

# S. W. MITCHELL CAPITAL PLC

## APPLICATION FORM

If you want to apply for shares in S. W. Mitchell Capital plc (the “Company”), an open-ended investment company with variable capital constituted as an umbrella fund with segregated liability between its Funds under the laws of Ireland authorised and regulated by the Central Bank of Ireland pursuant to the European Communities (Undertakings for Collective Investment in Transferable Securities) Regulations 2011 as amended, please complete this Application Form. All applications for Shares must be received by fax or email (with the original to follow by post soon after) by the Administrator no later than the time specified in the Prospectus. The contact details of the Administrator are as follows:-

**S. W. Mitchell Capital plc**  
c/o SS&C Financial Services (Ireland) Limited  
La Touche House  
Custom House Dock  
International Financial Services Centre  
D01 R5P3  
Co. Dublin  
Ireland

Attn: Investor Services

Email: [ISTradedesk@sscinc.com](mailto:ISTradedesk@sscinc.com)  
Fax No: +353 1 672 5361  
Tel No: +353 1 622 5025

Terms defined in the Company’s Prospectus shall have the same meaning in this Application Form.

## INVESTOR DETAILS

If Shares are to be registered in more than two names (maximum four) each additional holder must provide full details as set out in Appendix A. **Please use BLOCK CAPITALS.**

**Registered Name** \_\_\_\_\_

**Registered Address or  
Principal Place of Business** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Correspondence Address  
(if different)** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Country of Taxation** \_\_\_\_\_

**Taxpayer Identification  
Number (TIN) if applicable** \_\_\_\_\_

**Place of Birth (if applicable)** \_\_\_\_\_

**Citizenship (if applicable)** \_\_\_\_\_

**Global Intermediary  
Identification Number (GIIN)  
(if applicable)** \_\_\_\_\_

**Contact Name** \_\_\_\_\_

**Telephone Number** \_\_\_\_\_

**Fax Number** \_\_\_\_\_

**Email Address** \_\_\_\_\_

**PPS# (Irish investors only)** \_\_\_\_\_

IRISH UCITS

## INVESTMENT DETAILS

I/We want to invest in **S. W. Mitchell Capital plc** pursuant to the terms and conditions of the Prospectus of the Company and this Application Form.

I/We confirm I/we have received the Prospectus. Yes ☐ No ☐

Please complete the table as indicated below by specifying the subscription amount in shares or monetary amount of the relevant Fund and relevant Share Class in which you want to invest. (Please note the Minimum Initial Subscription and Minimum Subsequent Subscription amounts, as specified in the Prospectus).

### SWMC Small Cap European Fund

Class:	Class A (€) <input type="checkbox"/>	Class A (\$) <input type="checkbox"/>		
ISIN:	IE00B3X68X40	IE00B4NMY537		
Class:	Class B (€) <input type="checkbox"/>	Class B (£) <input type="checkbox"/>	Class B (\$) <input type="checkbox"/>	Class B (CHF) <input type="checkbox"/>
ISIN:	IE00B3LKXS80	IE00B4361X23	IE00B4TH6019	IE00B4PGPK55
Class:	Class C (€) <input type="checkbox"/>			
ISIN:	IE00BC9SB949			

Subscription Amount: \_\_\_\_\_

### SWMC European Fund

Class:	Class A (\$) <input type="checkbox"/>	Class A (\$) R <input type="checkbox"/>	
ISIN:	IE00B60NLH49	IE00BDFK4M58	
Class:	Class B (€) <input type="checkbox"/>	Class B (£) <input type="checkbox"/>	Class B (\$) <input type="checkbox"/>
ISIN:	IE00B4LH9995	IE00B62SZ312	IE00B6X1CQ12
Class:	Class C (\$) <input type="checkbox"/>		
ISIN:	IE00BD6S7L85		
Class:	Class D (\$) <input type="checkbox"/>		
ISIN:	IE00BZ00B011		

Subscription Amount: \_\_\_\_\_

## PAYMENT METHOD

Subscriptions must be made by electronic transfer in the currency of the relevant Fund or Class. Subscription monies must be received by the Administrator no later than 2.00 p.m. (Dublin time) three Business Days after the relevant Dealing Day. If payment in full has not been received by the relevant time, the application may be refused and the Shares cancelled.

## BANK DETAILS

Subscriptions should be made by electronic transfer in the following account:

### Euro Payment

Name of Bank	Citibank London
Swift	CITIGB2L
Account Name	SW Mitchell Cap TA Account EUR
Account Number	0012880008
IBAN Number	GB68CITI18500812880008

### Sterling Payment

Name of Bank	Citibank London
Swift	CITIGB2L
Account Name	SW Mitchell Cap TA Account GBP
Account Number	0012880016
IBAN Number	GB46CITI18500812880016

### Swiss Franc Payment

Name of Bank	Citibank London
Swift	CITIGB2L
Account Name	SW Mitchell Cap TA Account CHF
Account Number	0012880032
IBAN Number	GB02CITI18500812880032

### US Dollar Payment

Name of Bank	Citibank London
Swift	CITIGB2L
Account Name	SW Mitchell Cap TA Account USD
Account Number	0012880024
IBAN Number	GB24CITI18500812880024

**Please note that Company operates on a cleared funds basis. Therefore cleared funds must be received to the bank account details stated above no later than the time stipulated above.**

### **Applicant Bank Details**

Subscription monies must come from the account in the name of the investor. Please specify in the table below the bank details from where the subscriptions monies are being paid from.

Name of Bank	
Address of Bank	
Post/Zip Code	
Country	
Swift	
Account Name	
Account Number	
IBAN Number	

### **Redemption monies – for Redemptions**

Redemption monies will be made by electronic transfer to the account in which the monies originated. Payment of redemption monies will not be made unless cleared funds and completed documents (including the original Application Form and documentation relating to anti-money laundering prevention checks) are in place in relation to original subscriptions and the anti-money laundering procedures have been completed.

## DECLARATIONS REPRESENTATION AND WARRANTIES

**By signing and completing this Application Form you represent, warrant and undertake on a continuous basis to the Company and the Administrator as follows:-**

1. I/We hereby acknowledge that I/we have received and considered the most recent Prospectus of the Company and accept the terms and conditions set out in this Application Form, the Constitution of the Company, the most recent Prospectus and Annual Report and Accounts of the Company.
2. I/We confirm that a copy of the latest version of the Key Investor Information Document has been supplied to me/us in good time before subscribing for Shares in a Fund and that I/we have read the latest version of the Key Investor Information Document before subscribing for Shares in a Fund. I/We confirm that any future investments in any Fund or Class can be transacted on the basis of this confirmation. I/We hereby acknowledge and agree that the latest version of the Key Investor Information Document for each Class is available on [www.swmitchellcapital.co.uk](http://www.swmitchellcapital.co.uk) and that I/we will read and review the latest version of the Key Investor Information Document prior to making any subsequent application for Shares in a Fund. I/We confirm that in the case where an investment is being made on behalf of an underlying investor, I/we have provided the latest version of the Key Investor Information Document to the underlying investor in good time prior to subscribing for Shares in a Fund. I/We confirm that the underlying investor is aware that the latest version of the Key Investor Information Document is available on [www.swmitchellcapital.co.uk](http://www.swmitchellcapital.co.uk) and has read the latest version of the Key Investor Information Document prior to subscribing for Shares in a Fund.
3. Except as set forth in the Prospectus, or the documents referred to therein, no representations or warranties have been made to me/us by the Company or any agent, employee or affiliate of either; and in entering into this transaction, I am/we are not relying upon any information other than that contained in the Prospectus or the documents referred to therein, and the results of my/our own independent investigation. I/We confirm that the Shares were not offered to me/us by any means of general solicitation or general advertising. I am/We are not purchasing Shares: (i) as a result of or subsequent to becoming aware of any advertisement, article, notice or other communication published in any newspaper, magazine or similar medium, generally available electronic communication, broadcast over television or radio or generally available to the public on the internet; (ii) as a result of or subsequent to attendance at a seminar or meeting called by any of the means set forth in (i); or (iii) as a result of or subsequent to any solicitations by a person not previously known to me/us in connection with investments in securities generally. Moreover, I/we confirm that we have received no representations, warranties or written communications with respect to the offering of Shares other than those contained in the Prospectus;
4. I/We confirm that I/we have the authority to make the investment pursuant to this Application Form whether this investment is my/our own name or is made on behalf of another institution.
5. I/We have made arrangements for payment to be made to the relevant bank account(s) specified above for subscriptions and acknowledge that the Company reserves the right to reject any application in whole or part without assigning any reason therefor.
6. I/We hereby authorise investigation of my/our identity, and agree to an enhanced ongoing monitoring should I/we be deemed to be Politically Exposed. Politically Exposed Persons are defined as “natural persons who are or have been entrusted with prominent public functions within the past year, as well as immediate family members, or persons known to be close associates, of such persons”.
7. I/We agree to provide to the Company or its appointed Administrator with any additional documentation that it or they may require to verify my/our identity or the identity of any

- underlying investor on whose behalf I/we are applying for Shares in a Fund, in accordance with current anti-money laundering/terrorist financing and/or taxation of savings legislation. I/We acknowledge that any delay by me/us in providing such documentation may result in delayed processing of my/our application and/or delayed payment of any future redemption payments to me/us or processing of share transfer requests on my/our behalf. I/We also warrant and declare that the monies being invested pursuant to this application do not represent directly or indirectly the proceeds of any criminal activity and the investment is not designed to conceal such proceeds so as to avoid prosecution for an offence or otherwise.
8. I/We declare that I/we am/are not a US Person and certify that the Shares applied for are not being acquired for the benefit of, directly or indirectly, any US Person nor in violation of any applicable law or regulation, and I/we will not, subject to the conditions set forth in the Prospectus, sell or offer to sell or transfer Shares to a US Person or any person in violation of any applicable law or regulation.
9. The Company and the Administrator, are hereby authorised to accept and execute any instructions in respect of the Shares to which this application relates or which may in future be acquired by me/us which are given by me/us in written form including fax or such other means as may be permitted by the Directors of the Company. The Company and the Administrator may rely conclusively upon any instructions believed in good faith to be genuine and to be signed or given by properly authorised persons and shall be indemnified for any loss arising out either of them acting on my/our instructions as further described below.
10. Indemnification. I/we agree to indemnify and keep indemnified the Company, the Investment Manager and Administrator (together the “Service Providers”) against any claim, loss, liability, cost or expense (including without limitation legal fees, taxes and penalties) which may arise directly or indirectly out of any failure to comply with the terms of this Application Form (together “Loss” or “Losses”) which shall include but is not limited to:-
- (i) any Loss arising directly or indirectly out of late and/or failed settlement arrangements by me;
  - (ii) any Loss arising directly or indirectly out of failure to process the application where such information which is required by the Company or its Service Providers has not been supplied by me or any information which has been supplied is inaccurate, a misrepresentation or a breach of any warranty condition, covenant or agreement set forth in this Application Form or other document provided by me to the Company or its Service Providers;
  - (iii) any Loss arising directly or indirectly from the Company or its Service Providers acting upon instructions from me and for any late, incomplete, inaccurate or unclear instructions;
  - (iv) any Loss arising directly or indirectly from the issue of facsimile, automatically generated instructions (e.g. SWIFT, FTP etc.) including but not limited to any failure or error in transmission; and
  - (v) any Loss which may be incurred by or made against the Company or any of its Service Providers as a result of any investment action taken from time to time in reliance on or in anticipation of, and prior to, the monies being invested in the Company pursuant to this application being received, due to any failure or delay in settlement of such monies.
11. I/We agree to provide to the Company, at such times as it, or its agents, may request and to provide on request such declarations, certificates or documents as it may reasonably require in connection with this investment. Should any information furnished to the Company become inaccurate or incomplete in any way, I/We hereby agree to notify the Company immediately of any such change. I/we agree to notify the Company of any change to my/our tax residency status.

12. I/We understand that the confirmations, representations, declarations, indemnities and warranties made or given herein are continuous and apply to all subsequent purchases of Shares by me/us in the Company.
13. (In respect of joint applicants only) we direct that on the death of one of us the Shares for which we hereby apply to be held in the name of and to the order of the survivor or survivors of us or the executor or administrator of the last survivor.
14. I/We have such knowledge and experience in business and financial matters that I/we am/are capable of evaluating the merits and risks of an investment by me/us in the Shares. I/We understand and are willing to accept the full risks of investment having taken full and independent advice where appropriate. In particular I/we understand the high risk of capital loss.
15. I/We hereby acknowledge that any notice or document may be served by the Company on me/us in the manner specified from time to time in the Prospectus and, for the purposes of the Electronic Commerce Act 2000, if I have provided an e-mail address or fax number to the Company or its delegate, consent to any such notice or document being sent to me/us by fax or electronically to the fax number or e-mail address previously identified to the Company or its delegate which I/we acknowledge constitutes effective receipt by me/us of the relevant notice or document. I/we acknowledge that I/we are not obliged to accept electronic communication and may at any time choose to revoke my/our agreement to receive communications by fax or electronically by notifying the Company in writing at the above address provided that my/our agreement to receive communications by fax or electronically shall remain in full force and effect pending receipt by the Company of written notice of such revocation.

*Data Protection/Information about other investment services*

16. I/We consent to personal information obtained in relation to me/us being processed by the Administrator, the Company, the Depositary, the Distributor or the Investment Manager and their agents, affiliates, delegates and group companies in accordance with the Data Protection Legislation.

17. **Please tick here to confirm consent:** ☐

I/we acknowledge that information, including personal data, in relation to me/us will be held, used, disclosed and processed as set out in Appendix I for the purposes cited therein, including for the purposes of:

- (i) To establish my/our identity and manage and administer my/our holding in the Company and any related accounts on an on-going basis;
- (ii) For any other specific purposes where I/we have given specific consent to do so;
- (iii) To carry out statistical analysis and market research;
- (iv) To comply with legal or regulatory requirements applicable to the Company or me;
- (v) For disclosure or transfer whether in Ireland or countries outside of Ireland including without limitation the United States of America, which may not have the same data protection laws as Ireland, to third parties including my financial adviser (where appropriate), regulatory bodies, tax authorities, auditors, technology providers or to the Company and its delegates and its or their duly appointed agents and any of their respective related, associated or affiliated companies for the purposes specified above;
- (vi) For disclosure to the tax authorities in Ireland and in my/our country of residence in accordance with the EU Taxation of Savings Directive (2003/48/EC) and applicable local regulations; and
- (vii) For other legitimate business interests of the Company or its delegates.

I/We hereby acknowledge my/our right of access to and the right to amend, erase, transfer and rectify my/our personal data, as provided herein in accordance with the Data Protection Legislation.

I/We understand that the Company is a data controller, and certain of its service providers also are, and will hold any personal information provided by me/us in confidence and in accordance with the Data Protection Legislation.

I/we consent to the recording of telephone calls made to and received from me/us by the Company, its delegates, its duly appointed agents and any of their respective related, associated or affiliated companies for record keeping, security and/or training purposes.

**Please tick here to confirm to consent:** ☐

I/We consent to the Company, Distributor or the Investment Manager sending information about other investment services and/or marketing material to me/us by letter, telephone or other reasonable means of communication.

**Please tick here to confirm to consent:** ☐

I/We understand that I/we have a right not to receive information about other investment services and/or marketing material. I/We acknowledge my/our right to subsequently object to the processing of my/our data for direct marketing purposes by written request to the Company free of charge.

18. **By checking the box below, I/we confirm that I/we have read, acknowledge and accept the Data Protection Notice set out in Appendix I to this form:**

☐

19. I/we understand that the Company is susceptible to operational and information security risks through breaches in cyber security. Cyber security breaches include, without limitation, infection by computer viruses and gaining unauthorized access to the Computer's systems through "hacking" or other means for the purpose of misappropriating assets or sensitive information, corrupting data, or causing operations to be disrupted. Cyber security breaches may also occur in a manner that does not require gaining unauthorized access, such as denial-of-service attacks or situations where authorized individuals intentionally or unintentionally release confidential information stored on the Company's systems. A cyber security breach may cause disruptions and impact the Company's business operations, which could potentially result in financial losses, inability to determine a fund's NAV, violation of applicable law, regulatory penalties and/or fines, compliance and other costs. I/we understand that indirect cyber security breaches at third-party service providers may also subject me to the same risks associated with direct cyber security breaches. Further, indirect cyber security breaches at an issuer of securities in which the Company invests may similarly negatively impact me.
20. I/We acknowledge that the Company has been established with segregated liability between its Funds. I/We hereby agree that any amounts due or payable to me / us in respect of an investment in a Fund, howsoever arising (including any proven claim), will be limited to, and payable only out of, the assets of the relevant Fund and in no circumstances will the assets of any other sub-fund be used to discharge the amount due.
21. I/We hereby accept such lesser number of Shares, if any, than may be specified above in respect of which this application may be accepted.
22. I/we understand and accept the Company may, in its discretion, (i) pay commission to sub-distributors and financial intermediaries who refer prospective investors out of a Preliminary Charge applied (up to 5 per cent.) or (ii) waive the Preliminary Charge for certain prospective

investors based on factors deemed appropriate by the Company. In the event of a Preliminary Charge being charged, Shareholders should view their investment as medium to long-term.

23. I/we understand and accept the Directors may impose a Redemption Charge payable out of the proceeds of redemption in respect of redemptions of Shares. The Redemption Charge may not exceed 3 per cent. of the Net Asset Value of the Shares being redeemed.
24. I/We acknowledge that neither Dechert LLP nor Dechert (together “Dechert”) represent me/us with respect to my/our investment in the Company (including my/our decision to invest in the Company) or the on-going operations of the Company, and that I/we have been advised to consult my/our own counsel. I/We hereby acknowledge and agree that in the event that any dispute or controversy arises between me/us and the Company, or between me/us and the Investment Manager and/or any of their affiliates that Dechert represents, then I/we agree that Dechert may represent the Company or the Investment Manager and/or their respective affiliates in any such dispute or controversy to the fullest extent permitted by applicable law, regulation or professional rules in the relevant jurisdictions and I/we hereby consent to such representation

25. *Application of FINRA rules*

FINRA rules limit participation by certain persons associated with broker/dealers and other financial-type accounts in the profits and losses from “New Issues”. Accordingly, I/we (hereinafter referred to as the “Subscriber”) hereby makes the appropriate disclosure below and further agree to furnish such information or documentation the Company may request to confirm.

New Issues Qualification. Please tick items (a), (b), and (c), as applicable, to confirm your status under Rule 5130:

- (a) ☐ The Subscriber is a Restricted Person(s) for purposes of Rule 5130 because the Subscriber is **(Please tick all of sub-items (1) through (6) below that apply.):**
- (1) ☐ A member of FINRA (a “FINRA member”) or any other broker/dealer;
- (2) ☐ An officer, director, general partner, associated person, or employee of a FINRA member or any other broker/dealer (other than a limited business broker/dealer); or an immediate family member of any of the foregoing persons or an agent of a FINRA member or any other broker/dealer (other than a limited business broker/dealer) that is engaged in the investment banking or securities business or an immediate family member of such person. If this sub-item (2) is ticked solely because the Subscriber is an immediate family member of one of the persons described above and none of the following applies, please tick this box ☐: the person described above materially supports, or receives material support from, the immediate family member; the person described above is employed by or associated with a FINRA member or an affiliate of a FINRA member that sells New Issues or the person described above has the ability to control the allocation of New Issues;
- (3) ☐ A finder or any person acting in a fiduciary capacity to a FINRA member or any other broker/dealer acting as a managing underwriter, including, but not limited to, attorneys, accountants, and financial consultants; or an immediate family member of any of the foregoing persons if such person materially supports, or receives material support from, the immediate family member;

- (4) ☐ A person who has authority to buy or sell securities for a bank, savings and loan institution, insurance company, investment company, investment advisor, or collective investment account, or an immediate family member of such person that materially supports, or receives material support from, such person;
- (5) ☐ A person that (Please tick all of sub-items (i) through (vi) below that apply.):
- (i) ☐ is listed, or required to be listed, in Schedule A of a Form BD (other than with respect to a limited business broker/dealer), except persons identified by an ownership code of less than 10 per cent.,
  - (ii) ☐ is listed, or required to be listed, in Schedule B of a Form BD (other than with respect to a limited business broker/dealer), except persons whose listing on Schedule B relates to an ownership interest in a person listed on Schedule A identified by an ownership code of less than 10 per cent.,
  - (iii) ☐ is listed, or required to be listed, in Schedule C of a Form BD, which person meets the criteria described in (i) or (ii) above,
  - (iv) ☐ directly or indirectly owns 10 per cent. or more of a public reporting company listed, or required to be listed, in Schedule A of a Form BD (other than a reporting company that is listed on a national securities exchange or is traded on the Nasdaq National Market or other than with respect to a limited business broker/dealer),
  - (v) ☐ directly or indirectly owns 25 per cent. or more of a public reporting company listed, or required to be listed, in Schedule B of a Form BD (other than a reporting company that is listed on a national securities exchange or is traded on the Nasdaq National Market or other than with respect to a limited business broker/dealer), or
  - (vi) ☐ is an immediate family member of a person specified in any of items (i) through (v) above; or
- (6) ☐ An account (including, without limitation, a corporation, trust, limited partnership, or limited liability company) (an "Account") in which one or more Restricted Persons as described in sub-items (1) through (5) above hold, directly or indirectly, a beneficial interest.

(b) ☐ Regardless of whether item (a) above is ticked, the Subscriber is exempt from the prohibitions against purchases and sales of New Issues by Restricted Persons because the Subscriber is (Please tick one of sub-items (1) through (11) below. A fund of funds investor should generally tick (4), (5) or (7). When a Subscriber ticks (4) or (5) below, it may be treated as a Restricted Person.):

- (1) ☐ an investment company registered under 1940 Act;
- (2) ☐ a common trust fund or similar fund as described in Section 3(a)(12)(A)(iii) of the US Securities Exchange Act of 1934, provided that such fund (i) has investments from 1,000 or more accounts and (ii) does not limit beneficial interests in such fund principally to trust accounts of Restricted Persons;

- (3) ☐ an insurance company general, separate, or investment account, provided that (i) the account is funded by premiums from 1,000 or more policyholders or, if a general account, the insurance company has 1,000 or more policyholders and (ii) the insurance company does not limit the policyholders whose premiums are used to fund the account principally to Restricted Persons or, if a general account, the insurance company does not limit its policyholders principally to Restricted Persons;
- (4) ☐ an Account in which Restricted Persons (i) hold no more than 10 per cent. of the beneficial interests or (ii) hold more than 10 per cent. of the beneficial interests but receive, in the aggregate, no more than 10 per cent. of any profits or losses from New Issues. Please indicate, as of the date of your Subscription Agreement, what percentage of the profits and losses from New Issues are allocated to Restricted Persons: \_\_\_\_ per cent. If this box (4) is ticked, please contact the Administrator with respect to what portion of the investment will relate to non-Restricted Persons and thus may be eligible for New Issues;
- (5) ☐ an Account in which Restricted Persons hold beneficial interests but receive none of the profits or losses from New Issues;
- (6) ☐ a publicly traded entity (other than a broker/dealer or an affiliate of a broker/dealer where such broker/dealer is authorised to engage in the public offering of New Issues either as a selling group member or underwriter) that (i) is listed on a national securities exchange, (ii) is traded on the Nasdaq National Market, or (iii) is a non-US issuer whose securities meet the quantitative designation criteria for listing on a national securities exchange or trading on the Nasdaq National Market;
- (7) ☐ an investment company (such as a fund or collective investment scheme) organised under the laws of a non-US jurisdiction, provided that (i) the investment company is listed on a non-US exchange for sale to the public or authorised for sale to the public by a non-US regulatory authority and (ii) no person owning more than 5 per cent. of the shares of the investment company is a Restricted Person;
- (8) ☐ an ERISA benefits plan that is qualified under Code Section 401(a), provided that such plan is not sponsored solely by a broker/dealer. (Subscribers who tick (8) must contact the Administrator);
- (9) ☐ a state or municipal government benefits plan that is subject to state and/or municipal regulation;
- (10) ☐ a tax-exempt charitable organisation under Section 501(c)(3) of the Code; or
- (11) ☐ a church plan under Section 414(e) of the Code. (Subscribers who tick (11) must contact the Administrator.)
- (c) ☐ The Subscriber has not ticked item (a) and/or item (b) above, and hereby certifies that the prospective beneficial owner of the Limited Partnership

Interests subscribed for in this Subscription Agreement is not a Restricted Person. (N.B. If two or more persons would be joint beneficial owners of such Limited Partnership Interests, this certification may be made only if true with respect to each joint beneficial owner.)

26. The Subscriber is ☐ or is not ☐ (tick the appropriate box) an executive officer or director of a public company or a covered non-public company, or a person materially supported by such executive officer or director (collectively, "Covered Persons") or an Account in which any Covered Person has a beneficial interest.

If the response is affirmative, list the names of the applicable public companies and covered non-public companies. Accounts must also indicate the percentage of the Account beneficially owned by Covered Persons in respect of each public company or covered non-public company identified below:

Accounts that ticked any of the boxes next to question 22(b)(1)-(3) or (6)-(10) above may tick this box ☐ and need not provide the detailed information requested in this question.

27. If I am/we are acting as agent, representative or nominee for the account of a third party (the "Beneficial Owner"), I/we acknowledge and agree that the agreements, representations and warranties made by me/us herein are also made for and on behalf of (to the fullest extent possible) the Beneficial Owner and I/we represent and warrant that I/we have all requisite power and authority to execute this Application Form and the transactions contemplated hereby and that, in doing so, I/we will not be in breach of any laws or regulations of any competent jurisdiction.
28. I/We certify that I/we will be acquiring the Shares for investment and not with a view to or a present intention of distribution or resale to others. I/We understand that (a) the Company has not been, and will not be, registered under the 1940 Act; (b) the Shares have not been, and will not be, registered under the 1933 Act; and (c) the Shares have not been qualified under the securities laws of any state of the United States and, absent approval by the Directors and except as permitted under the 1933 Act, the 1940 Act and any applicable state securities laws, the Shares may not be offered, sold or transferred in the United States or to or for the benefit of, directly or indirectly, any US Person.
29. I/We declare that the entity hereby subscribing for Shares is neither a Benefit Plan Investor nor investing on behalf of or with any assets of a Benefit Plan Investor. (*Benefit Plan Investors must contact the Administrator.*)
30. I am/We are or any of my/our affiliates are derivative or structured product providers and I am/we are investing as part of a derivative or structured product program:

Yes ☐ No ☐ (tick the appropriate box)

**If the "Yes" box is ticked,** I/we represent and warrant that neither I/we nor any of my/our affiliates will enter into or issue any derivative or structured product (each a "Structured Product"), the return on which is based, directly or indirectly, in whole or in part, on the value of the Company or my/our Shares, with or to any entity (each, a "Structured Product Investor"), such that (i) the Structured Product Investor (and, where the Structured Product is held by the Structured Product Investor on behalf of any underlying beneficial owner, such underlying beneficial owner) would be: (1) a beneficial owner of Shares for purposes of the 1940 Act, unless such Structured Product Investor (and, where applicable, underlying beneficial owner) is either (A) both a "qualified purchaser" as defined in Section 2(a)(51) of the 1940 Act and the rules thereunder and an "accredited investor" as defined in Rule 501(a) in Regulation D under the 1933 Act or (B) not a US Person; or (2) a holder of Shares who is a Benefit Plan Investor; and (ii) the sale of the Structured Product or the purchase of the Structured Product by any Structured Product

Investor (and, where the Structured Product is held by the Structured Product Investor on behalf of any underlying beneficial owner, such underlying beneficial owner) would result in any violation by the Company and/or any investment adviser to the Company of any laws or regulations in any jurisdiction.

**If the “No” box is ticked,** I/we represent and warrant that neither I/we nor any of my/our affiliates will enter into or issue any Structured Product, the return on which is based, directly or indirectly, in whole or in part, on the value of the Company or my/our Shares.

31. ***Application of Financial Account Tax Compliance Act (FATCA) and Common Reporting Standards (CRS) Rules***

**(THIS SECTION MUST BE COMPLETED AND SIGNED)**

All applicants are required to provide information to the Company to determine whether the applicants (or underlying beneficial owners) are US Reportable Accounts for the purposes of FATCA.

All US Reportable Accounts will be reported to the Irish Revenue Commissioners which, in turn, will report such information to the US Internal Revenue Service.

Please confirm whether you are a US Reportable Account – i.e., a Financial Account held by either (i) US Taxpayer who is not an Excluded US Taxpayer or (ii) a Passive US Controlled Foreign Entity.

Pursuant to the Organisation for Economic Co-operation and Development (OECD) Common Reporting Standards, the Company is obliged to collect certain information about each Applicant. Under the CRS, participating jurisdictions obtain financial information from their financial institutions and automatically exchange that information with other participating jurisdictions on an annual basis.

Please review the following categories and place a check next to any that apply.

**A. US Taxpayer**

Check any of the following categories that apply to you:

☐ A US citizen or resident alien of the United States (as defined for US federal income tax purposes).

☐ An entity which is treated as a partnership or corporation for US federal tax purposes that is created or organized in, or under the laws of, the United States or any state thereof (including the District of Columbia).

☐ An estate which is subject to US federal taxation of its income regardless of source.

☐ A trust over whose administration a court within the United States has primary supervision and all substantial decisions of which are under the control of one or more US fiduciaries.

**B. Excluded US Taxpayer**

Check a box below only if: (i) you have checked a box in A above, and (ii) any of the following categories apply to you:

☐ A corporation, the stock of which is regularly traded on one or more established securities markets.

☐ A corporation that is a member of the same expanded affiliated group (as defined in Section 1471(e)(2) of the US Internal Revenue Code of 1986, as amended) as a corporation which is described in the preceding sentence.

☐ You are acting on behalf of the United States government or any wholly owned agency or instrumentality of the US Government.

☐ Any state of the United States, any US territory, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing;

☐ Any organization exempt from taxation under Section 501(a) or an individual retirement plan as defined in Section 7701(a)(37) of the Code;

☐ Any bank as defined in Section 581 of the Code;

☐ Any real estate investment trust as defined in Section 856 of the Code;

☐ Any regulated investment company as defined in Section 851 of the Code or any entity registered with the Securities Exchange Commission under the 1940 Act;

☐ Any common trust fund as defined in Section 584(a) of the Code;

☐ Any trust that is exempt from tax under Section 664(c) of the Code;

☐ A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state thereof; or

☐ A broker as defined in Section 6045(c) of the Code.

#### **C. Passive US Controlled Foreign Entity**

☐ An entity owned by one or more Controlling US Persons.

For this purpose, a Controlling US Person means an individual who has the ability to exercise ultimate effective control with respect to such entity and who is either a US citizen or resident alien of the United States (as defined for US federal income tax purposes). If you are structured as a trust, check this box if the settler, the trustee, the protector (if any), the beneficiaries or class of beneficiaries, or any other natural person exercising ultimate effective control over the trust is either a US citizen or resident alien of the United States (as defined for US federal income tax purposes).

#### **D. Declaration**

Important – Please check a box below, as appropriate.

Declaration on own behalf

☐ I/we declare that I am/we are applying for Shares on my/our own behalf and that I am a/we are US Reportable Account/s.

**NOTE:** If you checked a box in A or C above, but did not check a box in B, please check this box.

☐ I/we declare that I am/we are applying for Shares on my/our own behalf and that I am NOT a/we are **NOT** US Reportable Account/s.

Declaration as Intermediary

(i) Form of Holding

☐ I/we declare that I am/we are applying for Shares on behalf of a US Reportable Account.

☐ I/we declare that I am/we are applying for Shares on a fully disclosed basis for my/our customers.

☐ I/we declare that I/we have contracted with the Company and or the Administrator to conduct diligence on my/our underlying customers and report US Reportable Accounts.

☐ I/we declare that I am/we are applying for Shares on behalf of a US Reportable Account.

☐ I/we declare that I am/we are **NOT** applying for Shares on behalf of a US Reportable Account.

(ii) US Reportable Account Status - Please check this box if you checked any of the boxes above.

(iii) FATCA and CRS Obligations

☐ I/We agree that the information provided in this form, as well as financial information about the financial accounts to which this form is applied (such as the account balance or value, gross income and proceeds received) may be reported to the tax authorities of the country or countries in which the financial accounts are maintained and subsequently exchanged with tax authorities of another country or countries in which I/we am or are resident pursuant to the CRS of the OECD.

☐ I/We authorise the Company to provide, directly or indirectly, to any relevant tax authorities or any party authorised to audit or conduct a similar control of the Company for tax purposes, a copy of this form and to disclose to such tax authorities or such party any additional information that the Company may have in its possession that is relevant to the entity's qualification for any benefits claimed on the basis of this form. I acknowledge and agree that information contained in this form and information regarding income paid or credited to or for the benefit of the account(s) set out above may be reported to the tax authorities of the country in which such income arises and that those tax authorities may provide the information to the country or countries in which the entity is resident for tax purposes.

☐ The Company and/or the Administrator may collect additional information to satisfy the Company's FATCA and CRS obligations under applicable law and regulations.

#### **E. FATCA Classification for Intermediaries**

**Financial Institution** is defined for the purposes of FATCA as an entity:

Except as otherwise provided by the Secretary, the term 'financial institution' means any entity that:

- i. accepts deposits in the ordinary course of a banking or similar business;

- ii. as a substantial portion of its business, holds financial assets for the account of others; or
- iii. is engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in securities (as defined in section 475(c)(2) without regard to the last sentence thereof), partnership interests, commodities (as defined in section 475(e)(2)), or any interest (including a futures or forward contract or option) in such securities, partnership interests, or commodities.

If your institution is a Financial Institution, please check one of the below FI categories and complete (a) or (b) below, as appropriate:

- ☐ Financial Institution (FI)
- ☐ IGA Partner Jurisdiction FI
- ☐ Registered Deemed Compliant FI
- ☐ Participating Jurisdiction FI

a. Please provide your organization's Global Intermediary Identification Number (GIIN):

\_\_\_\_\_

b. If unable to provide a GIIN, please check the reason your institution does not have a GIIN:

- ☐ It is a FI in a Model 1 IGA country and has not yet obtained a GIIN
- ☐ It is sponsored by another entity which does have a GIIN (please complete below)

Please provide your sponsor's name and sponsor's GIIN:

*Sponsor's Name:* \_\_\_\_\_

*Sponsor's GIIN:* \_\_\_\_\_

- ☐ It is an Exempt Beneficial Owner
- ☐ It is a Certified Deemed Compliant Financial Institution
- ☐ It is a Registered Non-Profit Organisation
- ☐ It is an Owner-Documented FFI
- ☐ It is a Territory Financial Institution
- ☐ It is a Non-Participating Foreign Financial Institution
- ☐ It is an Excepted FI

If the institution is not a **Financial Institution** for the purposes of FATCA, please confirm your organisation's status below:

- ☐ Active NFFE (as such term is defined in FATCA)

☐ Passive NFFE (If you are a passive NFFE, as required under the regulations please provide details of Controlling Persons in the table below).

## **F. Common Reporting Standards**

Pursuant to the CRS, the Company is obliged to collect certain information about each Applicant. Under the CRS, participating jurisdictions obtain financial information from their financial institutions and automatically exchange that information with other participating jurisdictions on an annual basis.

This section is to be completed by Corporate Applicants and other entity Applicants (including all trusts, companies, partnerships & financial institutions).

**Individual Applicants should not complete this section.**

**Financial Institution** is defined for the purposes of CRS as an entity:

- i. that holds, as a substantial portion of its business, financial assets for the account of others; or
- ii. that accepts deposits in the ordinary course of a banking or similar business; or
- iii. that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer: i. trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading; ii. individual and collective portfolio management; or iii. otherwise investing, administering, or managing financial assets or money on behalf of other persons; or
- iv. that is an insurance company (or the holding company of an insurance company) that issues, or is obligated to make payments with respect to, a cash value Insurance contract or an annuity contract; or
- v. the gross income of which is primarily attributable to investing, reinvesting, or trading in financial assets, if the entity is managed by another entity that is listed in (A) to (D) above in this definition.

## **Non-Financial Institutions only**

If the entity is not a Foreign Financial Institution, please tick (✓) the entity's classification below:

- ☐ The entity is an Active Non-Financial Entity (Active NFE) as such term is defined for CRS purposes
- ☐ The entity is a Passive Non-Financial Entity (Passive NFE) as such term is defined for CRS purposes

## **G. Controlling Person**

If the entity is a Passive NFE, please provide details of any Controlling Persons below.

The term "Controlling Persons" means the natural persons who exercise control over an entity. In the case of a trust, such term means the settlor, the trustees, the protector (if any), the beneficiaries or class of beneficiaries, and any other natural person exercising ultimate effective control over the trust, and in the case of a legal arrangement other than a trust, such term means persons in

equivalent or similar positions. The term “Controlling Persons” shall be interpreted in a manner consistent with the Financial Action Task Force Recommendations.

To be completed if:

(i) the Applicant is not a United States person and is an entity that has identified itself as a “Passive NFFE” for FATCA purposes; and/or

(ii) the Applicant has indicated it is a “Passive NFE” for CRS purposes.

To enable the Company to satisfy its due diligence requirements as (i) a “registered deemed-compliant foreign financial institution” pursuant to an intergovernmental agreement between the United States and Ireland to improve international tax compliance and to implement the U.S. Foreign Account Tax Compliance Act (the “IGA”), and (ii) an Investment Entity in a participating jurisdiction for the purposes of the OECD’s Common Reporting Standards (“CRS”), if the Applicant is either (a) a “Passive NFFE,” as indicated for FATCA purposes, or (b) a “Passive NFE,” as indicated for CRS purposes, it must provide the additional certifications requested below in respect of its Controlling Persons.

Full Name	Date of Birth	Full Residence Address	Details of Controlling Person’s Beneficial Ownership (if over 25%)	Country / Countries of Tax Residency	Tax Reference Numbers

#### H. Data Protection Notice

☐ I/we hereby acknowledge and accept that the Company and/or the Administrator, for purposes of FATCA and CRS compliance, may be required to disclose personal data relating to: U.S. Reportable Accounts and, in certain cases, their Controlling U.S. Persons and nonparticipating FFIs (as defined in FATCA) to the U.S. Internal Revenue Service, under FATCA; and the tax authorities of participating CRS jurisdictions.

The following statements are required to be made under applicable regulations of the U.S. Commodity Futures Trading Commission ("CFTC"). As the Company is a collective investment vehicle that may make transactions in commodity interests, it is considered to be a "commodity pool". The Investment Manager is the commodity pool operator ("CPO") with respect to the Company.

Pursuant to CFTC Rule 4.13(a)(3), the Investment Manager is exempt from registration with the CFTC as a commodity pool operator. Therefore, unlike a registered CPO, the Investment Manager is not required to deliver a disclosure document and a certified annual report to shareholders in the Company. The Investment Manager qualifies for such exemption based on the following criteria: (i) the interests in the Company are exempt from registration under the 1933 Act and are offered and sold without marketing to the public in the United States; (ii) the Company meets the trading limitations of either CFTC Rule 4.13(a)(3)(ii)(A) or (B); (iii) the Investment Manager reasonably believes, at the time the investor makes his investment in the Company (or at the time the Investment Manager began to rely on Rule 4.13(a)(3)), that each investor in the Company is (a) an "accredited investor," as defined in Rule 501(a) of Regulation D under the 1933 Act, (b) a trust that is not an accredited investor but that was formed by an accredited investor for the benefit of a family member, (c) a "knowledgeable employee," as defined in Rule 3c-5 under the 1940 Act, or (d) a "qualified eligible person," as defined in CFTC Rule 4.7(a)(2)(viii)(A); and (iv) shares in the Company are not marketed as or in a vehicle for trading in the commodity futures or commodity options markets.

**The undersigned agrees to notify the Company promptly of any changes in the foregoing information which may occur prior to or following an investment in the Company.**

**SIGNATURE:** \_\_\_\_\_ **NAME:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**JOINT APPLICANTS** (if applicable)

<b>NAME:</b>	<b>SIGNATURE:</b>	<b>DATE:</b>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

**NOTES**

- (1) A corporation should affix its common seal or execute under the hand of a duly authorised official who should state his representative capacity.
- (2) The application may be completed by a duly authorised agent on behalf of the applicant(s). Such person represents and warrants that he is duly authorised to sign this form and thereafter to redeem Shares on behalf of the applicant(s).
- (3) Applicants who are unable to make the above Declarations, Representations and Warranties may still be able, in certain circumstances, to subscribe for Shares, but they should contact the Administrator for details first.
- (4) If this Application Form is not completed to the satisfaction of the Administrator the application may not be accepted.

**APPENDIX A**  
**Investor Details**

**Please use BLOCK CAPITALS**

Registered Name	
Registered Address	
	Postcode
Correspondence Address (if different)	
	Postcode
Contact Name	
Telephone Number	
Fax Number	
Email Address	

Registered Name	
Registered Address	
	Postcode
Correspondence Address (if different)	
	Postcode
Contact Name	
Telephone Number	
Fax Number	
Email Address	

Registered Name	
Registered Address	
	Postcode
Correspondence Address (if different)	
	Postcode
Contact Name	
Telephone Number	
Fax Number	
Email Address	

IRISHUC

**APPENDIX B**  
**Declaration of Residence Outside Ireland**  
*(non-resident composite declaration)*

**Applicants resident outside Ireland are required by the Irish Revenue Commissioners to make the following declaration which is in a format authorised by them, in order to receive payment without deduction of tax. It is important to note that this declaration, if it is then still correct, shall apply in respect of any subsequent acquisitions of shares/units. Terms used in this declaration are defined in the Prospectus.**

**Declaration on own behalf**

- I/We declare that I am/we are\* applying for the Shares on my own/our own behalf/on behalf of a company\* and that I am/we are/the company\* is entitled to the Shares in respect of which this declaration is made and that:
- I am/We are/the company\* is not currently resident or ordinarily resident in Ireland; and
- should I/we/the company\* become resident in Ireland I will/we will so inform you, in writing, accordingly.

\*Delete as appropriate

**Declaration as Intermediary**

I/We\* declare that I am/we are\* applying for Shares on behalf of persons:

- who will be beneficially entitled to the Shares; and,
- who, to the best of my/our\* knowledge and belief, are neither resident nor ordinarily resident in Ireland.

I/We\* also declare that:

- unless I/we\* specifically notify you to the contrary at the time of application, all applications for Shares made by me/us\* from the date of this application will be made on behalf of such persons; and
- I/we\* will inform you in writing if I/we\* become aware that any person, on whose behalf I/we\* holds Shares, becomes resident or ordinarily resident in Ireland.

\*Delete as appropriate

Name and address of Applicant: \_\_\_\_\_

Signature of Applicant or authorised signatory: \_\_\_\_\_ (declarant)

Capacity of authorised signatory (if applicable): \_\_\_\_\_ Date: \_\_\_\_\_

Joint Applicants:

Names \_\_\_\_\_  
\_\_\_\_\_

Signatures \_\_\_\_\_  
\_\_\_\_\_

_____	_____
_____	_____
_____	_____

*see notes overleaf*

#### NOTES

- (1) Non-resident declarations are subject to inspection by the Irish Revenue Commissioners and it is a criminal offence to make a false declaration.
- (2) To be valid, the application form (incorporating the declaration required by the Irish Revenue Commissioners) must be signed by the Applicant. Where there is more than one Applicant, each person must sign. If the Applicant is a company, it must be signed by the company secretary or another authorised officer.
- (3) If the application form (incorporating the declaration required by the Irish Revenue Commissioners) is signed under power of attorney, a certified copy of the power of attorney must be furnished in support of the signature.

IRISH REVENUE

**APPENDIX C**  
**Declaration of Residency within Ireland**  
**Declaration referred to in Section 739D(6) Taxes Consolidation Act, 1997**

**It is important to note that this declaration, if it is then still correct, shall apply in respect of any subsequent acquisitions of shares.**

- I declare that the information contained in this declaration is true and correct.
- I also declare that I am applying for the shares on behalf of the applicant named below who is entitled to the shares in respect of which this declaration is made and is a person referred to in Section 739D(6) of the Taxes Consolidation Act, 1997, being a person who is: (please tick ✓ as appropriate)

a pension scheme;	
a company carrying on life business within the meaning of section 706 TCA 1997;	
an investment undertaking;	
a special investment scheme;	
a unit trust to which section 731(5)(a) TCA 1997 applies;	
a charity being a person referred to in section 739D(6)(f)(i) TCA 1997;	
a qualifying management company, as defined in section 739B(1), as inserted by section 31(1)(a), Finance Act 2010;	
entitled to exemption from income tax and capital gains tax by virtue of section 784A(2) TCA, 1997* or by virtue of section 848E TCA, 1997*, (see further requirements for Qualifying Fund Manager below).	
a PRSA Administrator	
a credit union within the meaning of section 2 of the Credit Union Act 1997	

**Additional requirements where the declaration is completed on behalf of a Charity**

- I also declare that at the time of making this declaration, the shares in respect of which this declaration is made are held for charitable purposes only and;
  - form part of the assets of a body of persons or trust treated by the Revenue Commissioners as a body or trust established for charitable purposes only, or
  - are, according to the rules or regulations established by statute, charter, decree, deed of trust or will, held for charitable purposes only and are so treated by the Revenue Commissioners.
- I undertake that, in the event that the person referred to in paragraph (7)(d) of Schedule 2B TCA 1997 ceases to be a person referred to in Section 739D(6)(f)(i) TCA, 1997, I will, by written notice, bring this fact to the attention of the investment undertaking accordingly.

**Additional requirements where the declaration is completed by a qualifying fund manager/qualifying savings manager/PRSA Administrator**

- I/we\* also declare that at the time this declaration is made, the shares in respect of which this declaration is made
  - are assets of an \*approved retirement fund/an approved minimum retirement fund a special savings incentive account or a PRSA, and
  - are managed by the Declarant for the individual named below who is beneficially entitled to the shares.
- I/we\* undertake that, if the shares cease to be assets of the \*approved retirement fund/the approved minimum retirement fund, a PRSA, or held in a special savings incentive account, including a case where the shares are transferred to another such fund or account, I/we\* will, by written notice, bring this fact to the attention of the investment undertaking accordingly.

**\* Delete as appropriate**

**Additional requirements where the declaration is completed by an Intermediary**

- I/we\* declare that I am/we are\* applying for shares on behalf of persons who
  - to the best of my/our\* knowledge and belief, have beneficial entitlement to each of the shares in respect of which this declaration is made; and
  - is a person referred to in section 739D(6) TCA 1997.
- I/we\* also declare that
  - unless I/we\* specifically notify you to the contrary at the time of application, all applications for shares made by me/us\* from the date of this application will be made on behalf of persons referred to in section 739D(6) TCA 1997; and
  - I/we\* will inform you in writing if I/we\* become aware that any person ceases to be a person referred to in section 739D(6) TCA 1997.

**\* Delete as appropriate**

**Name of applicant:** \_\_\_\_\_

**2 Irish tax reference number of applicant:** \_\_\_\_\_

**3 Authorised signatory:** \_\_\_\_\_ **(declarant)** \_\_\_\_\_

**Title: (Mr./Ms. etc.)** \_\_\_\_\_

**Capacity in which declaration is made:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**IMPORTANT NOTES**

- (1) This is a form authorised by the Irish Revenue Commissioners which may be subject to inspection. It is an offence to make a false declaration.

- (2) Tax reference number in relation to a person has the meaning assigned to it by Section 885 TCA, 1997 in relation to a “specified person” within the meaning of that section. In the case of a charity, quote the Charity Exemption Number (CHY) as issued by Revenue. In the case of a qualifying fund manager/qualifying savings manager, quote the tax reference number of the beneficial owner of the shares.
- (3) In the case of, (i) an exempt pension scheme, the administrator must sign the declaration (ii) a retirement annuity contract to which Section 784 or 785 applies, the person carrying on the business of granting annuities must sign the declaration (iii) a trust scheme, the trustees must sign the declaration. In the case of a charity, the declaration must be signed by the trustees or other authorised officer of a body of persons or trust established for charitable purposes only within the meaning of Sections 207 and 208 TCA 1997. It must also be signed by a qualifying fund manager of an approved retirement fund/an approved minimum retirement fund, by a qualifying savings manager of a special savings incentive account or by a PRSA administrator. In the case of an intermediary, the declaration must be signed by the intermediary. In the case of a company, the declaration must be signed by the company secretary or other authorised officer. In the case of a unit trust it must be signed by the trustees. In any other case it must be signed by an authorised officer of the entity concerned or a person who holds a power of attorney from the entity. If the latter, a copy of the power of attorney should be furnished in support of this declaration.

**APPENDIX D**  
**Verification of Identity\***

- 1. If the applicant is a sole proprietor or an individual, please provide:**
  - (a) a certified copy (within 6 months) of current valid passport or current valid identity card or current valid driver's license. The document must contain a photograph, date of birth and signature; and
  - (b) two original or two certified copies (within 6 months) of differing current utility bills, or an original or certified copy of one utility bill and an original or certified copy of a recent bank statement from a reputable financial institution.
  
- 2. If the applicant is a corporation or a limited liability company, please supply:**
  - (a) an original or certified copy of the certificate of incorporation or its equivalent in the jurisdiction of domicile;
  - (b) an original or certified copy of the memorandum and articles of association or its equivalent in the jurisdiction of domicile;
  - (c) a list of all directors' names, occupations, residential addresses, business addresses and dates of birth;
  - (d) a properly authorized mandate of the directors to make the investment (i.e. a certified copy of board minutes);
  - (e) documentation (as outlined in paragraph 1(a) above) confirming the identity of at least two directors and all persons authorised to operate the account from time to time; and
  - (f) a list of names and addresses of any shareholders holding 10 per cent. or more of the company's issued share capital. If the shareholder is individual, please supply documentation (as outlined in section 1(a) above) confirming the identity of such shareholder. If the shareholder is a company, the following is required: (i) original or certified copy of the certificate of incorporation or its equivalent in the jurisdiction of domicile; (ii) original or certified copy of the Memorandum and Articles of Association or its equivalent in the jurisdiction of residence; (iii) list of all directors' names, occupations, residential and business addresses, and dates of birth.
  
- 3. If the applicant does not fall within the categories referenced at 1 and 2 above, please contact the Administrator for a list of required documentation for verification of identity purposes.**

**The Administrator reserves the right to request any additional documentation it may require in order to meet its regulatory obligations.**

\* The above verification requirements are sample requirements and are subject to change from time to time.

### Politically Exposed Persons

I/We acknowledge that measures aimed at the prevention of money laundering and terrorist financing will require the verification of my/our identity, address and source of funds and in certain circumstances of the relevant beneficial owner. In addition, this also requires the ongoing monitoring of our business relationship. I/we also acknowledge that the commencement of a business relationship with politically exposed persons, commonly referred to as PEPs, requires a higher level of scrutiny. A PEP is an individual who is or has, at any time in the preceding 12 months, been entrusted with a prominent public function, his/her immediate family members and/or close associates of such person.

#### PEP Confirmation

I/We confirm that I am/we are a PEP	Y/N
In the case of an incorporated applicant, I confirm that the beneficial owner(s) is/are PEPs	Y/N

#### Source of Funds

If you have answered Yes to the previous question, please confirm the following:

My/our source of funds is from (please tick as appropriate)

Income	
Savings	
Gift or inheritance	
Proceeds of a sale	

If your source of funds is not covered in any of the categories above please briefly specify them below:

----------------------

**(Please complete fully as incomplete applications may be rejected)**

I/We acknowledge that the Administrator reserves the right not to issue shares until such time as the Administrator has received and is satisfied with all the information and documentation requested to verify my/our identity, address, PEP status and source of funds. I/We also acknowledge that the Administrator shall be held harmless by me/us against any loss suffered by the Administrator arising as a result of a failure to process my/our application for shares if such information and documentation as has been requested by the Administrator has not been provided by me/us. I also confirm that if my status changes I will alert the administrator.

## REDEMPTION FORM

**If you want to redeem shares in the Company please complete this Redemption Form.** All redemption of shares must be received by fax or email by the Administrator no later than the time specified in the Prospectus. The contact details of the Administrator are as follows:-

**S. W. Mitchell Capital plc**

c/o SS&C Financial Services (Ireland) Limited  
La Touche House  
Custom House Dock  
International Financial Services Centre  
D01 R5P3  
Co. Dublin  
Ireland

Attn: Investor Services

Email: ISTRadedesk@sscinc.com  
Fax No: +353 1 672 5361  
Tel No: +353 1 622 5025

### INVESTOR DETAILS

**Please use BLOCK CAPITALS.**

Registered Name	
Account Number	

### DEAL INSTRUCTIONS

Please complete the table as indicated below by specifying the redemption amount of the relevant Fund and relevant Share Class in which you want to redeem. (Please note the minimum redemption amounts, as specified in the Prospectus).

**SWMC Small Cap European Fund**

Class: Class A (€) ☐ Class A (\$) ☐  
ISIN: IE00B3X68X40 IE00B4NMY537

Class: Class B (€) ☐ Class B (£) ☐ Class B (\$) ☐ Class B (CHF) ☐  
ISIN: IE00B3LKSX80 IE00B4361X23 IE00B4TH6019 IE00B4PGPK55

Class: Class C (€) ☐  
ISIN: IE00BC9SB949

Redemption Amount: \_\_\_\_\_

**SWMC European Fund**

Class: Class A(\$) ☐  
ISIN: IE00B60NLH49

Class A (\$) R ☐  
IE00BDFK4M58

Class: Class B (€) ☐  
ISIN: IE00B4LH9995

Class B (£) ☐  
IE00B62SZ312

Class B (\$) ☐  
IE00B6X1CQ12

Class: Class C (\$) ☐  
ISIN: IE00BD6S7L85

Class: Class D (\$) ☐  
ISIN: IE00BZ00B011

Redemption Amount: \_\_\_\_\_

**BANK DETAILS**

Where the below bank account instructions differ from those held on file by the Administrator, an original, signed copy of the new instructions must be received by the Administrator in advance of the remittance of redemption proceeds.

**Applicant Bank Details**

Name of Bank	
Address of Bank	
Post/Zip Code	
Country	
Swift	
Account Name	
Account Number	
IBAN Number	

**By signing and completing this Redemption Form you represent, warrant and undertake to the Company and the Administrator as follows:-**

- (1) I/We confirm that I/we have the authority to make this redemption request.
- (2) I/We hereby agree to indemnify and keep indemnified the Service Providers for any Losses which may arise directly or indirectly out of any failure to comply with the terms of this Redemption

Form. The Service Providers (will not be responsible or liable for the authenticity of instructions received from me/us or any authorised person and may rely upon any instruction from any such person representing himself to be a duly authorised person reasonably believed to be genuine.

- (3) If this Redemption Form is not completed to the satisfaction of the Administrator the application may not be accepted.

**SIGNATURE:** \_\_\_\_\_ **NAME:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**JOINT APPLICANTS** (if applicable)

<b>NAME:</b>	<b>SIGNATURE:</b>	<b>DATE:</b>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

**NOTES**

- (1) A corporation should affix its common seal or execute under the hand of a duly authorised official who should state his representative capacity.
- (2) The application may be completed by a duly authorised agent on behalf of the applicant(s). Such person represents and warrants that he is duly authorised to sign this form and thereafter to redeem Shares on behalf of the applicant(s).

## ADDITIONAL SUBSCRIPTION FORM

If you want to subscribe for further shares in the Company please complete this additional Subscription Form (the “Additional Subscription Form”). All subscription of shares must be received by fax or email by the Administrator no later than the time specified in the Prospectus. The contact details of the Administrator are as follows:-

### S. W. Mitchell Capital plc

c/o SS&C Financial Services (Ireland) Limited  
La Touche House  
Custom House Dock  
International Financial Services Centre  
D01 R5P3  
Co. Dublin  
Ireland

Attn: Investor Services

Email: ISTRadedesk@sscinc.com

Fax No: +353 1 672 5361

Tel No: +353 1 622 5025

### INVESTOR DETAILS

Please use BLOCK CAPITALS.

Registered Name	
Account Number	

### DEAL INSTRUCTIONS

Please complete the table as indicated below by specifying the additional subscription amount of the relevant Fund and relevant Share Class in which you want to subscribe further. (Please note the minimum subsequent subscription amounts, as specified in the Prospectus).

#### SWMC Small Cap European Fund

Class: Class A (€) ☐ Class A (\$) ☐  
ISIN: IE00B3X68X40 IE00B4NMY537

Class: Class B (€) ☐ Class B (£) ☐ Class B (\$) ☐ Class B (CHF) ☐  
ISIN: IE00B3LKSX80 IE00B4361X23 IE00B4TH6019 IE00B4PGPK55

Class: Class C (€) ☐  
ISIN: IE00BC9SB949

Subscription Amount: \_\_\_\_\_

**SWMC European Fund**

Class: Class A(\$) ☐  
ISIN: IE00B60NLH49

Class A (\$) R ☐  
IE00BDFK4M58

Class: Class B (€) ☐  
ISIN: IE00B4LH9995

Class B (£) ☐  
IE00B62SZ312

Class B (\$) ☐  
IE00B6X1CQ12

Class: Class C (\$) ☐  
ISIN: IE00BD6S7L85

Class: Class D (\$) ☐  
ISIN: IE00BZ00B011

Subscription Amount: \_\_\_\_\_

**APPLICANT BANK DETAILS**

Name of Bank	
Address of Bank	
Post/Zip Code	
Country	
Swift	
Account Name	
Account Number	
IBAN Number	

**By signing and completing this additional Subscription Form you represent, warrant and undertake on a continuous basis to the Company and the Administrator as follows:-**

- (1) I/We confirm that I/we have the authority to make this investment.
- (2) I/We hereby acknowledge and agree that the latest version of the Key Investor Information Document for each Class is provided on [www.swmitchellcapital.co.uk](http://www.swmitchellcapital.co.uk) and that I/we have read the latest version of the Key Investor Information Document in good time prior to making any application for Shares in a Fund. I/We confirm that in the case where an investment is being made on behalf of an underlying investor, I/we have provided the latest version of the Key Investor Information Document to the underlying investor in good time prior to subscribing for Shares in a Fund. I/We confirm that the underlying investor is aware that the latest version of the Key Investor Information Document is available on [www.swmitchellcapital.co.uk](http://www.swmitchellcapital.co.uk) and has read the latest version of the Key Investor Information Document prior to subscribing for Shares in a Fund.
- (3) I/We hereby acknowledge that monies must originate from the account of the investor.

- (4) I/We hereby acknowledge that failure to complete these details accurately and in accordance with the original signed application form and forward monies within the settlement time scale may result in the loss of good value and an interest claim from the Company.
- (5) I/We confirm that there has been no change to details contained in the long form original fully signed Application Form.
- (6) I/We hereby agree to indemnify and keep indemnified the Service Providers for any Losses which may arise directly or indirectly out of any failure to comply with the terms of this Additional Subscription Form. The Service Providers (will not be responsible or liable for the authenticity of instructions received from me/us or any authorised person and may rely upon any instruction from any such person representing himself to be a duly authorised person reasonably believed to be genuine.

**SIGNATURE:** \_\_\_\_\_ **NAME:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**JOINT APPLICANTS** (if applicable)

<b>NAME:</b>	<b>SIGNATURE:</b>	<b>DATE:</b>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

**NOTES**

- (1) A corporation should affix its common seal or execute under the hand of a duly authorised official who should state his representative capacity.
- (2) The application may be completed by a duly authorised agent on behalf of the applicant(s). Such person represents and warrants that he is duly authorised to sign this form and thereafter to redeem Shares on behalf of the applicant(s).

## SWITCH FORM

If you want to Switch shares in the Company please complete this additional Switch Form (the “Switch Form”). All Switch applications must be received by fax or email by the Administrator and are processed in accordance with the time specified in the Prospectus. The contact details of the Administrator are as follows:-

**S. W. Mitchell Capital plc**  
c/o SS&C Financial Services (Ireland) Limited  
La Touche House  
Custom House Dock  
International Financial Services Centre  
D01 R5P3  
Co. Dublin  
Ireland

Attn: Investor Services

Email: ISTRadedesk@sscinc.com  
Fax No: +353 1 672 5361  
Tel No: +353 1 622 5025

Please use block capitals

### SWITCH INSTRUCTIONS

I/We hereby request:

1. the redemption of (insert number and currency and Share Class and monetary value)

#### SWMC Small Cap European Fund

Class: Class A (€) ☐  
ISIN: IE00B3X68X40

Class A (\$) ☐  
IE00B4NMY537

Class: Class B (€) ☐  
ISIN: IE00B3LK SX80

Class B (£) ☐  
IE00B4361X23

Class B (\$) ☐  
IE00B4TH6019

Class B (CHF) ☐  
IE00B4PGPK55

Class: Class C (€) ☐  
ISIN: IE00BC9SB949

Switch Amount: \_\_\_\_\_

#### SWMC European Fund

Class: Class A (\$) ☐  
ISIN: IE00B60NLH49

Class A (\$) R ☐  
IE00BDFK4M58

Class: Class B (€) ☐  
ISIN: IE00B4LH9995

Class B (£) ☐  
IE00B62SZ312

Class B (\$) ☐  
IE00B6X1CQ12

Class: Class C (\$) ☐  
ISIN: IE00BD6S7L85

Class: Class D (\$) ☐  
ISIN: IE00BZ00B011

Switch Amount: \_\_\_\_\_

2. the application of the redemption proceeds by way of an *in specie* subscription for

(insert number and currency and Share Class and monetary value AND insert the percentage proportion of your Redemption Proceeds to be switched)

**SWMC Small Cap European Fund**

Class: Class A (€) ☐ Class A (\$) ☐  
ISIN: IE00B3X68X40 IE00B4NMY537

Class: Class B (€) ☐ Class B (£) ☐ Class B (\$) ☐ Class B (CHF) ☐  
ISIN: IE00B3LKSX80 IE00B4361X23 IE00B4TH6019 IE00B4PGPK55

Class: Class C (€) ☐  
ISIN: IE00BC9SB949

Subscription Amount: \_\_\_\_\_

**SWMC European Fund**

Class: Class A (\$) ☐ Class A (\$) R ☐  
ISIN: IE00B60NLH49 IE00BDFK4M58

Class: Class B (€) ☐ Class B (£) ☐ Class B (\$) ☐  
ISIN: IE00B4LH9995 IE00B62SZ312 IE00B6X1CQ12

Class: Class C (\$) ☐  
ISIN: IE00BD6S7L85

Class: Class D (\$) ☐  
ISIN: IE00BZ00B011

Subscription Amount: \_\_\_\_\_

**REGISTERED ADDRESS**

Name(s) in which the Share are held .....

Address.....

..... Postal Code .....

Country ..... E-mail address .....

Tel. No ..... Fax No .....

Shareholder Account Number .....

*Unless you notify the Administrator otherwise, your instructions as to payment or reinvestment of dividends and payment of redemption proceeds and address for correspondence, as set out in the application form most recently submitted by you in respect of the Shares being switched, will apply to the Shares being acquired as they do to your existing holding.*

## SWITCH DISCLOSURE STATEMENT

Capitalised terms not otherwise defined herein shall have the meanings provided in the most recent offering memorandum of the Company, as from time to time supplemented, amended or replaced (the “Prospectus”).

1. If I/we am/are acting as agent, representative or nominee for the account of a third party (the “Beneficial Owner”), I/we acknowledge and agree that the agreements, representations and warranties made by me/us herein are also made for and on behalf of (to the fullest extent possible) the Beneficial Owner and I/we represent and warrant that I/we have all requisite power and authority to enter into this Switch Form and the transactions contemplated hereby and that, in so doing, I/we will not be in breach of any laws or regulations of any competent jurisdiction.
2. I/We acknowledge that a switch of Shares will be treated for all purposes (save for the payment of any Redemption Fee) as a redemption of Class A Shares/Class B Shares/Class C Shares/Class D Shares and a corresponding subscription for Shares in the Class(es) selected above.
3. I/We request the redemption of the number or value of Class A Shares/Class B Shares/Class C Shares referred to above and acknowledge that the Shares will be redeemed on the terms and conditions set out in this Switch Form, the Prospectus and the Company’s memorandum and articles of association.
4. I/We apply to the Company to invest the proceeds of redemption of the Class A Shares/Class B Shares/Class C Shares/Class D Shares referred to above by way of an *in specie* subscription for such number of Shares (including fractions) of the Class(es) selected above at a price determined in accordance with the Prospectus on the relevant Subscription Day and request the Administrator and the Company to take all actions necessary to implement such redemption.
5. I/We confirm that all information contained in my/our earlier application(s) remains accurate except as altered herein and that all statements, undertakings, declarations, acknowledgements and warranties are hereby reaffirmed.
6. I/We acknowledge that all switching requests will be irrevocable except at the discretion of the Directors.
7. I/We warrant that I am/we are duly authorised to sign this Switch Form and to redeem and subscribe for Shares and that, by virtue of my/our redeeming Class A Shares/Class B Shares/Class C/Class D Shares, as applicable, from SWMC Small Cap European Fund/ SWMC European Fund and subscribing for Class A (€)/ Class A USD\$/ Class A USD\$ R/ Class B (€)/ Class B (GBP£)/ Class B (USD\$) Shares/ Class C (USD\$) Shares/Class C (€)/ Class D (USD\$) Shares, as applicable, in SWMC Small Cap European Fund/ SWMC European Fund, I/we will not be in breach of any laws or regulations of any competent jurisdiction. I/We agree to indemnify and hold harmless the Company, the Manager and the Administrator and their respective directors, officers and employees against any loss, liability, cost or expense (including without limitation attorneys’ fees, taxes and penalties) which may result directly or indirectly, from any misrepresentation or breach of any warranty, condition, covenant or agreement set forth herein or in any other document delivered by me/us to the Company or the Administrator.

NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE OF AUTHORISED SIGNATORY: \_\_\_\_\_

**JOINT APPLICANTS** (if applicable)

**NAME:**

**SIGNATURE:**

**DATE:**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

**NOTES:**

(1) A corporation should affix its common seal or execute under the hand of a duly authorised official who should state his representative capacity.

(2) The switch form may be completed by a duly authorised agent on behalf of the shareholder(s). Such person represents and warrants that he is duly authorised to sign this form and thereafter to redeem and subscribe for Shares on behalf of the shareholder(s).

## **ADDENDUM TO APPLICATION FORM**

### **This Addendum only applies to private individuals**

#### **Distance marketing of financial services regulations**

The European Communities (Distance Marketing of Consumer Financial Services) Regulations (the “Distance Marketing Regulations”) transpose into Irish law Council Directive 2002/ 65/ EC on the distance marketing of financial services. The Distance Marketing Regulations seek to protect individuals when negotiating and concluding contracts with an Irish supplier of financial services by means of distance communication, including telephone and other means of electronic communication. The Distance Marketing Regulations aim to increase consumer confidence in the use of new techniques for distance marketing, such as electronic commerce. Suppliers of financial services and products from Ireland are obliged to provide consumers with information listed in the Distance Marketing Regulations before a contract is concluded.

This Addendum shall form part of the conditions of any contract agreed between S.W. Mitchell Capital plc (hereinafter known as the Company) and the applicant in relation to the provision of financial services under the Irish Distance Marketing Regulations only insofar as the applicant is a natural person who is acting otherwise than in the course of a business carried on by him or her. It shall not form part of any agreement between the Company and other persons, legal or natural.

By signing and completing the Application Form you represent, warrant and undertake that you have read and accepted the information set out in this Addendum.

#### **Important Terms and Conditions**

- (i) I/we consent to the sending by the Company or its agents of information about other investment services to me/us, by letter, telephone or other reasonable means of communication.
- (ii) Full details of the main business of the Company and its business address can be found in the Prospectus.
- (iii) The Company has appointed the following distributors as agents to supply financial services outside of Ireland: Global Fund Registration.
- (iv) The Company has appointed the Administrator to liaise with shareholders on its behalf. Full details of the Administrator’s identity and capacity can be found in the Prospectus.
- (v) The Company Registration Number is contained within the Prospectus. The Register of Companies is maintained by the Companies Registration Office in Ireland and can be accessed online at [www.cro.ie](http://www.cro.ie).
- (vi) The Company is authorised by the Central Bank of Ireland (the “Central Bank”) as an investment company pursuant to the European Communities (Undertakings for Collective Investment in Transferable Securities) Regulations, 2003 (S.I. No. 211 of 2003). Further details on the Central Bank can be found at [www.centralbank.ie](http://www.centralbank.ie)
- (vii) The attention of investors is drawn to the section of the Prospectus relating to risk factors. In particular, investors should be aware that past performance is not necessarily indicative of future performance.
- (viii) The Prospectus and the Application Form are all dated. Investors are encouraged to ensure that they have the most recent version of the documents before completing and signing the forms. Please contact the Administrator directly for the most up-to-date documentation.

- (ix) The Company does not provide investors with a right to cancel their investment. This is due to the fact that the issue of shares in the Funds of the Company are subject to market fluctuations in the financial market outside the Company's control.
- (x) The Prospectus IS governed by and construed in accordance with the laws of Ireland and the applicant hereto submits to the exclusive jurisdiction of the courts of Ireland.
- (xi) The Prospectus and the Application Form (as amended) may be translated into other languages. In the event of any inconsistency or ambiguity in relation to the meaning of any word or phrase in such translation, the English version shall prevail. The Company and its agents undertake to communicate with investors in English unless otherwise agreed with both parties.
- (xii) Any investor wishing to make a complaint regarding any aspect of the Company or its operation may do so directly to the Company. Investors also have the right to complain directly to the Central Bank or the Financial Services Ombudsman. The Company is not a member of the Investor Compensation Company Limited in Ireland as UCITS are not currently covered by the scheme.

## Appendix 1

### PRIVACY NOTICE

This Privacy Notice for SW Mitchell Capital plc (“**Company**”, “**we**”, “**us**”, “**our**”) sets out the categories of personal data we collect from you, how we collect it, what we use it for and with whom we share it in accordance with the General Data Protection Regulation (EU) 2016/679 (“**GDPR**”).

By “personal data” we mean any information relating to you such as your name, contact details, taxpayer identification number, account number, account balance and transaction information or online identifiers such as your IP address. Personal data does not include data where you can no longer be identified from it such as anonymised aggregate data.

The Company is a data controller. This means that we are responsible for deciding how we hold and use personal data about you. Our address is 3<sup>rd</sup> Floor, 3 George’s Dock, Dublin D01 X5X0, Ireland. Should you have any questions about this Privacy Notice you can contact us at [andrew@swmitchellcapital.com](mailto:andrew@swmitchellcapital.com). This Privacy Notice applies to personal data about you that we collect, use and otherwise process in connection with your relationship with us as an investor in the Company.

We may provide supplemental privacy notices on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your personal data. Those supplemental notices should be read together with this Privacy Notice.

#### **What personal data do we collect about you and what do we use it for?**

The categories of personal data about you which we may collect, store and use are set out in the table below and in each case we have indicated what we use your personal data for and our ‘lawful basis’ for processing it. The law specifies certain ‘lawful bases’ under which we are allowed to use your personal data. Most commonly, we will rely on one or more of the following lawful bases for processing your personal data:

- a) Where we need to perform the contract we have entered into with you;
- b) Where we need to comply with a legal obligation; and/or
- c) Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

Generally we do not rely on your consent as a lawful basis for processing your personal data other than in relation to sending direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us on the details given at the beginning of this notice.

The Company’s distributors may also act as data controllers for data provided by you to the distributors as part of the marketing and/or subscription process. In such circumstances, where this activity is outside the scope of activity pertaining to the Company notice of this use will be provided by the relevant distributor to you.

<b>Categories of personal data collected</b>	<b>What we use this personal data for</b>	<b>Lawful Basis</b>
Name, taxpayer identification number, account number, place of birth, citizenship, date of birth, global intermediary identification number (GIIN),	To facilitate the opening of your account with us, the management and administration of your holdings in the Company and any related account on an on-going basis, including without limitation the processing of redemption, conversion, transfer and additional subscription requests and the payment of distributions and the mailing of account-related materials to you.	Processing is necessary for the performance of your contract with us.

PPS#, source of funds, registered address, mailing address, country of tax residence, contact details including telephone and email, account balance information, transaction history, bank account information and agent/intermediary contact, compensation and tax information.		
	To carry out anti-money laundering checks and related actions in relation to the prevention of fraud, money laundering, terrorist financing, bribery, corruption, tax evasion and to prevent the provision of financial and other services to persons who may be subject to economic or trade sanctions, on an ongoing basis, in accordance with our, our or third party services provider's, applicable anti-money laundering procedures.	Processing is necessary for the purposes of our legitimate interests in complying with legal obligations to which we are subject.
	To report tax information to the relevant tax authorities.	Processing is necessary for the purposes of our legitimate interests in complying with legal obligations to which we are subject.
	To monitor and record calls and electronic communications for (i) processing and verification of instructions; (ii) investigation and fraud prevention purposes; and (iii) crime detection, prevention, investigation and prosecution.	Processing is necessary for the performance of your contract with us and for the purposes of our legitimate interests in complying with legal obligations to which we are subject.
	In connection with legal proceedings, such as responding to a subpoena.	Processing is necessary for the purposes of our legitimate interests in complying with legal obligations to which we are subject.
	To carry out statistical analysis and market research.	Processing is necessary for the purposes of our legitimate interests in analyzing and researching the market.
	To provide tailored experiences and advertisements about our products and services to you.	Processing is necessary for the purposes of our legitimate interests in providing you with tailored advertising and experiences and in promoting our products and services.

	To update and maintain our records.	Processing is necessary for the performance of your contract with us and for the purposes of our legitimate interests in complying with a legal obligation to which we are subject and for the purposes of our legitimate interests in maintaining accurate records.
Information about how you use our website	To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we deliver to you	Processing is necessary for the purposes of our legitimate interests in studying how our clients use our products/services, to develop them, grow our business and inform our marketing strategy.
	To use data analytics to improve our website, products/services, marketing, client relationships and experiences	Processing is necessary for the purposes of our legitimate interests to define types of clients for our products/services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy.
	<i>Insert additional processing activities based on data mapping exercise</i>	<i>Insert additional lawful basis.</i>

We also may collect, use and share aggregated data such as statistical or demographic data for any purpose. Aggregated data may be derived from your personal data but is not considered personal data itself as it can no longer identify you. For example, we may aggregate your investment data to calculate the percentage of our investors investing in a specific sector. However, if we combine or connect aggregated data with your personal data so that it can identify you, we treat the combined data as personal data which will be used in accordance with this Privacy Notice.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, if we are required by law to do so or if we reasonably believe that it is necessary to protect our rights and/or to comply with judicial or regulatory proceedings, a court order or other legal process.

#### **What if you do not provide the personal data we request?**

If you do not provide us with certain personal data when requested, we will not be able to perform all or part of the contract we have entered into with you, or we may be prevented from complying with our legal obligations.

#### **Change of purpose**

We will only use your personal data for the purposes for which we collected it (as identified above in the 'What we use this personal data for' column), unless we reasonably consider that we need to use it for another reason which is compatible with the original purpose for which you provided it to us. If we need to

use your personal data for a purpose that is unrelated to the original purpose for which you provided it to us, we will notify you and we will explain the legal basis which allows us to do so.

**How do we collect your personal data?**

You may provide personal information to us when communicating or transacting with us in writing, electronically, or by phone. For instance, information may come from applications, requests for forms or literature, and your transactions and account positions with us.

We may collect personal data about you:

- When you submit an application to invest in a sub-fund of the Company
- When you request literature from us
- When you visit our website (or that of one of our delegates)

We may also automatically collect certain data when you interact with our website such as technical data about your equipment, browsing actions and patterns.

In addition, we may receive personal data about you from third parties and public sources, such as:

- Companies contracted by us to provide services to you or process account transactions requested by you, such as the transfer agent of the Fund or companies that mail account-related materials to you.
- Companies contracted by us to offer our products and services to you, such as your brokerage firm or our distributor.
- If you have an investment account with us, the depository of your account may provide us with information about you or your account.
- Publicly available sources such as Companies Registration Office.

**With whom will we share your personal data?**

We may share your personal data with third parties where this is required by law, where it is necessary to perform our contract with you, or where we have another legitimate interest in doing so.

We will need to share your personal data with our service providers, including our transfer agent and administrator, our depository, our investment manager, our distributors, our auditors, our lawyers, our IT service providers and companies engaged to mail account-related materials.

We may share your personal data with other entities in our group to service your accounts, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and for hosting of data.

We may share your personal data in the context of the possible sale or restructuring of the business. We may also need to share your personal data with a regulator or to otherwise comply with applicable law or judicial process. We may disclose your personal data if we are required by law to do so or if we reasonably believe that disclosure is necessary to protect our rights and/or to comply with judicial or regulatory proceedings, a court order or other legal process.

To the extent that your data is received by such parties in conjunction with their provision of services to, or legal relationship with, the Company and they become a data controller as a result, this notice will also relate to them in such capacity and they will also be subject to its terms.

**How long will we retain your personal data?**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, accounting or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. In certain circumstances, personal data may be retained for longer than is specifically required under the GDPR.

In some circumstances we may anonymise your personal data so that it can no longer be associated with you, in which case it is no longer personal data.

Once we no longer require your personal data for the purposes we collected it for, we will securely destroy your personal data in accordance with applicable laws and regulations.

### **Accuracy of personal data**

It is important that the personal data we hold about you is accurate and current. Please let us know if your personal data changes during your relationship with us.

### **Your rights in relation to your personal data**

You have rights as an individual which you can exercise in relation to the information we hold about you under certain circumstances. These rights are to:

- Request **access** to your personal data (commonly known as a “data subject access request”) and request certain information in relation to its processing;
- Request **rectification** of your personal data;
- Request the **erasure** of your personal data;
- Request the **restriction** of processing of your personal data;
- **Object** to the processing of your personal data; and
- Request the **transfer** of your personal data to another party.

If you want to exercise one of these rights please contact us at the email address specified below.

You also have the right to make a complaint at any time to Irish Data Protection Commissioner. We would, however, appreciate the opportunity to deal with your concerns prior to any approach to the supervisory authority so please do contact us in the first instance.

While we strive to protect all information we receive from you, we cannot guarantee the security of any information you transmit to us.

### **Fees**

You will not usually have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

### **Your right to withdraw your consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact [andrew@swmitchellcapital.com](mailto:andrew@swmitchellcapital.com). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose(s) you originally agreed to unless we now have an alternative legal basis for doing so.

**Changes to this privacy notice**

We reserve the right to update this privacy notice at any time, and we will make an updated copy of such privacy notice available on our website and notify you when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal data.

**Further information**

This Privacy Notice was written with brevity and clarity in mind and is not an exhaustive account of all aspects of our collection and use of personal data. If you require any further information, please do not hesitate to contact [andrew@swmitchellcapital.com](mailto:andrew@swmitchellcapital.com).

26331955.3.EU\_BUSINESS

IRISH UCITS