

## RESPONSE TO CONSULTATION PAPER

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<b>Consultation topic:</b>	CONSULTATION PAPER ON THE PROPOSED FRAMEWORK FOR VARIABLE CAPITAL COMPANIES PART 2
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<b>Confidentiality</b>	
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**General comments:**

**Question 1: MAS seeks comments on the draft Variable Capital Companies (Composition of Offences) Regulations 2019 at Annex B and the draft Variable Capital Companies (Composition of Offences – Part 7) Regulations 2019 in Annex C.**

No comment

**Question 2: MAS seeks comments on the draft Variable Capital Companies (Fees and Late Lodgment Penalties) Regulations 2019 at Annex D.**

No comment

**Question 3: MAS seeks comments on the procedure for the registration of a sub-fund.**

No comment

**Question 4: MAS seeks comments on the additional confirmations that must be lodged electronically for VCCs.**

No comment

**Question 5: MAS seeks comments on the particulars to be provided in a VCC's annual return and the documents referred to in the regulations.**

No comment

**Question 6: MAS seeks comments on the draft Variable Capital Companies (Filing of Documents) Regulations 2019 at Annex E.**

No comment

**Question 7: MAS seeks comments on the proposed set of criteria to be used in determining whether a director or proposed director of a VCC would be considered “fit and proper”.**

MAS may wish to consider including a minimum of 10 years of full-time employment in commercial law, audit/accounting for financial services, banking & financial services, and /or capital markets experience in a managerial capacity as a qualifying criterion for “fit and proper” characteristics for the directors/ responsible officers of a registered & approved VCC

We also propose the inclusion of additional questions as per MAS Guidelines on Fit and Proper Criteria (Guideline No: FSG-G01)

**Question 8: MAS seeks comments on the draft Variable Capital Companies (Fit and Proper) Regulations 2019 at Annex F.**

Refer to response for question 7

**Question 9: MAS seeks comments on the draft Variable Capital Companies (Identical Names) Regulations 2019 at Annex G.**

No comment

**Question 10: MAS seeks comments on the draft Variable Capital Companies (Prescribed Accounting Standards) Regulations 2019 at Annex H.**

No comment

**Question 11: MAS seeks comments on the prescribed minimum period of contravention of section 46 of the VCC Act of 3 months by a VCC, upon which the Court may order the winding up of a VCC under section 130(8)(n) of the VCC Act.**

No comment

**Question 12: MAS seeks comments on the draft Variable Capital Companies Regulations 2019 at Annex I.**

No comment

**Question 13: MAS seeks comments on the draft Variable Capital Companies (Revision of Defective Financial Statements, or Consolidated Financial Statements or Balance-sheet) Regulations 2019 at Annex J.**

No comment

**Question 14: MAS seeks comments on the draft Variable Capital Companies (Transfer of Registration) Regulations 2019 at Annex K.**

A Cayman SPC, which has several SP units under the umbrella SPC should ideally be transferred to a similar structure in an umbrella VCC and sub-funds. Similarly, a foreign register trust should ideally be transferred to a sub-fund of an umbrella VCC. Guidelines and possibilities of these transfers should be clearly spelled out.

**Question 15: MAS seeks comments on the list of documents to be provided at registration and whether any issues are envisaged for foreign corporate entities to provide these documents.**

We view the prescribed documents under section 134(2)(b)(iv) as being reasonable.

**Question 16: MAS seeks comments on the minimum requirements for registration of foreign corporate entities as VCCs under the VCC Act.**

No comment

**Question 17: MAS seeks comments on the draft Variable Capital Companies (Striking Off) Regulations 2019 at Annex L.**

No comment

**Question 18: MAS seeks comments on the proposed amendments to the SFR(CIS) at Annex M.**

No comment

**Question 19: MAS seeks comments on the proposed amendments to the CIS Code at Annex N.**

No comment