

SECURITIES COMMISSION OF THE BAHAMAS

PUBLIC NOTICE

No. 6 of 2010 10th September 2010

Re: UNLICENSED FCSP OPERATORS

This **NOTICE** is issued by the Inspector of Financial and Corporate Services (the Inspector) pursuant to its authority under Section 11(3) of the Financial and Corporate Service Providers Act, Chapter 369 (the Act). The Securities Commission of The Bahamas (the Commission) was appointed as the Inspector on January 1, 2008 and is therefore responsible for ensuring all persons operate in accordance with the Act, which provides for the licensing and regulation of Financial and Corporate Service Providers (FCSPs).

The Inspector advises that Section 18(1) of the Act states:

“Any person who carries on the business of financial and corporate services in or from within The Bahamas without obtaining a license under this Act commits an offence and is liable on summary conviction to a fine of seventy-five thousand dollars and where the offence continues subsequent to conviction that person is liable to a fine of one thousand dollars for each day the offence continues.”

The Inspector further advises that while “financial services” referred to in section 2 of the Act is not defined in the legislation, it is interpreted using the definition issued by the World Trade Organisation. Financial services as defined therein includes money broking, lending of all types and related activities.

In light of the foregoing, the Inspector’s attention has been drawn to a number of persons carrying out activities that require a license under the Act. Section 3 of the Act provides that no person shall carry on the business of financial and corporate services in or from within the Bahamas unless that person has obtained a license under the Act.

The general public is **HEREBY ADVISED** that all persons who, for profit or reward, are providing financial and corporate services without a FCSP license are committing a criminal offence, which means such matters must be reported to the police.

The general public is **FURTHER ADVISED** that **all persons operating without a license are to immediately cease and desist operating and should report to the Inspector without delay. These persons must report to the Inspector within thirty (30) days from the date of this Notice, during which time they **MUST NOT** operate. Failure to submit to the Inspector and/or continuing to operate without a license after this thirty (30) day period will result in a complaint being filed with the police for criminal prosecution.**

Further, please note that criminal conviction for failing to submit to the Inspector and operating without a license after this Notice has been issued could render an entity “not Fit and Proper”, and therefore unable to qualify to be licensed and regularized under the Act. Therefore, anyone who is presently operating without a license should immediately contact the Inspector at the Securities Commission, 3rd Floor Charlotte House, Shirley and Charlotte Streets.

This notice is not applicable to licensees of the Central Bank of the Bahamas pursuant to section 20 of the Act.

You may contact Ms. Mechelle Martinborough, Secretary & Legal Counsel at the Securities Commission with any general inquiries concerning this Notice at telephone number 397-4100 or in writing to P.O. Box N-8347, Nassau, The Bahamas or via e-mail: info@scb.gov.bs