

S.I. 2015 No. 74

Securities Act

CAP. 318A

SECURITIES (DEALERS EXEMPTION) ORDER, 2015

The Minister, in exercise of the powers conferred on him by section 127A(1) of the *Securities Act*, after consultation with the Financial Services Commission, makes the following Order:

Citation

1. This Order may be cited as the *Securities (Dealers Exemption) Order, 2015*.

Definitions

2. In this Order,

“approved jurisdiction” means a jurisdiction specified in the *Schedule*;

“Commission” means the Financial Services Commission established by section 3 of the *Financial Services Commission Act* (Act 2010-21);

“exempt dealer” means a dealer who is declared to be exempt in accordance with the provisions of this Order;

“foreign securities” means

(a) securities that are issued outside Barbados by a non-Barbados issuer;
or

(b) securities that are issued by a foreign government;

“international business company” means a company licensed in accordance with section 9 of the *International Business Companies Act*, Cap. 77.

Eligibility for exemption

3.(1) An international business company that is dealing in foreign securities may be exempt from the requirement to register as a dealer under section 46(1) (c) of the Act where that company

(a) is registered as a market actor under paragraph (a), (b), (d), (e) or (f) of section 46(1) of the Act and is not operating in Barbados as a dealer; or

(b) is operating and regulated in an approved jurisdiction.

(2) A dealer who desires to seek an exemption under sub-paragraph (1) shall apply to the Commission in such form as may be approved by the Commission and shall supply such information as may be requested by the Commission.

Duration of exemptions

4. Where an exemption is granted under paragraph 3, the exemption remains valid until revoked under this Order where the prescribed annual exemption fees are paid on or before 31st January each year and the dealer complies with the provisions of this Order.

Duty to notify of change of status

5.(1) Where

(a) regulatory action is taken in relation to an exempt dealer by a regulatory authority other than the Commission; or

(b) there is a change of circumstances that render an exempt dealer no longer eligible to be exempt under this Order,

that exempt dealer shall forthwith inform the Commission of the change of circumstances in writing.

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- (2) For the purposes of sub-paragraph (1), regulatory action includes the following:
- (a) a warning;
 - (b) a suspension; or
 - (c) an investigation.
- (3) An exempt dealer shall, within the time specified by the Commission, submit any records and information requested by the Commission so as to enable the Commission to determine whether the exempt dealer continues to satisfy the conditions for the exemption.
- (4) Where a dealer fails to inform the Commission in accordance with sub-paragraph (1), that dealer is guilty of an offence and is liable on summary conviction to a fine of \$500 or imprisonment for 3 months or to both.

Revocation of exempt status

- 6.(1) Where
- (a) an exempt dealer informs the Commission under paragraph 5 of any change in circumstances that render that dealer ineligible for exemption under this Order; or
 - (b) it comes to the attention of the Commission, in any other manner, that a dealer is no longer eligible to be exempt under this Order,

the Minister shall, on the advice of the Commission, revoke the dealer's exemption by way of an order.

- (2) Where the Minister proposes to revoke a dealer's exemption pursuant to sub-paragraph (1), the Minister shall give the dealer reasonable notice of that proposed decision and shall state the reasons therefor.
- (3) Where a dealer is aggrieved by the proposed revocation of the exemption by the Minister, that dealer may, within the time stated in the notice, make written representation to the Minister as to why the exemption should not be revoked.

(4) The revocation under sub-paragraph (1) shall take effect from the date specified in the order revoking the exemption.

SCHEDULE

(Paragraph 2)

Approved Jurisdictions

Jamaica

Trinidad and Tobago

Made by the Minister this 8th day of September, 2015.

CHRISTOPHER SINCKLER
Minister Responsible for Finance