

**FIT AND PROPER PERSON CRITERIA**  
**[AS ESTABLISHED BY THE COOPERATIVES SOCIETIES ACT AND REGULATIONS**  
**AND THE SOCIETY BY-LAWS]**

**FIT AND PROPER GUIDELINES**

The following fit and proper guidelines shall apply to all persons vying to fill vacant positions on the Society's Board of Directors, Credit and Supervisory Committees:

**BOARD OF DIRECTORS**

Under Section 57 of the Cooperative Societies Act and Regulations CAP 378A an individual is not eligible to be a director of the Society if he:

- Is less than eighteen (18) years of age;
- Is of unsound mind and has been so found by a court in Barbados;
- Is not a member of the Society;
- Is convicted of an offence involving fraud or dishonesty;
- Is convicted of an offence under this Act;
- Is the Auditor of the Society;
- Is convicted on indictment of an offence in connection with the promotion, formation or management of a body corporate;
- Makes an arrangement with his creditors;
- Becomes bankrupt;
- Is not in good financial standing with the Society

In addition, under By Law 11 of the Society, the following persons are ineligible for election to election to the Board of Directors:

- He has been a member for less than one (1) year and does not hold at least ten (10) qualifying shares.
- He is currently employed with the Society or is a relative or involved in a spousal relationship with a member of the Executive Management, Board of Directors, Supervisory or Credit Committee. For the purpose of this By Law;
  - Relative shall include Father, Mother, Brother, Sister, Daughter.
  - Spousal relationship means a relationship of husband and wife and includes relationships lasting five years or more between an unmarried man and woman as defined under the provisions of the Succession Act Chapter 249 of the Laws of Barbados or the Family Law Act Chapter 214 of the Laws of Barbados.
  - A member of the Executive Management includes any member of staff appointed to act in the place of a member of the Executive Management who has been granted leave from the Society.
  - A former employee of the Society is not eligible to be elected to the Board of Directors within a period of two (2) years of ceasing to be employed with the Society.
  - Any person who has been removed from the Board of Directors, Credit or Supervisory Committee for whatever reason is not eligible to be elected to the Board of Directors within a period of two (2) years of being removed.
  - He is not in good standing. A member is not in good standing where he does not have ten (10) qualifying shares in the Society or where his loan has fallen into arrears for a period of ninety (90) days or more during the twelve (12) month period prior to the date of validation.

### **CREDIT COMMITTEE**

The Cooperative Societies Act and Regulations CAP 378A and the Society's By Laws set out minimum standards for members seeking elections to the Credit Committee.

Under Section 205 (5) of the Cooperative Societies Act and Regulations CAP 378A an individual is not eligible to be a director of the Society if he:

- Is less than eighteen (18) years of age;
- Is a member of the Board of Directors or a member of the Supervisory Committee or who is an officer of the credit union except that the Secretary or Treasurer may be a member

of the Credit committee if he is so authorized by the by-laws;

In addition, under By Law 13 of the Society, the following persons are ineligible for election to the Credit Committee:

- Any person who is currently employed with the Society or is a relative or involved in a spousal relationship with a member of the Executive Management, Board of Directors, Supervisory or Credit Committee. For the purpose of this By Law;
  - Relative shall include Father, Mother, Brother, Sister, Daughter.
  - Spousal relationship means a relationship of husband and wife and includes relationships lasting five years or more between an unmarried man and woman as defined under the provisions of the Succession Act Chapter 249 of the Laws of Barbados or the Family Law Act Chapter 214 of the Laws of Barbados.
  - A member of the Executive Management includes any member of staff appointed to act in the place of a member of the Executive Management who has been granted leave from the Society.
  
- Any person who has been removed from the Board of Directors, Credit or Supervisory Committee for whatever reason is not eligible to be elected to the Board of Directors within a period of two (2) years of being removed.
  
- A former employee of the Society is not eligible to be elected to the Board of Directors within a period of two (2) years of his ceasing to be employed with the Society.
  
- He is not in good standing. A member is not in good standing where he does not have ten (10) qualifying shares in the Society or where his loan has fallen into arrears for a period of ninety (90) days or more during the twelve (12) month period prior to the date of validation.

## **SUPERVISORY COMMITTEE**

The Cooperative Societies Act and Regulations CAP 378A and the Society's By Laws set out minimum standards for members seeking elections to the Credit Committee.

Under Section 211 (4) and (5) of the Cooperative Societies Act and Regulations CAP 378A an individual is not eligible to be a director of the Society if he:

- Is less than eighteen (18) years of age;
- Is a member of the Board of Directors or a member of the Credit Committee or an officer of the credit union;

In addition, under By Law 14 of the Society, the following persons are ineligible for election to the Supervisory Committee:

- He is currently employed with the Society or is a relative or involved in a spousal relationship with a member of the Executive Management, Board of Directors, Supervisory or Credit Committee. For the purpose of this By Law;
  - Relative shall include Father, Mother, Brother, Sister, Daughter.
  - Spousal relationship means a relationship of husband and wife and includes relationships lasting five years or more between an unmarried man and woman as defined under the provisions of the Succession Act Chapter 249 of the Laws of Barbados or the Family Law Act Chapter 214 of the Laws of Barbados.
  - A member of the Executive Management includes any member of staff appointed to act in the place of a member of the Executive Management who has been granted leave from the Society.
  
- Any former employee is not eligible to be elected to the Supervisory Committee within a period of two (2) years of his departure from the Society.
  
- Any person who has been removed from the Board of Directors, Credit or Supervisory Committee for whatever reason is not eligible to be elected to the Board of Directors within a period of two (2) years of being removed.
  
- He is not in good standing. A member is not in good standing where he does not have ten (10) qualifying shares in the Society or where his loan has fallen into arrears for a period of ninety (90) days or more during the twelve (12) month period prior to the date of validation.

The Validation Committee shall be required to obtain information from each nominee to allow the committee to determine if the nominee meets the fit and proper criteria. In this regard each nominee will be required to provide information which would most likely include:

1. Current and previous employment over the past five years.
2. Details of ownership or control of any business.
3. Details of any suits brought in the individual's personal capacity or against any organization of which the individual is an owner, significant shareholder, partner or director.
4. The individual's financial history.
5. Employment, shareholding or directorship of any financial institution that has been wound up, licensed revoked, placed in receivership, has been sued, given financial assistance by a government agency to effect restructuring etc.
6. Police Certificate of Character from the Royal Barbados Police Force.

The above needs to be borne in mind when validating volunteers.

## **APPENDIX II**

Members desirous of being elected to the Board of Directors, Credit or Supervisory Committees are required to meet the Fit and Proper Criteria established by the Co-operative Societies Act and Regulations CAP. 378A and the Society's By-laws. In this regard, to assist in this process the Board has developed the attached questionnaire which must be completed in its entirety, and returned with the required documentation in a sealed envelope addressed to:

The Chairman  
The Validation Committee  
City of Bridgetown  
Co-operative Credit Union Ltd.  
Lower Broad Street  
ST. MICHAEL

Members are required to submit a Resumé, a Short Profile and a Police Certificate of Character with their application and are advised that failure to adequately address all questions noted in the questionnaire may result in their applications being rejected by the Validation Committee. All information provided in the questionnaire will be held in the strictest confidence and will be utilized solely by the Validation Committee to determine if the applicants meet the fit and proper guidelines as noted in the Co-operatives Societies Act, Regulations and the Society's By Laws.

**SECTION 1**

- 1. Name of Member \_\_\_\_\_
- 2. Address \_\_\_\_\_
- 3. Date of Birth \_\_\_\_\_
- 4. Place of Birth \_\_\_\_\_
- 5. National Registration Number \_\_\_\_\_
- 6. Member Number \_\_\_\_\_
- 7. Years of membership \_\_\_\_\_
- 8. Total savings in Credit Union \_\_\_\_\_
- 9. Total loans in Credit Union \_\_\_\_\_
- 10. Position being nominated to  
Board of Directors       Yes                  No        
Credit Committee         Yes                  No        
Supervisory Committee    Yes                  No

**SECTION II**

- 11. Give details of your education and professional qualifications and affiliations, if any, including relevant dates and employment history up to the date of this questionnaire. For each place of employment provide details of the type of business; your title and the duties attaching to your position; the dates of employment; the name and address of your employer/s; reasons for leaving; the name, position and telephone number of two references. (Please submit this information in a resumé format.)

**SECTION 111**

**KNOWLEDGE OF RESPONSIBILITIES OF POSITION TO WHICH ELECTION IS BEING SOUGHT.**

1. Have you acquainted yourself with and do you understand, the extent of the rights and powers, as well as your responsibilities and duties, as an elected officer of the institution, as contained in the Cooperative Societies Act and Regulations and Guidelines issued by the Financial Services Commission and the Society's By Laws?  Yes  No

If so, give particulars of relevant courses and or experience:

---

---

---

**SECTION IV**

2. Either in Barbados or elsewhere, have you at any time been charged with or convicted of an offence involving fraud or dishonesty?  Yes  No

If so, please give details of charge, and if convicted, the date of conviction and full particulars of the offence (Including any offences taken into consideration) and the penalty imposed:

---

---

---

3. Whether in Barbados or elsewhere, have you ever been a major shareholder, director of, or directly concerned in the management of a bank, financial institution, or any other business undertaking:

- a) Which has been served with a petition to wind up?  Yes No
- b) Which has been wound up by a Court?  Yes No
- c) The licence of which has been revoked?  Yes No
- d) Which has been placed in receivership?  Yes No
- e) Which has entered into any arrangement or other composition with its creditors?  Yes No
- f) Which has had an administrative order made against it?  Yes No
- g) Which has been sued?  Yes No



- h) Which has been the subject of censure action by anybody that exercises supervisory or regulatory jurisdiction over it?  Yes  No
  
- i) Whose business has been adjudged to have been conducted impudently or fraudulently?  Yes  No
  
- j) Which has failed to meet the solvency requirements prescribed by law or by a licensing or supervisory authority?  Yes  No
  
- k) To which financial assistance has been given by a government agency to effect restructuring?  Yes  No
  
- l) Which has been placed under Temporary Management/Judicial Management; which has been the subject of administrative censure or penalty; or formal statutory censure action or which has been the subject of a Vesting Order or any other intervention process by the relevant regulatory authority?  Yes  No

If yes (to any of the above), give full particulars:

---



---



---

- 4. If pending, please give full details of the circumstances, and if not pending, how was the matter resolved?

---



---

5. (i) Have you ever been refused entry to any profession or vocation whether in Barbados or elsewhere?  Yes No  If so, give particulars:

---

---

---

6. Have you ever been the subject of investigation/disciplinary procedures, censured, disciplined or publicly criticized by any professional body to which you belong or have belonged whether in Barbados or elsewhere?  Yes No  If so, give particulars:

---

---

---

7. Have you ever been expelled from membership of any Society, dismissed or requested to resign from any office or employment of a Society whether in Barbados or elsewhere?  Yes No  If so, give particulars:

---

---

---

8. Have you ever been censured, disciplined or publicly criticized by, or made the subject of a Court Order whether in Barbados or elsewhere at the instigation of:

a) Any regulatory authority?  Yes No

b) Any officially appointed enquiry?  Yes No

If so, give particulars:

---

---

---

9. Have you ever been disqualified by a Court or by virtue of any statutory enactment from being a director or from acting in the management or conduct of the affairs of any corporation or business undertaking whether in Barbados or elsewhere?  Yes No

If so give particulars:

---

---

---

10. Have you ever, in any jurisdiction  
a) been adjudged bankrupt by a court?  Yes No

b) entered into any arrangement or other composition with your creditors?  Yes No

If so, give particulars: \_\_\_\_\_

---

**SECTION V**

11. Has any bank or other financial institution, ever threatened or commenced legal action/court proceedings or declined doing any new business with you or any business undertaking owned, controlled or managed by you as a result of outstanding debts owed by you or the undertaking, or due to your not honoring other facilities afforded you (e.g. guarantee, etc.) by these institutions? If so, give details of the dispute and the manner in which the issue was resolved?  Yes  No

---

---

---

12. Do you (in your personal capacity or through any entity controlled by you) have outstanding any loans or other forms of guarantees which has fallen in arrears over 90 days during the previous twelve months? If so, state repayment status (i.e. current/up-to-date or level of arrears) (Note that information/ details requested here relates to each facility outstanding).  Yes  No

---

---

---

13. Are you currently employed with the Society or is a relative or involved in a spousal relationship with a member of the Executive Management, Board of Directors, Credit of Supervisory Committee?  Yes  No  If so please provide details.

---

---

14. (a) Has any loan or credit facility (or part thereof) extended to you by any financial or lending institution, been restructured, renegotiated, provided against or been the subject of a write-off or debt forgiveness for reasons of non-payment by you?  Yes  No
- If so, please provide full details of the debt/s, the circumstances surrounding the action and the current status.

---

---

---

---

## SECTION VI

### AFFILIATIONS WITH OTHER BODIES CORPORATE

15. (i) Have you ever been or are you currently a Director/ Elected Officer of any limited liability company, or society, or other business enterprises engaged in relevant activities, as described in the glossary at the end of this form?  Yes  No
- If so, state:

a) Name and Address of Companies/Societies/Corporations:

---

---

b) Nature of Business:

---

---

c) Date of Commencement of Directorship/ Elected Officer: \_\_\_\_\_

d) Date of Cessation of Directorship/ Elected Officer: \_\_\_\_\_

e) Reason/s for cessation of Directorship/ Elected Officer: \_\_\_\_\_

---

---

(ii) Do any of the Companies/Societies/Corporations indicated in (i) above, maintain a business relationship with the Credit Union?  Yes      No  If so, give particulars:

---

---

(iii) Do you or do any of the Companies/Societies/Corporations indicated in (i) above, Prospectively plan to undertake business with the Credit Union?  Yes      No  If so give particulars:

---

---

---

(iv) Are you a Politically Exposed Person (PEP)?  Yes      No  If the answer is Yes, please provide Details

---

---

**SECTION VII**

I ..... declare that the answers to the above  
(PRINT NAME)

questions are true and that I am fully aware that proceeding to act, knowing that I am not fit and proper or submitting false or misleading information or withholding information which if submitted would most likely render me unfit, to serve in the position for which this nomination has been submitted. I further UNDERTAKE, that as long as I continue to be a member of the Board of Directors, Supervisory or Credit Committees with which this questionnaire is being completed, I will notify the City of Bridgetown Cooperative Credit Union Ltd of any material changes to or affecting the completeness and/or accuracy of the information herein supplied by me as soon as possible, but in no event later than fourteen (14) days from the day that the changes come to my attention.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
Date Month Year

Signed by the said \_\_\_\_\_ )  
\_\_\_\_\_)  
\_\_\_\_\_)  
in the presence of: \_\_\_\_\_ ) Signature \_\_\_\_\_  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)  
Justice of the Peace (Attorney-at-Law

Nomination Endorsed by

Member Name \_\_\_\_\_ Member Number \_\_\_\_\_

Member Signature \_\_\_\_\_ Date \_\_\_\_\_

Member Name \_\_\_\_\_ Member Number \_\_\_\_\_

Member Signature \_\_\_\_\_ Date \_\_\_\_\_