

British Virgin Islands Financial Services Commission

Guidelines and Operating Procedures of the Licensing and Supervisory Committee



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FSC/G050

CONTENTS

INTRODOUCTION.....	3
Schedule 3 amended	3
(a) Schedule 3, Part I (a): Banking and Fiduciary Services Division	3
(b) Schedule 3, Part II: Insurance Division.....	3
(c) Schedule 3, PART III (a): Investment Business Division.....	4
(d) Addition of Part III (d): Investment Business (Approved Managers) Regulations, 2012	4
(e) Schedule 3, PART IV: Regulatory Code, 2009	4
(f) Schedule 3, Part V (a): Financial Services Commission Act, 2001	5
(g) Addition of Part VI: BVI Business Companies Act, 2004	5

Introduction

These Guidelines are issued by the Financial Services Commission pursuant to sections 17 (1) and 41B of the Financial Services Commission Act, 2001 (NO. 12 of 2001) and amend the principal *Guidelines and Operating Procedures of the Licensing and Supervisory Committee* (“the Guidelines”) issued by the Commission on 12th March, 2002 and revised in August, 2012. The amendments are in relation to the delegation of authority with respect to financial services legislation and related activities.

Schedule 3 Amended

Schedule 3 of the Guidelines is amended

(a) in Part I (a): Banking and Fiduciary Services Division, by inserting in the appropriate numerical order of the sections of the relevant enactment, the following:

“Authority Delegated	Banks and Trust Companies Act – (Section)	Company Management Act- (Section)	Director of Division	Managing Director	Board	Other (in the absence of primary decision maker)
Approve any change in undertaking	10(5)		✓ ”.			

(b) in Part II: Insurance Division, by inserting in the appropriate numerical order of the sections of the Insurance Act, 2008, the following:

“Authority Delegated	Insurance Act – (Section)	Director of Division	Managing Director	Board	Other (in the absence of primary decision maker)
Distribution of dividends within five years of being licensed	13(4)	✓			
Approval to vary the financial year of a licensee	54(4)	✓ ”.			

(c) in PART III (a): Investment Business Division, by inserting in the appropriate numerical order of the sections of the Securities and Investment Business Act, 2010, the following:

“Authority Delegated	Securities and Investment Business Act, 2009 (Section)	Director of Division	Managing Director	Board	Other (in the absence of primary decision maker)
Appointment of functionaries for public funds	54	✓ ”.			

(d) by adding after PART III (c): Segregated Portfolio Companies Regulations, 2005, the following new Part:

“PART III (d): Investment Business (Approved Managers) Regulations, 2012					
Authority Delegated	Investment Business (Approved Managers) Regulations, 2012 (Section)	Decision Maker			
		Director of Division	Managing Director	Board	Other (in the absence of primary decision maker)
Extension of time to operate without a licence	4(3)(4)	✓ ”.			

(e) in PART IV: Regulatory Code, 2009, by inserting in the appropriate numerical order of the sections of the Regulatory Code, 2009, the following:

“Authority Delegated	Regulatory Code, 2009 (Section)	Director of Division	Managing Director	Board	Other (in the absence of primary decision maker)
PART IV- Insurance					
Approval of reinsurer with less than A- rating	138	✓			
Approval of certain allowable assets – deferred	Schedule 5	✓ ”.			

acquisition costs, prepaid reinsurance and letters of credit					
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(f) in PART V (a): Financial Services Commission Act, 2001, by inserting in the appropriate numerical order of the sections of the Financial Services Commission Act, 2001, the following:

“Authority Delegated	Financial Services Commission Act, 2001 (Section)	Director of Division	Managing Director	Board	Other (in the absence of primary decision maker)
Variation of condition on licence	40B (5)	✓ ”.			

(g) by adding immediately after PART V (b), the following new Part:

“PART VI: BVI Business Companies Act, 2004 (Applicable to Divisions with responsibility for segregated portfolio companies)					
		Decision Maker			
Authority Delegated	BVI Business Companies Act, 2004 (Section)	Director of Division	Managing Director	Board	Other (in the absence of primary decision maker)
Approving the incorporation or registration of an SPC	135	✓			
Approval of liquidation/ liquidators	200	✓ ”.			

Issued by the Financial Services Commission this 19th day of December, 2014.

Robert Mathavious
Managing Director/CEO
For and on behalf of LSC