

REQUIREMENTS FOR LICENSING OF A VIRTUAL ASSETS SERVICES PROVIDERS (VASPS)

A Virtual Assets Service Prover seeking licensing shall satisfy the following requirements as prescribed by the Virtual Assets Act (VAA), its Regulations, the NBFIRA Fit and Proper Rules and the Financial Intelligence Act (FIA):

Company Requirements

- a) A company is resident in Botswana,
- b) Certificate of Incorporation,
- c) Notice of Issue of Shares (Form 8),
- d) Shareholder certificate(s),
- e) Consent and Certificate of Director(s) or secretaries (Form 2B),
- f) Where the virtual asset service provider owns in excess of 20% of the equity stock in any other company the company name, country of incorporation or registration, principal business activity and percentage stock holding of each such company shall be stated,
- g) Notice/Proof of physical and postal address (e.g. lease agreement, utility bills, etc.),

Controller Requirements

- a) The controllers, manager, principal officer and directors who handle the day to day management of the company are all resident in Botswana,
- b) The controllers and managers are persons with sufficient business knowledge and at least 5 years' experience in the virtual assets industry or equivalent,
- c) All controllers to meet the fit and proper requirements as prescribed by the NBFIRA Fit and Proper Rules,
- d) Evidence of business qualifications and experience of the proposed principal officer

Financial Intelligence Act requirements,

- a) Appointment of Anti-Money Laundering/ Combating the Financing of Terrorism Compliance Officer,

Personnel requirements

- g) Certified copies of identification documents (Omang for citizens; or work and residence permits, and passport for non-citizens), copies of educational certificates, Biographical Affidavit form, Security Vetting Authorisation (SV1) form, Police clearance certificate (from country of residence), CV, proof of residence (utility bill, letter from employer or affidavit), bank reference, personal balance sheet and 2 passport-sized photographs in respect of all controllers.

Other Requirements

- a) The business plan which shall inter alia set forth the —
 - i. financial and operational projections of the virtual asset business,
 - ii. systems and controls of the virtual asset business,
 - iii. internal control procedures of the applicant, and
 - iv. Proposed organisational structure, staffing requirements and the powers and duties of office bearers.
 - v. Must show that the company will be a going concern for the foreseeable future.
- b) Risk Management Strategy,
- c) Anti-Money Laundering/ Combating The Financing Of Terrorism policy,
- d) Disaster recovery Plan,
- e) Investment Strategy,
- f) IT System general overview,

Application fee and Submission

- a) The application is to be made using the Form 1 of the Schedule outlined in the Virtual Asset Regulations which requires specific information to be supplied. The form is accessible in the NBFIRA website (www.nbfira.org.bw).
- b) The application form and all other required documents should be submitted on the NBFIRA RBSS portal and hardcopies delivered to NBFIRA offices.
- c) The non-refundable licensing fee is P5, 000 and should be deposited into NBFIRA bank Account No: 9060001296510 Stanbic Bank-Fairgrounds.