The present English text represents an unofficial translation of the Regulations under sections 53(3), 55(4), 56(3) and 72 of the Investment Firms Laws of 2002-2004 and should be used only for information purposes

THE INVESTMENT FIRMS (IFs) LAWS OF 2002 TO 2004

Investor Compensation Fund for Clients of Banks

Regulations under sections 53(3), 55(4), 56(3) and 72 of the Investment Firms Laws of 2002 - 2004

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THE INVESTMENT FIRMS (IFs) LAWS OF 2002 TO 2004

Regulations under sections 53 (3), 55(4), 56(3) and 72

For the purposes of harmonization with the Act of the European Community entitled:

'Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on Investor-Compensation Schemes' (EE L084 of 26 March, p. 0022),

The Council of Ministers, in exercising the powers conferred upon it under subsection (3) of section 53, subsection (4) of section 55, subsection (3) of section 56 and section 72 of the Investment Firms Laws of 2002 to (No. 4) of 2003, hereby, introduces the following regulations prepared by the Central Bank of Cyprus and submitted to it for approval through the Minister of Finance.

PART I

INTRODUCTORY PROVISIONS

Short title.

1. These Regulations shall be cited as the Establishment and Operation of an Investor Compensation Fund for Clients of Banks Regulations of 2004.

Interpretation.

2.-(1) In these Regulations, unless the context otherwise requires:

'Claimant' shall mean the investor client of a member of the Fund who submits to the Fund an application for the payment of compensation, as defined in Part V;

'Covered client' shall mean the client of a member of the Fund, who is covered by the said Fund for claims against a member of the Fund, arising from the covered services which are provided by the said member;

'Covered services' shall mean the investment services defined in Part I of the First Schedule of the Law as well as the non-core services defined in paragraph (1) of Part III of the same Schedule;

'Fund' or, synonymously, 'ICF for clients of banks', shall mean the Investor Compensation Fund for clients of members of the Fund established pursuant to subsection (1) of section 53 of the Law as an Investor Compensation Fund for clients of banks.

'Investor' shall mean the natural person or legal entity or the union of persons or group of assets devoid of legal personality who are clients of a member of the Fund;

'Management Committee' shall mean the Management Committee of the Fund as defined in Part VI;

145(I) of 2002
214(I) of 2002
6(I) of 2003
86(I) of 2003
194(I) of 2003
195(I) of 2003.

'Law' shall mean the Investment Firms Laws of 2002 to 2004;

Cap. 113.
9 of 1968
76 of 1977
17 of 1979
105 of 1985

'Liquidation procedure' shall mean the liquidation procedure as defined in Part V of the Companies Law and includes all collective measures which govern the operation of the member of the Fund and entail the prohibition or limitation of its power to dispose of assets;

198 of 1986
19 of 1990
41(I) of 1994
15(I) of 1995
21(I) of 1997
82(I) of 1999
149(I) of 1999
2(I) of 2000
135(I) of 2000
151(I) of 2000
76(I) of 2001
70(I) of 2003
167(I) of 2003.

'Member of the Fund' shall mean a bank which participates in the Fund;

Second Schedule.

'Non-covered client' shall have the meaning attributed thereto in the Second Schedule;

'Non-professional investor' shall mean an investor who is not a professional;

Second Schedule

'Professional investor' shall mean the person defined in the Second Schedule;

(2) Without prejudice to the provisions of paragraph (1), any terms, which are used in these Regulations and are not otherwise defined, shall bear the meaning attributed to them by the Law.

PART II
OBJECT, MEMBERS AND SCOPE OF APPLICATION OF THE FUND

Object of the Fund.

3.-(1) Subject to the provisions of Part XI of the Law and of Regulations 22 and 23, the object of the Fund is to secure the claims of the covered clients against the members of the Fund through the payment of compensation, provided that at least one of the prerequisites for compensation defined in subsection (1) of section 55 of the Law is fulfilled.

(2) Subject to the provisions of sections 55 and 56 of the Law, the payment of compensation by the Fund to the clients of its members is subject to the existence of a well-founded claim by the client against the member of the Fund, arising from a covered service provided by the member of the Fund to the said client.

Subscription of banks to the Fund

4.-(1) The subscription to the Fund is obligatory for all banks which are incorporated in the Republic, including an overseas branch of a Cyprus incorporated bank, unless any bank or branch is exempted specifically by the Management Committee.

(2) Without prejudice to the provisions of Regulation 60 concerning banks which already operate at the time of entry into force of these Regulations, banks must submit an application for subscription to the Fund in order to become members and to fulfil any obligations necessary for becoming members, within two months from being granted an authorization by the Central Bank of Cyprus to offer investment services, pursuant to section 21 of the Law and, notwithstanding the above, must subscribe to the Fund before they begin to provide covered services.

(3) The Management Committee prepares a list of the members of the Fund, which is published in the Official Gazette of the Republic and on the web-page of the Central Bank of Cyprus on the internet.

Subscription of banks registered outside the Republic to the Fund.

5.-(1) Subject to the provisions of sections 29(8) and 30(6) and 54 of the Law, banks incorporated in a third country which maintain a branch in the Republic or which provide in the Republic investment and/or non-core services on a cross-border basis, must become members of the Fund, provided that no cover, which is at least equivalent to that prescribed in these Regulations, is provided to its covered clients.

66(I) of 1997
74(I) of 1999
94(I) of 2000
119(I) of 2003
4(I) of 2004

(2) The fulfilment of the prerequisite as set out in paragraph (1), is ascertained by the Central Bank of Cyprus following the submission of a relevant request, in the context of the procedure defined in subsection (1) of section 4 of the Banking Law

Ceasing to be a member

6.-(1) Subject to the provisions of Regulations 55 and 56, in the event that a bank which is a member of the Fund ceases to provide investment services in the Republic, the said member may submit to the Fund an application for ceasing to be a member of the Fund.

(2) The member of the Fund communicates the application under paragraph (1) to the Central Bank of Cyprus.

(3) The Fund approves the application provided the consent of the Central Bank of Cyprus is granted, so long as the prerequisites as set out in these Regulations are fulfilled.

(4) A decision by the Fund to approve a member's application to cease his membership status is published in at least three newspapers with national coverage.

(5) Following the publication of the Fund's decision as defined in paragraph (4), the procedure set forth in Regulation 9 for the return of the value of the member's share is initiated:

Provided that the loss of membership status does not mean loss of the rights of clients to receive compensation, so long as the preconditions for compensation pursuant to these Regulations are fulfilled; Neither does such a loss obstruct the commencement of the compensation procedure of covered clients in accordance with Part V and the provisions of these Regulations continue to apply accordingly. The bank which ceases to be a member is considered as a member of the Fund for the purposes of this paragraph, subject to the provisions of paragraph (8) of Regulation 9.

Covered clients. Second Schedule.

7.-(1) The Fund covers the clients of its members, excluding those enumerated in the second Schedule.

(2) Subject to the provisions of section 55 of the Law, if criminal proceedings for legalisation of proceeds from offences under the provisions of the Prevention and Suppression of Money Laundering Activities Law of 1996 to 2004 are pending against a client-claimant, the Fund suspends the payment of compensation until the completion of the court case.

61(I) of 1996
25(I) of 1997
41(I) of 1998
120(I) of 1990
152(I) of 2000
118(I) of 2003.

PART III

CAPITAL AND RESOURCES OF THE FUND – CONTRIBUTIONS OF MEMBERS

Capital and property of the Fund.

8.-(1) The initial capital of the Fund consists of the initial contributions of its founding members, as these are defined in Regulation 11:

Provided that the banks which operate at the time of entry into force of these Regulations, subject to Regulation 60, as well as other banks which submit an application for membership of the Fund within one month from the entry into force of these Regulations, so long as they obtain membership status to the Fund, are considered as founding members of the Fund.

(2) The capital of the Fund increases by the initial contributions of its new members as well as by the ordinary annual and extraordinary supplementary contributions of its standing members.

(3) The capital of the Fund consists of the individual shares of its members, which correspond to each member's percentage of subscription to the net assets of the Fund, provided that each member possesses one individual share:

Provided that for the purpose of facilitating the computation of the value of the individual shares, the assets of the Fund may be sub-divided into shares or fractions of shares of equal value, from which the individual shares of the members of the Fund are formed.

(4) With regard to new contributions, for the purpose of

computing the value of the individual share of each member, the value of the Fund is calculated on the basis of its net assets as determined in its last balance-sheet or in the last official valuation of its net assets, as approved by the General Meeting of its members in accordance with Regulation 48:

Provided that in calculating the value of the individual share of each member of the Fund, the value of the fixed reserve, as defined pursuant to paragraph (2) of Regulation 10, is not taken into consideration.

(5) The property of the Fund and the individual shares of its members may not be subject to confiscation by creditors of the Fund's members:

Provided that, the confiscation of the individual shares is allowed only when these become payable to the members of the Fund.

Return to a member the value of its share.

9.-(1) Subject to the provisions of section 54 of the Law, in the event that a member of the Fund loses, for any reason, its membership status, it shall receive, in cash, the value of its share based on the valuation in force at the time of loss of such membership status:

Provided that, the date of loss of the membership status is considered to be the date of publication of the expulsion of the member pursuant to paragraph (3) of Regulation 56.

(2) The payment of the value of the share of the member is made in the first calendar month after the expiration of the first year, during which membership status was lost.

(3) The following are set off against the member's claim for payment of the refundable value of its share:

(a) the compensation paid by the Fund to covered clients of the member; and

(b) any other claims by the Fund against the member, including due contributions of the member to the Fund or other monies paid or to be paid by the Fund for the fulfilment of the member's obligations:

Provided that in calculating the amount which is payable to the member, under this paragraph, the compensation paid to covered clients of the member after the loss of its membership status is also taken into consideration, so long as the said compensation concerns claims for covered services which had been provided at a time when the member still enjoyed membership status.

(4) The set off defined in paragraph (3) applies even if a liquidation procedure against the member has been initiated.

(5) The Fund may also decide to pay the member the value of its share or part thereof before one year elapses from the loss of membership status, so long as, at the judgement of the Management Committee, no claims by the Fund against the member shall arise, before the expiration of the period for payment defined in paragraph (2).

(6) The Fund may also subject the payment defined in paragraph (5) to the production, by the member, of a bank letter of guarantee or other guarantee admissible by the Fund, which secures payment to the Fund of the amount paid to the member

before the date referred to in paragraph (2).

(7)(a) The Fund withholds the amounts which correspond to the amount of the probable claims which may arise from-

(i) A compensation claim submitted during the year following the loss of membership status;

(ii) A compensation claim submitted before the loss of membership status.

(b) The said amounts are withheld until a final decision on the case is reached and, depending on the outcome, the Fund grants them either to their beneficiary claimants or to the member of the Fund which lost its membership status.

(c) Subject to the provisions of paragraphs (3) and (4), the withheld amounts are considered as having been set off against the member's claim in determining the return of the value of its individual share, subject to the issue of the final court ruling which recognizes the absence of relevant obligation by the member of the Fund towards the clients referred to in paragraph (1).

(8) The Fund does not compensate covered clients who submit to it an application for compensation, for claims against a bank which was a member of the Fund with regard to covered services, after one year following the bank's loss of membership status has elapsed.

Resources of the Fund.

10.-(1) The resources of the Fund consist of:

(a) Initial, ordinary annual and extraordinary supplementary contributions of its members, as prescribed by the

Management Committee in these Regulations;

(b) Proceeds from the investment of the Fund's available funds, as defined specifically in Regulation 52;

(c) Proceeds of the Fund from donations or *ex gratia*.

(2) The part of the Fund's assets which derives from the sources under sub-paragraph (c) of paragraph (1) forms the fixed reserve of the Fund which neither increases the contributions of each member nor is calculated in the shares of each member.

(3) The contributions of the Fund's members are paid into an account held with the Central Bank of Cyprus. Through this account all transactions which concern collection of money and payments which are necessary for the operation of the Fund, are carried out.

Initial contribution of members.

11.-(1) To obtain membership status to the Fund, candidate members must pay an initial contribution as defined in paragraphs (2) and (3).

(2) The amount of the initial contribution of each member, which is paid cash in a lump sum, is fixed in accordance with the covered services which the member of the Fund is entitled to provide, as follows:

(a) Thirteen thousand Cyprus Pounds (CYP13.000) for the investment service defined in paragraph (1) of Part I of the First Schedule of the Law:

Provided that if a member provides only the investment service of sub-paragraph (i) of paragraph (1) of Part I of the First Schedule of the Law, the amount payable to the Fund is fixed at eight thousand Cyprus Pounds (CYP8.000);

(b) Ten thousand pounds (CYP10.000) for the investment service defined in paragraph (2) of Part I of the First Schedule of the Law;

(c) Fifteen thousand pounds (CYP15.000) for the investment service defined in paragraph (3) of Part I of the First Schedule of the Law;

(d) Ten thousand pounds (CYP10.000) for the investment service defined in paragraph (4) of Part I of the First Schedule of the Law;

(e) Twelve thousand Cyprus Pounds (CYP12.000) for the non-core service defined in paragraph (1) of Part III of the First Schedule of the Law.

Provided that the contribution of a bank which is a founding member of the Fund is employed for the formation of the initial capital of the Fund, as defined in Regulation 8.

(3) Membership status to the Fund is not fulfilled before full payment of the initial contribution pursuant to this Regulation.

Ordinary annual contribution of members.

12.-(1) The ordinary annual contribution of each member of the Fund amounts to a percentage of up to one per mille (1o/oo) of the eligible funds and financial instruments of the member's clients, as these are defined in the First Schedule, and is paid

First Schedule.

between 16 and 31 March of each year, calculated on the basis of the eligible funds and financial instruments of the last year before membership.

(2) The amount of the initial contribution of each member is determined upon decision of the Fund based on the percentage referred to in paragraph (1), subject to the provisions of Regulation 13 and in accordance with the evidence produced by each member until 31 January of each year regarding the eligible funds and financial instruments.

(3) The decision referred to in paragraph (2) is issued and announced to the members of the Fund, by the last day of February of each year, at the latest.

(4) The Fund may allow, by the decision taken under paragraph (2), in lieu of the payment in cash, the production by the member to the Fund of an unconditional bank letter of guarantee on first demand, the precise content of which is determined with the said decision:

Provided that this arrangement applies each year to all the members of the Fund in a uniform manner.

(5) The Fund has free access to the accounts of each of its members, as well as to the books kept in accordance with the legislation in force in the Republic concerning the verification of the accuracy of the evidence provided to it by its members, and collaborates, for this purpose, with the Central Bank of Cyprus.

Cessation of obligation for payment of the

13.-(1) In case the individual shareholding of a member of the Fund, as is valuated at the end of each year, exceeds by half per cent (0.5%) the total of the eligible funds and financial instruments

annual ordinary contribution by the members.

of the member during the previous calendar year, the said member is not obliged to pay an annual ordinary contribution which would lead to the increase of its individual share beyond the said amount, or as the case may be, is obliged to pay a lesser contribution:

Provided that in calculating the above threshold, the annual ordinary contribution payable in that year is also taken into consideration:

Further provided that in calculating the amount payable by each member of the Fund, the bank letters of guarantee referred to in paragraph (4) of Regulation 12 are also taken into consideration.

(2) With the consent of the Central Bank of Cyprus, pursuant to paragraph (3), the Fund may limit the obligation for payment of the annual ordinary contribution of those of its members for whom the percentage of the individual shareholding is lower than the amount defined in paragraph (1) of Regulation 12, so long as an insurance cover of the Fund or of its members is attained, such as to secure an insurance compensation which is at least equal to the amount required for reaching - in relation to the existing assets of the Fund at the time - the amount which corresponds to one per cent (1%) of the total of the eligible funds and financial instruments of all the members of the Fund during the previous calendar year as defined specifically in the First Schedule.

First Schedule.

(3) In order to give its consent on the limitation of the obligation for payment of the annual ordinary contribution in accordance with paragraph (2), the Central Bank of Cyprus examines mainly the terms of the insurance policy which pertain to the preconditions for payment of the premium and in particular

those concerning the object covered by the insurance.

(4) So long as the value of the individual shareholding of a member of the Fund, as is valuated at the end of each calendar year, exceeds one per cent (1%) of the average of the eligible funds and financial instruments of the member, during the immediately prior two years, the amount in excess is returned to the said member, in accordance with the preconditions and the procedure defined in the Third Schedule.

Third Schedule.

Extraordinary supplementary contribution of members.

14.-(1) The Management Committee may decide to:

(a) Call upon the members of the Fund to pay an extraordinary supplementary contribution, if it deems that the existing means for the payment of compensation are inadequate, particularly in the event of a liquidation procedure of a member of the Fund;

(b) Fix the amount of the extraordinary supplementary contribution to be paid by the members of the Fund so that the individual share of each such member attains a specific percentage of the eligible funds and financial instruments of the member during the last calendar year, as defined specifically in the First Schedule:

First Schedule.

Provided that without prejudice to paragraph (d), the amount and the mode of calculation of this percentage are determined in a uniform manner for all the members of the Fund.

(c) Determine the manner, the deadline and other formalities relating to the payment of the extraordinary supplementary contribution;

(d) Set a maximum limit for the percentage payable by each member of the Fund in relation to its eligible funds and financial instruments during the immediately prior year:

Provided that in determining the amount of the extraordinary supplementary contribution, the manner and the deadline relating to its payment, the Central Bank of Cyprus takes into consideration any justifiable interests of the members of the Fund.

(2) The Fund communicates to its members the decision taken pursuant to paragraph (1) and informs each member on the amount of its due extraordinary supplementary contribution.

(3) Upon the suggestion of the Fund, the Central Bank of Cyprus may extend by up to one year the deadline for the payment of the contribution of a specific member of the Fund, following a relevant request, if it deems, on the basis of the evidence produced for this purpose by the said member, that the payment of the contribution would lead the member concerned to fail in fulfilling its obligations.

(4) Upon suggestion by the Fund, the Central Bank of Cyprus may decide that also in the case of the extraordinary supplementary contribution, the obligation of the members of the Fund may be fulfilled wholly or partly, in lieu of a cash payment:

(a) with an unconditional bank letter of guarantee on first demand in their favour or in favour of the Fund, the exact content of which may be specified by the Central Bank of Cyprus with the aforesaid decision; or

(b) with an insurance cover of the Fund or of its members, which secures an insurance compensation at least equal to the amount required for attaining the amount defined in paragraph (2).

Initial and annual ordinary contribution of new members and special contribution of existing members.

15.-(1) Each new member of the Fund is obliged to pay the initial contribution, as defined in paragraph (2) of Regulation 11.

(2) To determine the amount of the annual ordinary contribution due by the new member, the criteria of Regulation 12 in conjunction with the First Schedule apply accordingly.

First Schedule.

(3) Whenever a member of the Fund obtains, in the course of its operation, authorization to provide one additional service from the services listed in paragraph (2) of Regulation 11, in addition to those that it was entitled to provide up until that time, the said member is obliged to pay an additional contribution to the Fund equal to the amount which corresponds to that specified in accordance with the provisions of paragraph (2) of Regulation 11, and which concerns the new service that it begins to provide.

(4) The payment of the additional contribution as defined in paragraph (3) must be made in full before the member begins to provide the new service.

Borrowing.

16.-(1) If the Fund deems that its liquid assets do not suffice for the payment of the due or likely to occur compensation to the covered clients, it may contract loans or other credits with banks in the Republic or abroad;

(2) In the case of paragraph (1), the Fund calls upon its

members, within one month from contracting the loan or the credit agreement, to pay an extraordinary supplementary contribution, of a total amount equal to the received loan or credit, subject, with regard to the determination of the proportion of each member's contribution, to the criteria defined in Regulation 14.

(3) The Fund determines and communicates to its members, the mode, the deadline and any other formalities relating to the payment of the extraordinary supplementary contribution, as defined in paragraph (2).

(4) For the purposes of this Regulation, the provisions of Regulation 14 shall apply *mutatis mutandis*.

Insurance cover.

17.-(1) The Fund may enter into an insurance policy for the insurance cover of its obligation, wholly or partly, against the covered clients, and the premiums paid for this purpose shall be included in the administration expenses of the Fund.

(2) The said insurance cover may be provided by one or more insurance companies lawfully established in the Republic or in a Member State.

(3) The Fund notifies the Central Bank of Cyprus of all insurance policies entered into in the framework of this Regulation, as well as any amendment thereof including their dissolution.

PART IV

INFORMATION TO INVESTORS

Information to investors.

18.-(1) The members of the Fund inform their investor-clients on:

(a) the cover provided by the Fund;

(b) the covered clients;

(c) the maximum amount of the compensation payable to the clients for the total of their claims;

(d) the preconditions and formalities for the payment of the compensation, in both the Greek and English languages.

(2) Information to investors is facilitated mainly with the free dissemination at the headquarters and in the branches of the member of the Fund of relevant detailed information leaflets in both the Greek and English languages, drafted in an understandable and clear manner, as well as the publication of the said information on the website of each member of the Fund on the Internet.

(3) Upon relevant request by the covered clients, the said member of the Fund is obliged to provide additional information on the formalities and preconditions relating to the payment of compensation.

Dissemination of information leaflets by the members of the Fund.

19. Subject to the provisions of the Law, the members of the Fund see to the availability of an adequate number of information leaflets both at their headquarters and branches, as well as at the offices of their representatives or other persons cooperating with such members.

Prohibition of advertising.

20. The members of the Fund are prohibited from promoting their membership to the Fund for advertising purposes through advertising leaflets or other messages disseminated in any way, provided that the mere informative reference to such membership is allowed.

Information to clients by banks which are not members of the Fund.

21. Banks which provide investment services in the Republic and are exempted from the obligation to subscribe to the Fund, inform their investors accordingly, upon reaching an understanding with the Fund on the most appropriate manner of announcing their subscription to an investor compensation scheme abroad.

PART V

COMPENSATION OF COVERED CLIENTS AND PAYMENT FORMALITIES

Failure of a member of the Fund to fulfil its obligations towards its investors.

22.-(1) Subject to the provisions of section 55 of the Law, the Fund compensates the covered clients for claims arising from the covered services provided by its members, so long as failure by the member to fulfil its obligations has been ascertained, in accordance with the terms and procedure defined in this Part, notwithstanding a relevant obligation by the member of the Fund in accordance with the legislation and the terms which govern its agreement with the covered client and regardless of whether the said obligation of the member of the Fund is based on the agreement or on wrongdoing.

(2) Failure by a member of the Fund to fulfil its obligations consists of its failure:

(a) Either to return to its covered clients funds owed to

them or funds which belong to them but are held by the member, directly or indirectly, in the context of the provision by the said member to the said clients of covered services, and which the latter requested the member to return, in exercising their relevant right;

(b) Or to hand over to the covered clients financial instruments which belong to them and which the member of the Fund holds, manages or keeps on their account, including circumstances where the member is responsible for the management of the said financial instruments.

Prerequisites for initiating the procedure for compensation payment by the Fund.

23.-(1) The Fund initiates the compensation payment procedure when at least one of the prerequisites referred to in subsection (1) of section 55 of the Law is fulfilled.

(2) The prerequisite referred to in paragraph (a) of subsection (1) of section 55 of the Law is fulfilled:

(a) If the member of the Fund submits to the Fund or to the Central Bank of Cyprus a written statement declaring its failure to fulfil its obligations toward its clients;

Cap. 113.
9 of 1968
76 of 1977
17 of 1979
105 of 1985
198 of 1986
19 of 1990
41(I) of 1994
15(I) of 1993
21(I) of 1997
82(I) of 1999
149(I) of 1999
2(I) of 2000
135(I) of 2000
151(I) of 2000
76(I) of 2001
70(I) of 2003
167(I) of 2003.

(b) If the member of the Fund files an application for winding up in accordance with the provisions of Part V of the Companies Law, or

(c) If the Central Bank of Cyprus has revoked or suspended the member's authorization to provide investment services in accordance with section 30 of the Banking Law and ascertains that the member of the Fund is not expected to be in a position to fulfil its obligations towards its clients in the near future, for reasons which do not relate to a temporary liquidity shortage which can be dealt with immediately.

(3) The Central Bank of Cyprus decides on whether the case defined in paragraph (a) of subsection (1) of section 55 of the Law applies, either *ex officio* or upon request submitted to it by a covered client of a member of the Fund, the Fund or other competent supervisory authority and any other person with legitimate interest:

Provided that without prejudice to subparagraph (1) of paragraph (5), the Central Bank of Cyprus may issue its decision on the commencement of the compensation payment procedure by the Fund within reasonable time upon ascertaining the fulfilment of the preconditions for the issue of such decision, and publish the said decision in the Official Gazette of the Republic as well as on its website on the Internet.

(4) In order to reach a decision pursuant to paragraph (3), the Central Bank of Cyprus may request the member of the Fund to set out its views within a short deadline so fixed, which cannot be less than three working days from the date of the invitation to set out such views.

(5) (a) The Central Bank of Cyprus may extend, by up to three months, its decision provided for in paragraph (a) of subsection (1) of section 55 of the Law on the commencement of the compensation payment procedure by the Fund.

(b) The extension is decided upon in the event of uncertainty on whether the failure by the member of the Fund to fulfil its obligations is reversible or not and, in particular, when such failure is mostly due to a liquidity problem faced by the member of the Fund, and is reasonable to expect that it will be solved.

(c) A Member of the Fund is entitled to request the Central Bank of Cyprus to issue a resolution on the extension of the deadline in accordance with subparagraph (a), explaining the reasons for submitting such request.

(d) The Central Bank of Cyprus takes its decision in accordance with subparagraph (a) having regard the preservance of the smooth operation of the capital market and upon weighting the interests of the clients and the member of the Fund.

(6) In the case of paragraph (5), the Central Bank of Cyprus may prohibit the said member of the Fund from disposing of specific assets, with the objective of securing the interests of the clients and in general its lenders, or take, at its discretion, other appropriate measures for the attainment of this objective:

Provided that the adoption of the aforesaid measures may also be requested by the member of the Fund itself.

Procedure relating to the invitation of covered clients to submit applications for compensation payment

24.-(1) Upon issuance of a decision -

(a) by the Court in accordance with paragraph (b) of subsection (1) of section 55 of the Law; or

(b) by the Central Bank of Cyprus in accordance with paragraph (a) of subsection (1) of section 55 of the Law,

on the commencement of the compensation payment process, the Fund publishes in at least three newspapers of national coverage, an invitation to the covered clients to make their claims against the member of the Fund arising from covered services, designating the procedure for the submission of the relevant applications, the deadline for their submission and their content, as defined specifically in Part V.

(2) The publication provided for in paragraph (1) contains at least -

(a) the name and address of the headquarters of the member of the Fund, to whom the covered client compensation process has been activated through the Fund;

(b) the deadline for the submission of compensation applications, which cannot be less than five months and greater than nine months from the last publication referred to in paragraph (1);

(c) the mode and address of submission of applications; and

(d) the address at which investors may be informed about the exact content of the applications to be submitted, and get the relevant form provided by the Fund.

(3) The Central Bank of Cyprus enters the publication provided for in paragraph (1) on its website during the entire time limit for the submission of applications:

Provided that non-compliance on behalf of the above persons with the obligation of the present paragraph shall not result in the process becoming null; it shall only result in the imposition of sanctions in accordance with section 54 of these Regulations.

(5) In exceptional cases, the Fund, with a notice subject to the publicity conditions as defined in paragraph (2), may extend the deadline for the submission of compensation applications up to three months.

Change of deadline for submission of applications for compensation payment.

25.-(1) Subject to the provisions of paragraph (4), in case a covered client, without being its fault, was neither informed about the invitation to submit compensation applications nor was in a position to submit within the deadline this application, the deadline provided for in Regulation 24 may change regarding this client:

Provided that the change of the deadline arises in case of an event of *force majeure*, as long as it can be proved that this prevented the observance of the deadline for submitting the applications for compensation or the collection and submission of the required information.

(2) Indications that the covered client has an impediment for which he is not responsible and which forms a reason for changing the deadline for the submission of an application for a compensation include especially -

(a) proved absence of the covered client abroad for a period which includes at least half of the time limit for the submission of a timely application;

(b) illness, confirmed by a doctor that it forms a serious impediment for submitting an application, for a period which includes at least half of the time limit in which a timely application should be submitted; or

(c) stay in a correctional institution for a period which includes at least half of the time limit within which a timely application should be submitted.

(3) Insofar as the deadline referred to in Regulation 24 changed, in accordance with paragraphs (1) and (2), this deadline starts again from the day the reason for the change ceases to exist.

(4) Subject to the provisions of paragraph (8) of Regulation 9, a covered client for whom there exists a reason to change the deadline, may not submit an application for compensation after eight months from the expiration of the deadline of paragraph (1) of Regulation 24.

(5) A covered client who submits an application late to the Fund for the payment of compensation in accordance with paragraph (1), is obliged to submit, in addition to the information forming the necessary minimum content of the application in accordance with Regulation 26, a solemn declaration stating the reason for which he was not in a position to claim compensation in time attaching the necessary supporting evidence to prove his allegations.

Contents of an application form for compensation submitted to the Fund.

26.-(1) The application forms for compensation of covered clients on which they make their claims against a member of the Fund are submitted to the Fund in writing.

(2) The applications must include–

(a) the name of the claimant;

(b) the address, telephone and fax numbers as well as any email address of the claimant;

(c) the client code that the claimant had for the member of the Fund;

(d) the particulars of the covered services agreement between the Fund and the claimant;

(e) the type and amount of the alleged claims of the claimant; and

(f) the exposition of the particulars from which the alleged claims of the claimant and their amount are derived.

(3) Subject to the provisions of paragraph (2), the Fund may ask for more information to be included in the compensation application, which it communicates by publishing them in at least three newspapers of national coverage as well as in the Official Gazette of the Republic, and places a list with this information at the disposal of investors, at its offices and/or at the offices of the member of the Fund.

Procedure relating to the recording and evaluation of the alleged compensation claims.

27.-(1) The Fund designates at least one qualified auditor and at least one lawyer with knowledge on capital markets, who after having checked initially the prerequisites of paragraphs (1) and (2) of Regulation 28, they evaluate the claims submitted to the Fund and recommend to the Management Committee their acceptance in total or in part or their rejection.

(2) In case of disagreement between the persons referred to in paragraph (1), each one them submits a separate recommendation.

(3) The remuneration of the persons referred to in paragraph (1) is agreed between the Fund and these persons and burdens the member of the Fund, and, if necessary, is paid by the Fund.

(4) The persons defined in paragraph (1) in order to evaluate the applications -

(a) ask from the member of the Fund to express its opinion about the grounds of the claims alleged by the claimants and, in case of doubt, to present the relevant supporting documents; and

(b) examine the applications, based on the information they have, determining the amount of the compensation for each claimant.

(5) The persons referred to in paragraph (1) have full access to the books kept by the member of the Fund, in order to accomplish their work, and they are obliged to exhibit confidentiality against any third party as to the information coming to their knowledge in the exercise of their duties:

Provided that the said obligation of confidentiality is disregarded in order to render possible the exercise of their duties and also as far as the Central Bank of Cyprus is concerned.

Decision of the Management Committee on submitted applications.

28.-(1) Upon submission of the applications in accordance with Regulation 26, the Management Committee by virtue of Regulation 35 examines if –

(a) the claimant falls within the category of covered clients;

(b) the application was timely submitted;

(c) the case of subsection (2) of section 55 of the Law applies; and

(d) the conditions of the Law and of these Regulations for the valid submission of application forms for compensation are fulfilled.

(2) The Management Committee rejects the application in case the claimant does not fulfil the conditions of sub-paragraphs (a) to (d) or, if at the Management Committee's discretion, there exists at least one of the following reasons:

(a) The claimant used fraudulent means in order to secure the payment of compensation by the Fund, especially if it knowingly submitted false evidence;

(b) the damage suffered by the claimant substantially derived from concurrent negligence or offence on its behalf in relation to the damage it suffered and to its underlying cause, in accordance with sub-paragraph (9) of paragraph (1) of the Second Schedule.

Second Schedule.

(3) The Management Committee during the examination of the applications takes into consideration the recommendations of the persons referred to in paragraph (1) of Regulation 27 and decides on the applications submitted to the Fund determining the amount of the compensations for each covered client-claimant.

Unjustifiably paid compensation.

29. The Fund may demand at any time from a covered client to return the compensation paid to it, if it finds out *a posteriori* that there was a reason to reject its application in accordance with these Regulations.

Calculating the amount of payable compensation.

30.-(1) To ascertain the claims of a claimant against a member of the Fund, as well as any counterclaims of the member of the Fund against the claimant, the books kept and the particulars issued by the member of the Fund as well as the supporting evidence produced by the claimant are taken into consideration.

(2) The amount of the compensation payable to each covered client is calculated in accordance with the legal and contractual terms governing the relation of the covered client with the member of the Fund, subject to the set-off rules applied for the calculation of the claims between the covered client and the member of the Fund.

(3) The valuation of the financial instruments pertaining to the compensation payable to the covered client in accordance with paragraph (2) is carried out based on their value at the day -

(a) of publication of the court ruling of paragraph (b) of subsection (1) of section 55 of the Law; or

(b) of publication of the decision of the Central Bank of Cyprus of paragraph (a) of subsection (1) of section 55 of the Law.

(4) Subject to the provisions of paragraph (6), the calculation of the payable compensation derives from the sum of total established claims of the covered client against the member of the Fund, arising from all covered services provided by the member and regardless of the number of accounts, of which the client is a beneficiary, the currency and place of provision of these services.

(5) Insofar as the amount of the claim determined under this Regulation exceeds the amount in Cyprus pounds corresponding to twenty thousand Euros (€20.000), the claimant receives as compensation the lump sum in Cyprus pounds of the amount of twenty thousand Euros (€20.000):

Provided that, for the determination of the equivalent of the Cyprus pound against the Euro, the average exchange rate is taken into account as fixed by the Central Bank on the day of issue of -

(i) the court ruling in accordance with sub-paragraph (b) of subsection (1) of section 55 of the Law; or

(ii) the decision of the Central Bank of Cyprus on the commencement of the compensation payment process by the Fund in accordance with paragraph (a) of subsection (1) of section 55 of the Law,

as the case may be.

(6) (a) Insofar as a member of the Fund provides services to its clients through a branch situated in a third country, the amount of the maximum compensation payable to the clients of the said branch comes up, per client, to the lump sum paid by any investor compensation scheme in operation in the said third country, without however this amount exceeding the amount fixed in paragraph (5).

(b) if in the third country by virtue of sub-paragraph (a) an investor compensation scheme is not in operation, the maximum amount of payable compensation per client of the branch comes up to an amount corresponding to two thousand Cyprus pounds (CYP 2.000):

Provided that this amount is fixed in the currency of the said third country at the beginning of operation of the branch and it is readjusted on January 1st of every second calendar year following the year during which the immediately previous fixing took place, based on the average exchange rate as fixed by the Central Bank of Cyprus for the currency pertaining to the said country on December 31st of the immediately prior year.

(7) The members of the Fund take every necessary measure in order to inform the Fund, the Central Bank of Cyprus as well as the clients of the branch situated in a third country about the maximum amount of compensation payable to the clients of the said branch.

Joint accounts' co-beneficiaries.

31. In the case whereby beneficiaries of a joint account of a member of the Fund are in their majority covered clients -

(a) the maximum amount payable to all co-beneficiaries of the account is the amount provided for in paragraph (5) or, as the case may be, in paragraph (6) of Regulation 30; and

(b) the compensation is fixed on the whole for all co-beneficiaries of the joint account and is divided amongst them, in the way determined in the agreement between the co-beneficiaries and the member of the Fund; otherwise, in the absence of such agreement, it is divided equally amongst them.

Valuation of claims of covered clients and its notification process.

32.-(1) Upon completion of the valuation, the Fund -

(a) issues minutes listing the clients of the member of the Fund who are compensation beneficiaries along with the amount of money each one of them is entitled to receive, and, communicates it to the Central Bank of Cyprus and the member of the Fund within five working days from its issue; and

(b) communicates to each affected client its finding no later than fifteen days from the issue of the minutes of sub-paragraph (a) determining the total compensation amount this client is entitled to receive.

(2) The Central Bank of Cyprus, in order to ensure that the provisions of the legislation in force in the Republic are fulfilled during the examination of the applications and the calculation of the amount of the corresponding compensation per covered client, may -

(a) request from the Fund, the member of the Fund and the claimant to produce information and particulars;

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(b) carry out any investigation required, in accordance with the relevant provisions of the Banking Laws 1997-2004 and especially those provisions enabling the Central Bank of Cyprus to carry out on-site examinations.

(3) The claimant to whom the Fund communicates the total compensation amount to which it is entitled, in case it disagrees with the Fund's decision, has the right within ten days from the communication of the decision, to appeal to the Central Bank of Cyprus justifying sufficiently its alleged claim.

(4) The Central Bank of Cyprus, in so long as it finds errors or inaccuracies as to the evaluation by the Fund of the applications for the payment of compensation and the fixing of the compensation for each claimant, taking into consideration any memos submitted to it by claimants, may demand from the Fund to correct the payable compensations with a decision communicated to the Fund within forty-five days from the communication to it of the minutes listing the compensation beneficiaries in accordance with paragraph (1) of Regulation 32.

Deadline and procedure relating to the payment of compensation.

33.-(1) The Fund is obliged to pay to each covered client-claimant the compensation under Regulations 30 to 32 within three months from sending to the Central Bank of Cyprus the minutes with the compensation beneficiaries in accordance with paragraph (1) of Regulation 32.

(2) The payment of the compensation by the Fund is deposited to a bank account of the covered client-claimant designated by the latter in writing to the Fund.

(3) Every compensation payable to a covered client burdens initially the property of the Fund corresponding to the individual shares of its members and then the assets of the fixed reserve.

Consequence of payment of compensation.

34. The payment of any compensation by the Fund entails *ipso jure* subrogation of the Fund to the rights of the compensated covered client-claimant against the member of the Fund for an amount equal to the compensation payable to it.

PART VI
ADMINISTRATION OF THE FUND

Administration of the Fund.

35. (a) The administration of the Fund, which includes its management and representation, is exercised by a five-member Management Committee as defined specifically in this Part.

(b) The Management Committee exercises all the powers and duties provided for in these Regulations and represents the Fund in and out of court, while it is competent to decide for every act pertaining to its administration, management of its property and the general pursuit of its object, subject to the provisions of the Law and of these Regulations.

Composition of Management Committee.

36. - (1) The Management Committee is composed of five members, the president, the vice-president and three other members. The president and vice-president are always the Governor of the Central Bank of Cyprus and the Senior Manager of the Banking Supervision and Regulation Division of the Central Bank of Cyprus, respectively, who are in office.

(2) In case of his absence or impediment, the president is replaced by the vice-president of the Committee and the vice-president is replaced by a senior employee of the Banking Supervision and Regulation Division of the Central Bank of Cyprus who is designated by the Governor.

(3) The other three members of the Management Committee are appointed by the Governor of the Central Bank of Cyprus. The two members must be representatives of banks, one of whom is designated by the Association of the Cyprus Commercial Banks and the other by the Association of International Banking Units. The third member must be an employee of the Ministry of Finance, designated by the Minister of Finance. The above members must be of recognized repute and character and have the necessary knowledge on financial services and capital market issues or/and banking and accounting matters.

(4)The Governor of the Central Bank of Cyprus also appoints, upon designation by the relevant agencies, three other members who act as alternates of the members mentioned in paragraph (3) above of these Regulations. The alternates act in case of absence or impediment of the above persons to carry out their duties.

The persons appointed as alternates must fulfil the requirements of paragraph (3) of the Regulations.

(5) The members of the Management Committee who are mentioned in paragraph (3) and (4) of the Regulations are appointed for a period of five years; the period may, however, be extended for another five years or be extended until new members of the Management Committee are appointed, provided that the extension does not exceed three months.

(6) The term of office of any member of the Management Committee is suspended only if, during the period of his appointment, acts of omission arise, which call into question the reliability which is necessary for the carrying out of the member's duties or because the said member is unable to carry out his duties for health reasons or because of death.

Provided that in case of death of a member prior to the expiration of the period of appointment of the Management Committee, the Governor of the Central Bank of Cyprus appoints a new member, who is designated by the agency from which the deceased member originated, for the remaining of the period.

(7) The validity of any act or business of the Management Committee is not affected because of the death of a member, as long as the number of members is not less than three.

Formation of the Management Committee

(37) The Management Committee is formed into a body no later than ten days from the date on which the members are appointed.

Convocation of Management Committee meetings.

38.-(1) The Management Committee is convened upon invitation of its President or Vice-President, in case of impediment of the President, on the day and time determined by him, at least four

times per year and extraordinarily whenever the President deems fit.

(2) The invitation for the convocation of the Management Committee is communicated to its members at least two working days prior to the meeting and contains the subjects of the agenda; otherwise the decision-making is allowed only when all the members of the Committee are present either in person or through their alternate and no one objects the said decision-making.

(3) With an application by at least one of the members, the President or Vice-President of the Management Committee –

(a) convenes the Management Committee fixing the day of its meeting, which takes place no later than five days from the submission of the relevant application; and

(b) includes all proposed subjects in the agenda of the first meeting following the submission of the relevant application.

(4) The Management Committee decides on any matter pertaining to the conduct of its meetings and is entitled to allow the presence of other persons during its regular or extraordinary meetings, whenever it is deemed necessary for the accomplishment of its work.

(5) The Auditor General of the Republic or his representative may be present at the meetings of the Management Committee without having the right to vote.

Replacement of members of the Management

39.-(1) Insofar as a member of the Management Committee is absent without any reason from more than two consecutive

Committee due to unjustifiable absence.

meetings, the agency that has designated him is obliged to replace him in due time after being informed of this matter:

Provided than the participation in meetings through an alternate is not considered as unjustified absence.

(2) The President of the Management Committee or the Vice-President, as the case may be, is obliged to immediately inform the body that has designated the member, in case of absence of the member or of his alternate from the meetings of the Management Committee for more than two consecutive meetings.

Quorum and decision-making by the Management Committee.

40.-(1) The Management Committee forms a quorum and is validly convened when at least three of its members are present either in person or through their alternates.

(2) The decisions of the Management Committee are made with absolute majority of its members present.

(3) In relation to the discussions and decisions of the Management Committee, minutes are kept and recorded in a special minutes book signed by the President, the Vice-President and the other members of the Management Committee present in the meeting.

Remuneration of the members of the Management Committee.

41. Every remuneration or compensation of the members of the Management Committee and of their alternates is approved beforehand with a special decision by the Management Committee made with a majority of at least four of its members.

Disqualification of members of the Management Committee.

42.-(1) Any blameable act or failure of a member of the Management Committee, regular or alternate, which may place the credibility required for the exercise of its work under doubt, may form a cause for the disqualification of the said member from

his duties with a decision of the Governor of the Central Bank of Cyprus.

(2) The disqualified member is replaced by the agency that had designated the member in the manner provided for in Regulation 36.

Replacement of deceased and resigned members of the Management Committee.

43. In case a member of the Management Committee or his alternate deceases or resigns for any reason, the Minister of Finance with his decision published in the Official Gazette of the Republic, appoints a new member, regular or alternate, for the remaining term of the deceased or resigned member, in accordance with the procedure of Regulation 36.

Liability of members of the Management Committee.

44.-(1) The members of the Fund are not subject to any liability in case of a lawsuit, application or other legal proceedings for damages relating to any act or failure in the exercise of their duties and responsibilities under these Regulations unless it is proved that the act or failure is not made in good faith or is a result of great negligence.

(2) The claims of the Fund against the members of the Management Committee expire following a period of three years from the carrying out of the act:

Provided that in the case of damage caused by fraud the expiration period is ten years.

(3) The members of the Management Committee may use any information coming to their knowledge, exclusively for the accomplishment of the work of the Management Committee and are obliged to exhibit confidentiality about confidential matters of the Fund, of which they became informed in their capacity as members of the Management Committee:

Provided that this provision does not impede the Management Committee from giving information to the Central Bank of Cyprus in relation to matters pertaining to its duties.

(4) The obligation in accordance with paragraph (3) applies also for every legal entity or natural person, to whom the Management Committee assigns the exercise of its powers or duties, or who is employed by the Fund or offers his services to the Fund in general.

Interpretation provision.

45. Wherever in these Regulations there is reference to members of the Management Committee, this includes also their legal alternates.

PART VII

GENERAL MEETING, ANNUAL ACCOUNTS AND AUDIT OF THE FUND

Convocation of a General Meeting.

46.-(1) With a decision of the Management Committee, the annual regular General Meeting of the members of the Fund is convened within four months from the expiration of the financial year of the Fund, while an extraordinary General Meeting is convened whenever a relevant decision of the Management Committee is made.

(2) The invitation for the convocation of the regular General Meeting, in which the subjects of the agenda and the place and time of the meeting are determined, is sent by the Management Committee to the members of the Fund with a letter of acknowledgement of receipt, which must be received at least six days prior to the day of the regular General Meeting.

(3) At least four members of the Fund may with an application to the Management Committee ask for the convocation of an extraordinary General Meeting of the Fund, determining the subjects for discussion and the Management Committee is obliged to convene an extraordinary General Meeting within one month from receiving the above application.

Quorum.

47.-(1) The General Meeting forms a quorum and is validly convened on the subjects of the agenda when at least half of all members of the Fund are present or represented.

(2) A member of the Fund is allowed to represent at the Meeting up to two other members.

(3) If the quorum of paragraph (1) is not present, the General Meeting is convened no later than ten days from the date of the adjourned meeting, invited by the Management Committee in accordance with paragraph (2) of Regulation 46, at least four days prior to the day of the meeting; a quorum is, therefore, present at this repeated meeting and the meeting validly convenes on the subjects of the initial agenda regardless of the number of the members of the Fund present.

Decision-making.

48.- (1) The General Meeting consists of the members of the Fund each one of them having the right of one vote.

(2) Every member of the Fund participates in the General Meeting through his authorized representative.

(3) The General Meeting makes its decisions with absolute majority of its members present and represented.

Financial year of the Fund.

49.- (1) The financial year of the Fund starts on January 1st and ends on December 31st of the same year.

(2) By exception, the first financial year of the Fund starts on the date of commencement of the Fund's operation, as this is determined in Regulation 59, and ends on December 31st of the coming year.

Audit of the annual accounts of the Fund.

50.-(1) The Auditor General of the Republic audits at least once a year the financial management of the Fund and its annual accounts prepared by the Management Committee for every financial year in accordance with Regulation 51:

Provided that the report of the Auditor General of the Republic for the elapsed financial year must be completed at least twenty days prior to the date of the annual regular General Meeting of the Fund.

(2) Subject to the provisions of paragraph (1), the Committee may appoint also one qualified auditor to audit the financial management and the annual accounts of the Fund prepared by the Committee for every financial year pursuant to Regulation 51.

Annual accounts.

51.-(1) The Committee is obliged to keep annual accounts of the Fund per financial year, the accuracy and completeness of which are audited in accordance with Regulation 50.

(2) No later than one month prior to the end of each current financial year the budget of the following financial year is prepared by the Management Committee.

(3) No later than three months after the beginning of each financial year, a review of the previous financial year is prepared with the care of the Management Committee, which along with the balance sheet, the income and expenses account and the report of the Auditor General and/or the qualified auditor appointed in accordance with Regulation 50, is submitted to the General Meeting of the members of the Fund.

(4) The balance sheet, the income and expenses account and the report of the Auditor General and/or the qualified auditor are communicated to the Central Bank of Cyprus and the Minister of Finance within twenty days from their discussion at the General Meeting.

Investment policy of the Fund – placement of available funds.

52.- (1) Except for the amounts which are necessary for covering the direct expenses needed for the operation of the Fund, the Management Committee invests the assets of the Fund in bonds, bills or other public securities in Cyprus pounds or in equivalent securities of a foreign country which have a remaining period to maturity of maximum twelve months.

Extraordinary audit of the Fund.

53. The Minister of Finance, the Central Bank of Cyprus or the General Meeting may order the carrying out of an extraordinary audit of the Fund, either by qualified auditors appointed by them or, if such audit is ordered by the Minister of Finance, by the Auditor General of the Republic.

PART VIII
POWER TO IMPOSE SANCTIONS

Imposition of sanctions by the Central Bank of Cyprus.

54. In case of violation by any person of the provisions of these Regulations, the Central Bank of Cyprus imposes an administrative fine in accordance with the provisions of subsection (3) of section 72 of the Law.

Non-fulfilment of obligations of a member of the Fund.

55.-(1) In case a member of the Fund does not pay in time his contributions provided for in Regulations 12, 14 and 15 or does not fulfil other obligations towards the Fund, the Fund gives a reasonable time limit to fulfil its overdue obligation, which cannot be less than one month.

(2) The member of the Fund is obliged to pay its contribution due with interest thereon calculated from the day of expiration of the time limit for payment in accordance with Regulations 12, 14 and 15.

(3) If the member of the Fund does not fulfil its obligation under paragraphs (1) or (2) within the time limit granted by the Fund in accordance with paragraph (1), the Fund informs the Central Bank of Cyprus and may initiate the procedure for expulsion from the Fund against the member in accordance with Regulation 56.

Expulsion of a member.

56.-(1) Insofar as the case of paragraph (3) of Regulation 55 applies, the Fund, after obtaining the express consent of the Central Bank of Cyprus, communicates to the member its decision to expel the member which is valid after twelve months from the servicing of the decision, if within the said twelve-month deadline, the member of the Fund has not fulfilled in due time its above overdue obligations listed in the said decision.

(2) Insofar as the member of the Fund does not fulfil within the deadline granted in accordance with paragraph (1) its overdue obligations, the Fund permanently expels the bank which did not comply with its obligations as a member of the Fund and communicates its decision to the Central Bank of Cyprus, the Association of Cyprus Commercial Banks and to the Association of International Banking Units..

(3) The Fund publicizes the expulsion of the member of the Fund with publications in at least three newspapers with national coverage.

(4) The expulsion of a member from the Fund does not discharge this member from its obligations to pay the contributions due.

(5) After the expulsion of its member from the Fund, the Fund continues to be liable in accordance with the provisions of the Law and of these Regulations for the compensation of covered clients as to claims deriving from transactions carried out prior to the expulsion of the member from the Fund.

Suspension and revocation of authorization to operate as a bank.

57.-(1) The Central Bank of Cyprus no later than ten days from the expulsion of the member of the Fund, suspends in whole or in part according to the extent of non-compliance with the obligations, the licence granted to the member in accordance with the provisions of section 3 of the Banking Law and may proceed with a revocation of the licence in accordance with the provisions of Section 30 of the Banking Law.

Provided that the Central Bank of Cyprus may also proceed earlier with the suspension and/or revocation of the licence of the member of the Fund if the preconditions of the Law are fulfilled.

(2) The decision of the Central Bank of Cyprus under paragraph (1) is published in the Official Gazette of the Republic.

(3) Insofar as the expelled member of the Fund is a bank of a Member State or a third country, the Central Bank of Cyprus also informs the competent supervisory authorities of the said country.

(4) Non-compliance on behalf of the expelled member with its obligation to pay the contributions due to the Fund after the expiration of the compliance deadline granted by the Central Bank of Cyprus during the imposition of the sanction of suspension of the licence, forms a reason for revocation of its licence.

Reinstatement of membership of the Fund.

58.-(1) If during the period of suspension of the licence of its expelled member, the Fund informs the Central Bank of Cyprus about the payment by the expelled member of its obligations due, this member re-gains *ipso jure* its membership status and the Central Bank of Cyprus decides within five days from receiving the decision of the Fund about the continuation or not of the measure of suspension of licence.

(2) The provisions of Regulation 56 do not apply in the case of a bank registered in a third country as long as it proceeds in its country of origin with arrangements to cover its investors-clients in the Republic, and the secured cover safeguards the interests of the latter in a way which is at least equal to the way provided for by these Regulations for the Fund:

Provided that the only competent agency to evaluate the equivalent or not of the cover provided by these arrangements is the Central Bank of Cyprus.

PART IX
FINAL AND TRANSITIONAL PROVISIONS

Commence-ment of operations of the Fund.

59. The Fund commences to operate and receives claims by covered clients against its members within a month from the publication of these Regulations in the Official Gazette of the Republic.

Participation of existing banks in the Fund.

60.-(1) Banks operating in the Republic during the entry into force of these Regulations are obliged to subscribe to the Fund no later than one month from the publication of these Regulations in the Official Gazette of the Republic.

Entry into force of the regulations

61. Without prejudice to any of the provisions of these Regulations which may stipulate otherwise, these Regulations come into force from the date on which they are published in the Official Gazette of the Republic.

……..

FIRST SCHEDULE

(Regulations 12, 13, 14, 15)

Eligible funds and financial instruments of clients

1. In calculating the eligible funds and financial instruments, the greatest amount of the daily sum of the funds and financial instruments of all covered clients of the member of the Fund, which the member of the Fund possessed directly or indirectly on any day during the previous calendar year, as shown in the relevant Books and Records of the member of the Fund and in relation to which, the said member had or would have, in general, an obligation of payment or delivery to the covered client, overdue or not, is taken into consideration.

2. In case the sum of the funds and financial instruments per client exceeds the amount in Cyprus Pounds of twenty thousand Euros (€20.000), the amount in excess is not taken into consideration in the calculation of eligible funds.

3. In the case of clients of branches outside the Republic or outside any EU Member State, the maximum compensation amount per client as determined in paragraph (6) of Regulation 30 is taken into consideration for the calculation of eligible funds and financial instruments:

   Provided that for the determination of the equivalent of the Cyprus pounds against the Euro, the average exchange rate as determined by the Central Bank at the end of the last working day of the previous calendar year is taken into consideration.

4. The valuation of the financial instruments is carried out based on the rules of section 112 of the Open-Ended Collective Investment Undertakings and Related Issues Laws of 2002 and 2003.

SECOND SCHEDULE

(Regulations 7, 28)

Non-covered clients

1. Subject to the provisions of subsection (2) of section 55 of the Law, the Fund does not compensate the following investor categories:

(1) The following categories of institutional and professional investors:

(a) IFs -

(b) legal entities associated with the member of the Fund and, in general, belonging to the same group of companies,

(c) banks,

(d) cooperative credit institutions,

(e) insurance companies,

(f) collective investment organizations in transferable securities and their management companies,

(g) social insurance institutions and funds,

(h) investors characterized by the member as professionals, upon their request, in accordance with articles 14 and 15 of the Code of Professional Conduct of IFs.

(2) States and international organizations.

(3) Central, federal, confederate, regional and local administrative authorities.

(4) Enterprises associated with the member of the Fund, in accordance with the Fifth Schedule of the Law.

(5) Managerial and administrative staff of the member of the Fund.

(6) Shareholders of the member of the Fund, whose participation directly or indirectly in the capital of the member of the Fund amounts to at least 5% of

its share capital, or its partners who are personally liable for the obligations of the member of the Fund, as well as persons responsible for the carrying out of the financial audit of the member of the Fund as provided by the Law, such as its qualified auditors.

(7) Investors having in enterprises connected with the member of the Fund and, in general, of the group of companies, to which the member of the Fund belongs, positions or duties corresponding to the ones listed in paragraphs (5) and (6).

(8) Second-degree relatives and spouses of the persons listed in paragraphs (5), (6) and (7), as well as third parties acting for the account of these persons.

(9) Apart from the investors referred to in subsection (2) of section 55 of the Law, investors-clients of a member of the Fund responsible for facts pertaining to the member of the Fund that have caused its financial difficulties or have contributed to the worsening of its financial situation or which have profited from these facts.

(10) Investors in the form of a company, which due to its size, is not allowed to draw a summary balance sheet in accordance with the Companies Law or a corresponding law of a Member State.

2. In the cases of paragraphs (5), (6), (7) and (8), the Fund suspends the payment of compensation informing the interested parties accordingly, until it reaches a final decision as to whether such cases apply.

THIRD SCHEDULE
(Regulation 13)

Preconditions for return of monies to the members of the Fund

1. (a) As long as the value of the individual share of a member of the Fund as estimated at the end of each calendar year exceeds one per cent (1%) of the average of the eligible funds and financial instruments of the member of the immediately previous two calendar years, the Fund pays to the member out of the assets of the Fund an amount corresponding to the excess of the value of the individual share of the member in relation to the average of its eligible funds and financial instruments of the immediately previous two calendar years:

Provided that upon returning the monies to the member, the value of its individual share to the Fund is decreased accordingly.

(b) For the calculation of the value of the individual share of the member, all kinds of guarantees, which have been granted to the Fund in favour of the member or any insurance cover in favour of the member, are not taken into consideration.

(c) The return to the member of the Fund of monies in accordance with sub-paragraph (a) takes place within the first semester of the year during which the obligation of the Fund for return of monies is established.

2. As long as the total value of the individual share of a member of the Fund, as valuated at the end of each calendar year, and of the bank letters of guarantee granted in favour of the member in accordance with paragraph (4) of Regulation 12 exceeds one per cent (1%) of the average of the eligible funds and financial instruments of the members of the immediately previous two calendar years, the Management Committee allows the member to

reduce the amounts of its bank letters of guarantee, so that the total value of the individual share of the member and of the bank letters of guarantee amounts to one per cent (1%) of the average of the eligible funds and financial instruments of the member of the immediately previous two calendar years.

3. Any return of monies or reduction of the amounts of bank letters of guarantee is subject to the value of the individual share of the member not being less than two times the contribution owed by the said member based on the services provided, as determined in accordance with Regulation 11.