

I assent,



SAMUEL WEYMOUTH TAPLEY SEATON
Governor-General

6th February, 2020.

SAINT CHRISTOPHER AND NEVIS

No. 3 of 2020

AN ACT to amend the Money Services Business Act, Cap. 21:21.

[Published 20th February 2020, Official Gazette No. 12 of 2020.]

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. Short title.

This Act may be cited as the Money Services Business (Amendment) Act, 2020.

2. Interpretation.

In this Act, a reference to the expression “Act” shall mean the Money Services Business Act, Cap. 21:21.

3. Amendment of section 2.

Section 2 of the Act is amended by

- (a) inserting immediately after the definition of “licensee”, the following new definition as follows:

“ “micro financing and lending” means a short term financial facility in the form of a business or personal loan not exceeding fifty thousand dollars, made to individuals or entities, without collateral;

- (b) replacing in subparagraph (v) of the definition of “money services business”, the expression “pay day advances” with the expression, “micro-financing and lending”;

4. Amendment of section 5.

The Act is amended in section 5 subsection (2)(e) by replacing the expression “pay day advances”, with the expression “micro-financing and lending”.

5. Amendment of section 6.

The Act is amended in section 6 subsection (5) by inserting a new subsection (5a), immediately after subsection (5) as follows:

“ (5a) In considering whether a matter is in the public interest the Authority may have regard to the following

- (a) the need to safeguard the interests of the consuming public;
- (b) the impact on the overall integrity of the financial sector within the Federation; and
- (c) any other matters that the Authority considers material to the management of the financial services sector within the Federation.

6. Amendment of section 8.

The Act is amended in section 8 by

- (a) replacing subsection (1) as follows:

“ (1) A licensee shall maintain adequate capital pursuant to the requirements set out in Schedule 5.”

- (b) deleting subsection (7) and subsection (8).

7. Amendment of section 9.

The Act is amended in section 9 as follows:

- (a) in subsection (2) by replacing the expression, “on or before the 15th” with the expression, “ before the 1st”.
- (b) by inserting the following new subsections (3) and (4) as follows and renumbering accordingly:

“ (3) Where a licensee pays the annual licence fee between the 1st day and the 15th day of January, there shall be a late fee of 250.00 which shall be in addition to the annual fee.

(4) Where a licensee fails to pay the annual licence fee by the 15th day of January, the licence shall lapse and the licensee shall have to apply for a new licence for the year in question.”.

8. Amendment of section 16.

The Act is amended in section 16 by

- (a) inserting in subsection (1) paragraph (a), immediately after the expression, “books and records” the expression “of the licensee”;
- (b) inserting a new subsection (3) as follows and renumbering accordingly:

“ (3) Where a licensee fails to submit an audited financial statement pursuant to the provisions of this section, then unless granted an extension,

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a fee of 100.00 shall be payable by the licensee for each day on which those audited financial statements remain outstanding.”;

(c) replacing in subsection (6) paragraph (b), subparagraph (ii) as follows:

“ (ii) of any suspicious transaction as defined in the Anti-Money Laundering Regulations, Anti-Terrorism (Prevention of Terrorist Financing) Regulations and the Financial Services (Implementation of Industry Standards);”.

9. Amendment of section 18.

The Act is amended in Section 18 in subsection (3) by replacing the expression, “2001, issued pursuant to the Proceeds of Crime Act, 2000,” with the expression, “Anti-Money Laundering Regulations, Anti-Terrorism (Prevention of Terrorist Financing) Regulations and the Financial Services (Implementation of Industry Standards).

10. Amendment of section 19.

Section 19 of the Act is amended as follows:

(a) in subsection (1), by replacing the expression “The holder of a Class A or Class B licence,” with the expression, “A licensee”;

(b) by deleting subsection (2) and renumbering accordingly;

(c) by inserting a new subsection (3) as follows:

“ (3) Where a licensee fails to submit a quarterly report within the time stipulated pursuant to the provisions of this section, then a fee of 100.00 shall be payable by the licensee for each day on which the quarterly report remains outstanding.”.

(d) by replacing subsection (4) as follows:

“ (4) Notwithstanding the provisions of subsection (3), a licensee who fails to file a quarterly return commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term of two years or to both such fine and imprisonment.”.

11. Amendment of section 33.

The Act is amended in section 33 as follows

(a) by inserting a new subsection (4a) as follows:

“ (4a) Subject to subsection (3), where the Authority decides to revoke the licence, the licensee concerned shall be informed of the decision, prior to publication of the notice of revocation in subsection (6).

(4b) Where the Authority decides not to revoke the licence, the licensee concerned shall be informed of the decision.

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(4c) Where the Authority does not revoke the licence, it may require the licensee concerned to satisfy certain conditions to address any outstanding concerns of the Authority.

12. Amendment of Schedule 1.

Schedule 1 is amended under the heading “Description of Licence” by replacing the expression “Pay day advances”, with the expression, “Micro-financing and lending”.

13. Amendment of Schedule 3.

Schedule 3 of the Act is amended by inserting immediately after the expression, “currency exchange” the expression, “micro-financing and lending”.

14. Amendment of Schedule 4.

Schedule 4 of the Act is amended by replacing the expression, “Pay day advances” with the expression “micro-financing and lending”.

15. Amendment of Schedule 5.

The Act is amended by inserting immediately after Schedule 4, a new Schedule 5 as follows:

“Schedule 5

Capital and Statutory Deposit Requirement

Class of Licence	Capital Required	Statutory Deposit Payable
Class A	\$50,000	30% of the capital required
Class B	\$50,000	Not Applicable
Class C	\$50,000	Not Applicable
Class D	\$50,000	Not Applicable
Class E	\$50,000	Not Applicable”

ANTHONY MICHAEL PERKINS
Speaker

Passed by the National Assembly this 23rd day of January, 2020.

SONIA BODDIE-THOMPSON
Clerk of the National Assembly