

LICENSING CRITERIA

Peer to Peer Lending – FS 1.17

Notes to the Applicant:

1. The objective of the Licensing Criteria is to ensure the continuous and efficient collaboration between the Commission and the Applicant for a licence in order to ease the licensing process.
2. It should be noted that the proposed Licensing Criteria neither derogate nor restrict the powers vested upon the Commission by statute, and should be read together with the relevant Acts, Regulations, Rules, Guidelines, Circulars and Codes.
3. The Licensing Criteria aim to provide guidance to Applicants when applying for a licence.
4. The Commission recommends that at the time of submitting an application to the Commission, an applicant should be conversant with the relevant provisions of the Acts, Guidelines and Circulars which the Commission has issued or may issue from time to time.
5. The Commission requires that all applications be accompanied by a cover letter and by the information and/or documentation set out in the Licensing Criteria.
- 6. Incomplete Applications received by the Commission will be returned to the Applicant.**
7. The Commission, upon receipt of inadequate or no response within two (2) months from the date of its last query, shall not proceed further with the application. The Applicant will, thereafter, have to submit a fresh application.

Information/Documents to be submitted with respect to an application for a Peer to Peer Lending Licence

A. Relevant Forms/Documents

1. **Formal application under Section 14 of the Financial Services Act 2007 for a Peer to Peer Lending Licence and duly filled-in, dated and signed [Application Form](#).**

Submission of prescribed processing/annual fees:

Licence	Code	Fees		
		Processing Fee	Fixed Annual Fee	Variable Annual Fee
Peer to Peer Lending Licence	FS-1.17	USD 1,000 MUR 30,000	USD 2,000 MUR 60,000	0.35% of gross fees from Peer to Peer lending activities

3. **Duly filled-in [authority form](#) accompanied by the written and signed consent of each promoter or controller.**

4. **Statutory filings lodged with the Registrar of Companies for the Incorporation of the Applicant in Mauritius.**

B. Activity

5. **Detailed Business Plan including but not limited to the following:**

- Introduction and background of the promoter(s)/shareholder(s)/beneficial owner(s);
- Business objective, strategy and proposed activity;
- Location of the Peer to Peer Lending platform;
- Target market and client profile;
- Organisational structure and capacity building plan for the next three years of operation;
- Sources of funding and three years' financial forecasts;
- Processing of payment; and
- Any other relevant information.

C. Restrictions on Activity

6. **(a) The Applicant shall be restricted from undertaking the following activities in its own name:**

- Raising any deposit, in any form;
- Lending; and
- Providing or arranging for any credit enhancement or guarantee.

(b) The activities of a lender on a Peer to Peer Lending platform shall also exclude any deposit-taking business in any form.

D.	Fitness and Propriety of Promoter(s)/Shareholder(s)/ Beneficial Owner(s)	
7.	Promoter(s)/ Shareholder(s) /Beneficial owner(s)	<p>Individual:</p> <ul style="list-style-type: none"> ▪ CV details; ▪ PQ Form; ▪ Valid passport copy or NID; and ▪ Proof of address [E.g. A recent utility bill issued or a recent bank or credit card statement or a recent bank reference (Bank reference must not be older than 6 months)]. <p>Trust:</p> <ul style="list-style-type: none"> ▪ A copy of the trust deed (if available); ▪ Name of the trust, its date and place of registration; ▪ An indication of the value of assets held by the trust; ▪ Customer Due Diligence (“CDD”) documents on the: <ul style="list-style-type: none"> - settlor/contributor and the trustee; - beneficiaries or confirmation from the management company/trustee(s) that it holds on records comfort on the beneficiaries, that has been obtained from a recognised source; and ▪ For a discretionary trust, a written confirmation from the Management Company/trustee to the effect that it has adequate arrangements in place with the trustee of the trust to make available to the Management Company, CDD documents on the beneficiaries at the time of distributions to beneficiaries of the trust and that it is comfortable that these arrangements will enable it to satisfy its obligation under the prevailing AML/CFT laws and regulations. <p>Partnership:</p> <ul style="list-style-type: none"> ▪ Certificate of Registration/Establishment/Good Standing of the partnership; ▪ Latest audited financial statements of the Partnership; ▪ Corporate profile – in case latest audited accounts are not available; and ▪ Confirmation from the Management Company to the effect that it holds on records CDD documents on the significant Partners of the Partnership and that these will be made available to the Commission upon request. <p>Société:</p> <ul style="list-style-type: none"> ▪ Profile of the <i>Société</i> (including a copy of the <i>acte de société</i>); and ▪ CDD on the principals, administrators or <i>gérants</i> of the <i>société</i>.
E.	Human Resources and Staffing	

8.	Secretary	CV details
9.	Directors	<p>The Applicant shall be managed by a board of directors consisting of a minimum of 3 directors, one of whom shall be an independent director and a resident of Mauritius.</p> <p>Documents to be submitted:</p> <ul style="list-style-type: none"> ▪ CV Details ▪ PQ Form; ▪ Valid passport copy or NID; and ▪ Proof of address [E.g. A recent utility bill issued or a recent bank or credit card statement or a recent bank reference (Bank reference must not be more than 6 months old)].
10.	Staffing	The Applicant shall employ staff appropriate to the size, nature and complexity of its business activity.
F. Limits on Peer to Peer Lending		
11.		<p>Undertaking from the Directors that the Applicant will ensure that a lender:</p> <p>(i) shall not lend more than MUR 1.5 million (in the aggregate) through P2P Operators in any 12 month period, if the lender is a natural person; and</p> <p>(ii) shall not lend more than MUR 3 million (in the aggregate) through P2P Operators in any 12 month period, if the lender is a legal person.</p>
12.		<p>Undertaking from the Directors that the Applicant will ensure that a borrower:</p> <p>(i) shall not borrow more than MUR 1 million (in the aggregate) through P2P Operators, at any time until at least one third of the amount borrowed is reimbursed, if the borrower is a natural person; and</p> <p>(ii) shall not borrow more than MUR 5 million (in the aggregate) through P2P Operators, at any time until at least one third of the amount borrowed is reimbursed, if the borrower is a legal person.</p>
13.		The reimbursement period of lending executed through Peer to Peer Lending platforms shall not exceed 84 months.
G. Prudential and Safeguarding Requirements		
14.		Draft copy of standard material contract(s) or agreement(s) to be executed with borrowers, lenders and other relevant parties, in connection with the services to be provided.

15.	Draft copy of the Internal Control Manual which shall include, but not limited to the following: <ul style="list-style-type: none"> ▪ Corporate governance arrangements; ▪ Internal control mechanisms such as sound administrative and accounting procedures; ▪ Information technology and cyber security management; ▪ Measures taken to resolve any conflict of interest; ▪ Measures to combat money laundering and the financing of terrorism; and ▪ Measures taken to preserve the integrity and privacy of lender's and borrowers' information.
16.	The Applicant shall have a minimum unimpaired stated capital of MUR 2 million or its equivalent in any other currency, or such higher amount as the Commission may determine appropriate.
17.	Details of arrangements to ensure confidentiality, security and reliability of client(s) information (Note that the Applicant shall preserve the integrity and privacy of lenders' and borrowers' information hosted on its Peer to Peer Lending platform, in conformity with the Data Protection Act of Mauritius).
18.	Details of information technology infrastructure that will support the day-to-day operations of the Applicant.
19.	Details of the segregated bank accounts held in Mauritius.
20.	Procedures for complaints handling (including an indication as to who will be responsible to handle complaints and the time-frame within which complaints will be handled).
21.	Draft copy of the disaster recovery and business continuity plan.
22.	A detailed description of the systems and procedures set up by the Applicant to protect the interests of clients.
H.	Others
23.	An indication of the balance sheet date/statement of the financial position of the Applicant.
24.	Indication of the registered office address of the Applicant together with a copy of leasing agreement (if any).
25.	The Applicant shall maintain at all times its principal bank account in Mauritius.

Disclaimer: The above list is provided for guidance and is not exhaustive. The Commission will assess the information provided on its own merits and may require additional information to evaluate the application.

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