

Securities Commission of The Bahamas

3RD Floor, Charlotte House
Shirley & Charlotte Streets
P.O. Box N-8347
Nassau, The Bahamas

MEDIA RELEASE

Contact: Executive Director
Ms. Christina Rolle
242- 397-4100

HOLD UNTIL MONDAY 20 FEBRUARY 2017

Commission Releases Policies on Automatic Administrative Penalties

The Securities Commission of The Bahamas (“the Commission”) has released its schedule of automatic daily penalties for registrants and licensees who fail to meet their filing obligations under securities laws.

The *Assessment of Automatic Administrative Penalties Policy*, which was published on the Commission’s website on Friday 17 February, is in effect, meaning that persons failing to comply with their filing obligations could be penalized from \$100 to \$300 for each day the required documents are outstanding. The Securities Industry Act, 2011 empowers the Commission to assess the administrative penalties automatically, but the Commission has not until now prescribed the daily penalties associated with statutory filing requirements.

The Policy provides for automatic penalties to accrue for a maximum of 60 days. In cases where a registrant or licensee fails to meet filing requirements after the 60 days, the registrant or licensee would be referred to the Commission’s Enforcement Department, possibly resulting in the revocation of the license.

The Commission simultaneously released its *Filing of Audited Financial Statements Policy*, which provides additional information for registrants and licensees specific to the filing of audited financial statements. Under the latter policy, a penalty of \$500 is applied for processing extension applications. An additional \$500 penalty is applied if the extension applications are not submitted to the Commission at least seven days prior to the date the financial statements were due to be filed.

The policies also address how the Commission determines the due date when the filing deadline falls on a weekend or a public holiday. The policies also explain the Commission’s filing expectations for documents requiring “immediate” filing.

With the implementation of these policies the Commission hopes to reduce the number of licensees/registrants failing to meet their filing obligations within the legislative timeframe. As the regulator for the investment funds, securities and capital markets, the Commission requires various submissions from its registrants and licensees to assess their solvency and risk levels, and ensure the markets are orderly, fair and that dealings in securities are equitable.

The policies are posted on the Commission’s website (www.scb.gov.bs). Queries should be directed to the Manager, Market Surveillance Department, Securities Commission of The Bahamas via email (info@scb.gov.bs) or in writing at P.O. Box N-8347, or by telephone at 397-4100.

###

Editor's Information:

1. **The Securities Commission of The Bahamas ("the Commission") is a statutory body established in 1995 pursuant to the Securities Board Act, 1995. That Act has since been repealed and replaced by new legislation.**
2. **The Commission's mandate is now defined in the Securities Industry Act, 2011 (SIA, 2011).**
3. **The Commission is responsible for the administration of the SIA, 2011 and the Investment Funds Act, 2003 (the IFA), which provides for the supervision and regulation of the activities of the investment funds, securities and capital markets.**
4. **The Commission, having been appointed Inspector of Financial and Corporate Services effective 1 January 2008, is also responsible for administering the Financial and Corporate Service Providers Act, 2000.**
5. **The functions of the Commission are to:**
 - **advise the Minister on all matters relating to the capital markets and its participants;**
 - **maintain surveillance over the capital markets and ensure orderly, fair and equitable dealings in securities;**
 - **foster timely, accurate, fair and efficient disclosure of information to the investing public and the capital markets;**
 - **protect the integrity of the capital markets against any abuses arising from financial crime, market misconduct and other unfair and improper practices;**
 - **promote an understanding by the public of the capital markets and its participants and the benefits, risks, and liabilities associated with investing;**
 - **create and promote conditions that facilitate the orderly development of the capital markets;**
 - **and perform any other function conferred or imposed on it by securities laws or Parliament (SIA, 2011, s.12).**