



# BVI FINANCIAL SERVICES COMMISSION NEWSLETTER

QUARTER 1  
2024

## INSIDE THIS ISSUE

- Implementing the 2023 Amendments to AML Code and Regulations
- Dissecting the 2022 MLRA
- VASP AML Guideline
- and more.



### MMBVI host tour of financial institutions

MMBVI arranged for several local student groups to tour various financial institutions.



### FINTECH REGULATIONS & DISPUTES: ARBITRATION WEEK 2024

This year's biennial week of events brought together a cross-section of arbitration experts, legislators, and attorneys to debate innovative ideas and strategic thinking.



## TCSPS AML Guidelines: A Tool for Demonstrating Compliance

Virtual Asset Service Providers (VASPs) are innovative service providers that present tremendous opportunities to traditional financial services and the wider global economy.

Following the passing of the Virtual Assets Service Providers Act, 2022 the Commission issued the VASPs Guide to the Prevention of Money Laundering, Terrorist Financing and Proliferation Financing in January 2023.

## REFLECTIONS ON THE MARCH 2024 FSC 'MEET THE REGULATOR' FORUM

The Financial Services Commission (the **Commission**) March 2024 'Meet the Regulator' Forum (**MTR**) has attracted positive feedback from financial services industry participants;



the general sentiment of persons who contributed to the post-Forum evaluation. Collectively, comments expressed high levels of satisfaction and agreement with the relevance of presentations delivered regarding the Virgin Islands' Fourth Round Mutual Evaluation Report (**MER**).

Attendees noted that the MTR was informative in nature, and relevant to their concerns about, and responsibilities arising out of the MER. This concurrence aligns with the Commission's strategy for procuring and delivering MTR discussion topics which address the needs of the financial services industry and, in turn, bring into alignment its own obligation to inform.

The insights delivered as part of the presentation offered valuable guidance and are expected to help to foster a collaborative environment for regulatory excellence.

### IMPLEMENTING THE 2023 AMENDMENTS TO AML CODE AND REGULATIONS: WHAT THE COMMISSION WILL BE LOOKING FOR

The Anti-Money Laundering and Terrorist Financing (Amendment) Code of Practice, 2023 and the Anti-Money Laundering (Amendment) Regulations, 2023 took effect in March 2023. These amendments augmented existing laws to achieve fuller coverage of the AML/CFT obligations for businesses and professionals. Changes addressed include the following:

- a) Customer Due Diligence (**CDD**) requirements – requires the licensees to understand the nature and purpose of the business relationships as well as identify circumstances (trigger events) which would require updating of CDD.
- b) Trustee disclosing itself and holding beneficial ownership information – which requires a trustee to a) disclose when it is acting in that capacity, b) collect, hold and keep up-to-date beneficial ownership and control information in relation to the trust, and c) ensure records are kept five years after the termination of the business relationship.
- c) Verification of Legal Persons – which augments existing requirements to require licensees to obtain proof that legal persons exist, as well as obtain information on a legal person's controllers, beneficial owners, representatives and connected persons.
- d) Customer Due Diligence for Nominators and Trustees – which requires the disclosure of nominators, other fiduciaries, beneficiaries and other persons that are parties to trust structures.
- e) Anti-Money Laundering Obligations of Financial Groups – which enhance independent audit and AML/CFT functions of financial groups by requiring group

policies and procedures to include information and analysis on transactions or activities flagged as unusual, as well as allows for cross-branch and subsidiary information sharing for management of ML, TF, and PF risks.

- f) Money Services Businesses (**MSBs**) and Agents – to ensure, where MSBs conduct money services business through agents, that controls are in place to properly monitor agents for their AML/CFT compliance programme.

One year on from these amendments, there are five essential steps needed to ensure that licensees implement necessary changes.

**STEP 1. Ensure that your compliance manuals have been updated to address the 2023 amendments!** As a reminder, licensees are required to have a compliance manual that fully addresses their obligations under the Code and Regulations. Scenario-based examples are also useful reference points to include in compliance manuals.

**STEP 2. Confirm that these amendments have been implemented.** Licensees should ensure that these amendments have been properly discussed and approved at the Board level and the relevant changes in procedures have been made.

**STEP 3. Obtain requisite approval of revised compliance manuals from the Financial Services Commission (the Commission).** Licensees are required to submit their revised compliance manuals for approval. This requirement is triggered by changes made in the 2023 amendments. If you have not yet done so, ensure that you adhere to your obligations under Regulation 3(3) of the AML Regulations to seek approval of your compliance manual, particularly as it relates to changes of identification procedures, record keeping procedures, internal reporting procedures and internal controls and communication procedures.

**STEP 4. Educate staff on the changes triggered by the 2023 amendments.** Licensees must ensure that their staff have been trained on all changes to AML/CFT requirements including the methods used to implement these requirements. Ideally, training should include case studies and/or scenario-based examples to aid in educational strategies. Training should also contain a testing component.

**STEP 5. Demonstrate your compliance.** The Commission will be including reviews of this and other updates to compliance laws and regulations in their desked-based supervisory module, prudential checks and onsite inspections. Licensees must keep accurate records which are easily accessible, legible and would clearly demonstrate compliance.

## **TCSPS AML GUIDELINES: A TOOL FOR DEMONSTRATING COMPLIANCE**

Trust and Corporate Services Providers (**TCSPs**) are an integral part of financial services and global trade. The supervisor for TCSPs in the Virgin Islands, the Financial Services Commission (the **Commission**), issued Trust and Corporate Services Providers' Guide to the Prevention of Money Laundering, Terrorist Financing and Proliferation Financing (the **TCSPs Guidelines**) in March 2023 for TCSPs to ensure that they have the necessary coverage in their compliance framework and risk management strategies to forestall and mitigate against the risks of money laundering (**ML**), terrorist financing (**TF**) and

proliferation financing (**PF**). The TCSPs Guidelines also provides support of, and additional context to the Financial Action Task Force's (**FATF**) Typology Reports and the risks from criminals and other bad actors who may seek to use TCSPs for ML, TF, PF or other criminal purposes.

As a refresher to the TCSPs Guidelines, recall that TCSPs may be exposed to ML/TF/PF and other risks where criminals may seek to obscure the origin and ownership of criminally obtained assets through placement in the legal structures or legal arrangements they service. Risks from obscure ownership may also expose TCSPs to bad actors using corporate vehicles for sanctions evasion, illicit financing activities and other financial crimes.

**What must BVI TCSPs do?** TCSPs can use the TCSPs Guidelines to assist in implementing sound risk management measures to mitigate against ML, TF and PF risks. TCSPs should ensure that their compliance framework addresses the critical success factors for compliance and risk mitigation for ML/TF/PF risks as detailed within the TCSPs Guidelines. In addition, training of all staff (and testing of training provided) within a TCSP is an essential component to the ongoing upskilling of staff, concurrently with the reinforcement of the compliance framework.

Key issues covered in the TCSPs Guidelines, which should also be addressed in your compliance manuals and in staff training include, but are not limited to, the following:

- a) Updating procedures for maintaining or elevating robust customer due diligence and enhanced customer due diligence procedures.
- b) Maintaining proper record keeping measures.
- c) Complying with statutory reporting obligations.
- d) Monitoring and assessing risks that are present in the use of legal structures and legal arrangements, and within the wider operations of TCSPs.

**What next?** The Commission expects that licensed TCSPs will have fully considered the TCSPs Guidelines. TCSPs must ensure that they are able to effectively monitor, manage and mitigate against money laundering, terrorist financing and proliferation financing risks as part of a robust AML/CFT framework.

The Commission will be reviewing how and to what extent TCSPs incorporate the Guidelines into their practices as part of its desk-based supervisory module, prudential checks and onsite inspections.

## **DISSECTING THE 2022 MONEY LAUNDERING RISK ASSESSMENT: HIGHER RISK SECTORS**

The [2022 Money Laundering Risk Assessment \(MLRA\)](#) provided a critical look at the key Money Laundering (ML) threats to the Virgin Islands and the specific risks posed by each financial services sector. The report identified Trust and Company Service Providers (**TCSPs**), Investment Businesses and Virtual Asset Service Providers (**VASPs**), along with Legal Persons and Legal Arrangements, as being of higher risk to these ML threats.



These findings were also confirmed in the recently published Mutual Evaluation Report (**MER**) of the Virgin Islands.

Risk factors supporting the elevated risk within the TCSP, Investment Business and VASP sectors, as identified in both the 2022 MLRA and the MER, include:

- a)** size and/or nature of the sectors;
- b)** complexity of available structures used;
- c)** complexity of transactions executed;
- d)** transaction sizes and values;
- e)** wide geographic dispersion of clientele;
- f)** heavy dependence on third-party introducers for maintenance and verification of beneficial ownership (**BO**) and control information;
- g)** execution of a large number of non-face-to-face transactions; and
- h)** exposure to high-risk customers and jurisdictions.

Legal persons and legal arrangements also carry an elevated risk due to the wide scope of business activities these entities facilitate and the availability of accurate and up-to-date BO information to properly identify ownership and control, and facilitate domestic and international regulatory, civil and criminal investigations as noted in the MER.

When dealing with entities in these higher-risk sectors licensed entities should be mindful of clients:

- a)** engaging in high-risk activities;
- b)** operating from or having ties to high-risk jurisdictions;
- c)** wanting overly complex structures with no clear or apparent purpose; and
- d)** using nominee directors and shareholder arrangements to obfuscate ownership and control.

The Commission expects all licensed entities to know their customers and understand the type of business they are involved in when onboarding and throughout the business relationship. This is a critical step in mitigating risk. To further mitigate risk licensed entities are also expected to:

- a)** conduct institutional risk assessments to gauge their own risk appetite;
- b)** conduct proper client risk assessments;
- c)** engage in proper ongoing client monitoring based on assessed risk;
- d)** ensure identification and verification procedures are robust enough to identify the beneficial owner and controller(s) of the client, including those sourced through third party relationships;
- e)** fully implement provisions within relevant legislation including the Anti-Money Laundering and Terrorist Financing Code of Practice (including explanatory notes) and the Anti-Money Laundering Regulations; and,
- f)** ensure relevant and adequate training for all staff.

Licensed entities falling within these higher-risk sectors should take into account all identified national and sectoral threats and vulnerabilities and should ensure the findings of the MLRA and the MER are considered when implementing their own risk assessments. They should also use these findings to improve their day-to-day operations.

Licensed entities should also be mindful of the results of other sectors' identified risks as entities within those sectors may be their clients.

As part of our ongoing efforts to ensure proper implementation of risk mitigation measures within our financial services sector, the Commission will continue to undertake regular evaluations of such implementation through its onsite and desk-based supervisory models.

For any questions about the 2022 MLRA please email [aml@bvifsc.vg](mailto:aml@bvifsc.vg).

## **VASP AML GUIDELINES: A TOOL FOR DEMONSTRATING COMPLIANCE**

Virtual Asset Service Providers (**VASPs**) are innovative service providers that present tremendous opportunities to traditional financial services and the wider global economy. Following the passing of the Virtual Assets Service Providers Act, 2022 (the **Act**) the Commission issued the Virtual Assets Services Providers' Guide to the Prevention of Money Laundering, Terrorist Financing and Proliferation Financing (the **VASP AML Guidelines**) in January 2023. The VASP AML Guidelines were issued to provide useful context for persons that fall under the regulatory remit of the Commission. It also complements the Guidance for a Risk-Based Approach for Virtual Assets and Virtual Asset Services Providers published by the Financial Action Task Force (the **FATF**), which provides typologies of the distinctive risks impacting VASPs.

The VASP AML Guidelines clarify the requirements for VASPs under Virgin Islands (**VI**) law. These requirements should be embedded in compliance manuals and procedures of VASPs. The Guidelines include requirements for robust customer due diligence and enhanced customer due diligence procedures, proper record-keeping measures, frameworks to fulfil statutory reporting obligations and risks that are present in the use and exchange of virtual assets and in the operations of VASPs themselves.

### ***Relevant Risks and Mitigation Measures***

To operate in the VI, VASPs must establish and maintain strong compliance measures designed to prevent risks of being used for ML, TF, PF and other risks; there are, however, some associated risks. VASPs may be exposed to ML/TF/PF and other risks through their engagement with other VASPs operating in jurisdictions that have poor controls for the mitigation of AML/CFT risks. On this basis, VASPs should take all measures towards assessing risks including ensuring risk assessments and proper due diligence is carried out in relation to any foreign VASP it may engage with.

Risk indicators to be monitored for VASPs may include (but, are not limited to):

- a) A foreign VASP that cannot evidence stringent AML/CFT measures and controls.
- b) The use of mixers, tumblers, privacy coins, decentralised platforms and other digital tools designed to increase anonymity in the sale or trade of virtual assets, as these are methods that have been observed in illicit activities.
- c) Practices that reduce transparency of transactions facilitated by virtual assets as well as fiat currencies being converted to or from virtual assets as these are examples of possible illicit financing activities.

Establishing and enhancing a resilient compliance framework includes full implementation of the VASP AML Guidelines, as well as the appointment of a Compliance Officer.

To ensure that your compliance framework is robust, consider the following four action points below:

**ACTION POINT 1:** Adhere to the FATF Travel Rule where VASPs must collect originator and beneficiary information for transfers of virtual assets.

**ACTION POINT 2:** Investigate suspicious activities and patterns that may indicate emergent risks of ML/TF/PF or other illicit financing risks.

**ACTION POINT 3:** File suspicious activity reports (SARs) to the BVI Financial Investigation Agency promptly.

**ACTION POINT 4:** Train staff on the risks and risk mitigation strategies set out in the VASP AML Guidelines and other laws, as this is also an essential facet of a robust compliance framework.

The utility and applications for virtual assets continue to expand. As such, VASPs must be vigilant against being used to effect layering of virtual assets that further obscure possible criminal activities. Typologies continue to emerge in relation to VASPs being used to support criminal activities, including human trafficking, smuggling, sale of narcotics, tax evasion and illegal gambling activities. Therefore, VASPs must be diligent in ensuring that their risk assessment frameworks are regularly updated and calibrated to changes in risks with particular reference to risks identified in the 2022 ML Risk Assessment and other relevant risk assessments.

### ***The Commission's Expectations***

The Commission expects VASPs to remain vigilant in relation to evolving ML, TF and PF threats, as well as other threats that could negatively impact their operations. All VASPs should integrate the VASP AML Guidelines into their compliance framework and ensure that staff are properly trained (and assessed). These elements will be reviewed by the Commission for compliance and strength of VASPs' mitigation strategies of ML, TF and PF risks.

## **FINTECH REGULATIONS & DISPUTES: FSC DMDR GLENFORD MALONE, EXPERT PANELLIST AT BVI IAC'S 5TH BIENNIAL ARBITRATION WEEK 2024**

This year's biennial week of events (11-15 March 2024), hosted by the BVI International Arbitration Centre (BVI IAC) brought together a cross-section of arbitration experts, legislators, and attorneys to debate innovative ideas and strategic thinking relevant to the way economic disputes are resolved, particularly in Construction, Oil & Gas, Renewable Energy and Fintech industries. The theme for this year's event, 'Thought Leadership'.

Mr Glenford Malone, the Commission's Deputy Managing Director, Regulation, participated in a panel discussion organised by the BVI IAC on 12 March. Amongst other virtual asset experts, Mr Malone offered insights on:

- a) The regulatory framework of BVI vehicles in the Global Virtual Assets Service Providers (VASP) ecosystem;
- b) Navigating risks inherent to these new asset classes and the mechanisms appropriate to mitigate and manage related AML/CFT threats;
- c) and the challenges regulators face in seeking to establish appropriate guard rails for responsible market participation.

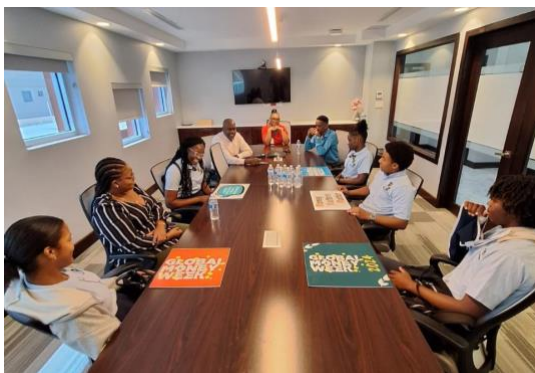


The panellists pictured were (*from left to right*) Mr Nik Yeo (Fountain Court Chambers), Mr Glenford Malone (FSC), Ms Elise Donovan (BVI Finance) (*moderator*), Mr Guy Williamson (Campbells) and Ms Rachel Muldoon (Maitland Chambers).

### **MMBVI HOSTS TOUR OF FINANCIAL INSTITUTIONS FOR GLOBAL MONEY WEEK 2024**

During the week of 18-22 March 2024, MONEY MATTERS BVI (**MMBVI**) led the Territory's observance of GLOBAL MONEY WEEK (**GMW**), a global campaign aimed at raising financial awareness among youth and ensuring that they have the necessary knowledge, skills, and attitudes to make wise financial decisions. The GMW theme for the year was '*Protect your Money, Secure your Future*'.

The campaign garnered participation from more than 176 countries and over 25,000 organisations worldwide.



MMBVI, which is the Financial Services Commission's (the **Commission**) financial literacy education program, as part of its task to educate the public about financial services, arranged for several local student groups (primary and secondary) to tour various financial institutions, these included banks, insurance providers, Governmental organisations, trust providers, law firms, the Financial Investigation Agency, and the

Commission. Students also visited retailer and wholesaler RiteWay Food Markets for a



behind-the-scenes tour where they also received an introduction to the financial and economic concept 'basket of goods'.

These engagements provided the students with insights regarding the category of financial institution that their host company fell into, its role in the Territory's economy, and, how the goods and services they provide impact residents of the Virgin Islands.

This approach was strategically aimed at imparting knowledge about the financial services industry and at encouraging young people to take an active interest in their financial future. By understanding the intricacies of financial decision-making and the broader financial ecosystem in the Territory, they will be better positioned to navigate their personal financial landscapes effectively.



### **MMBVI TO AGAIN TARGET YOUTH FOR FINANCIAL LITERACY MONTH 2024**

MONEY MATTERS BVI (**MMBVI**), the financial literacy and financial education programme of the Financial Services Commission (the **Commission**), will be hosting two separate youth-oriented initiatives for Financial Literacy Month 2024 in April. The first is a display featuring Piggy Bank Pageant (PBP) submissions as part of a Piggy Bank Exhibition (the **Exhibition**), and the second is a quasi-debate between student representatives of local secondary schools as part of the annual Adolescent Financial Literacy Perspectives Forum (**AFLIP**).

MMBVI has already collected over 50 couture bank projects from students. The PBP and Exhibition have again gained support from five local retail banks, representatives from which will also serve as judges for the Exhibition. Bankers continue to express that the MMBVI initiative closely aligns with their goal to promote saving, inform the public of safe mechanisms for deposits, and encourage proper money management.

MMBVI has once more moved to engage the adolescent population through literary analysis as they rev up to host the fourth annual AFLIP Forum. AFLIP has consistently featured student analysis of bestselling books on financial well-being. The subject book for this year - '*The Millionaire Next Door*', will lead student participants from seven schools through another analytical exploration, where they will delve into questions such as those having to do with the disparity in spending habits between average millionaires and ordinary individuals.

## REGISTRY'S CORNER

### WORLD INTELLECTUAL PROPERTY DAY: Q&A WITH THE REGISTRAR

The Financial Services Commission (the **Commission**) is preparing to celebrate World Intellectual Property Day, which occurs each year on 26 April. Around the world, the day creates awareness of copyright, trademarks, and patents. The Office of the Registrar of Trade Marks, Patents and Copyright was established with responsibility for the administration of patents, copyrights and other intellectual property legislation. To mark the day, the Commission's External Relations Unit sat with the Director of the Registry of Corporate Affairs (i.e., the Registrar) – Mrs Myrna Herbert, to understand more about the subject.

**Q: Can you define for our readers what is Intellectual Property, and what is a Trademark?**

*A: Intellectual Property refers to intangible creations of the human mind and accounts for 80% of a company's portfolio.*

*A: Trade Mark is a sign that is capable of being represented graphically and distinguishes the goods and services of one person from that of another. Approximately 90% of all filings to the Office are Trade Marks.*

**Q: If a business owner chooses not to register their business trade name and signage, can someone else do so without their permission?**

*A: Although it is not mandatory to register a trademark in order to use it, trade mark registration is a small investment compared to the potential cost of not registering. The goodwill and reputation of a business can be reduced or tarnished if others try to misrepresent someone else's goods and services as their own by adopting a brand which is similar or identical to your business's. The Registrar will refuse to register any confusingly similar marks.*

**Q: What options may be available if someone infringes on another person's registered trade mark rights?**

*A: An infringement of a trade mark is actionable by the "owner" of the trade mark. In proceedings for an infringement of a trade mark, all relief by way of damages, injunctions, accounts or otherwise is available to the owner of the trade mark as is available in respect of the infringement of any other property right.*

**Q: What common law protections are available, with regard to the unauthorised use of unregistered trade marks?**

*A: No proceedings lie to prevent, or recover damages for, the infringement of an unregistered trade mark, but nothing contained in the Act shall be construed to affect the law relating to passing off. Notwithstanding section 57 of the Act, no infringement proceeding may be commenced before the date on which the trade mark infringed is in fact entered in the register. The Burden of proof relies on proving ownership of the trade mark.*

**Q: Before registration, how can one determine whether their proposed trade mark is too similar to an existing registered mark?**

*A: Before registration, you can apply to the Registrar to request an availability search. You may also request the Registrar's opinion in relation to the registrability of the proposed mark.*

**Q: What symbol(s) can be utilised to indicate that a trade mark has been registered, and will the symbol offer protection to the owner from unauthorised use outside the Territory?**

*A: Trade Mark Protection is territorial by nature. Hence the registration of the mark in the British Virgin Islands, does not guarantee protection outside of the BVI. The designation to be used to indicate a registered trade mark is "registered" or ®.*

**Q: Will the protections given to a trade mark be confounded when the owner uses it in varying colours, sizes, and use applications?**

*A: At the outset of the application, (a) the owner of a trade mark may disclaim any right to the exclusive use of any specified element of the trade mark; or (b) agree that the rights conferred by the registration shall be subject to a specified territorial limit or other condition or limitation, such as colour. A trade mark that is, or is to be, registered without limitation of colour is, or will be, registered in respect of all colours.*

**Q: What exclusive rights are available to the owner of a registered trade mark under the Trade Marks Act, 2013 (the Act)? (s10, ss2)**

*A: The owner of a trade mark has, in relation to all or any of the goods or services in respect of which the trade mark is registered, the rights and remedies provided by this Act and, where not provided by this Act, as provided by or under the common law.*

*In particular, as a result of registration the owner of a registered trade mark has the exclusive right to:*

- a) *use the registered trade mark; (b) authorise any other person to use the registered trade mark;*
- b) *© assign or transmit the registered trade mark, either in connection with the goodwill of a business or otherwise; and,*
- c) *give a valid receipt for any consideration for any assignment or transmission.*

The preceding is a transcription based on an oral interview with the Registrar of Trade Marks, Patents and Copyright in the Financial Services Commission.

Trade mark registration is a very important element of a business strategy and creators should seek to formalise their right to utilise their trade marks via registration at the Commission.

The Act, together with the Trade Mark Rules, 2015, are available for download from the Commission's [website](#); residents are urged to access, read, and familiarise themselves accordingly.

Questions relating to this article should be directed to the Office of the Registrar at [trademarks@bvifsc.vg](mailto:trademarks@bvifsc.vg).

### **FSC Q1 2024 PUBLIC STATEMENTS**

The Financial Services Commission considered it necessary to issue the following Public Statements during the first quarter of 2024, to protect customers, creditors, or persons who may have been solicited to conduct business with purported financial services entities.

The public is advised to exercise caution when conducting business with the following:

<b>Subject of Public Statement</b>	<b>2024 Date Issued</b>
<b>PROMARKETS FINANCE</b>	2 JANUARY
<b>ADAM GOLDBERG</b>	19 JANUARY
<b>PLATINUM FX COST CONTROL AND RISK MANAGEMENT</b>	21 FEBRUARY
<b>EXUBERANCE ASSETS MANAGEMENT</b>	21 FEBRUARY
<b>DAVID TOMBERG</b>	28 FEBRUARY
<b>TONBRIDGE GLOBAL GROWTH LIMITED</b>	6 MARCH
<b>MILAN PAGÁČ</b>	12 MARCH
<b>JACEK WOROPAJ</b>	14 MARCH

All Commission-issued public statements can be found [here](#).



## INDUSTRY REMINDERS

### AML RETURNS DUE 31 MARCH

The Financial Services Commission (the **Commission**) wishes to remind all regulated persons that AML Returns relating to the 2023 reporting period must be submitted to the Commission by 31 March 2024 as required by the Financial Services (Prudential and Statistical Returns) Order, 2009 (the Order).

Returns filed after 31 March will be subject to penalties in accordance with the Order. The Commission also wishes to remind regulated persons that manual filings of AML Returns will no longer be accepted. All AML Returns must be filed online using the VIRRGIN Returns AML/CFT Returns Portal, which may be accessed [HERE](#).

Regulated persons as defined are:

**(i)** holding a licence issued pursuant to:

- Section 10 (1) of the Banks and Trust Companies Act, 1990;
- Section 4 (3) of the Company Management Act, 1990;
- Section 6 (2) of the Securities and Investment Business Act, 2010;
- Section 8 (2) of the Insurance Act, 2008;
- Section 476 of the Insolvency Act, 2003;
- Section 9 (2) of the Financing and Money Services, 2010;

**(ii)** holding a licence as an insurance manager or insurance intermediary pursuant to section 40 (2) of the Insurance Act, 2008;

**(iii)** approved as:

(a) a virtual asset services provider pursuant to section 7(1) of the Virtual Assets Service Providers Act, 2022; or

(b) an approved investment manager pursuant to regulation 7 (1) of the Investment Business (Approved Managers) Regulations, 2012:

Queries related to this message should be directed to [amlreturns@bvifsc.vg](mailto:amlreturns@bvifsc.vg).

**AUTHORISATION AND SUPERVISION DIVISION:  
ANNUAL FEES AND FILINGS DUE 31 MARCH**

The Financial Services Commission (the **Commission**) is reminding all regulated entities that 2024 annual fees and filings are due and payable as indicated below.

**2024 Annual Fees**

Sector	Legislation	Due Date (On or before)
Insolvency	Insolvency Act	31 March 2024
Investment	Securities and Investment Business Act	31 March 2024

**Statutory Filings – Annual Returns**

Return Type	Sector	Legislation	Due Date (on or before)
Insolvency Services Annual Return	Insolvency	Insolvency Code of Practice	31 March 2024
Annual Return (All Insurance Licence Types)	Insurance	Financial Services (Prudential and Statistical Returns) Order, 2009 ("2009 Order")	31 March 2024
Investment Business Annual Return	Investment	2009 Order	31 March 2024

**Statutory Filings – Reports**

Report Type	Sector	Legislation	Due Date (on or before)
Compliance Officer Report	All relevant sectors	Section 34(7)(d) of the Financial Services Commission Act and section 45(1)(b) of the Regulatory Code	31 March 2024

**Statutory Filings – Financial Statements**

Report Type	Sector	Legislation	Due Date (on or before)
<b>Audited Financial Statements</b>	All relevant sectors	All Regulatory Enactments  Regulatory Code	Annually within six months of the end of each financial year
<b>Financial Statements</b>	<ul style="list-style-type: none"> <li>• Approved Funds</li> <li>• Incubator Funds</li> </ul>	Securities and Investment Business (Incubator and	Annually within six months of

<b>(not required to be audited)</b>	<ul style="list-style-type: none"> <li>Approved investment manager</li> </ul>	Approved Funds) Regulations  Investment Business (Approved Managers) Regulations	the end of each financial year
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The Commission is also reminding regulated entities that most annual fees have increased effective 1 April 2023. A fee is deemed not to have been paid until it is paid in full, therefore, entities should refer to the [Financial Services \(Fees\) \(Amendment\) Regulations, 2023](#), to ensure that the correct fees are submitted.

**Notes:**

1. If a due date falls on a holiday or weekend, the Commission will accept fees and filings on the next business day without enforcing penalties.
2. The Commission may impose a late payment penalty where payment is made after the due date pursuant to the **Financial Services (Administrative Penalties) Regulations**.

This reminder is provided only as a courtesy and does not absolve any regulated entity from submissions due to any errors or omissions that may be contained in this notice.

**FSC AND HONG KONG OFFICES EASTER HOLIDAY HOURS OF OPERATION**

The public is asked to note the following upcoming public holidays in BVI and Hong Kong, during which time, the Commission's BVI office and Asia Representative Office will be closed for business:

- Friday, 29 March 2024 (Good Friday)
- Monday, 1 April 2024 (Easter Monday)

We will resume normal business operations on Tuesday, 2 April 2024.

It should also be noted that our Asia Representative Office will be closed, for the celebration (Ching Ming Festival) Hong Kong on Thursday, 04 April 2024.

A complete list of holidays and closures can be found [here](#).