

Introduction to Financial Services Legislation

**Elective
Past
Papers**

LL.B. IV



GHAQDA STUDENTI TAL-LIĠI

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2020/2021

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ABOUT GhSL

Għaqda Studenti Tal-Ligi (The Malta Law Students' Society) is a faculty-based, non-profit organisation at the University of Malta that represents all law students within the Faculty of Laws.

The organisation plays a pivotal role in law students' academic and social life at the University of Malta. The organisation has also been responsible for publishing the prestigious *Id-Dritt*, and the *GhSL Online Law Journal*.

Moreover, GhSL boasts its own Thesis Library, located at the GhSL office in the Faculty of Laws. Additionally, GhSL is the only law organisation responsible for the distribution of authoritative law notes and past papers.

For further queries on this set of notes, as well as any other, please feel free to contact our **Resources Officer** at resources@ghsl.org.



Advice from an Alumna

By Dr Priscilla Mifsud Parker

The law course is a long journey, but one that, if well-travelled, will lead to beautiful destinations. In an industry which is today attracting many young individuals looking to develop their career in law, it is important to stay ON the beaten track and remain focused. It may go without saying that it is of great importance for all students to attain good academic grades, to be dedicated to their work, as well as to be determined in this highly-competitive industry in order to fulfil their dream of becoming lawyers one day. However what is crucial is that as students and later on as professionals we are innovative by being sensitive to the changes around us. These changes might be political, economic, environmental, socio-cultural or others; what is for sure is that they all have an impact on the profession of a lawyer. We are members of a dynamic profession which is very sensitive to its surroundings. The type and 'genre' of advice which is required from us is all affected by what is being experienced by the receivers of this advice.

Work experience is considered as a vital part of the staple diet of any prospective lawyer in order to put into practice and refine the knowledge gained from the theoretical reality of the lecture halls and lawbooks into the skills required for a successful career in law. An internship will not only show future recruiters that you have a genuine interest in pursuing a career in this sector, but that you have the practical knowledge and skills to succeed in your role.

Here are some personal suggestions that I feel helped me during my journey:

1. *Being Ambitious*

A powerful trait in any competitive industry, ambition will help you in your law course, in your career as a lawyer, as well as in your life. Whilst the law course can be quite intimidating and challenging, an ambitious individual who is dedicated to learning new things has the potential to understand and realize long-term goals. Do not view the journey as one whole insurmountable mountain but focus on the next small goal and once achieved move on to the next and goal by goal you will reach your final target point.

In this respect, gaining valuable work experience through an internship is an important step taken by an ambitious young lawyer who wants to attain certain skillsets, and remain a step ahead of his/her peers. By being inquisitive, analytical and humble enough to accept guidance and mentoring one is guaranteed a fruitful experience in a law firm. It is also not only a means to start focusing on the direction of your career and to build upon your chosen path, but will undoubtedly expose you to the international world. This is crucial, as most of the traditional legal sectors have been intertwined with new areas of legislation and all these together now present much more opportunity for intra-jurisdictional work.

2. *Networking*

By engaging with counterparty students abroad and in international fora one gains an insight into another reality and is exposed to different cultures, ways of communicating and is able to bridge



the differences between parties to a mundane discussion which will eventually become a transaction or a major project in professional life.

3. Organisational Skills

Organisation is key in any industry. Good organisation skills always stand out to a recruiter when considering potential applicants. Such skills can be obtained by gaining experience either through organising one's own work, study plan, student events or cultural/philanthropic events.

Going hand-in-hand with this, is having a study plan. By planning your studies ahead, one will have a sufficient amount of time to meet all the demands, while also being able to participate in productive outside activities. Reviewing notes or case briefs before class can also help you follow and participate in class discussions better, whilst following case-law allows you to apply them for specific situations. In view of the amount of material involved summarising and carving out the most crucial points is essential to then build your argument in papers.

4. Taking your own class notes

It is always important to take down your own notes as laws are always evolving and passed-down notes would provide the context but are not ideally used for the detail. Researching the particular topic and comparing Malta's law with that of other jurisdiction gives one a completely different outlook and commenting on these variances in an exam paper, dissertation or assignment would distinguish one student from another. Not to be overlooked are also the consultation papers, commentaries and other official public documents that are issued by local authorities from time to time on different areas of law and industry. Being abreast of what is happening in industry will help putting the particular law or regulation in context.

5. Participation

Participation is a main element of the learning process. Being actively involved during seminars and lectures and participating in legal debate sessions, mock trial competitions and moot courts are essential in order to improve your persuasive and presentation skills. If you find this very difficult (all of us have different characters and traits), then try to focus on participation in other events which will expose you to public speaking starting off in smaller groups in a more familiar environment and trying out new experiences and larger audiences as you go along.

6. Practice is the key to success

This leads us to our next point – practice. Attaining good grades is undoubtedly an important part of the law course, however, in themselves, they are not enough to show that you have substantial material to succeed. Working within a law firm introduces you to the world of work, and allows you to gain specific industry-related skills which one will only ever be able to learn in a workplace setting.

Work experience can provide you with valuable insight which will help you decide what your career aspirations are and in which areas you would like to further delve into.

UNIVERSITY OF MALTA

FACULTY OF LAWS

LLD I AND LLD II YEAR (2008/9)

MAY/JUNE 2009 EXAMINATIONS

EXAMINATION: CML5001 – Financial Services Legislation

DATE: Tuesday, 26th May 2009

TIME: 9.15 am – 10.15 am

To choose EITHER question 1 OR question 2

Question 1

(a) Write sensible and relevant notes on the salient regulatory features incorporated in the Malta Financial Services Authority Act, and briefly explain the role and significance of this Act within the broader framework of financial services regulation in Malta. (50 % mark)

(b) The Financial Markets Act has introduced fundamental differences to the role and nature of the Malta Stock Exchange and to the listing process. Discuss. (50 % mark)

Question 2

(a) Bearing in mind the objectives of financial services regulation, discuss what considerations should be taken into account when determining how a country should structure the regulation of the financial services sector. What advantages are offered by the consolidation of regulatory responsibilities in one public agency? (50 % mark)

(b) List the Subject Persons in terms of the Prevention of Money Laundering and Funding of Terrorism Regulations and briefly state the duties imposed on Subject Persons by the said Regulations. (50% mark)

UNIVERSITY OF MALTA

FACULTY OF LAWS

LLD I AND II YEAR (2008/9)

SEPTEMBER 2009 EXAMINATIONS

EXAMINATION: CML5001 – FINANCIAL SERVICES LEGISLATION

DATE: FRIDAY 4TH SEPTEMBER 2009

TIME: 1.00PM TO 2.00PM

STUDENTS MUST ANSWER ONLY ONE QUESTION

Question 1

- A. Critically but briefly discuss the roles played by the Financial Services Tribunal and the Consumer Complaints Manager, both referred to in the Malta Financial Services Authority Act, within the structure of financial services regulation in Malta.

- B. The Prevention of Money Laundering and Funding of Terrorism Regulations constitute an effective instrument to combat money laundering. Discuss.

OR

Question 2

- A. What are the salient regulatory features of the Investment Services Act 1994? In your answer, explain the significance of the concepts of "licence" and "competent authority" in this Act.

- B. The Malta Stock Exchange has shed its regulatory and supervisory function and is now an operator of a regulated market. Discuss in the light of the Financial Markets Act.

All questions (A/B) carry equal marks.

UNIVERSITY OF MALTA
FACULTY OF LAWS
CML 5001 FINANCIAL SERVICES LEGISLATION
JUNE 2011 SESSION OF EXAMINATION
LL.D. I and II Course 2010-11
9th June 2011 1:00-2:00PM

One hour exam: Students are to choose ONE question from the two set below.

Question 1.

- a) What are the objectives, significance and salient features of the Financial Markets Act?
(60 marks)
- b) What does 'regulatory capture' mean and what forms can it take in financial regulation?
(40 marks)
-

Question 2.

- a) What in your view makes a good regulator and how can one measure success in financial services regulation?
(60 marks)
- b) What are the objectives and significance of the legal framework for the prevention of money-laundering in Malta?
(40 marks)

UNIVERSITY OF MALTA

FACULTY OF LAWS

LLD I and LLD II (2012/13)

SEPTEMBER 2013 SESSION OF EXAMINATIONS

CML5001 - Financial Services Legislation

Date: Tuesday 3rd September 2013

Time: 9.15am – 10.15am

Students to answer **ANY ONE** question from Part A (1 or 2) and **ANY ONE** question from Part B (3 or 4)

PART A

- (1) List and discuss the various powers of the Malta Financial Services Authority in terms of the Act that sets it up (Cap 330). (50%)

OR

- (2) Describe the content and objectives of bilateral and multilateral memoranda of understanding entered into between regulatory authorities. (50%)

PART B

- (3) Describe the status and functions of the Malta Stock Exchange. (50%)

OR

- (4) Describe how the legal framework created to combat money laundering seeks to prevent the financing of terrorism. (50%)
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UNIVERSITY OF MALTA
FACULTY OF LAWS
LL.D. I & II YEAR
MAY/JUNE 2015 EXAMINATIONS

EXAMINATION: CML5001 – FINANCIAL SERVICES LEGISLATION

DATE: FRIDAY 12TH JUNE 2015

READING TIME: 2.30PM – 2.35PM

DURATION OF EXAM: 2.35PM – 3.35PM

INSTRUCTIONS TO STUDENTS:

Students to answer **ANY ONE** question from Part A (1 or 2) and **ANY ONE** question from Part B (3 or 4)

PART A

- (1) Discuss generally the various means whereby the law safeguards and protects the legitimate interests of consumers of financial services (50%)

OR

- (2) Describe the relationship between the Malta Financial Services Authority and government as it arises under the Malta Financial Services Authority Act commenting on the degree of autonomy enjoyed by the Authority and on its public accountability (50%)

PART B

- (3) "The Prevention of Money Laundering and Funding of Terrorism Regulations have effectively transformed independent legal professionals into compliance officers in the exercise of their profession." Discuss. (50%)

OR

- (4) "Prevention of Financial Markets Abuse Act (Chapter 476 of the Laws of Malta) regulates insider trading effectively." Discuss. (50%)

UNIVERSITY OF MALTA

FACULTY OF LAWS

LL.D. I & II YEAR

SEPTEMBER 2015 EXAMINATIONS

EXAMINATION: CML5001 - FINANCIAL SERVICES LEGISLATION

DATE: 2ND SEPTEMBER 2015

READING TIME: 10:00AM – 10:05AM

DURATION OF EXAM: 10:05AM – 11:05AM

INSTRUCTIONS TO STUDENTS:

Students to answer **ANY ONE** question from Part A (1 or 2) and **ANY ONE** question from Part B (3 or 4)

PART A

- (1) The protection of the interests of consumers of financial services lies at the heart and forms an integral part of the basic principle of investor protection which permeates the spectrum of financial services laws. Discuss how such laws endeavor to achieve this protection.

- (2) Describe the role of the Malta Financial Services Authority as the single regulator of financial services in Malta, with particular reference to its various functions and powers (and limitations thereof) at law.

PART B

- (3) “The Prevention of Money Laundering and Funding of Terrorism Regulations in force today are a far cry from the regulations which were first introduced in 1994.” Discuss the above statement and provide your views whether current regulations are an effective tool in the prevention of money laundering.

- (4) “The Prevention of Markets Abuse Act is a critical instrument to safeguard the integrity of financial markets and to enhance investor confidence.” Discuss.

University of Malta
Faculty of Laws
LL.B Hons. 4th Year
September 2016 Examination

Examination: CML4007: Introduction to Financial Services Legislation

Date: 5th September 2016

Reading Time: 8.30 AM to 8.35 AM

Duration of Examination: 8.35 AM to 10.35 AM

Notes: (a) All Questions carry equal marks

**(b) Candidates are required to answer One Question from each Section below,
(i.e Four Questions in All must be attempted)**

Section A – Financial Services Regulations

Question 1

- (a) Compare the roles and powers of the Consumer Complaints Manager under the MFSA Act with those of the Arbitrator for Financial Services recently set up by separate legislation.
And (12.5 marks)
- (b) Discuss the regulatory and supervisory powers of the competent authority under the Investment Services Act 1994. (12.5 marks)

Question 2

- (a) Discuss the importance of the international dimension of financial services regulation in the sphere of collaboration between regulators operating in different jurisdictions. In your answer refer to the main instruments that exist, including the provisions introduced in Maltese financial services legislation, to allow and facilitate such collaboration.
(15 marks)
And
- (b) Analyse the licensing requirements for (i) the provision of any investment service, and (ii) the operation of any collective investment scheme, under articles 3 and 4 respectively of the Investment Services Act 1994. (10 marks)

Section B – Investment Business

Question 3

Critically examine the relevant provisions of the Investment Services Act and regulations made thereunder dealing with collective investment schemes, with particular reference to the legal definition thereof, and those dealing with licensing thereof (or exemptions from such licensing requirement). (25 marks)

Question 4

Your client (an Asian investor) wishes to open an office in Valletta to provide advice on investments in securities (in particular, shares and bonds) and gold bullion. Advise your client on the possible regulatory implications under the Investment Services Act.

(25 marks)

Section C – Insurance Law

Question 5

(a) What renders a contract of insurance voidable? *(12.5 marks)*

And

(b) What remedies are available to the prejudiced party? *(12.5 marks)*

Question 6

“The right of subrogation is a necessary incident of a contract of indemnity” (Castellian vs Preston 1883). Please elaborate and discuss.

(25 marks)

Section D – Banking Law

Question 7

“Although bank guarantees may vary in their format and conditions, they all have the same aim, namely protection against non-performance.” Discuss this statement. Your reply should, amongst others, make reference to the different clauses making up a guarantee and the main types of guarantees.

(25 marks)

Question 8

The past decade has seen an unprecedented increase in banking regulation with the aim of empowering consumers in their relationship with credit institutions. Discuss.

(25 marks)

UNIVERSITY OF MALTA
FACULTY OF LAWS
LL.B. HONS 4th YEAR 2016/17

EXAMINATION: CML 4007- INTRODUCTION TO FINANCIAL SERVICES LEGISLATION

Date: 4th September 2017

Duration of Exam: 10.00 a.m. to 12.05pm

INSTRUCTIONS TO STUDENTS:

- (i) All questions carry equal marks
 - (ii) Candidates are required to answer one question from each Section (i.e. FOUR questions in all must be attempted)
 - (iii) Every question is to be answered on a different script.
-

Section A – Financial Services Regulation

Question 1

Analyze the role/s and functions of the Malta Financial Services Authority including the implications of its role in promoting the island as a financial services jurisdiction for non-resident operators. (25 marks)

Question 2

Describe and analyze the legal relationship and inter-action between the Malta Financial Services Authority and the Malta Stock Exchange. (25 marks)

Section B – Investment Business

Question 3*

What are your views on the regulation of investment services in general, and the regulation of the provision of investment services advice in particular? (25 marks)

Question 4*

The collective investment scheme is a form of investment vehicle which is flexible enough as to accommodate a diverse range of investment products and projects. Discuss in the context of the definition of the term as contained in the Investment Services Act. (25 marks)

**(In both questions above, you are not required to comment on any subsidiary legislation or Investment Services Rules relating to the above, but you should concentrate on the provisions of primary legislation.)*

Section C – Insurance Law

Question 5

“The doctrine of subrogation has been adopted solely for the purpose of preventing the assured from recovering more than full indemnity” [Castellain vs Preston (1883)]. Explain this statement highlighting also the characteristics of the principle of indemnity in insurance law. (25 marks)

Question 6

Contrast the contract of insurance from derivative instruments in general, and credit default swaps in particular. (25 marks)

Section D – Banking Law

Question 7

The past decade has shown an increasing trend of protecting customers: whether by increasing banks' regulatory obligations or by increasing the statutory rights of such customers in their interactions with banks. Discuss. (25 marks)

Question 8

For a banker, knowledge of certain family and civil law issues is essential throughout the duration of a relationship with a customer. Discuss some of these issues with particular emphasis on lending, suretyship, pledges and bank accounts. (25 marks)

UNIVERSITY OF MALTA

FACULTY OF LAWS

EXAMINATION: CML 4007- INTRODUCTION TO FINANCIAL SERVICES LEGISLATION

Date: Friday 19th January 2018

Duration of Exam: 8.30 am to 10.35 am

- Notes: (i) All questions carry equal marks;
(ii) Candidates are required to answer one question from each SECTION (ie. FOUR questions in all must be attempted);
(iii) Every question is to be answered on a different script.
-

Section A – Financial Services Regulation

Question 1

Briefly highlight the respective features and advantages, real or pretended, of the different types of supervisory models (starting from a single regulator to a tripartite model) adopted by different countries to regulate their financial services sectors, mentioning actual examples of each.

(25 marks)

Question 2

Write short notes on the principal features of the Financial Markets Act (Chapter 345 of the Laws of Malta).

(25 marks)

Section B – Investment Business

Question 3

The Investment Services Act (and the EU legislation it transposes) is founded on the fundamental precept of investor protection. Critically analyse this statement, by reference to the wide range of investment services covered by the Act and the licensing requirement thereunder.

(25 marks)

Question 4

“There should not be a ‘one size fits all’ approach to regulation, but investors with different levels of sophistication deserve different levels of protection”. Critically analyse this statement by reference to the regulatory classification of collective investment schemes, spanning from the general classification of retail and non-retail funds.

(25 marks)

Section C – Insurance Law

Question 5

“Whilst the principles of ‘indemnity’ and ‘insurable interest’ are considered to be the ‘controlling’ principles of insurance law, the principle of ‘utmost good faith’ is regarded to be the ‘foundation’ of insurance law”. What do you understand by this statement?

(25 marks)

Question 6

Discuss the sometimes difficult distinction to be drawn between insurance contracts, wagers and other risk transfer mechanisms, such as derivative instruments, suretyship and guarantees.

(25 marks)

Section D – Banking Law

Question 7

Discuss any TWO of the following within the context of family law and banking:

- (a) Pledges of bank accounts and life insurance policies. *(12.5 marks)*
- (b) The taking out of loans and overdrafts and how the Bank deals with such liabilities on the separation of spouses. *(12.5 marks)*
- (c) The operation of a bank account by a married individual, including the position arising after the demise of the individual. *(12.5 marks)*

(Total: 25 marks)

Question 8

“The aim of bank regulation is to achieve a degree of financial stability and to address the imbalance in the relationship between banks and their customers”. Discuss.

(25 marks)

**University of Malta
Faculty of Laws**

CML4007 Introduction to Financial Services Legislation

Date: Wednesday, 5th September 2018

Duration of Examination: 10.00am-12.05pm

Instructions to students:

- (i) All questions carry equal marks.
- (ii) Candidates are required to answer one question from each SECTION (i.e. FOUR questions in all must be attempted).
- (iii) Every question must be answered on a different script.

Section A – Financial Services Regulation

Question 1

The Malta Financial Services Authority has been frequently in the news these past years and often for the wrong reasons. What were the main topics of criticism (mention at least three), and how was this criticism laid to rest? Give your own reasoned opinion on the matter. (25 marks)

Question 2

“Flows of illicit money through transfers of funds can damage the integrity, stability and reputation of the financial sector.” Critically discuss whether The Prevention of Money Laundering and Funding of Terrorism Regulations have been an effective instrument to safeguard the integrity and reputation of the Maltese financial services sector. (25 marks)

Section B – Investment Business

Question 3

Your client, an Australian investment services provider, wishes to open an office in Sliema to provide advice on investments in securities (in particular shares and bonds) and funds. Advise your client on the possible regulatory implications under The Investment Services Act. (25 marks)

Question 4

“The Investment Services Act adopts a particular approach in the way in which it regulates the provision of investment services in or from Malta.” Critically evaluate this statement by referring to the interaction between the First and the Second Schedule of The Investment Services Act, in the context of Article 3 of the same Act.

(25 marks)

Section C – Insurance Law

Question 5

Insurance is “as old as society itself”. Discuss the historical motivations behind the relationships that have led to the development of the insurance industry and the forms of insurance contract known today.

(25 marks)

Question 6

“The validity of a contract of insurance is upheld through the doctrine of utmost good faith.” Critically discuss this statement.

(25 marks)

Section D – Banking Law

Question 7

Write short notes on any THREE of the following five legislative instruments:

- a) The Banking Act, Chapter 371 of the Laws of Malta; (8.33 marks)
- b) The Financial Institution Act, Chapter 376 of the Laws of Malta; (8.33 marks)
- c) The Consumer Credit Regulations, Subsidiary Legislation 378.12 of the Laws of Malta; (8.33 marks)
- d) The Credit Agreements for Consumers Relating to Residential Immovable Property, Subsidiary Legislation 378.10 of the Laws of Malta; (8.33 marks)
- e) The Depositor Compensation Scheme Regulations, Subsidiary Legislation 371.09 of the Laws of Malta. (8.33 marks)

(25 marks)

Question 8

“The relationship between the issuing bank and the beneficiary is one of the relationships inherent in a bank guarantee.”

a) Which are the other two legal relationships inherent in this *sui generis* legal tool? Discuss these three legal relationships. (12.5 marks)

AND

b) Describe the most important clauses found in bank guarantees. (12.5 marks)

(25 marks)

**University of Malta
Faculty of Laws**

January/February 2019 Examination Session

CML4007 INTRODUCTION TO FINANCIAL SERVICES LEGISLATION

Date: Friday 25th January 2019

Duration of Examination: 10:00AM-12:05PM

INSTRUCTIONS TO CANDIDATES:

Candidates are required to answer **one (1) question** from each Section (i.e. **Four (4) questions** in all must be attempted).

All questions carry equal marks.

Answer each question on a separate script.

Section A – Financial Services Regulation

1. Describe and comment on the role and functions of the Malta Financial Services Authority both in the domestic (or national) sphere and internationally, in terms of the Malta Financial Services Authority Act. (25 marks)

2. “Investor Protection is the overarching objective of financial services regulation.” Discuss in relation to Maltese Capital Markets regulation, particularly the Financial Markets Act. (25 marks)

Section B – Investment Business

3. “The Investment Services Act adopts a particular approach in the way in which it regulates the provision of investment services in or from Malta”. Critically evaluate this statement by referring to the interaction between the First and Second Schedule of the Investment Services Act, in the context of Article 3 of the same Act. (25 marks)

4. Critically analyse the main components of the definition of a “collective investment scheme” under the Investment Services Act and of an “Alternative Investment Fund” under AIFMD (2011/61/EU), in the light of the licensing requirements under Article 4 of the Investment Services Act and the legal exemptions from such licensing requirement. (25 marks)

Section C – Insurance Law

5. Why is a clear definition covering insurance contracts important, and how has this been attempted in Malta and elsewhere? (25 marks)
6. Write short notes on any TWO of the following:-
 - i) What measures should a policyholder take in the event of an insured loss in order to protect subrogation rights (12.5 marks)
 - ii) Comment on the statement that "Insurable Interest must always exist at time of loss", (12.5 marks)
 - iii) What significance does the word 'utmost' add to the meaning of 'good faith' as an insurance principle? (12.5 marks)

Section D – Banking Law

7. "A bank guarantee protects against non-performance of an obligation and provides both the account party and the beneficiary with the peace of mind." Explain this statement, giving examples of contexts in which bank guarantees are used. (25 marks)
8. "The past decade has seen an unprecedented increase in banking regulation". Discuss. (25 marks)



L-Università
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FACULTY OF LAWS
DEPARTMENT OF COMMERCIAL LAW
FEBRUARY 2021 EXAMINATION SESSION

CML4007 Introduction to Financial Services Legislation

Monday, 15th February 2021

Examination time: 11:30 – 13:30 + 15 extra minutes for uploading/downloading.

In case of difficulty during the examination (issues with exam paper, electricity power cut, internet connection, etc), you may contact the Faculty of Laws on the following:

Telephone: 2340 3251; 2340 3204

Email: laws@um.edu.mt

Please note that for immediate feedback it is best to communicate using telephone. Use email only if there are circumstances when the use of telephone is not possible.

Keep your mobile phone handy since important communications during the examination may be communicated by the University through SMS.

By sitting for this examination, I declare that I am aware of the provisions of the regulations regarding conduct during examinations and I pledge to observe them.

Students may not obtain or seek to obtain advantage in an examination, or give or endeavour to give assistance to other students. Students who are found guilty of a breach of the University Assessment Regulations are liable to disciplinary action which may result in the examination being cancelled and other consequences.

Students may be subject to an additional oral examination to safeguard against plagiarism, collusion or other misdemeanours.

With regard to FLOWmulti examinations, you are advised to type directly on WISEflow (and not on MS Word intending to copy and paste on WISEflow).

With regard to FLOWassign examinations, you are advised to upload your work in PDF format.

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INSTRUCTIONS TO STUDENTS:

Answer **ONE (1)** question from **EACH** section. **FOUR (4)** questions in all must be attempted.

All questions carry equal marks.

SECTION A – FINANCIAL SERVICES REGULATION

1. Discuss briefly the various international aspects of financial services regulation, explaining clearly how regulators from different jurisdictions can collaborate and cooperate with each other.
2. Financial Markets Act – ‘Securities shall be admitted to listing on a regulated market operating in Malta only upon the approval of an application for admissibility to listing by the Listing Authority’. Discuss.

SECTION B – INVESTMENT BUSINESS

3. Your Maltese client wishes to open an office in Valletta to provide advice to the general public on investments in securities (in particular, shares and bonds). Advise your client on the main aspects of the applicable regulatory regime under the Investment Services Act.
4. ‘Collective investment schemes, like other investment products and services, call for the protection of investors investing their money therein, albeit to varying degrees depending on the level of sophistication on the targeted investors’. Critically analyse this statement.

SECTION C – INSURANCE LAW

5. The traditional doctrine of utmost good faith in recent years came under lot of pressure. What changes were introduced over the last decade to soften its application vis a vis the policyholder in matters concerning non-disclosure and misrepresentation?
6. Analyse the points of convergence and distinction of contracts of insurance, suretyship and guarantees.

SECTION D – BANKING LAW

7. Describe the salient aspects of Maltese civil/family law in the context of these common banking scenarios:
 - The taking out of loans and overdrafts by spouses and how the Bank deals with such liabilities on the separation of spouses; and
 - The operation of a bank account by a married individual, including the position arising after the demise of the individual.

In both scenarios above, you are to assume that the spouses' marriage is regulated by the community of acquests.

8. 'Regulation is necessary, particularly in a sector like the banking sector, which exposes countries and people to risk'. Discuss with specific reference to European directives and regulations in this sector.