**Specimen of an Affidavit for Fitness and Propriety of a Key Management Person of a Market Intermediary**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Full name] holder of NIC No./Passport No. (In the case of a foreign national) \_\_\_\_\_\_\_\_\_\_\_of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Address], being a [Buddhist/Hindu/Muslim do hereby solemnly, sincerely and truly declare and affirm] / [Christian/Catholic make oath and swear as follows]:

1. I am the [affirm ant/deponent] above named.
2. I affirm/state that I am a [*Designation*] of

 [*Name* *of the applicant entity*].

1. I affirm/state that I possess the following academic and/ or professional qualification/s:

…………………………………………………………..

…………………………………………………………..

…………………………………………………………..

1. I affirm/state that I have not been found guilty / held responsible by a court of law in Sri Lanka or abroad for the commission of any criminal offence / capital market offence.
2. I affirm/state that I have not been a Key Management Person of a body corporate which has been found guilty / held responsible by a court of law in Sri Lanka or abroad for the commission of any criminal offence/ capital market offence, proved to have been committed with the knowledge or involvement or negligence attributable to me.
3. I affirm/state that I am not a person against whom an offence has been compounded in terms of the Securities and Exchange Commission of Sri Lanka Act, No. 19 of 2021 (‘SEC Act’) nor an administrative sanction has been imposed by the Commission during a period of three (3) years immediately preceding the date of this affidavit.
4. I affirm/state that I have not been a Key Management Person of a company, partnership or other organization whose license has been suspended or cancelled by the Commission for violating any provision of the SEC Act, any rules or regulations made thereunder.
5. I affirm/state that I have not been a person who has been censured, disciplined, suspended or refused membership or registration by the Commission, an Exchange or any other regulatory authority in Sri Lanka or abroad during a period of three (3) years immediately preceding the date of this affidavit.
6. I affirm/state that I have not been a person who has been disqualified by the Commission, an Exchange or any other regulatory body or professional body from serving as a director of a company or has been dismissed or requested to resign from any position or office due to mismanagement of funds or the commission of a financial fraud.
7. I affirm/state that I am not a person against whom an inquiry and/or investigation by the Commission/an Exchange or any other regulatory/ supervisory authority/ professional body in Sri Lanka or abroad is presently pending, for the commission of suspected capital market offences or any act which involves fraud, deceit or dishonesty or that a finding has been made by the Commission/an Exchange or any other regulatory/ supervisory authority/ professional body in Sri Lanka or abroad that I have committed any act which involves fraud, deceit or dishonesty.
8. I affirm / state that I have not contravened any written law enacted for the protection of the members of the public against financial loss by dishonesty, incompetence or malpractice.
9. I affirm / state that no proceedings have been instituted in a court of law in Sri Lanka or abroad requesting that I be declared bankrupt or that I have not been declared bankrupt and that my assets have not been sequestered.
10. I affirm/state that I have not been subject to any judgment debt or award in Sri Lanka or abroad that remains unpaid in whole or in part.
11. I affirm/state that I am not a person/ director of a company or a shareholder in a position that exercises significant influence in a company that:

(a) has been subject to any judgment debt or award in Sri Lanka or abroad, that remains unpaid in whole or in part;

Or

(b) has in Sri Lanka or abroad made any arrangements in composition with its creditors, filed for bankruptcy, been

declared bankrupt, had assets sequestered, involved in winding-up proceedings ordered by a court of law or been involved in proceedings relating to any of the foregoing.

1. I affirm/state that I have not been declared as a person of unsound mind by a court of competent jurisdiction in Sri Lanka or abroad.
2. I affirm/state that I have the relevant training, competence and expertise in the nature of the business being conducted by the entity.
3. I affirm/state that I have adequate time to perform the regulated functions and meet the responsibilities associated with such function of the entity.
4. I affirm/state that I have the technical knowledge and ability to perform the prescribed duties which I am engaged in, especially recognized professional qualifications and membership of relevant professional institutions.
5. I affirm/state that I have not contravened any written law enacted for the protection of the members of the public against financial loss due to my incompetence.
6. I affirm/state that all of the above are true and accurate to the best of my knowledge.

The averments contained herein were read over to the [affirmant/deponent] who having understood the contents hereof and having accepted same as true,

[affirmed/ swore] to and placed his/her signature at on

this …………… dayof…………………

Affix stamps as

applicable

Before me

JUSTICE OF THE PEACE/ COMMISSIONER FOR OATHS