



## Controlling Persons

Please complete this section only if you are completing this form in your capacity as a Controlling Person or a representative of a Controlling Person.

Please provide the legal name of the Entity in respect of which you are a Controlling Person.

Entity name(s):

Please indicate in the table below the type of Controlling Person you are in relation to the Entity identified in above item.

Controlling Person Of A Legal Person – Control By Ownership	
Controlling Person Of A Legal Person – Control By Other Means	
Controlling Person Of A Legal Person – Senior Managing Official	
Controlling Person Of A Trust – Settlor	
Controlling Person Of A Trust – Trustee	
Controlling Person Of A Trust – Protector	
Controlling Person Of A Trust – Beneficiary	
Controlling Person Of A Trust – Other	
Controlling Person Of A Legal Arrangement (Non-Trust) – Settlor-Equivalent	
Controlling Person Of A Legal Arrangement (Non-Trust) – Trustee-Equivalent	
Controlling Person Of A Legal Arrangement (Non-Trust) – Protector-Equivalent	
Controlling Person Of A Legal Arrangement (Non-Trust) – Beneficiary-Equivalent	
Controlling Person Of A Legal Arrangement (Non-Trust) – Other-Equivalent	

## Domestic Prominent Influential Person (DPIP) or Foreign Prominent Public Official (FPPO)

In terms of Financial Intelligence Centre Act (FICA), Novare is an accountable institution and is required to establish the risk profile of its clients. This includes determining whether a client is a **Domestic Prominent Influential Person (DPIP)** or **Foreign Prominent Public Official (FPPO)**.

A **DPIP** is a term that describes an individual who holds, including in an acting position for a period exceeding 6 (six) months, or has held at any time in the preceding 12 (twelve) months, in the Republic a prominent public function

A **FPPO** is a term that describes an individual who holds, or has held at any time in the preceding 12 (twelve) months, in any foreign country a prominent public function

I consider myself to be, or to be associated with a **DPIP** or **FPPO**?

 Y  N

If yes, please provide details:

## TRUSTS

Trust name:

Trust registration number:

South African incorporated Trust?  Y  N

If the Trust is not registered in South Africa, please confirm which of the following will be applicable to you:

- Registered in the United States of America
- Registered for tax purposes in the United States of America
- Registered for tax purposes outside of South Africa

**COMPANIES, CLOSE CORPORATIONS AND OTHER ENTITIES**

Name of entity:

Trading name (if applicable):

Company  Close corporation  Partnership  Other legal entity  Please specify

Contact name:

Registration number:

VAT registration number:

South African incorporated Trust?  Y  N

**FATCA & CRS SELF-CERTIFICATION - ENTITIES (please refer to Annexure - FATCA for explanation)**

**Account Holder Identification**

Legal or registered name:<sup>4</sup>

Country of incorporation/ establishment:

Establishment address:<sup>5</sup>

Code:

**Tax Residence/ Reportable Persons**

Please tick each of the boxes below that applies to the Entity and provide the additional information as applicable.

Entity is a Specified US Person (refer to the FATCA glossary). US Tax Identification Number (TIN):

Entity is a US Person that is not a Specified US Person. (Indicate applicable category of US Person that is excluded from the definition of Specified US Person under the US FATCA Regulations) or an IGA as applicable.

Entity is resident for tax purposes (refer to the CRS glossary) in the following countries (other than the US) and has the Tax Identification or Reference Number indicated against each country.

Country of tax residence	Tax Identification Number <sup>6</sup>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Entity is resident for tax purposes in a country that is a Reportable Jurisdiction (refer to the CRS glossary) but is not a Reportable Jurisdiction Person (refer to the CRS glossary). Indicate the applicable category of person that is excluded from the definition of Reportable Jurisdiction Person.

Entity is an entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes. Specify the place where effective management is exercised.

4. In the case of a trust, the name of each trustee and the name by which the trustee(s) describe the trust must be provided.  
 5. This is the address through which the Entity can be contacted for legal purposes (for example the registered office of a company). The address of every trustee of a trust must be supplied.  
 6. If the country of tax residence does not issue a Tax Identification Number, an alternative "functional equivalent" must be provided, which may include the business or company registration number or other similar form of identification. Please indicate where this is the case. If none of these are available, please provide a separate explanation.

## Entity Classification

### General

1. If the Entity is a Foreign Financial Institution for FATCA purposes, please tick one of the categories under item **(Reporting Foreign Financial Institutions – FATCA)** and either  
(a) provide the corresponding FATCA Global Intermediary Identification Number (GIIN); or  
(b) complete item **(Non-Reporting Foreign Financial Institutions – FATCA)**.
2. If the Entity is a Financial Institution for CRS purposes, please tick item **(Financial Institutions – CRS)**.
3. Note: Both items **(Reporting Foreign Financial Institutions – FATCA)** and **(Financial Institutions – CRS)** may be applicable as the Entity will frequently be subject to both FATCA and the CRS.
4. Alternatively, if the Entity is NOT a Financial Institution, proceed to items **(Non-Financial Foreign Entities (NFFE) – FATCA)** to **(Non-Financial Entities (NFE) – CRS)**.

### Reporting Foreign Financial Institutions – FATCA

The Entity is:

- Foreign Financial Institution in an IGA Partner Jurisdiction (refer to the FATCA glossary).
- Participating Foreign Financial Institution (as the term is used in the FATCA Regulations and being a Financial Institution not in an IGA Partner Jurisdiction).
- Registered Deemed Compliant Foreign Financial Institution (as the term is used in the FATCA Regulations).

The Entity's  
GIIN is:

### Non-Reporting Foreign Financial Institutions – FATCA:

If the Entity is a Foreign Financial Institution and you have ticked a box under item **(Reporting Foreign Financial Institutions – FATCA)** above, but you have not provided a GIIN in item above, please indicate the reason(s) below (more than one may apply):

- Entity is sponsored by another entity as permitted by FATCA. **(Provide the sponsor's name and GIIN.)**

Sponsor's  
name(s):

Sponsor's GIIN:

- Entity is a Trustee Documented Trust (refer to the FATCA glossary). **(Provide the trustee's name and GIIN.)**

Trustee's  
name(s):

Trustee's GIIN:

- The Entity is a Non-Reporting Financial Institution under an applicable IGA.
- The Entity is a Deemed Compliant Entity under the FATCA Regulations.
- The Entity is an Exempt Beneficial Owner under the FATCA Regulations.
- The Entity is a Non-Participating Financial Institution for purposes of FATCA.
- The Entity is a Non-Reporting Financial Institution for the purposes of FATCA but fits into a category not specified above.

Indicate  
category:

### Financial Institutions – CRS:

- Entity is a Reporting or Non-Reporting Financial Institution under the CRS, resident in a country that is a Participating Jurisdiction (refer to the CRS glossary).
- Entity is a Financial Institution resident in a Non-Participating Jurisdiction under the CRS. Specify the type of Financial Institution resident in a non-Participating Jurisdiction below:
- Investment Entity and managed by another Financial Institution?

(If you have ticked the above box please indicate the name of the Controlling Person(s) by completing item **Controlling Persons Section**)

- Other Investment Entity
- Other Financial Institution, including a Depository Institution, Custodial Institution, or Specified Insurance Company

### Non-Financial Foreign Entities (NFFE) – FATCA:

If the Entity is not a Foreign Financial Institution under FATCA, please certify the Entity's status below by ticking the applicable box.

- The Entity is an Active Non-Financial Entity as the term is used under the FATCA.
- The Entity is a Passive Non-Financial Entity as the term is used under the FATCA.

7. The managing Financial Institution must be a Financial Institution other than an Investment Entity as described in Part B of the CRS definition of Investment Entity (refer to the CRS glossary).

**Non-Financial Entities (NFE) – CRS:**

If the Entity is not a Financial Institution under the CRS, please certify the Entity's status below by ticking the applicable box.

The Entity is an Active Non-Financial Entity as the term is used under the CRS.

The Entity is a Passive Non-Financial Entity as the term is used under the CRS.

**Controlling Persons:**

If you have ticked **(Financial Institutions – CRS; Investment Entity and managed by another Financial Institution)** or if the Entity is a Passive Non-Financial Foreign Entity or a Passive Non-Financial Entity as per any of the items of **(Non-Financial Foreign Entities (NFFE) – FATCA)**; the entity is a passive Non-Financial Foreign Entity as the term used under FATCA and **(Non-Financial Entities (NFE) – CRS; The Entity is a Passive Non-Financial Entity as the term is used under the CRS)** above:

Please complete the table below providing details of Controlling Persons (refer to the glossaries)<sup>8</sup>.

Full Name(s)	Full Residence Address	Tax Identification Number

Each Controlling Person specified above must also complete the Individual Self Certification Form.

8. Information previously provided for Anti-Money Laundering or Know Your Client purposes may be relied upon to identify Controlling Persons and further enquiries may be necessary to clarify any inconsistency with the information provided here

**TO BE COMPLETED BY INDIVIDUALS AND ALL ENTITIES:**

Postal address:   
 Code:

Residential address:   
 Code:

Business registered address:   
 Code:

Address of Master of the High Court:   
 Code:

Home Telephone: ( code )  Work Telephone: ( code )

Cell Number: ( code )  Fax: ( code )

E-mail address:

Occupation:

If you are a non-resident, you may qualify for an exemption or reduced tax rate for South African dividends withholdings tax. Should this be applicable to you, please obtain the relevant exemption or reduced rate forms from our Client Service Centre.

• Please provide the supporting documentation for the investors as per Annexure A. Only when all the supporting documentation has been received will Novare provide the banking details for the payment of the funds.

## SOURCE OF FUNDS (COMPULSORY):

### Source of income (Non Individual):

Please specify where the money used to fund this investment originates from

Company profits  Sale of shares  Investment  Corporate Dividends

Other (specify)

### Source of income (Individual):

Please specify from where you earn your income

Salary  Inheritance  Bonus  Pension or Provident lump sum  Savings

Other (specify)

### Source of funds for this investment (compulsory):

Please advise from where the funds for this investment originate

Salary  Inheritance  Bonus  Pension or Provident lump sum  Savings

Other (specify)

Do these funds originate from a Novare policy?  Y  N If "Yes", supply the policy number:

If you are a non-resident, you may qualify for an exemption or reduced tax rate for South African dividends withholdings tax. Should this be applicable to you, please obtain the relevant exemption or reduced rate forms from our Client Service Centre.

- Please provide the supporting documentation for the investors as per Annexure FICA. Only when all the supporting documentation has been received will Novare provide the banking details for the payment of the funds.

## (B) BANKING DETAILS

The details specified below must be in the investor's name and will be used for all future banking transactions until such time as we are notified in writing of any change.

Bank:  Account number:

Branch:  Branch code:

Type of account: Current  Transmission  Savings

Name of account holder:

A cancelled cheque or a copy of a bank statement (less than three months old) must accompany this application form as confirmation of proof of bank details. No payments will be made to third parties (i.e. payments will only be made to the bank account in the name of the registered investor). We are unable to facilitate payments to credit cards or market-linked accounts. Maitland Hedge Fund Services ("Administrator") executes all payment instructions electronically. No payment will be made by cheque.

### REGULAR DEBIT ORDER AUTHORITY

I/We the undersigned, authorise Novare CIS (RF)(Pty) Ltd to draw against my/our bank account the debit order investment amounts in terms of this application I acknowledge that the transaction will take place on the 1st day of each month for the investment at the ruling price on that day. All such withdrawals from my/our account will be treated as though they have been signed by me/us personally, and I/ we request the bank to debit my/our account with these drawings starting

D  D  M  M  C  C  Y  Y I/We acknowledge that debit order investments are subject to a 14-day clearance period.

Authorised signature

D  D  M  M  C  C  Y  Y

Date

## (C) INVESTMENT OPTIONS

I/We hereby apply to invest in the Novare CIS scheme in accordance with the provisions of the relevant Deed of each fund at the respective fund/s price/s ruling on the date of receipt of the monies by Novare, subject to receipt of a duly completed Application Form, proof of deposit and all relevant supporting documentation.

RETAIL INVESTOR FUNDS	Fee class	Lump sum investment (min. R50 000)	Debit order (min. R1 000 p.m.)	Annual debit order increase	Income distribution	
					Reinvest	Paid out
STANLIB Multi-Manager NCIS Multi-Strategy Retail Hedge Fund				%		
QUALIFIED INVESTOR FUNDS	Fee class	Lump sum investment (min. R1 000 000)	Debit order (min. R100 000 p.m.)			
STANLIB Multi-Manager NCIS Alternatives Qualified Fund of Hedge Funds				%		
STANLIB Multi-Manager NCIS Private Assets Qualified Hedge Fund				%		

## (D) METHOD OF PAYMENT

Electronic/ internet transfer  Electronic internet transfers may take up to 2 days to appear in our bank account. Units may only be priced upon confirmed receipt of documentation and funds into the relevant Unit Trust bank account. Please insert the investor's initials and surname in the reference section on the proof of deposit/transfer in order to assist the Administrator with processing the application.

Electronic collection by Novare\*  Funds are deducted from the investor's bank account 1 business day after the receipt of a valid and complete application form and supporting documentation. Electronic collection is restricted to a maximum of R1 000 000 per debit. Please complete the bank account details in the Bank Details section if you select this option.

Regular debit order\*  Please complete the Debit Order Authority (**Section B**) if you select this option.

The Administrator requires receipt of the applicable documentation as set out in this form, before this application can be processed.

### \* For electronic collections and regular debit orders

Novare's Abbreviated Name as registered with the bank: NOVARE CIS

The sum of such payment instructions will never exceed my/our obligations as agreed to in this application form.

Regular debit order withdrawals from my/our account will commence on the date indicated in **Section B – Banking Details** and will continue until this authority is terminated by me/us in writing of not less than 20 ordinary business days, and faxed to Novare on **087 150 1551** or e-mailed to **hedgetransact@novare.com**.

In the event that the payment day falls on a weekend, or a recognised South African public holiday, the payment day will automatically be the very next ordinary business day.

I/We understand that the withdrawals hereby authorised will be processed through a computerized system provided by the South African Banks. I/We also understand that details of each withdrawal will be printed on my bank statement and will include "NOVARE CIS" together with my/our investor number. My/ Our investor number is reflected on the Welcome Letter and all further transaction and monthly statements received from Novare.

### Cancellation

I/We agree that although this authority may be cancelled by me/us, such cancellation will not cancel my investments in the Novare CIS scheme. I/We shall not be entitled to any refund of amounts which Novare has withdrawn while this authority was in force, if such amounts were legally owing to Novare.

### Assignment

I/We acknowledge that this authority may be ceded or assigned to a third party if the investments in the Novare CIS scheme is also ceded or assigned to that third party, but in the absence of such assignment of the investments in the Novare CIS scheme, this authority cannot be assigned to any third party.





## (H) FINANCIAL ADVISOR DETAIL AND DECLARATION

Contact name:  FSP name:   
Financial advisor account number:  Registration number:   
FSP license number:

I/We

- declare that I/we am/are a licensed Financial Service Provider(s) and have made the disclosures required in terms of the Collective Investment Schemes Control Act, 2002, and the Financial Advisory and Intermediary Services Act, No. 37 of 2002, and subordinate legislation thereto, to the investor.
- acknowledge and confirm that, in my/our capacity as the primary accountable institution with Novare being the secondary accountable institution, I/we have established and verified the identity of the client in accordance with Section 21 of the Financial Intelligence Centre Act, 2001 ("the Act"), and will keep records of such identification and verification according to the provisions of Section 22 of the Act.
- warrant that I/we have explained all fees that relate to this investment to the investor and I/we understand and accept that the investor may withdraw his/her authority for payment to me/us in writing to the fund.

Signed at:  on

Signature of financial advisor

## (I) FINANCIAL ADVICE FEES

(Please select an option)

- I acknowledge that I did not receive financial advice from either Novare or a financial advisor; OR
- I hereby confirm that the Financial Advisor whose details are completed in the "Financial Advisor Details and Declaration"

Section above, is my appointed Financial Advisor and agree to payment of fees as follows:

**Initial advice fee:**  .  % (Negotiable to maximum 3% exclusive of VAT. Applied to each contribution and deducted before investment is made).

**Ongoing advice fee:**  .  % per annum of the market value of the investment portfolio, charged by way of unit reduction and paid to the Financial Advisor monthly in arrears (Negotiable to maximum 1% exclusive of VAT. If initial advice fee of greater than 1.5% is selected, then the maximum annual advice fee is 0.5%). This annual advice fee is not part of the normal annual management fee charged by the relevant Fund/s.

This authority may be withdrawn by written notice to Novare.

Authorised signature

       

Date

## (J) DECLARATION BY QUALIFIED INVESTOR

### TO BE COMPLETED WHEN INVESTING IN QUALIFIED INVESTOR FUNDS

A Qualified Investor, as defined by Board Notice 52 of 2015 is: any person who invests a minimum investment amount of R1 million per hedge fund and who –

- (a) has demonstrable knowledge and experience in financial and business matters which would enable the investor to assess the merits and risks of a hedge fund; or
- (b) has appointed a Financial Services Provider (FSP) who has demonstrable knowledge and experience to advise the investor regarding the merits and risks of a hedge fund investment.

Please tick appropriate boxes below:

- I confirm that the minimum investment amount will be R1 000 000 or above.
- I confirm that I have the required knowledge and experience in financial and business matters to choose this investment. I further confirm that I have read and understood the nature of a Qualified Investor Hedge Fund, including risk warnings.

OR

- I hereby confirm that my knowledge is limited and that my financial advisor has been appointed to provide me with the necessary advice to take this investment. My financial advisor has been appointed to provide me with the necessary advice to take this investment. My financial advisor has explained this investment to me and I confirm that I understand the nature of a Qualified Investor Hedge Fund, including risk warnings.

Authorised signature

D	D	M	M	C	C	Y	Y
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Date

## (K) DECLARATION BY INVESTOR

I/We understand and agree to be bound by the provisions of this application form. If on the date of signature of this application form an updated application form exists and the fees are different on that form, the fees on the updated application form will apply.

I/We understand and/or confirm that:

The information contained herein is correct, and that if this application form is signed in a representative capacity, I/we have the necessary authority to do so and that this transaction is within my/our powers.

I/We am/are acting for my/our own account and that I/we have made my/our decisions to enter into the investment and as to whether the investment is appropriate for me/us independently based upon my/our own judgement, and upon advice from such advisors as I/we may deem necessary. I/We declare that I am/we are not relying on any communication from Novare, whether written, oral or implied as investment advice or as a recommendation to enter into the investment. I/We understand that information and explanations relating to the terms of an investment shall not be considered investment advice or a recommendation to enter into the investment.

Novare will only be able to process investments on receipts of funds into the appropriate bank account, proof of deposit, and all relevant supporting documentation.

I/We declare, under any applicable penalties of perjury, that the information provided in this form and in any document accompanying this form is, to the best of my knowledge and belief, accurate and complete.

I/We undertake to advise Novare and provide an updated Self-Certification Form promptly (and in any event within 30 days) where any change in circumstances occurs which causes any of the information contained in this form to be incorrect or incomplete.

I/We consent to the sharing of this information with other members of the Novare Group for the purposes of any applicable EOI Rules, anti-money laundering or other reasonable information processing purposes, except where this is restricted by law.

I/We consent to my/our personal information being collected, used, shared or disclosed by Novare in the manner set out in the Novare Unit Trust General Information and Conditions.

Where Novare reasonably believes it is obliged to do so, I/we understand that the recipient will disclose this information to the relevant tax authorities.

Novare will not be responsible for any failure, malfunction or delay of any networks, electronic or mechanical device or any other form of communication used in the submission, acceptance and processing of applications and/or transactions. Novare will not be liable to make good or compensate any investor or third party for any damages, losses, claims or expenses resulting there from.

I/we understand the Novare Fee Schedule which details the unit trust funds and fee information and agree to the General Information and Conditions. (This document can be requested from the Client Service Centre on **0800 668 273 (0800 novare)**).

Novare accepts that the information herein provided by the investor is true and correct, and accepts no liability for any false and/or inaccurate information provided.

Name(s):

Nature of Authority/Capacity:

Authorised signature

D	D	M	M	C	C	Y	Y
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Date

## (L) HEDGE FUND RISK DISCLOSURE

### PART A: PRESCRIBED HEDGE FUND FSP RISK DISCLOSURES

In terms of Board Notice 571 of 2008 published by the Registrar of Financial Services Providers on 14 July 2008, all hedge fund managers are required to disclose the risks and characteristics of hedge funds to their clients in the prescribed form set out in this Part A.

#### 1. THE HEDGE FUND FSP RISK DISCLOSURES

The risks and characteristics contained in this Part A represent some of the more general risks and characteristics prevalent in hedge fund portfolios. The list below should not be seen as exhaustive. As more risks and characteristics are identified that were not initially mentioned in this Part A, then such risks and characteristics will, as they become more prevalent, be included herein.

##### ***Investment strategies may be inherently risky***

Hedge fund strategies may include leverage, short-selling and short term investments. In addition, hedge fund portfolios often invest in unlisted instruments, low-grade debt, foreign currency and other exotic instruments. All of these expose investors to additional risk. However, not all hedge fund managers employ any or all of these strategies and it is recommended that investors consult their advisers in order to determine which strategies are being employed by the relevant manager and which consequent risks arise.

##### ***Leverage usually means higher volatility***

Hedge fund managers may use leverage. This means that the hedge fund manager borrows additional funds, or trades on margin, in order to amplify his investment decisions. This means that the volatility of the hedge fund portfolio can be many times that of the underlying investments. The degree to which leverage may be employed in any given hedge fund portfolio will be limited by the mandate the client has with the manager. The limits laid down by the mandate should be carefully reviewed in making an investment decision.

##### ***Short-selling can lead to significant losses***

Hedge fund managers may borrow securities in order to sell them short, in the hope that the price of the underlying instrument will fall. Where the price of the underlying instrument rises, the client can be exposed to significant losses, given that the manager is forced to buy securities (to deliver to the purchaser under the short sale) at high prices.

##### ***Unlisted instruments might be valued incorrectly***

Hedge fund managers may invest in unlisted instruments where a market value is not determined by willing buyers and sellers. The hedge fund manager may have to estimate the value of such instruments, and these estimates may be inaccurate, leading to an incorrect impression of the fund's value. Investors should ensure that objective valuations are performed for all instruments in a portfolio and that the manager utilises the services of a competent administrator.

##### ***Fixed income instruments may be low-grade***

Hedge fund managers may invest in low-grade bonds and other fixed interest investments. These investments are more likely to suffer from defaults on interest or capital. They are also more likely to have volatile valuations when the market changes its view on credit risk. The mandate should also limit the extent (i.e. lowest acceptable rating and maximum percentage exposure) to which low grade debt can be acquired by the client. Investors should review the mandate to gain an appreciation of the maximum possible exposure applicable to the relevant mandate.

##### ***Exchange rates could turn against the fund***

A hedge fund manager might invest in currencies other than the base currency. For example, a South African hedge fund manager might invest in UK or US shares. The portfolio is therefore exposed to the risk of the rand strengthening or the foreign currency weakening.

##### ***Other complex investments might be misunderstood***

In addition to the above, hedge fund managers might invest in complex instruments such as but not limited to futures, forwards, swaps, options and contracts for difference. Many of these will be derivatives, which could increase volatility. Many will be "over-the-counter", which could increase counterparty risk. Many exotic instruments may also be challenging for the manager to administer and account for properly. Investors should enquire into how these instruments are objectively and independently valued.

##### ***The client may be caught in a liquidity squeeze***

Given their often short term nature, hedge fund managers need to be able to disinvest from or close certain positions quickly and efficiently. But market liquidity is not always stable, and if liquidity were to decrease suddenly, the hedge fund manager might be unable to disinvest from or close such positions rapidly or at a good price, which may lead to losses.

##### ***The prime broker or custodian may default***

Hedge fund managers often have special relationships with so-called "prime" brokers. These are stock-brokers that provide the required leveraging and shorting facilities. Prime brokers usually require collateral for these facilities, which collateral is typically provided using assets of the relevant client, and consequently such collateral might be at risk if the prime broker were to default in some way. A similar situation could occur with the custodian of the client's funds.

##### ***Regulations could change***

Legal, tax and regulatory changes could occur during the term of the investor's investment in a hedge fund portfolio that may adversely affect it. The effect of any future legal, tax and regulatory change or any future court decision on a hedge fund portfolio could be substantial and adverse.

##### ***Past performance might be theoretical***

Hedge fund portfolios are on occasion marketed using theoretical or paper track records. Past performance is seldom a reliable indicator of future performance. Theoretical past performance is often an even less reliable indicator, and investors should place a lower significance on these.

##### ***The manager may be conflicted***

The hedge fund manager might be managing other hedge fund portfolios or other traditional investment funds. The investor should ensure that sufficient controls are in place to manage any conflicts of interest between the different funds.

## (L) HEDGE FUND RISK DISCLOSURE (continued)

### 2. THE OTHER DIFFERENCES IN HEDGE FUND PORTFOLIOS

#### **Hedge fund structures are often complex**

As mentioned above, hedge funds structures are not fully regulated and they are often housed in legal structures not originally meant for pooled hedge funds, for example partnerships and companies. Given the many risks listed above, investors need to ensure that any structure is robust enough to contain any unlimited losses.

#### **Manager accountability may be vague**

Hedge fund portfolios are often managed by specific individuals and investors should ensure that sufficient controls are in place for the times when the manager is being covered for by colleagues. In addition, a hedge fund structure (for example, a fund of funds) and its managers or advisors may rely on the trading and/or investing expertise and experience of third-party managers or advisors, the identity of which may not be disclosed to investors. This constitutes an additional risk for investors, which they must take into account.

#### **Fees might be high**

Hedge fund structures' fees may be significantly higher than the fees charged on traditional investment hedge funds. Investments should be made only where the potential returns justify the higher fees.

#### **Fees might be performance-based**

Hedge fund manager's fees are usually performance-based. This means that the managers typically get a higher fee when their portfolios outperform specified performance targets, which might lead to riskier positions being taken. Investors need to ensure that performance fees allow for a fair sharing of both the good and the bad.

#### **Transaction costs might be high**

Given the often short term nature of investment positions, hedge fund portfolios are often traded more aggressively. This implies more stock-broking commission and charges being paid from the portfolio, which is ultimately for the client's account. Again, investments should be made only where the potential returns make up for the costs.

#### **Transparency might be low**

A hedge fund manager's performance is often the result of unique proprietary strategies or contrarian investment positions. For obvious reasons, managers will want to keep these confidential. Managers are therefore less likely to disclose trades to their investors, and holdings might be disclosed only in part or with a significant delay.

#### **Dealing and reporting might be infrequent**

A hedge fund manager's performance can often be disturbed by irregular cash flows into or out of the hedge fund structure. For this reason, hedge fund managers often limit the frequency of investments and withdrawals. Similarly, the manager may choose to report infrequently on performance and other statistics. Investors should ascertain, prior to investing, the nature and frequency of reporting.

#### **Withdrawals might not be easy**

As mentioned above, the frequency of withdrawals might be limited to monthly or quarterly dates. In addition, the manager may impose notice periods or lock-ins in order to ensure that he has the necessary time for his investment positions to deliver their desired results.

Authorised signature

Date

# (ANNEXURE) FATCA / CRS SELF-CERTIFICATION (INDIVIDUALS)

## PERSONAL DETAILS (ACCOUNT HOLDER OR CONTROLLING PERSON)

Title:  Surname:

First name(s):

Residential address:<sup>1</sup>

Code:

Date of birth:         Country of birth:

## Tax Residence

Please tick all the boxes that apply to the Account Holder or Controlling Person (as applicable) and provide further information as required. Please note that in certain circumstances it may be necessary to provide additional documentary evidence to support the information set out in this part of the form, in particular where the Financial Institution in question possesses information that is not consistent with the information provided here.

- I confirm that I am a citizen of the US or am otherwise resident in the US for tax purposes and that my US Tax Identification Number (TIN):
- I confirm that I was born in the US (or a US Territory) but am no longer a US citizen as I have voluntarily surrendered my citizenship as supported by the evidence accompanying this form.<sup>2</sup>
- I confirm that I am, for tax purposes, resident in the following countries other than the US (indicate the Tax Identification Number applicable in each country).

Country of tax residence	Tax Identification Number <sup>3</sup>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

1. A physical address is required and not a post office box or a care of address.

2. Such evidence should generally consist of a non-US passport or other government issued identification evidencing the Account Holder's citizenship or nationality in a country other than the US; and a copy of the Account Holder's US Certificate of Loss of Nationality.

3. Where a Tax Identification Number cannot be supplied, please provide the reason for that being the case, for example that the country of residence does not provide one.

## Controlling Persons

Please complete this section only if you are completing this form in your capacity as a Controlling Person or a representative of a Controlling Person.

Please provide the legal name of the Entity in respect of which you are a Controlling Person.

Entity name(s):

Please indicate in the table below the type of Controlling Person you are in relation to the Entity identified in above item.

Controlling Person Of A Legal Person – Control By Ownership	<input type="text"/>
Controlling Person Of A Legal Person – Control By Other Means	<input type="text"/>
Controlling Person Of A Legal Person – Senior Managing Official	<input type="text"/>
Controlling Person Of A Trust – Settlor	<input type="text"/>
Controlling Person Of A Trust – Trustee	<input type="text"/>
Controlling Person Of A Trust – Protector	<input type="text"/>
Controlling Person Of A Trust – Beneficiary	<input type="text"/>
Controlling Person Of A Trust – Other	<input type="text"/>
Controlling Person Of A Legal Arrangement (Non-Trust) – Settlor-Equivalent	<input type="text"/>
Controlling Person Of A Legal Arrangement (Non-Trust) – Trustee-Equivalent	<input type="text"/>
Controlling Person Of A Legal Arrangement (Non-Trust) – Protector-Equivalent	<input type="text"/>
Controlling Person Of A Legal Arrangement (Non-Trust) – Beneficiary-Equivalent	<input type="text"/>
Controlling Person Of A Legal Arrangement (Non-Trust) – Other-Equivalent	<input type="text"/>

## (ANNEXURE) FATCA / CRS SELF-CERTIFICATION (ENTITIES)

### Account Holder Identification

Legal or registered name:<sup>1</sup>

Country of incorporation/ establishment:

Establishment address:<sup>2</sup>

Code:

### Tax Residence/ Reportable Persons

Please tick each of the boxes below that applies to the Entity and provide the additional information as applicable.

Entity is a Specified US Person (refer to the FATCA glossary). US Tax Identification Number (TIN):

Entity is a US Person that is not a Specified US Person. (Indicate applicable category of US Person that is excluded from the definition of Specified US Person under the US FATCA Regulations) or an IGA as applicable.

Entity is resident for tax purposes (refer to the CRS glossary) in the following countries (other than the US) and has the Tax Identification or Reference Number indicated against each country.

Country of tax residence	Tax Identification Number <sup>3</sup>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Entity is resident for tax purposes in a country that is a Reportable Jurisdiction (refer to the CRS glossary) but is not a Reportable Jurisdiction Person (refer to the CRS glossary). Indicate the applicable category of person that is excluded from the definition of Reportable Jurisdiction Person.

Entity is an entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes. Specify the place where effective management is exercised.

1. In the case of a trust, the name of each trustee and the name by which the trustee(s) describe the trust must be provided.

2. This is the address through which the Entity can be contacted for legal purposes (for example the registered office of a company). The address of every trustee of a trust must be supplied.

3. If the country of tax residence does not issue a Tax Identification Number, an alternative "functional equivalent" must be provided, which may include the business or company registration number or other similar form of identification. Please indicate where this is the case. If none of these are available, please provide a separate explanation.

### Entity Classification

#### General

- If the Entity is a Foreign Financial Institution for FATCA purposes, please tick one of the categories under item **(Reporting Foreign Financial Institutions – FATCA)** and either  
(a) provide the corresponding FATCA Global Intermediary Identification Number (GIIN); or  
(b) complete item **(Non-Reporting Foreign Financial Institutions – FATCA)**.
- If the Entity is a Financial Institution for CRS purposes, please tick item **(Financial Institutions – CRS)**.
- Note: Both items **(Reporting Foreign Financial Institutions – FATCA)** and **(Financial Institutions – CRS)** may be applicable as the Entity will frequently be subject to both FATCA and the CRS.
- Alternatively, if the Entity is NOT a Financial Institution, proceed to items **(Non-Financial Foreign Entities (NFFE) – FATCA)** to **(Non-Financial Entities (NFE) – CRS)**.

#### Reporting Foreign Financial Institutions – FATCA

The Entity is:

- Foreign Financial Institution in an IGA Partner Jurisdiction (refer to the FATCA glossary).
- Participating Foreign Financial Institution (as the term is used in the FATCA Regulations and being a Financial Institution not in an IGA Partner Jurisdiction).
- Registered Deemed Compliant Foreign Financial Institution (as the term is used in the FATCA Regulations).

The Entity's GIIN is:

**Non-Reporting Foreign Financial Institutions – FATCA:**

If the Entity is a Foreign Financial Institution and you have ticked a box under item **(Reporting Foreign Financial Institutions – FATCA)** above, but you have not provided a GIIN in item above, please indicate the reason(s) below (more than one may apply):

Entity is sponsored by another entity as permitted by FATCA. **(Provide the sponsor's name and GIIN.)**  
 Sponsor's name(s):  Sponsor's GIIN:

Entity is a Trustee Documented Trust (refer to the FATCA glossary). **(Provide the trustee's name and GIIN.)**  
 Trustee's name(s):  Trustee's GIIN:

- The Entity is a Non-Reporting Financial Institution under an applicable IGA.
- The Entity is a Deemed Compliant Entity under the FATCA Regulations.
- The Entity is an Exempt Beneficial Owner under the FATCA Regulations.
- The Entity is a Non-Participating Financial Institution for purposes of FATCA.
- The Entity is a Non-Reporting Financial Institution for the purposes of FATCA but fits into a category not specified above.

Indicate category:

**Financial Institutions – CRS:**

- Entity is a Reporting or Non-Reporting Financial Institution under the CRS, resident in a country that is a Participating Jurisdiction (refer to the CRS glossary).
- Entity is a Financial Institution resident in a Non-Participating Jurisdiction under the CRS. Specify the type of Financial Institution resident in a non-Participating Jurisdiction below:
  - Investment Entity and managed by another Financial Institution<sup>4</sup>

(If you have ticked the above box please indicate the name of the Controlling Person(s) by completing item **Controlling Persons Section**)

- Other Investment Entity
- Other Financial Institution, including a Depository Institution, Custodial Institution, or Specified Insurance Company

**Non-Financial Foreign Entities (NFFE) – FATCA:**

If the Entity is not a Foreign Financial Institution under FATCA, please certify the Entity's status below by ticking the applicable box.

- The Entity is an Active Non-Financial Entity as the term is used under the FATCA.
- The Entity is a Passive Non-Financial Entity as the term is used under the FATCA.

**Non-Financial Entities (NFE) – CRS:**

If the Entity is not a Financial Institution under the CRS, please certify the Entity's status below by ticking the applicable box.

- The Entity is an Active Non-Financial Entity as the term is used under the CRS.
- The Entity is a Passive Non-Financial Entity as the term is used under the CRS.

**Controlling Persons:**

If you have ticked **(Financial Institutions – CRS; Investment Entity and managed by another Financial Institution)** or if the Entity is a Passive Non-Financial Foreign Entity or a Passive Non-Financial Entity as per any of the items of **(Non-Financial Foreign Entities (NFFE) – FATCA)**; the entity is a passive Non-Financial Foreign Entity as the term used under FATCA and **(Non-Financial Entities (NFE) – CRS; The Entity is a Passive Non-Financial Entity as the term is used under the CRS)** above:

Please complete the table below providing details of Controlling Persons (refer to the glossaries)<sup>5</sup>.

Full Name(s)	Full Residence Address	Tax Identification Number

4. The managing Financial Institution must be a Financial Institution other than an Investment Entity as described in Part B of the CRS definition of Investment Entity (refer to the CRS glossary).  
 5. Information previously provided for Anti-Money Laundering or Know Your Client purposes may be relied upon to identify Controlling Persons and further enquiries may be necessary to clarify any inconsistency with the information provided here

## (ANNEXURE) FICA

Financial Intelligence Centre Act, 38 of 2011 ("FICA"). FICA documentation is required to identify the investor and to verify such details by means of receipt and safe keeping of the relevant documentation contained herein. The Financial Advisor is to gather all the relevant documentation and send this FICA documentation together with the application form to Novare. Novare will accept copies of the FICA documents received from the Financial Advisor and or Investor. Novare will only finalise processing the application form as soon as all relevant documentation, including all required FICA documents, are received.

FICA documentation that has to accompany all applications:

### Individual

- Copy of ID;
- Copy of proof of banking details (on bank letterhead, no internet statements accepted)(not older than 3 months);
- Copy of proof of physical address (not older than three months);
- Copy of proof of tax number on SARS letterhead.

### Trust

- Copy of the Trust Deed;
- Copy of the Letter of Authority from the Master;
- Relevant resolutions authorising: the investment, authorised signatory to sign on behalf of the Trust, etc.

#### IDENTITY DOCUMENTS:

- Copy of ID for each authorised representative;
- Copy of ID of each Trustee;
- Copy of ID of each Beneficiary named in the Trust Deed;
- Copy of ID of Founder of the Trust (if deceased a Death certificate is required).

#### PHYSICAL ADDRESS:

- Copy of proof of physical address of each authorised representative;
- Copy of proof of physical address of each Beneficiary named in the Trust Deed;
- Copy of proof of physical address of each Trustee;
- Copy of proof of physical address of Founder of the Trust (unless if deceased).

#### TAX:

- Copy of proof of the Trust's income tax registration number (SARS letterhead).

#### BANK DETAILS:

- Copy of proof of Trustee's bank details (not older than 3 months).

### Company

- Copy of certificate of incorporation (CM1/COR14.1/COR14.3);
- Copy of the name change (CM9/COR14.3) (if applicable);
- Copy of change of registered address (CM22/COR21) (if applicable);
- Copy of change of directors (CM 29/COR39) (if applicable).

#### IDENTITY DOCUMENTS:

- Copies of the ID's of each of the directors;
- Copy of ID of the authorised signatory.

#### RESOLUTION:

- Resolution authorizing a signatory to act on behalf of the company.



## (ANNEXURE) FICA (continued)

### Company (continued)

#### BANK DETAILS:

Copy of proof of company's banking details (less than 3 months old).

#### TAX:

Copy of proof of tax number (SARS letterhead).

#### PROOF OF ADDRESS:

Copy of a utility bill in the name of the company, with physical address detail (less than 3 months old).

Copy of a utility bill for each of the directors (less than 3 months old).

Copy of a utility bill for each of the authorised signatories (less than 3 months old).

#### OTHER:

Confirmation of shareholding;

Copies of the FICA documents (as mentioned above) of the person/entity holding the voting rights at a general meeting (i.e. all shareholders)

#### NOVARE WILL ACCEPT THE FOLLOWING DOCUMENTS TO VERIFY A RESIDENTIAL ADDRESS:

- Utility bill reflecting the name and residential address of the investor; (less than 3 months old)
- A bank statement reflecting the name and residential address of the investor; (less than 3 months old)
- A recent lease or rental agreement reflecting the name and residential address of the investor; (less than 12 months old)
- Municipal rates and taxes invoice reflecting the name and residential address of the investor; (less than 3 months old)
- Telephone or cellular account reflecting the name and residential address of the investor; (less than 3 months old)
- Recent long-term or short-term insurance policy document issued by an insurance company and reflecting the name and residential address of the investor; (less than 3 months old)
- A statement of account issued by a retail store that reflects the name and residential address of the investor (less than 3 months old)

In the instance where none of the above documents are available to verify the investor's address and the investor is co-habiting, Novare shall accept an affidavit from the person the investor is co-habiting with. Such an affidavit must contain the following particulars:

- Name, residential address, identity number of the investor and the deponent of the affidavit;
  - Relationship between the investor and the deponent of the affidavit; and
  - Confirmation of the investor's residential address.
- The affidavit must be accompanied by the deponent's utility bill or any of the above-mentioned documents reflecting the residential address.

## (ANNEXURE) FATCA

### FATCA/CRS Self certification - INTRODUCTION

Applicable exchange of information rules, including those known as FATCA and the CRS (EOI Rules), require Financial Institutions to collect certain information about existing and prospective investors/clients (for these purposes referred to in this form as Account Holders) and in some cases their Controlling Persons (as defined under applicable EOI Rules).

Below is a glossary explaining some of the terms used in this form and containing links to official sites giving further information regarding the applicable EOI Rules. The glossary is divided up into two parts so as to deal separately with the terms as used in each of FATCA and the CRS. Where a term is not defined, reference should be made to the relevant EOI Rules for its meaning.

The information requested below is required under applicable EOI Rules and the completion of this form is mandatory. Failure to complete and return the form promptly may of itself result in an Account Holder or Controlling Person being subject to reporting to one or more governmental authorities. This form remains valid unless there is a change of circumstances relating to the information contained in this form. You must notify us promptly (and in any event within 30 days) of any information which makes this self-certification incorrect or incomplete and provide an updated form.

This form is for completion by or on behalf of an Entity that is an Account Holder, where the account is maintained by a Financial Institution that is subject to due diligence and reporting obligations in a jurisdiction which has an EOI IGA with the United States (US) and is outside the US, the United Kingdom and its Crown Dependencies and Overseas Territories.

If you have any questions about FATCA and/or CRS, or require any advice in relation to it, please contact your professional advisor. If there is insufficient space on the form for any answer, please attach an annexure and refer to the annexure in the relevant part of the form.

If you are an entity acting as a nominee, first complete this form in respect of yourself. If, based on completion of this form, you are not a Financial Institution, please complete a separate form for each person for whom you act as nominee and indicate when signing the form the capacity in which you are doing so.

**Information relating to an Entity identified as the holder of a reportable account, or a Controlling Person of such an Entity, may be reported to the relevant governmental authority which may in turn transfer that information to the government of another territory.**

### Glossary Of Terms

Below is a description of certain terms used in this form with a view to assisting with its completion. These descriptions are not intended to constitute either legal advice or a definitive view on the meaning and application of the relevant EOI Rules. If you have any doubt as to how to complete the form or about the relevant EOI Rules, please consult your professional advisers.

"EOI Rules" comprise one or more of the sets of rules known as FATCA and the CRS or any other set of rules dealing with the automatic exchange of information that may be issued from time to time.

Further information is also available about FATCA on the US Treasury site or the US Inland Revenue site, and about the CRS on the OECD site.

## (ANNEXURE) FATCA (continued)

### FATCA Definitions<sup>9</sup>

"Account Holder" means the person listed or identified as the holder of a Financial Account (defined in the FATCA Rules) by the Financial Institution that maintains the account. A person, other than a Financial Institution, holding a Financial Account for the benefit or account of another person as agent, custodian, nominee, signatory, investment advisor, or intermediary, is not treated as holding the account for purposes of this Agreement, and such other person is treated as holding the account. For purposes of the immediately preceding sentence, the term "Financial Institution" does not include a Financial Institution organized or incorporated in a US Territory. In the case of a Cash Value Insurance Contract or an Annuity Contract, the Account Holder is any person entitled to access the Cash Value or change the beneficiary of the contract. If no person can access the Cash Value or change the beneficiary, the Account Holder is any person named as the owner in the contract and any person with a vested entitlement to payment under the terms of the contract. Upon the maturity of a Cash Value Insurance Contract or an Annuity Contract, each person entitled to receive a payment under the contract is treated as an Account Holder.

"Active Non-Financial Foreign Entity" means any NFFE which is a Non-US entity that meets any of the following criteria:

- a) less than 50% of the NFFE's gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50% of the assets held by the NFFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income;
- b) the stock of the NFFE is regularly traded on an established securities market or the NFFE is a Related Entity of an Entity the stock of which is regularly traded on an established securities market;
- c) the NFFE is organised in a US Territory and all of the owners of the payee are bona fide residents of that US Territory;
- d) the NFFE is a non-US government, a government of US Territory, an international organisation, a non-US central bank of issue, or an Entity wholly owned by one or more of the foregoing;
- e) substantially all of the activities of the NFFE consist of holding (in whole or in part) the outstanding stock of, and providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an NFFE shall not qualify for this status if the NFFE functions (or holds itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes;
- f) the NFFE is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution; provided, that the NFFE shall not qualify for this exception after the date that is 24 months after the date of the initial organization of the NFFE;
- g) the NFFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganizing with the intent to continue or recommence operations in a business other than that of a Financial Institution;
- h) the NFFE primarily engages in financing and hedging transactions with or for Related Entities that are not Financial Institutions, and does not provide financing or hedging services to any Entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution; or
- i) the NFFE is an "excepted NFFE" as described in relevant US Treasury Regulations; or
- j) the NFFE meets all of the following requirements:
  - i. It is established and maintained in its country of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic or educational purposes; or it is established and operated in its jurisdiction of residence and it is a professional organization, business league, chamber of commerce, labor organization, agricultural or horticultural organization, civic league or an organization operated exclusively for the promotion of social welfare;
  - ii. It is exempt from income tax in its country of residence;
  - iii. It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
  - iv. The applicable laws of the Entity's country of residence or the Entity's formation documents do not permit any income or assets of the Entity to be distributed to, or applied for the benefit of, a private person or non-charitable Entity other than pursuant to the conduct of the Entity's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the Entity has purchased; and
  - v. The applicable laws of the Entity's country of residence or the Entity's formation documents require that, upon the Entity's liquidation or dissolution, all of its assets be distributed to a governmental entity or other non-profit organization, or escheat to the government of the Entity's jurisdiction of residence or any political subdivision thereof.

"Code" means the US Internal Revenue Code of 1986, as amended.

"Controlling Person" means the natural persons who exercise direct or indirect control over an entity. In the case of a trust, such term means the settlor(s), the trustee(s), the protector (if any), the beneficiaries or class of beneficiaries, and any other natural person exercising ultimate effective control over the trust, and in the case of a legal arrangement other than a trust, such term means persons in equivalent or similar positions. The term 'Controlling Persons' shall be interpreted in a manner consistent with the Financial Action Task Force Recommendations ("FATF").

### FATF Recommendations on Controlling Persons<sup>10</sup>:

Identify the beneficial owners of the customer and take reasonable measures to verify the identity of such persons, through the following information. For legal persons:

- a) The identity of the natural persons (if any – as ownership interests can be so diversified that there are no natural persons (whether acting alone or together) exercising control of the legal person or arrangement through ownership) who ultimately have a controlling ownership interest<sup>11</sup> in a legal person; and
- b) To the extent that there is doubt under (a) as to whether the person(s) with the controlling ownership interest are the beneficial owner(s) or where no natural person exerts control through ownership interests, the identity of the natural persons (if any) exercising control of the legal person or arrangement through other means.
- c) Where no natural person is identified under (a) or (b) above, financial institutions should identify and take reasonable measures to verify the identity of the relevant natural person who holds the position of senior managing official.

"Entity" means a legal person or a legal arrangement such as a corporation, partnership, trust or foundation.

"Exempt Beneficial Owners" include Government entities, International Organisations, Central Bank, Broad Participation Retirement Funds, Narrow Participation Retirement Funds, Pension Funds of an Exempt Beneficial Owner, and Investment Entities wholly owned by Exempt Beneficial Owners. Please refer to the relevant IGA for detailed definitions.

"FATCA" means the body of laws, regulations and/or guidance established pursuant to the Foreign Account Tax Compliance Act of the United States of America, or pursuant to IGAs.

## (ANNEXURE) FATCA (continued)

### FATCA Definitions <sup>9</sup>

**"FATCA Regulations"** means the regulations issued by the government of the United States under the Foreign Account Tax Compliance Act and forming part of FATCA.

**"Financial Institution"** means a Depository Institution, Custodial Institution, Investment Entity or Specified Insurance Company, where:

- a) Custodial Institution means any entity that holds, as a substantial portion of its business, financial assets for the account of others. An entity holds financial assets for the account of others as a substantial portion of its business if the entity's gross income attributable to the holding of financial assets and related financial services equals or exceeds 20 percent of the Entity's gross income during the shorter of: (i) the three-year period that ends on 31 December (or the final day of a non-calendar year accounting period) prior to the year in which the determination is being made; or (ii) the period during which the entity has been in existence;
- b) Depository Institution means any entity that accepts deposits in the ordinary course of a banking or similar business;
- c) Investment Entity means any entity that conducts as a business (or is managed by an entity that conducts as a business) one or more of the following activities or operations for or on behalf of a customer: (1) trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading; (2) individual and collective portfolio management; or (3) otherwise investing, administering, or managing funds or money on behalf of other persons. The term Investment entity shall be interpreted in a manner consistent with similar language set forth in the definition of "financial institution" in the Financial Action Task Force Recommendations; and
- d) Specified Insurance Company means any entity that is an insurance company (or the holding company of an insurance company) that issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.

**"IGA"** means an inter-governmental agreement entered into between the US and another country to compel or facilitate the automatic exchange of financial account information under FATCA.

**"IGA Partner Jurisdiction"** are those countries that have signed or are treated as having signed an IGA as set out in a list available through the following link: <http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx>

**"Non-Financial Foreign Entity" or "NFFE"** means any Non-US Entity that is not a Financial Institution as defined in FATCA. Non-US Entity means an Entity that is not a US Person.

**"Passive Non-Financial Foreign Entity"** means any NFFE that is not an Active Non-Financial Foreign Entity.

**"Related Entity"** - an Entity is a Related Entity of another entity if either entity controls the other entity, or the two entities are under common control. For this purpose, control includes direct or indirect ownership of more than 50 percent of the vote or value in an entity. Notwithstanding the foregoing, an entity may be treated as not a related entity if the two entities are not members of the same affiliated group, as defined in Section 1471(e)(2) of the Code.

**"Reporting Foreign Financial Institution"** means a financial institution subject to due diligence and reporting obligations pursuant to **IGA Rules**.

**"Specified US Person"** means a US Person other than:

- a) a corporation the stock of which is regularly traded on established securities markets;
- b) any corporation that is a member of the same expanded affiliated group;
- c) the United States or any wholly owned agency or instrumentality thereof;
- d) any State of the United States, any US Territory, any political subdivision or wholly owned agency or instrumentality of any one or more of the foregoing;
- e) any organization exempt from taxation under section 501 (a) of the Code or certain individual retirement plans defined in section 7701(a)(37) of the Code;
- f) any bank as defined in section 581 of the Code;
- g) any real estate investment trust as defined in section 856 of the Code;
- h) any regulated investment company defined in section 851 of the Code or any entity registered with the US Securities and Exchange Commission under the Investment Company Act of 1940;
- j) any trust that is exempt from tax under section 664(c) of the Code or that is described in 4947(a)(1) of the Code;
- k) a dealer in securities, commodities, or derivative financial instruments that is registered as such under the laws of the United States or any State;
- l) a broker as defined in section 6045(c) of the Code; or
- m) any tax-exempt trust under a plan that is described in section 403(b) or section 457(g) of the Code.

**"Trustee Documented Trust"** is a trust the trustee of which is a Reporting Foreign Financial Institution and reports all information required to be reported pursuant to FATCA with respect to all reportable financial accounts of the trust.

**"US Person"** means a US citizen or resident individual, a partnership or corporation organized in the United States or under the laws of the United States or any State thereof, a trust if (i) a court within the United States would have authority under applicable law to render orders or judgments concerning substantially all issues regarding administration of the trust, and (ii) one or more US persons have the authority to control all substantial decisions of the trust, or an estate of a decedent that is a citizen or resident of the United States. Refer to the Code for further interpretation.

**CRS Definitions**

**"Account Holder"** means the person listed or identified as the holder of a Financial Account (as defined in the CRS rules) by the Financial Institution that maintains the account. A person, other than a Financial Institution, holding a Financial Account for the benefit or account of another person as agent, custodian, nominee, signatory, investment advisor, or intermediary, is not treated as holding the account for purposes of this Agreement, and such other person is treated as holding the account. In the case of a Cash Value Insurance Contract or an Annuity Contract, the Account Holder is any person entitled to access the Cash Value or change the beneficiary of the contract. If no person can access the Cash Value or change the beneficiary, the Account Holder is any person named as the owner in the contract and any person with a vested entitlement to payment under the terms of the contract. Upon the maturity of a Cash Value Insurance Contract or an Annuity Contract, each person entitled to receive a payment under the contract is treated as an Account Holder.

**"Active Non-Financial Entity"** means any NFE that meets any of the following criteria:

- a) less than 50% of the NFE's gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50% of the assets held by the NFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income;
- b) the stock of the NFE is regularly traded on an established securities market or the NFE is a Related Entity of an entity the stock of which is regularly traded on an established securities market;
- c) the NFE is a Governmental Entity, an International Organisation, a Central Bank, or an Entity wholly owned by one or more of the foregoing;
- d) substantially all of the activities of the NFE consist of holding (in whole or in part) the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an entity does not qualify for this status if the entity functions (or holds itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes;
- e) the NFE is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that the NFE does not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFE;
- f) the NFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution;
- g) the NFE primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and does not provide financing or hedging services to any entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution; or
- h) the NFE meets all of the following requirements:
  - i. it is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its jurisdiction of residence and it is a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation operated exclusively for the promotion of social welfare;
  - ii. it is exempt from income tax in its jurisdiction of residence;
  - iii. it has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
  - iv. the applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents do not permit any income or assets of the NFE to be distributed to, or applied for the benefit of, a private person or non-charitable entity other than pursuant to the conduct of the NFE's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFE has purchased; and
  - v. the applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents require that, upon the NFE's liquidation or dissolution, all of its assets be distributed to a Governmental Entity or other non-profit organisation, or escheat to the government of the NFE's jurisdiction of residence or any political subdivision thereof.

**"Controlling Person"** means the natural persons who exercise direct or indirect control over an entity. In the case of a trust, such term means the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries, and any other natural person(s) exercising ultimate effective control over the trust, and in the case of a legal arrangement other than a trust, such term means persons in equivalent or similar positions. The term 'Controlling Persons' shall be interpreted in a manner consistent with the Financial Action Task Force Recommendations ("FATF").

**FATF Recommendations on Controlling Persons:**

Identify the beneficial owners of the customer and take reasonable measures to verify the identity of such persons, through the following information. For legal persons<sup>12</sup>:

- a) The identity of the natural persons (if any – as ownership interests can be so diversified that there are no natural persons (whether acting alone or together) exercising control of the legal person or arrangement through ownership) who ultimately have a controlling ownership interest<sup>13</sup> in a legal person; and
- b) to the extent that there is doubt under (a) as to whether the person(s) with the controlling ownership interest are the beneficial owner(s) or where no natural person exerts control through ownership interests, the identity of the natural persons (if any) exercising control of the legal person or arrangement through other means.
- c) Where no natural person is identified under (a) or (b) above, financial institutions should identify and take reasonable measures to verify the identity of the relevant natural person who holds the position of senior managing official.

**"CRS"** means the body of law, regulations and/or guidance introduced in any relevant Participating Jurisdiction to compel or facilitate the automatic exchange of financial account information pursuant to the model Competent Authority Agreement and Common Reporting Standard for the automatic exchange of financial account information published by the Organisation for Economic Cooperation and Development.

**"Financial Institution"** means a Custodial Institution, a Depository Institution, an Investment Entity, or a Specified Insurance Company, where:

- a) Custodial Institution means any entity that holds, as a substantial portion of its business, financial assets for the account of others. An entity holds financial assets for the account of others as a substantial portion of its business if the entity's gross income attributable to the holding of financial assets and related financial services equals or exceeds 20 percent of the Entity's gross income during the shorter of: (i) the three-year period that ends on 31 December (or the final day of a non-calendar year accounting period) prior to the year in which the determination is being made; or (ii) the period during which the entity has been in existence;
- b) Depository Institution means any entity that accepts deposits in the ordinary course of a banking or similar business;
- c) Investment Entity means any entity :
  - (A) that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:

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- i. trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading;
- ii. individual and collective portfolio management; or
- iii. otherwise investing, administering, or managing Financial Assets or money on behalf of other persons; or

(B) the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets, if the entity is managed by another entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity described in limb (A) of this definition.

An entity is treated as primarily conducting as a business one or more of the activities described in limb (A), or an entity's gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets for purposes of limb (B) if the entity's gross income attributable to the relevant activities equals or exceeds 50% of the entity's gross income during the shorter of: (i) the three-year period ending on 31 December of the year preceding the year in which the determination is made; or (ii) the period during which the entity has been in existence. The term "Investment Entity" does not include an entity that is an Active Non-Financial Foreign Entity because it meets any of the criteria in subparagraphs d) through (g) of the definition of Active NFE.

The preceding paragraph shall be interpreted in a manner consistent with similar language set forth in the definition of "financial institution" in the Financial Action Task Force Recommendations; and

d) Specified Insurance Company means any entity that is an insurance company (or the holding company of an insurance company) that issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.

**"Non-Financial Entity" or "NFE"** means any entity that is not a Financial Institution.

**"Non-Participating Jurisdiction"** means a jurisdiction that is not a Participating Jurisdiction.

**"Non-Reporting Financial Institution"** means any Financial Institution that is:

- a) a Governmental Entity, International Organisation or Central Bank, other than with respect to a payment that is derived from an obligation held in connection with a commercial financial activity of a type engaged in by a Specified Insurance Company, Custodial Institution, or Depository Institution;
- b) a Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; a Pension Fund of a Governmental Entity, International Organisation or Central Bank; or a Qualified Credit Card Issuer;
- c) any other entity that presents a low risk of being used to evade tax, has substantially similar characteristics to any of the entities described in subparagraphs B(1)(a) and (b), and is defined in domestic law as a Non-Reporting Financial Institution, provided that the status of such entity as a Non-Reporting Financial Institution does not frustrate the purposes of the Common Reporting Standard;
- d) an Exempt Collective Investment Vehicle; or
- e) a trust to the extent that the trustee of the trust is a Reporting Financial Institution and reports all information required to be reported pursuant to Section I with respect to all Reportable Accounts of the trust.

**"Participating Jurisdiction"** means a jurisdiction (i) with which an agreement is in place pursuant to which it will provide the information specified in Section I of the CRS, and (ii) which is identified in a published list.

**"Participating Jurisdiction Financial Institution"** means (i) any Financial Institution that is resident in a Participating Jurisdiction, but excludes any branch of that Financial Institution that is located outside such Participating Jurisdiction, and (ii) any branch of a Financial Institution that is not resident in a Participating Jurisdiction, if that branch is located in such Participating Jurisdiction.

**"Passive Non-Financial Entity"** means any: (i) Non-Financial Entity that is not an Active Non-Financial Entity; or (ii) an Investment Entity described in subparagraph A(6)(b) of the CRS that is not a Participating Jurisdiction Financial Institution.

**"Related Entity"** means an entity related to another entity because (i) either entity controls the other entity; (ii) the two entities are under common control; or (iii) the two entities are Investment Entities described limb B of the definition of Investment Entity, are under common management, and such management fulfils the due diligence obligations of such Investment Entities. For this purpose control includes direct or indirect ownership of more than 50 % of the vote and value in an entity.

**"Reportable Jurisdiction"** means a jurisdiction with which an agreement is in place pursuant to which there is an obligation under the CRS to provide to such jurisdiction the information specified in such agreement, and which is identified in a CRS published list.

**"Reportable Jurisdiction Person"** means an individual or entity that is resident for tax purposes in a Reportable Jurisdiction, but excluding those persons who are excluded under the CRS and being the following:

- a) a corporation the stock of which is regularly traded on one or more established securities markets;
- b) any corporation that is a Related Entity or a member of the same affiliated group (as those terms are used in the CRS) of a corporation described in (a) above;
- c) a Governmental Entity (as the term is defined in the CRS);
- d) an International Organisation (as the term is defined in the CRS);
- e) a Central Bank (as the term is defined in the CRS);
- f) another Financial Institution (as the term is defined in the CRS and other than those that are treated under applicable EOI Rules as a Passive NFE).

**"Reporting Financial Institution"** means a Financial Institution subject to due diligence and reporting obligations pursuant to CRS Rules.

**"Resident for tax purposes"** - an entity will generally be resident for tax purposes in a jurisdiction if, under the laws of that jurisdiction (including tax conventions), it pays or should be paying tax therein by reason of his domicile, residence, place of management or incorporation, or any other criterion of a similar nature, and not only from sources in that jurisdiction. Dual resident entities may rely on the tiebreaker rules contained in tax conventions (if applicable) to solve cases of double residence for determining their residence for tax purposes. An entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated. A trust is treated as resident where it is resident for tax purposes. If it is not tax resident anywhere it is not a Reportable Jurisdiction Person for CRS purposes.

12. Measures (a) to (b) are not alternative options, but are cascading measures, with each to be used where the previous measure has been applied and has not identified a beneficial owner.

13. A controlling ownership interest depends on the ownership structure of the company. It may be based on a threshold, e.g. any person owning more than a certain percentage of the company (e.g. 25%)