemed “fit and proper” to fulfil a relevant role with a licensee authorized under the VASP Act.
- 13.2. An application must be made to the Authority for a separate “fit and proper” determination.
- 13.3. The Authority reserves the right to employ a more flexible assessment procedure in cases where individuals applying for a relevant role with a licensee have been assessed for fitness and propriety with a different licensee authorized by the Authority 12 months prior to applying for authorization under the VASP Act.

14. EFFECTIVE DATE

The effective date of this Code is 02nd September 2024.

ANNEX 1

COMPETENCE, MINIMUM QUALIFICATIONS AND WORK EXPERIENCE OF COMPLIANCE OFFICERS UNDER THE FINANCIAL SERVICES AUTHORITY ACT, 2013

Core Competencies

Core competences for compliance officers	<ul style="list-style-type: none"> (i) possess a clear understanding of the role and responsibilities associated with the role of compliance officer; (ii) have the ability and experience to take overall responsibility for implementation and maintenance of compliance policy, standard operating procedures, clients and procedures; (iii) understand the business and how the company’s compliance framework applies to it; (iv) have the appropriate level of maturity and experience to demonstrate independence from colleagues, clients and the Board; (v) have a thorough understanding of the industry and the VASP regulatory framework applicable to the industry; and (vi) ability to read and understand the law, Regulations, Codes, guidelines, circulars, directives or practice directions that may be issued by the Authority from time to time in order to ensure effective interaction with the Authority regarding the licensee’s compliance with same.
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Minimum Qualifications and Work Experience

The Authority will consider the academic qualifications, professional qualifications and work experience when determining the fitness and propriety of an applicant. In addition to the above core competencies, the individual must meet the two sets of criteria below –

<p>Virtual Asset Service Providers Sector:</p> <p><i>The Authority will consider the following criteria in respect of a person proposed as compliance officer for licensees under the Virtual Asset Service Provider Act.</i></p>	<ul style="list-style-type: none"> (i) Minimum 2 years’ experience in compliance related functions over the 2 years immediately prior to the date of the application; <p style="text-align: center;">and</p> <ul style="list-style-type: none"> (ii) a relevant academic qualification starting at Bachelor’s Degree level; <p style="text-align: center;">or</p> <ul style="list-style-type: none"> (iii) a relevant professional qualification starting at Diploma level. <p>Such applications will be considered on a case-by-case basis, dependent on the nature, size, complexity and permissible activities of the VASP.</p>
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ANNEX 2

COMPETENCE, MINIMUM QUALIFICATIONS AND WORK EXPERIENCE FOR DIRECTORS UNDER THE VIRTUAL ASSET SERVICE PROVIDERS ACT, 2024

Core Competencies

Core competences for Directors of licensees	<ul style="list-style-type: none"> (i) possess a clear understanding of the role and responsibilities associated with the role of Director; (ii) have the ability and experience to take overall responsibility for implementation and maintenance of policies and procedures; (iii) understand the business and how the company’s compliance framework applies to it; (iv) have the appropriate level of maturity and experience to demonstrate independence from colleagues, clients and the Board; (v) have a thorough understanding of the industry and the regulatory framework applicable to the industry; and (vi) ability to read and understand the law, Regulations, Codes, guidelines, circulars, directives or practice directions that may be issued by the Authority from time to time in order to ensure effective interaction with the Authority regarding the licensee’s compliance with same.
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Minimum Qualifications and Work Experience

The Authority will consider the academic qualifications, professional qualifications and work experience when determining the fitness and propriety of an applicant. In addition to the above core competencies, the individual must meet the two sets of criteria below –

<p>Virtual Asset Service Providers sector:</p> <p><i>The Authority will consider the following criteria in respect of a person proposed as a Director for licensees under the Virtual Asset Service Provider</i></p>	<ul style="list-style-type: none"> (i) A minimum of 3 years’ relevant working experience within 5 years immediately prior to application, in the Virtual Asset Service Providers or Capital Market Industry in a Director position. <p style="text-align: center;">and</p> <ul style="list-style-type: none"> (ii) a relevant academic qualification starting at Bachelor’s Degree level <p style="text-align: center;">or</p> <ul style="list-style-type: none"> (iii) a relevant professional qualification starting at Diploma level <p>Such applications will be considered on a case-by-case basis, dependent on the nature, size, complexity and permissible activities of the VASP.</p>
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ANNEX 3

COMPETENCE, MINIMUM QUALIFICATIONS AND WORK EXPERIENCE FOR PRINCIPAL OFFICERS UNDER THE VIRTUAL ASSET SERVICE PROVIDERS ACT, 2024

Core Competencies

<p>Core competences for Principal Officers</p>	<ul style="list-style-type: none"> (i) possess a clear understanding of the role and responsibilities associated with its role as Principal Officers; (ii) have the ability and experience to take overall responsibility for implementation and maintenance of policies and procedures; (iii) understand the business and how the company’s compliance framework applies to it; (iv) have the appropriate level of maturity and experience to demonstrate independence from colleagues, clients and the Board; (v) have a thorough understanding of the industry and the regulatory framework applicable to the industry; and (vi) ability to read and understand the law, Regulations, Codes, guidelines, circulars, directives or practice directions that may be issued by the Authority from time to time in order to ensure effective interaction with the Authority regarding the licensee’s compliance with same. (vii) Individual has hands-on working experience in supervising and managing essential VASP Activities and staff in a business setting.
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Minimum Qualifications and Work Experience

The Authority will consider the academic qualifications, professional qualifications and work experience when determining the fitness and propriety of a relevant person. In addition to the above core competencies, the individual must meet the two of the criteria listed below –

<p><i>The relevant person must satisfy the following minimum criteria:</i></p>	<ul style="list-style-type: none"> (i) A minimum of 2 years working experience within 3 years immediately in the Virtual Asset Service Providers or Capital Market Industry in a management position with hands on experience in managing staff and/or overseeing a key function in a business with similar operation as a VASP. <p style="text-align: center;">and</p> <ul style="list-style-type: none"> (ii) a relevant academic qualification starting at Bachelor’s Degree level <p style="text-align: center;">or</p> <ul style="list-style-type: none"> (iii) a relevant professional qualification starting at Diploma level. <p>Such applications will be considered on a case-by-case basis, dependent on the nature, size, complexity and permissible activities of the VASP.</p>
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ANNEX 4

COMPETENCE, MINIMUM QUALIFICATIONS AND WORK EXPERIENCE FOR INFORMATION SECURITY OFFICERS UNDER THE VIRTUAL ASSET SERVICE PROVIDERS ACT, 2024

Core Competencies

Core competences for Information Security Officers of licensees	<ul style="list-style-type: none"> (vii) possess a clear understanding of the role and responsibilities associated with the role of Information Security Officer; (viii) have the ability and experience to take overall responsibility for implementation and maintenance of policies and procedures; (ix) understand the business and how the company’s compliance framework applies to it; (x) have the appropriate level of maturity and experience to demonstrate independence from colleagues, clients and the Board; (xi) have a thorough understanding of the industry and the regulatory framework applicable to the industry; and (xii) ability to read and understand the law, Regulations, Codes, guidelines, circulars, directives or practice directions that may be issued by the Authority from time to time in order to ensure effective interaction with the Authority regarding the licensee’s compliance with same.
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Minimum Qualifications and Work Experience

The Authority will consider the academic qualifications, professional qualifications and work experience when determining the fitness and propriety of an applicant. In addition to the above core competencies, the individual must meet the two sets of criteria below –

<p>Virtual Asset Service Providers sector:</p> <p><i>The Authority will consider the following criteria in respect of a person proposed as a Director for licensees under the Virtual Asset Service Provider</i></p>	<ul style="list-style-type: none"> (i) A minimum of 5 years’ relevant working experience immediately prior to application, with proven experience in the information technology sector and the Virtual Asset Service Providers or Capital Market Industry <p style="text-align: center;">or</p> <ul style="list-style-type: none"> (ii) A minimum of 5 years’ relevant working experience immediately prior to application, with proven experience in the computer science sector and the Virtual Asset Service Providers or Capital Market Industry <p style="text-align: center;">or</p> <ul style="list-style-type: none"> (iii) A minimum of 5 years’ relevant working experience immediately prior to application with an accreditation with an accredited information technology service provider <p>Such applications will be considered on a case-by-case basis, dependent on the nature, size, complexity and permissible activities of the VASP.</p>
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