

# BVI FINANCIAL SERVICES COMMISSION

*Statistical Bulletin*

**Q4**  
**2009**

**Vol. 17 December 2009**

Legal and Enforcement

Insolvency Services

Banking and Fiduciary

Investment Business

Insurance

Registry of Corporate Affairs

## INTRODUCTION

This is the seventeenth volume of the BVI Financial Services Commission's Quarterly Statistical Bulletin. It provides important statistics, information and analysis on financial services activities for the fourth quarter of 2009. The FSC's Statistical Bulletin is just one mechanism by which the FSC communicates the progress that has been made within several different sectors of our industry.

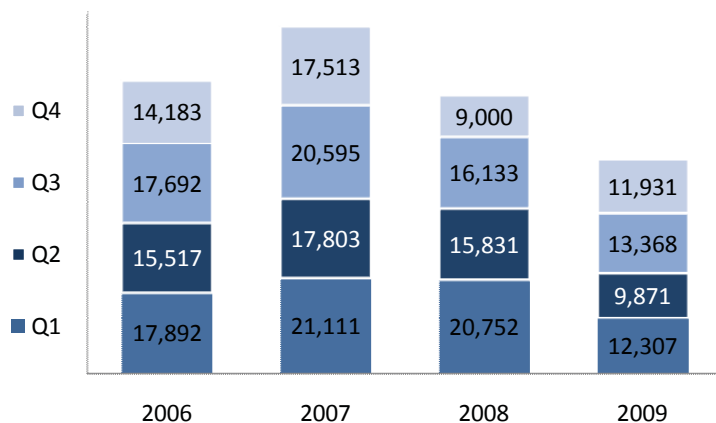
## REGISTRY OF CORPORATE AFFAIRS

### Incorporations and Registrations

	Qtr 4 2009	Qtr 3 2009	Qtr 4 2008	Cumulative as at 31 December 2009
<b>Business Companies</b>	11,931	13,368	9,000	410,293*
<b>Limited Partnerships</b>	17	10	30	629*

\*This figure represents active companies.

### BVI Business Company Incorporations



### **About the Commission**

The Financial Services Commission Act, 2001 which came into force on 1 January, 2002, established the Financial Services Commission.

The Commission is an autonomous regulatory authority responsible for the regulation, supervision and inspection of all financial services in and from within the British Virgin Islands.

### **Hours of Operation**

8:30 a.m. to 4:30 p.m.  
Monday through Friday

### **Enquiries**

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## **REGISTRY OF CORPORATE AFFAIRS (cont'd)**

### **Quarter 4 2009 Post Incorporations Transactions** (by volume)

Name Reservation (10 days)	48,697	Notice Specifying Property Ceased to be Affected by Registered Charge	508
Request for Certificate of Good Standing	12,494	Registration of Register of Members or Directors	376
Filing of Notice of Appointment of Liquidator	2,278	Notice of Resignation of Registered Agent	320
Notice of Election to Disapply Part IV Transitional Provisions	2,124	Notice of Filing of Restated M&A	194
Notice of Change of Registered Agent	1,979	Notice of Change of Registered Office Address	193
Filing Notice of Completion of Liquidation	1,967	Notice of Continuation out of the Virgin Islands (Discontinuation)	179
Request for Certifications (BC)	1,837	Request for special certificate	172
Application for Registration of Charge	1,730	Variation of a Registered Charge	138
Amendments to M&As	965	Discharge of Registered Charge filed under IBC Act	125
Change of Company Name	817	Name Reservation Extension	55
Registered Agent Intent to Resign	558	Name Reservation (90 days)	41
Notice of Change in Number of Shares	536	Request for Certificate of Automatic Re-registration	35

## **BANKING AND FIDUCIARY SERVICES**

### **Licences Issued/Renewed**

	<b>Qtr 4 2009</b>	<b>Qtr 3 2009</b>	<b>Qtr 4 2008</b>	<b>**Cumulative as at 31 December 2009</b>
General Banking	0	0	0	6
Restricted Class I Banking	0	0	0	3
Class I Trust	2	0	1	93
Class II Trust	0	0	0	6
Class III Trust	0	0	0	6
Restricted Class II Trust	1	1	0	119
Restricted Class III Trust	0	0	0	0
Company Management	1	0	1	23
Authorised Custodian	2	1	1	10
<b>Total Licensed Entities by Quarter</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>-</b>
<b>Total Currently Licensed Entities as at 31 Dec 2009</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>266</b>

*\*\*These figures reflect new licences granted and licences: renewed, surrendered and not renewed.*

### **Quarter 4 2009 Post Licensing Transactions**

Appointment of Directors	60
Appointment of Senior Officers	27
Change in Authorised Agent	7
Change in Particulars (of the licensee)	0
Change in Shareholding/Ownership	15
Approval for the establishment of a subsidiary	1
Change in Auditor	0
Change of Name	4
<b>Total</b>	<b>114</b>



## **BANKING AND FIDUCIARY SERVICES (cont'd)**

### **Banking Sector Quarter 4 2009 (in US '000s)**

Total Assets	\$2,453,025
Cash Items	\$925,018
Loans & Advances	\$1,381,055
Investments	\$2,415
Total Other Assets	\$144,537
Total Shareholders Equity	\$363,604
Total Liabilities	\$2,089,421
Deposits	\$1,749,025
Long Term Debt	\$169,716
Accrued Liabilities	\$11,898
Other Liabilities	\$156,920
Loss Reserves	\$1,862

### *Statement of Income & Expense*

Net Interest Income	\$42,896
Operating Income	\$49,524
Net Income	\$33,206

### *Solvency*

Adjusted Risk-Weighted Assets	\$1,184,081
Risk-asset Ratio	30.11%

### *Asset Quality*

Total Non-Performing Loans in US '000s	\$25,434
Non-Accruing Loans in US '000s	\$19,343
Non-Performing Loans as a percentage of Total Loans	2.96%
Loan Loss Reserves	\$1,862

### *Liquidity*

Liquid Assets as a percentage of Total Assets	24.71%
Liquid Assets as a percentage of Total Deposits	36.03%
Loans as a percentage of Total Assets	69.38%
Loans as a percentage of Total Deposits	104.62%

### *Profitability*

Return on Assets	1.76%
Return on Equity	23.31%
Profit Margin	61.50%
Net Interest Margin to Gross Income	84.63%
Non-Interest Expense to Loans Income	42.77%

### *Concentration*

<i>Deposits</i>	
Ten (10) largest depositors as a percentage of total deposits	31.81%
Demand Deposit as a percentage of total deposits	29.67%
Related Deposits as a percentage of total deposits	1.33%

<i>Loans</i>	
Ten (10) largest loans as a percentage of total loans	20.99%
Market loans as a percentage of total loans	90.18%
Related loans as a percentage of total loans	74.72%

### *Sensitivity to Market Risk*

Net Open Position	\$517
Net Open Position as a percentage of Capital	0.11%

\*All Figures are aggregate totals and averages for commercial banks only

## INVESTMENT BUSINESS

### Licences Granted

	Qtr 4* 2009	Qtr 3* 2009	Qtr 4* 2008	**Cumulative as at 31 December 2009
<b>Functionaries</b>				
Managers	7	11	10	491
Administrators	0	1	0	37
Managers and Administrators	0	0	1	45
<b>Total</b>	<b>7</b>	<b>12</b>	<b>11</b>	<b>573</b>
<b>Mutual Funds</b>				
Professional	46	42	49	1905
Private	20	11	9	816
Public	1	1	3	216
<b>Total</b>	<b>67</b>	<b>46</b>	<b>61</b>	<b>2937</b>

\*These figures represent new licensees per quarter

\*\*These figures indicate active companies

### Mutual Funds Incorporated or Re-registered as Segregated Portfolio Companies

	Qtr 4 2009		Qtr 3 2009		Qtr 4 2008		**Cumulative Totals (2006 – 2009)
	Inc.	Reg.	Inc.	Reg.	Inc.	Reg.	
<b>Professional Mutual Funds</b>	4	0	3	0	1	1	80
<b>Private Mutual Funds</b>	1	0	1	0	0	0	24
<b>Public Mutual Funds</b>	0	1	0	0	0	0	6
<b>Total</b>	<b>5</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>110</b>

Inc. - Incorporated

Reg. - Re-registered

## INSOLVENCY SERVICES

### Licensed Insolvency Practitioners

	Qtr 4 2009	Qtr 3 2009	Qtr 4 2008
<b>Insolvency Practitioners</b> (Full Licence)	17	16	15
<b>Insolvency Practitioners</b> (Restricted Licence)	0	0	1
<b>Total No. of Insolvency Practitioners</b>	<b>17</b>	<b>16</b>	<b>16</b>

### Total Number of Insolvency Practitioners (Full and Restricted licenses)

Q4 2009	17
Q4 2008	16
Q4 2007	15

## INSURANCE

### Insurance and Functionaries Licences Granted

Quarter 4 2009	4 <sup>th</sup> Quarter 2009	3 <sup>rd</sup> Quarter 2009	4 <sup>th</sup> Quarter 2008	Cumulative as at 31 <sup>st</sup> Dec 2009
<b>Insurers</b>				
Captive	5	2	11	279
Credit Life	0	0	0	8
Domestic	2	1	1	33
<b>Total</b>	<b>7</b>	<b>3</b>	<b>12</b>	<b>320</b>
<b>Functionaries</b>				
Agents	3	2	0	17
Brokers	1	0	1	8
Managers	1	1	0	17
Loss Adjusters	0	0	0	5
<b>Total</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>47</b>



## INSURANCE (cont'd)

### Insurance Post Licensing Transactions Quarter 4 2009

Appointment of Directors	18
Change in Shareholding	5
Revocation of Licence	7
Liquidations	11
Mergers	1
Appointment of Designated Representative	-
Appointment of Secretary	-
Approval for Licensing	4

## LEGAL AND INTERNATIONAL COOPERATION

### Legal and International Cooperation Statistics

	Qtr 4 2009	Qtr 3 2009	Qtr 4 2008
International Cooperation Matters			
Formal Requests*	24	25	9
Informal Requests**	26	1	3
Enforcement Matters	55	39	41

\*Requires the disclosure of non-public information

\*\*Requires the disclosure of public information





## **LEGAL and INTERNATIONAL COOPERATION (cont'd)**

### **Decisions of the Enforcement Committee**

#### **Quarter 4 2009**

	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>
<b>Enforcement Cases Before EC*</b>	<b>19</b>	<b>25</b>	<b>11</b>
Impose Administrative Penalty (Final notice)	-	20	1
Issue Advisory Warning	-	-	-
Appoint Administrator	-	-	-
Appoint Examiner	-	-	-
Appoint Liquidator	-	-	-
Directive (Issue)	-	1	-
No Action Warranted	2	-	-
Noted for Information	13	17	7
Issue Public Statement	1	-	-
Referral to Director of Public Prosecutions	-	-	-
Referral to Licensing and Supervisory Committee	-	-	-
Revoke Certificate or Licence	-	-	-
Warning Letter	2	1	-
Withdraw Approval of Director/Senior Officer	-	-	-
<b>Total Enforcement Action*</b>	<b>18</b>	<b>39</b>	<b>8</b>

*\*\*NB: - Each case before the Enforcement Committee may result in more than one enforcement action.*





## ON-SITE COMPLIANCE INSPECTIONS

<b>Number of On-site Inspections*</b>			
	<b>Q4 2009</b>	<b>Q3 2009</b>	<b>Q4 2008</b>
Banking and Fiduciary: Banks	0	0	0
Banking and Fiduciary: Trust Companies	3	3	12
Insurance	2	1	7
Insolvency Practitioners	0	2	0
Investment Business	1	1	4
<b>Total</b>	<b>6</b>	<b>7</b>	<b>23</b>

*\*Figures represent concluded inspections, i.e. inspections for which the close-out meetings have been held and are listed in the quarter in which they were completed.*

## ONGOING SUPERVISION

### **Matters before the Licensing and Supervisory Committee (LSC)**

#### **Q4 – 2009\* (by division)**

Banking and Fiduciary Services	139
Investment Business	257
Insurance	73
Insolvency Services	4
<b>Total</b>	<b>473</b>

*\*Figures include a series of approvals, refusals and cancellations reviewed by the Licensing and Supervisory Committee*