

Appendix 6.

In this Annex underlining indicates new text and striking through indicates deleted text.

The DFSA Rulebook

General Module

(GEN)

~~7—FEES [Deleted]~~

~~7.1—Application~~

~~7.1.1—This chapter applies to every:~~

- ~~(a)—Authorised Person and applicant for a Licence;~~
- ~~(b)—applicant for registration as an auditor with the DFSA; and~~
- ~~(c)—auditor registered with the DFSA.~~

~~7.2—General provisions~~

~~7.2.1—Where a fee is payable for any application to the DFSA, the application will not be regarded as submitted until the fee and any supplementary fee has been paid in full.~~

~~7.2.2—Where an annual fee or supplementary fee in relation to ongoing supervision is due from any Person under a provision of these Rules, the Person must pay it by the date on which it becomes due. If he fails to do so then, without limiting the right of the DFSA to take any other action, the sum due shall be increased by 1% for each calendar month, or part of a calendar month, that it remains outstanding beyond the due date.~~

~~Guidance~~

~~If a fee is not paid by the date on which it becomes due, the Person is in breach of a Rule and the DFSA is entitled to take action including, but not limited to, taking steps to withdraw authorisation to conduct one or more Financial Services.~~

~~7.2.3—The DFSA may reduce, waive or refund all or part of any fee if it considers that, in the exceptional circumstances of a particular case, it would be equitable to do so.~~

~~7.2.4 (1)—The DFSA may require a Person to pay to the DFSA a supplementary fee in circumstances where it expects to incur substantial additional costs in dealing with an application or conducting ongoing supervision.~~

~~(2)—In such cases the DFSA will notify the Person as soon as reasonably possible of the amount of the supplementary fee.~~

Guidance

1. ~~A supplementary fee may be levied by the DFSA because it expects that certain applications will require more intensive scrutiny than others. An example is where the entity is a Branch from a jurisdiction where there are not or are not expected to be in place arrangements for co-operation between the DFSA and the relevant regulators in that jurisdiction. Equally, where the entity is incorporated in the DIFC, a full analysis of the prudential and systems arrangements will be required.~~
2. ~~A supplementary fee may also be levied by the DFSA in cases where the ongoing supervision of the Authorised Person appears to the DFSA to be likely to cause it to incur substantial additional costs.~~

7.3—Application fees**7.3.1** ~~The following Persons:~~

- (a) ~~an applicant for a Licence; and~~
- (b) ~~an Authorised Person applying for authorisation to carry on an additional Financial Service,~~

~~must pay to the DFSA:~~

- (c) ~~the applicable fee specified in section A5.2 or A5.3 as appropriate; and~~
- (d) ~~any supplementary fee required by the DFSA.~~

7.3.2 ~~An applicant for registration as an auditor with the DFSA must pay to the DFSA the applicable fee specified in App6.~~**7.4—Annual fees****7.4.1** ~~An Authorised Person must pay to the DFSA:~~

- (a) ~~the applicable fee specified in section A5.4; and~~
- (b) ~~any supplementary fee required by the DFSA.~~

7.4.2 ~~An auditor registered with the DFSA must pay to the DFSA the applicable fee specified in App6.~~

- 7.4.3** (1) ~~The initial annual fee must be paid in full to the DFSA within 21 days of the date on which the Licence or registration is granted.~~
 - (2) ~~Subsequent annual fees must be paid in full to the DFSA on or before 1 January of any calendar year.~~
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Guidance

~~In regard to the payment of an annual fee on or before 1 January, invoices will be issued at least 21 days before that date.~~

~~7.5 Fees to maintain an official list of securities~~

~~**7.5.1** An Authorised Market Institution, or an applicant to be an Authorised Market Institution must, to maintain an Official List of Securities, pay to the DFSA the applicable application and annual fees in section A5.5. [Added]VER3/04-05]~~

App 5 FEES ~~[Deleted]~~

~~A5.1 Fees table~~

~~**A5.1.1** The fees table.~~

~~[Amended] [VER2/10-04] [Amended]VER3/04-05] [Amended]VER4/08-05]~~

(a)	Accepting Deposits or Providing Credit	\$50,000
(b)	Dealing in Investments as Principal	\$30,000
(c)	(i) Dealing in Investments as Agent; or (ii) Arranging Credit or Deals in Investments; or (iii) Managing Assets; or (iv) Advising on Financial Products or Credit; or (v) Providing Custody; or (vi) Arranging Custody; or (vii) Insurance Intermediation; or (viii) Insurance Management; or (ix) Effecting Contracts of Insurance or Carrying out Contracts of Insurance:	\$10,000

<p>(A) where the applicant is intending to carry on business as a Captive Insurer or as an ISPV; or</p> <p>(B) where the Authorised Firm is carrying on business as a Captive Insurer or as an ISPV; or</p> <p>(x) Managing a Profit Sharing Investment Account; or [Amended][VER11/08-06]</p> <p>(xi) Providing Trust Services; or [Added][VER7/01-06]</p> <p>(xii) Providing Fund Administration; or [Added][VER8/04-06] [Amended][VER11/08-06]</p> <p>(xiii) Acting as the Trustee of a Fund. [Added][VER11/08-06]</p>	
<p>(d) (i) Operating an Alternative Trading System; or</p> <p>(ii) Operating a Collective Investment Fund. [Added][VER8/04-06]</p>	<p>\$30,000</p>
<p>(e) Effecting Contracts of Insurance or Carrying out Contracts of Insurance:</p> <p>(i) where the applicant is not also intending to carry on business as a Captive Insurer or as an ISPV; or</p> <p>(ii) where the Authorised Firm is not carrying on business as a Captive Insurer or as an ISPV.</p>	<p>\$50,000</p>

A5.2 Fees in relation to an application for a licence

A5.2.1 An applicant applying for a Licence authorising it to carry on one or more Financial Services specified in the left hand column of the fees table in Rule A5.1.1 must pay:

- (a) the highest of the corresponding fees in the right hand column of the fees table; plus
- (b) \$1,000 for each individual for whom Authorised Individual status is sought, subject to a maximum amount of \$50,000 for such individuals.

~~A5.2.2~~ — An applicant applying for a Licence authorising it to carry one or more of the Financial Services of Operating an Exchange and Operating Clearing House must pay to the DFSA:

- ~~(a)~~ — for Operating an Exchange an application fee of \$125,000;
- ~~(b)~~ — for Operating a Clearing House an application fee of \$125,000; and
- ~~(c)~~ — for Operating an Exchange and Operating a Clearing House an application fee of \$250,000.

~~[Added][VER3/0405]~~

~~A5.2.3~~ — An applicant under Rule A 5.2.2(a) or (c) seeking an endorsement to its Licence authorising it to maintain an Official List of Securities must pay to the DFSA an additional application fee of \$100,000. ~~[Added][VER3/0405]~~
~~[Amended][VER4/0805]~~

~~A5.3~~ — Fees in relation to an application to carry on additional Financial Services

~~A5.3.1~~ — An Authorised Firm applying for authorisation to carry on additional Financial Services must pay a fee equal to the difference between:

- ~~(a)~~ — the basic fee which would be payable under Rule A5.2.1(a) if it were an applicant for a Licence in the terms currently being sought; and
- ~~(b)~~ — the basic fee which would be payable under Rule A5.2.1(a) if it were an applicant for a Licence in the terms of that currently held.

~~A5.3.2~~ — An Authorised Market Institution applying for authorisation to carry on an additional Financial Service must pay:

- ~~(a)~~ — a fee of \$125,000 for the Financial Service of Operating a Clearing House; or
- ~~(b)~~ — a fee of \$125,000 for the Financial Service of Operating an Exchange.

~~[Amended][VER3/0405]~~

~~A5.4~~ — Annual Fees

~~Initial annual fee for Authorised Firms and Authorised Market Institutions~~

~~A5.4.1~~ — (1) — An Authorised Firm or Authorised Market Institution must pay to the DFSA an initial annual fee for the initial period of regulation after the grant of its Licence.

- (2) ~~The initial annual fee is the fee which was payable at the time of its application for the Licence, multiplied by the number of whole calendar months between the date of the grant of the Licence and the end of the year and divided by 12.~~

Subsequent annual fees for Authorised Firms

- A5.4.2** (1) ~~An Authorised Firm must pay to the DFSA a standard annual fee for any period of regulation after the period described in Rule A5.4.1.~~

- (2) ~~The standard annual fee is:~~

(a) ~~the highest of the fees specified in the right hand column of the fees table corresponding to the Financial Services which the Authorised Firm is authorised to carry on under its Licence; plus~~

(b) ~~\$1,000 for each Authorised Individual employed by the Authorised Firm at 30 September in the previous year, or on the date of the grant of its Licence, whichever is the later; plus~~

(c) ~~\$1,000 for each complete \$1,000,000 of turnover, where turnover has the meaning given in Rule A5.4.3.~~

- (3) ~~The total standard annual fee payable is subject to a maximum total amount of \$150,000.~~

- A5.4.3** (1) ~~For the purposes of this appendix, and subject to (2) and (3) 'turnover' means:~~

(a) ~~in the case of an Authorised Firm to which PIB applies, gross fees and commissions, plus realised gains on the Authorised Firm's Trading Book, if any, plus net interest received, in respect of business carried on in or from the DIFC; or~~

(b) ~~in the case of an Authorised Firm to which PIN applies, Gross Written Premium in respect of business carried on in or from the DIFC;~~

~~for the last financial year for which the Authorised Firm has submitted regulatory returns to the DFSA.~~

- (2) ~~If the last financial year referred to in (1) was not twelve months in duration, the turnover figure shall be increased or decreased on a pro rata basis to produce an equivalent twelve month figure.~~

- (3) ~~If the Authorised Firm has not yet submitted any regulatory returns to the DFSA, the turnover figure shall be that forecast in the most recent business plan submitted to the DFSA for the period including 1 January of the year for which the fee is to be charged.~~

Subsequent annual fees for Authorised Market Institutions

- ~~A5.4.4~~ (1) An Authorised Market Institution carrying on the Financial Service of Operating an Exchange must pay to the DFSA an annual fee of \$60,000.
- (2) An Authorised Market Institution carrying on the Financial Service of Operating a Clearing House must pay to the DFSA an annual fee of \$60,000.
- (3) An Authorised Market Institution carrying on both of the Financial Services of Operating an Exchange and Operating a Clearing House must pay to the DFSA an annual fee of \$120,000.

[Added][VER3/0405]

- ~~A5.4.5~~ An Authorised Market Institution maintaining an Official List of Securities must pay to the DFSA an annual fee of \$50,000. [Added][VER3/0405]

App 6 FEES ~~[Deleted]~~

~~A6.1~~ Fees table

- ~~A6.1.1~~ The fees table.

Upon receipt by the DFSA of:	
(a) Application for registration of auditor	\$5,000
(b) Annual fee for registration as an auditor	\$2,000