

Short title

1. This Act may be cited as the Financial Services Regulatory Authority (Amendment) Act, 2022.

Interpretation

2. In this Act, “principal Act” means the Financial Services Regulatory Authority Act, Cap. 12.23.

Amendment of section 30

3. Section 30(2) of the principal Act is amended by —

(a) deleting paragraph (b) and by substituting the following —

“(b) the approval, suspension or revocation of licenses, except in the case of delegation to the Executive Director of the function of registration of —

(i) insurance agents,

(ii) insurance brokers,

(iii) insurance salespersons,

(iv) insurance loss adjusters,

(v) insurance incorporated cells,

(vi) international private mutual funds, and

(vii) pension fund plans.”;

(b) deleting paragraph (c).

Amendment of section 37

4. Section 37 of the principal Act is amended —

(a) in subsection (2), by inserting immediately after the words “subsection (1)(a) and (b)” the words “have occurred, are occurring or”;

(b) by inserting immediately after subsection (5) the following new subsections (6), (7), (8), (9), (10) and (11) —

“(6) Notwithstanding subsection (2) and an enactment specified in Schedule 1, the Authority may appoint, at the expense of the regulated entity, for a period of three months, a person to assume control of the regulated entity’s affairs where the Authority has reasonable cause to believe that the practices or violations under subsection (1)(a) and (b) have occurred, are occurring or are likely to occur.

(7) A person appointed under subsection (6) —

(a) has all the powers of a person appointed as a receiver or a receiver-manager under the Companies Act, Cap. 13.01 or any other law under which the receiver or receiver-manager is appointed;

(b) shall, within three months of the date of appointment, prepare and furnish to the Authority a report of the affairs of the regulated entity.

(8) On receipt of a report under subsection (7)(b), the Authority may extend the appointment period under subsection (6) for a further period not exceeding six months.

(9) A person whose appointment has been extended under subsection (8) shall, at the end of the extension period, prepare and furnish to the Authority a report of the affairs of the regulated entity.

(10) A report under subsection (7)(b) or (9) must contain, with respect to the regulated entity, the recommendations of the person appointed under subsection (6).

(11) On receipt of a report under subsection (7)(b) or (9), the Authority may —

(a) revoke the appointment of the person under subsection (6);

(b) in a manner approved by the Authority, allow the regulated entity to reorganize its affairs;

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- (c) revoke the licence of the regulated entity;
- (d) make an application to the court for an order that the regulated entity be wound up by the court.”.

Amendment of section 38

5. Section 38 of the principal Act is amended —

- (a) by deleting subsection (1) and by substituting the following

—

“(1) The Authority may enter into a memorandum of understanding with a regulatory authority, the Financial Intelligence Authority or a competent authority for the purpose of the exchange of information necessary to enable the regulatory authority, the Financial Intelligence Authority or the competent authority to exercise its regulatory functions.”;

- (b) by inserting immediately after subsection (6) the following new subsection (7) —

“(7) In this section, “competent authority” includes a public authority with the responsibility for combatting money laundering, terrorist financing and proliferation financing.”.

Passed in the House of Assembly this 1st day of February, 2022.

CLAUDIUS J. FRANCIS,
Speaker of the House of Assembly.

Passed in the Senate this 4th day of February, 2022.

STANLEY FELIX,
President of the Senate.