

No. 5 of 2023

VIRGIN ISLANDS
SECURITIES AND INVESTMENT BUSINESS
(AMENDMENT) ACT, 2023
ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Section 2 amended
3. Section 6 amended
4. Section 11 amended
5. Section 64 amended

I ASSENT
(Sgd.) John Rankin CMG,
Governor.
20th March, 2023

VIRGIN ISLANDS

No. 5 of 2023

AN ACT TO AMEND THE SECURITIES AND INVESTMENT BUSINESS ACT,
REVISED EDITION 2020, AND FOR OTHER MATTERS CONNECTED
THEREWITH.

[Gazetted 21st March, 2023]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title and commencement

1. (1) This Act may be cited as the Securities and Investment Business (Amendment) Act, 2023.

(2) This Act shall come into force on such date as the Minister may, by Notice published in the *Gazette*, appoint.

Section 2 amended

2. Section 2 of the Securities and Investment Business Act, Revised Edition 2020 (hereinafter referred to as the “principal Act”), is amended in subsection (1)

(a) by inserting after the definition of “company”, the following new definition:

“ “controlling interest”, in relation to a licensee, means the ownership or interest in the licensee or in any holding company of the licensee which entitles a person to exert influence over a licensee, or any holding company of the licensee, and includes a person who

- (a) has more than 50% of the voting rights of the licensee;
- (b) has a significant interest in the licensee which, although not constituting 50% of the voting rights of the licensee (in aggregate or otherwise), gives the person a considerable advantage in the voting rights of the licensee;
- (c) has an influence over the activities of the licensee without having a significant interest; or

- (d) makes instructions to a director or senior officer of the licensee to which that director or senior is accustomed to acting”; and
- (b) by deleting the definition of “significant interest” and substituting the following definition:
 - “ “significant interest”, in relation to an undertaking, means a holding or interest in the undertaking or in any parent of the undertaking held or owned by a person, either alone or with any other person and whether legally or equitably, that entitles or enables the person, directly or indirectly
 - (a) to control 10% or more of the voting rights of the undertaking;
 - (b) to a share of 10% or more in any distribution made by the undertaking;
 - (c) to a share of 10% or more in any distribution of the surplus assets of the undertaking; or
 - (d) to appoint or remove one or more directors of the undertaking;”.

Section 6 amended

3. Section 6 of the principal Act is amended in subsection (2)(d), by inserting after the words “significant interest”, the words “or controlling interest”.

Section 11 amended

4. Section 11 of the principal Act is amended

- (a) in subsection (1), by inserting after the words “significant interest”, the words “or controlling interest”;
- (b) in subsection (2), by inserting after the words “significant interest”, the words “or controlling interest”;
- (c) in subsection (3)(b)(i) and (ii), by inserting after the words “significant interest”, the words “or controlling interest”; and
- (d) in subsection (5), by inserting after the words “significant interest”, the words “or controlling interest”.

Section 64 amended

5. Section 64 of the principal Act is amended in subsection (2)(c), by inserting after the words “significant interest”, the words “or controlling interest”.

Passed by the House of Assembly this 9th day of March, 2023.

(Sgd.) Corine N. George-Massicote,
Speaker.

(Sgd.) Phyllis Evans,
Clerk of the House of Assembly.