

SESSION 2017

BILL NO. 71

REGISTER OF BENEFICIAL OWNERSHIP BILL, 2018

Amendment

to be Moved by

A MEMBER OF THE GOVERNMENT

Clause of the Bill

Amendment to be Made

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- (a) Delete the definition of "licensee" and substitute the following:

"licensee" includes a licensee or registrant under:

- (a) the Banks and Trust Companies Regulations Act (*Ch. 316*);
- (b) the Investment Funds Act (*Ch. 369A*);
- (c) the Securities Industry Act, 2011 (*No. 10 of 2011*);
- (d) the Insurance Act (*Ch. 347*);
- (e) the External Insurance Act (*Ch. 348*);
- (f) the Financial and Corporate Service Providers Act (*Ch. 363*), and shall include its affiliates and wholly owned subsidiaries; and

- (b) Delete the definition of "securities exchange" and substitute the following:

"securities exchange" means:

- (a) The Bahamas International Securities Exchange; or
- (b) any other regulated securities exchange recognized pursuant to the Securities Industry Act, 2011 (*No. 10 of 2011*);

- (c) insert the following definition in the appropriate alphabetical order:

ö “**affiliate**” in relation to a licensee means a legal entity or foreign regulated person that is under common control with such licensee and hence is considered to be a member of the same group of companies;ö

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Delete subclauses 5(1)(a) and (b) and substitute the following ö

- ö(a) in the case of a legal person other than a legal entity whose securities are listed on a securities exchange, a natural person who ultimately owns or controls, whether directly or indirectly, ten or more per cent of the shares or voting rights of the legal entity;
- (b) in the case of a legal person, a natural person who otherwise exercises control over the management of the legal person other than solely in the capacity of a director, advisor or professional manager;ö.ö

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In the chapeau, delete the words ölegal entityö and substitute the words ölegal person, its affiliates or wholly owned subsidiariesö;

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Delete clause 7 and substitute as follows ö

- ö(1) For the purposes of this Act, an öexempt personö is a person who meets one or more of the following conditions ö
  - (a) a legal entity the securities of which are listed on a regulated securities exchange;
  - (b) a licensee as defined under section 2 of this Act;
  - (c) a legal entity which is a wholly owned subsidiary of a legal entity that falls within paragraph (b); or
  - (d) any other legal entity that the Minister may exempt by regulations.
- (2) The provisions of sections 8(1) and (2) and 9(2)(b) and (c) shall not apply to an exempt person.ö.

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Delete subclause (1) and substitute the following ö

- õ(1) A legal entity shall, within fifteen days of identifying any person as a beneficial owner or a registrable legal entity of that legal entity, notify its registered agent or the Registrar General of those persons identified as beneficial owners and registrable legal entities.ö.

## **OBJECTS AND REASONS**

This Movement seeks to amend ô

- (a) clause 2 to provide definitions for õaffiliate, õlicenseeö and õsecurities exchangeö;
- (b) clause 6 to provide that all associated legal persons are captured under the Bill.
- (c) clause 7 to provide for a list of exempt persons;
- (d) clause 8 provide that any changes made to the beneficial ownership to notify its registered agent or the Registrar-General.