



## **LABUAN OFFSHORE FINANCIAL SERVICES AUTHORITY**

### **GUIDELINES AND NOTES APPLICATION FOR OFFSHORE BANKING / OFFSHORE INVESTMENT BANKING LICENCE**

#### Purpose of Guidelines and Notes

1. These guidelines and notes explain and clarify the licensing requirements under the Offshore Banking Act 1990 (OBA) as well as provide general instructions for the completion of the application form, Form L.

#### Requirements of the OBA

2. The OBA provides the legal and regulatory framework for the carrying on of offshore banking / offshore investment banking business in, from and through the Federal Territory of Labuan. Section 4 of the OBA prohibits any person from carrying on offshore banking / offshore investment banking business unless such person holds a valid licence under the Act to carry on such business and it is an offshore company incorporated or a foreign offshore company registered, in the Federal Territory of Labuan under the Offshore Companies Act 1990, for the sole and exclusive purpose of carrying on offshore banking / offshore investment banking business in the Federal Territory of Labuan, or a Malaysian bank.
3. Section 5 specifies that an application for an offshore banking / offshore investment banking licence must be made in writing to the Minister of Finance by submitting the application to Labuan Offshore Financial Services Authority (LOFSA) which shall then / thereafter convey its recommendation to the Minister. Section 5 also specifies the necessary information and documents which are required to be submitted by an

applicant for an offshore banking / offshore investment banking licence, such as profile of applicant, particulars of directors and officers responsible for the management of applicant's offshore banking / offshore investment banking business in the Federal Territory of Labuan, the constituent documents under which the applicant is established, financial statements, as well as a guarantee and an undertaking.

#### Applicant package

4. To assist the application process, LOFSA has drawn up a proforma application form, Form L, a sample guarantee, a sample undertaking and a sample application letter, which are readily available on request.

#### General notes for completion of Form L

5. Form L comprises Part I and Part II. Applicants should complete either Part I or Part II.
6. Part I should be completed by: -
  - i. An offshore company or foreign offshore company which is already established or registered in the Federal Territory of Labuan under the Offshore Companies Act 1990 (OCA), for the purpose of carrying on of any type of business, other than offshore banking / offshore investment banking business; or
  - ii. A Malaysian bank set up a branch.
7. Part II should be completed by: -
  - i. Any person seeking incorporation of an offshore company under OCA for the sole and exclusive purpose of carrying on offshore banking / offshore investment banking business; or

- ii. A foreign company seeking registration as a foreign offshore company under the OCA for the sole and exclusive purpose of carrying on offshore banking / offshore investment banking business.
8. The completed Form L, together with the requisite documents, should be submitted with a covering letter to: -

**Labuan Offshore Financial Services Authority**

Level 17, Main Office Tower  
Financial Park Complex  
Jalan Merdeka  
87000 Federal Territory of Labuan

9. All applications will be acknowledged. If no acknowledgement is received within 21 days of posting or submission of the application, applicants are advised to enquire with LOFSA.
10. In respect of your submission, please note the following: -
  - i. Details to be provided in Form L should be typewritten;
  - ii. Where the submission comprises more than two sheets of paper, the sheets should be bound together securely; or
  - iii. Where the submission comprises more than twenty sheets, it should be bound securely and held by a durable and flexible cover.

Certified translation of documents

11. Where a document or a certified copy of it to be lodged with LOFSA is neither in the national language of Malaysia nor in English, the applicant is required to lodge, at the same time, a certified translation of such document either in the national language of Malaysia or in English.

12. Translated documents must be certified in the following manner: -

- i. By an official to whom the custody of the original instrument, certificate, contract or document is committed, being an official holding or purporting to hold an office corresponding to that of the Register in the place in which the corporation is formed or incorporated;
- ii. By a notary or a translator public duly admitted and sworn in accordance with the law of the place in which the corporation is formed or incorporated; and

endorsed by a Malaysian consular officer in the place in which the corporation is formed or incorporated.

Signature on documents and forms lodged

13. Documents submitted to LOFSA with Form L shall be certified and accompanied by a declaration to that effect by the authorised signatories. Further, the names(s) of the person(s) signing the documents and Form L lodged shall be legibly written or typewritten against the signature(s) of that person(s).

Secrecy of information submitted to LOFSA

14. All information submitted to LOFSA in respect of an application for an offshore banking / offshore investment banking licence is strictly confidential.

Labuan Offshore Financial Services Authority