



I assent,

CUTHBERT M SEBASTIAN

*Governor-General.*

18<sup>th</sup> July, 2008.

## SAINT CHRISTOPHER AND NEVIS

### No. 22 of 2008

**AN ACT** to amend the Financial Services Commission Act, No. 17 of 2000.

*[Published 18<sup>th</sup> July 2008, Extra-Ordinary Gazette No. 33 of 2008]*

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

1. This Act may be cited as the Financial Services Commission (Amendment) Act, 2008.

Short title.

2. In this Act, a reference to "the Act" shall mean the Financial Services Commission Act, No. 17 of 2000.

Interpretation.

3. The Act is amended in section 8 thereof by inserting, immediately after section 8 the following new sections:

Amendment of section 8.

"Commis-  
sion may  
apply  
sanctions.

8A. (1) If in the opinion of the Commission a financial service business or a regulated business is operating in a manner that:

- (a) is, or is likely to be financially unsound and prejudicial to the provisions set out in the Proceeds of Crime Act, the Anti-terrorism Act or any other enactment or guidelines regulating the conduct of financial services or regulated businesses for the purposes of combating money laundering or the financing of terrorism; or
- (b) may jeopardise the reputation and integrity of Saint Christopher and Nevis in commercial and financial matters;

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the Commission may take one or more of the following actions:

- (i) issue a written warning to the financial services or regulated business;
- (ii) conclude a written agreement with the financial service business or regulated business, providing for a program of remedial action; or
- (iii) issue a cease and desist order that requires the financial services business or a regulated business or the person responsible for its management to cease and desist from the practice or violations specified in the order.

(2) Where the Commission has imposed the relevant measures pursuant to subsection (1) and there has been no material change in the conduct in question, then the Commission may, after exhausting the measures in subsection (1), recommend that the Minister take appropriate action as follows:

- (a) restricting or varying the operation of a licence;
- (b) revoking the relevant licence of the financial services business or regulated business to do finance business;

(3) A financial services business or regulated business served with a cease and desist order issued under subsection (1) may apply to the High Court for an order setting aside, varying or suspending the operation of the cease and desist order.

(4) A financial services business or other regulated business, its affiliate, or any director, officer, employee or significant shareholder of a licensed financial business or regulated business who fails to comply with any requirement or contravenes any

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prohibition imposed on that business under this section commits an offence and is liable, on summary conviction,

- (a) in the case of the financial services business or regulated business or its affiliate, to a fine of fifty thousand dollars, and in the case of a continuing offence, to a further penalty of five thousand dollars for each day on which the offence continues after conviction thereof;
- (b) in the case of an individual specified in this section, to a fine of twenty-five thousand dollars, and in the case of a continuing offence, to a further penalty of one thousand dollars for each day on which the offence is continued after conviction thereof.”.

CURTIS A. MARTIN  
*Speaker*

Passed by the National Assembly this 4<sup>th</sup> day of June, 2008.

JOSÉ LLOYD  
*Clerk of the National Assembly*