



REGULATORY UPDATES

Recently Implemented

Financial and Corporate Service Providers Act, 2020

Gazetted 30 December 2020

<https://bit.ly/39mKZSz>

Digital Assets and Registered Exchanges Act, 2020 (DARE)

Gazetted 30 December 2020

<https://bit.ly/3i0IKJQ>

Financial and Corporate Service Providers (General) Regulations, 2020

Gazetted 30 December 2020

<https://bit.ly/3sgmVJS>

Financial and Corporate Service Providers (Fees) Rules, 2020

Gazetted 30 December 2020

<https://bit.ly/3silomG>

Securities Industry (Fee) Rules, 2020

Gazetted 30 December 2020

<https://bit.ly/3i3KNvg>

Investment Funds (Fees) Rules, 2020

Gazetted 30 December 2020

<https://bit.ly/2LGUMdW>

Consultation Documents

Guidance Notes on Elective Professional Client (Rule 25) of the Contracts for Differences Rules, 2020

Consultation period: ended 13 November 2020

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MEDIA RELEASES/ALERTS AND NOTICES

Public Notice

SCB Notice - FATF Public Statement on DPRK and Iran
Issued: 22 December 2020

The Commission issued this notice to registrants and licensees with regard to the statement issued by FATF with regard to DPRK and Iran.

<https://bit.ly/39nEpeI>

Public Notice

SCB Notice- CFATF Public Statement Sint Maarten
Issued: 22 December 2020

The Commission issued this notice to registrants and licensees with regard to the statement issued by CFATF with regard to Sint Maarten.

<https://bit.ly/3i3Y8Ef>

Notice

Public Notice- Reporting Obligations under the Commercial Entities (Substance Requirements) Act, 2018

Issued: 18 December 2020

The Commission issued this notice to registrants and licensees on behalf of the Ministry of Finance with reference to the reporting obligations under the Commercial Entities (Substance Requirements) Act, 2018.

Notice

Appointed Day Notice - FCSPA, 2020 and DARE Act, 2020

Issued: 14 December 2020

The Commission issued this communication to registrants and licensees on the Appointed Day Notice and coming into force of the FSCP and DARE, 2020

<https://bit.ly/3oAfOts>

Notice

Extension of CbC Reporting Deadline & Issuance of CbC Guidelines

Issued: 11 December 2020

The Commission issued this communication to registrants and licensees on behalf of The Bahamas Competent Authority to advise on the extension of the deadline for CbC reporting.

Media Release

DARE Legislation Opens the Door for New Industry
Issued: 9 December 2020

This media release highlights the framework of the recently enacted Digital Assets and Registered Exchanges Act, 2020 and the business opportunities offered by the legislation for entrants into the digital assets space.<https://bit.ly/3btAcZF>

Public Notice

SCB Public Notice 15 of 2020 -- Extension of Registration of Fund Managers

Issued: 9 December 2020

The Commission issued this notice to registrants and licensees with regard to the extension of registration of fund managers to 31 January 2021.

<https://bit.ly/3i4bLmK>

Notice

Financial and Corporate Service Providers Act, 2020 and Digital and Registered Exchanges Act, 2020

Issued: 4 December 2020

The Commission issued this communication to registrants and licensees with regard to the aforementioned FCSP and DARE acts being assented to and the coming into force of both pieces of legislation.

Public Notice

SCB Public Notice 14 of 2020 -- Blacc Legacy Investment Fund

Issued: 2 December 2020

The Commission issued this notice to registrants and licensees regarding Blacc Legacy Investment Fund.

<https://bit.ly/2Llyf6N>

Public Notice

SCB Public Notice 13 of 2020 -- Cash Forex Group

Issued: 2 December 2020

The Commission issued this notice to registrants and licensees regarding Cash Forex Group, an MLM entity. The notice was also disseminated to the media. <https://bit.ly/2XxNPid>

Notice

Registration of Money Laundering Reporting Officers

Issued: 1 December 2020

The Commission issued this communication to registrants and licensees on behalf of the Financial Intelligence Unit regarding registration of Money Laundering Reporting Officers and training on its caseKonnnect® e-Filing portal.

UN SANCTIONS LIST UPDATES

Issued by: United Nations Security Council

Adoption Date: 1 December 2020

Reference: IOEAMA UNSCR Iraq SC14368

<https://bit.ly/38HpOuk>

SPEECHES AND PRESENTATIONS

2 December 2020: Executive Director Christina Rolle and Senior Manager Gawaine Ward of the Enforcement Department appeared on You and Your Money television show to discuss investment frauds and schemes and to inform the investing public on how to identify and avoid investment frauds and schemes.

UPCOMING INDUSTRY BRIEFINGS/EVENTS AND MEETINGS

14-15 January 2020: 30th Annual Bahamas Business Outlook. Facing Unprecedented Times: Recover. Adapt. Advance. Register online at tclevents.com.

TBA: SIA/IFA/FCSPA Industry Briefing. The Commission will discuss its recently launched SOFY platform, the web-based filings portal to be launched in January, give special presentations with specific focus on AML/CFT, and provide updates on legislative and other developments applicable to our SIA/IFA/FCSPA registrants and licensees.

FILINGS WATCH

Licensees and registrants under the Securities Industry Act, 2011 (SIA), the Investment Funds Act, 2019 (IFA) and the Financial and Corporate Service Providers Act, 2000 (FCSPA) should refer to legislation and issued rules in order to remain compliant with their ongoing reporting obligations.

AROUND THE COMMISSION

The Commission's reception desk is open between the hours of 9 a.m. and 5 p.m. for telephone calls and deliveries. To maintain physical distancing, there is a designated area for package drop-off. Commission staff may be contacted via their work telephone extensions and email. If you do not have direct contact details for a staff member, please call 397-4100 or send an email to info@scb.gov.bs so that it may be directed to the right person/team. Application fees and other payments should be made to the Commission via wire transfer (instructions previously sent).

DECEMBER 2020

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JANUARY 2021

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INDUSTRY BRIEFINGS/ EVENTS AND MEETINGS

2-3 ACAMS Caribbean Virtual Conference

25 Christmas Day
Public holiday

26 Boxing Day
Public Holiday

28 Boxing Day
Public Holiday Observed

1 New Year's Day
Public Holiday

11 Majority Rule Day
Public Holiday

14-15 30th Bahamas Business Outlook
Webinar

TBA SIA/IFA/FCSP Industry Briefing

SUSPENSION OF ON-SITE EXAMINATIONS

As result of Emergency Powers Orders, the Securities Commission of The Bahamas has postponed all routine on-site examinations for SIA/IFA/FSCPA registrants and licensees. All licensees and registrants who have not already done so are reminded to complete their updates in the SOFY platform. Any outstanding self-risk assessments or any updates to self-risk assessments (based on FTRA) should be submitted to riskanalytics@scb.gov.bs.

2020 EXAMINATION PRIORITIES

In an effort to promote transparency of the examinations process and highlight the top identified areas of risk in the securities sector, the Commission has established its examination priorities for the 2020 calendar year. To view the priorities visit <https://bit.ly/2020ExaminationsPriorities>

DESK-BASED THEMATIC REVIEWS

In light of the suspension of on-site examinations the Commission developed three extensive desk-based, industry-wide thematic reviews to obtain business operations information from all SIA/IFA/FSCPA registrants and licensees. The survey is mandatory for all regulated entities and is presented as an e-fillable form, consisting of short form responses and multiple choice questions. The first two surveys, disseminated on 6 July 2020, focused on anti-money laundering and countering the financing of terrorism procedures and practices (AML/CFT/PF), and business continuity plans. The Commission will publish the results upon completion of its analysis. The results will also inform the 2021 Examination Priorities. The third desk-based thematic review on the suitability of complex financial products is scheduled to be released by the end of the year.

FEEDBACK

For feedback, questions or to provide information email: oed@scb.gov.bs, reference SCB Brief V1, I12.

Publication date: 22 January 2021

FCSP AUTHORISED AGENTS

The Securities Commission of The Bahamas, as the Inspector of Financial and Corporate Services, has published the list of accounting firms/accountants approved to act as its agents in conducting the annual routine onsite examination for 2020. For a complete list visit <https://bit.ly/ApprovedAgentsofFCSPs2020>

RECOMMENDED READING

Finance & Development: Conquering the Great Divide
<https://bit.ly/3q7seta>

World Economic Forum: The Future of Jobs Report
<https://bit.ly/2LIFUSA>

Gateway: The Bahamas Financial Review Fall 2020
BFSB's semi-annual publication with the primary objective and focused theme showcasing the "Bahamas Advantage". <https://bit.ly/2GnCXJS>

The Future of Finance: The Impact of FinTech, AI, and Crypto on Financial Services

by Henri Arslanian and Fabrice Fischer

From the cover: This book, written jointly by an engineer and artificial intelligence expert along with a lawyer and banker, is a glimpse on what the future of the financial services will look like and the impact it will have on society.

FREQUENTLY USED ABBREVIATIONS

AML: Anti-Money Laundering

BOSS: Beneficial Ownership Secure Search System

CFATF: Caribbean Financial Action Task Force

CFD: Contract For Differences

CFT: Countering the Financing of Terrorism

DARE: Digital Assets and Regulated Exchanges

DPRK: Democratic People's Republic of Korea

FATF: Financial Action Task Force

FCSP(A): Financial and Corporate Service Providers (Act)

IFA: Investment Funds Act

IOEAMA: International Obligations (Economic and Ancillary Measures) Act

IOSCO: International Organization of Securities Commissions

SIA: Securities Industry Act

UNSCR: United Nations Security Council Resolution