

Form SNBFI/A1

Name of the Applicant Company:

Affidavit to be submitted by directors in the Applicant Company

Affidavit

I,(full name) holder of National Identity Card No./Passport No of..... (address) being a Buddhist/Hindu/Christian/Catholic/Muslim do hereby solemnly, sincerely and truly declare and affirm/ make oath and state¹ as follows:

1. I am the affirmant/deponent above named and I am a/the..... (designation) of(name of the applicant company).
2. I affirm/state that I possess the following academic and/or professional qualification/s:
3. I affirm/state that the effective experience I possess in banking, finance, business or administration or of any other relevant discipline is as follows:
4. I affirm/state that I am not subjected to any disqualifications given in Annex 1, annexed hereto as part and parcel of this Affidavit.

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 thisday of

Affix Stamps as applicable

Before me

JUSTICE OF THE PEACE /
COMMISSIONER FOR OATHS

¹ Delete the inapplicable words

Buddhists, Hindus, Muslims and persons following any other religion must solemnly, sincerely and truly declare and affirm, Christians and Catholics must make oath and state

Annex I

Disqualifications under Section 21 of the Finance Business Act No. 42 of 2011 and Section 2.1 of the Finance Companies (Assessment of Fitness and propriety of Directors and officers performing executive functions) Directions No. 3 of 2011

1. A person shall be disqualified from being appointed or elected, as a director of a finance company if such person-
 - (a) does not possess academic or professional qualifications or effective experience in banking, finance, business or administration or of any other relevant discipline;
 - (b)
 - (i) is being subjected to any investigation or inquiry in respect of a fraud, deceit, dishonesty or other similar criminal activity, conducted by the police, any regulatory or supervisory authority, professional association, commission of inquiry, tribunal, or any other body, established by law, in Sri Lanka or abroad;
 - (ii) has been found guilty in respect of an act of fraud, deceit, dishonesty or other similar criminal activity, by any regulatory or supervisory authority, professional association, commission of inquiry, tribunal, or any other body established by law, in Sri Lanka or abroad, at any time during the period of fifteen years immediately prior to being so appointed or elected;
 - (iii) has been found by any regulatory or supervisory authority, professional association, commission of inquiry, tribunal, or any other body established by law, in Sri Lanka or abroad, that such person has committed or has been connected with the commission of any act which involves fraud, deceit, dishonesty, improper conduct or non-compliance with any Statute or rules, regulations, directions or determinations issued thereunder.
 - (c) has failed to satisfy any judgment or order of any court or to repay a debt;
 - (d) has been convicted in any court in Sri Lanka or abroad for an offence involving moral turpitude;
 - (e) has been convicted by any court for any offence under the Finance Business Act No.42 of 2011 or the Companies Act, No.07 of 2007;
 - (f) is a person against whom action has been taken by the Board under section 51 of the Finance Business Act No.42 of 2011;
 - (g)
 - (i) is being subject to court proceedings for an offence involving an act of fraud, deceit, dishonesty or other similar criminal activity;
 - (ii) has been convicted by any court for an offence involving an act of fraud, deceit, dishonesty or other similar criminal activity at any time during the period of fifteen years immediately prior to being so appointed or elected;
 - (h) has been removed or suspended by a regulatory or supervisory authority from serving as a director, chief executive or other officer in any bank, finance company or corporate body in Sri Lanka or abroad;

- (i) has been determined by the Board –
 - (i) as having carried on finance business -
 - (a) in contravention of subsection (1) of section 2 of the Finance Business Act; or
 - (b) in contravention of subsection (1) of section 2 of the Finance Companies Act, No.78 of 1988 (prior to its repeal); or
 - (ii) as having accepted deposits in contravention of subsection (2) of section 2 of the Finance Business Act; or
 - (i) has been a director, chief executive or held any other position of authority in any body corporate or unincorporate body which the Board has determined as having carried on finance business in contravention of subsection (1) of section 2 of this Act or subsection (1) of section 2 of the Finance Companies Act, No.78 of 1988 (prior to its repeal) or having accepted deposits in contravention of subsection (2) of section 2 of the Finance Business Act.
 - (j) has been declared an undischarged insolvent or a bankrupt, by any court in Sri Lanka or abroad;
 - (k) has been declared by a court of competent jurisdiction to be of unsound mind;
- 2. If the Monetary Board so determines, any person who has been a director, chief executive officer or held any other position of authority in any bank, finance company or financial institution whose licence or registration has been cancelled, shall be disqualified from being appointed or elected as the case may be, as a director, chief executive officer, secretary or key management personnel/officer performing executive functions of a finance company or from holding such post.
- 3. Any person, who acts as a director, chief executive officer, secretary or key management personnel of a finance company while being under any disqualification set out in subsection (1) of Section 21 of the Finance Business Act, shall be guilty of an offence under the said Act.
- 4. In addition to the above, criteria set out in Section 5 of the Directions No.3 of 2008 on Corporate Governance for Finance Companies shall also be applicable to a director of a finance company.