

I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

September 5, 2007.

SAINT LUCIA

No. 12 of 2007

AN ACT to amend the Securities Act, Cap. 12.18.

[17th September, 2007]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows :

No. 12] *Securities (Amendment) Act* [2007.

Short title

1. This Act may be cited as the Securities (Amendment) Act 2007.

Interpretation

2. In this Act “principal Act” means the Securities Act, Cap.12.18.

Amendment of section 2

3. Section 2 of the principal Act is amended by inserting the following definition in its proper alphabetical sequence —

“charge” includes any mortgage, assignment, pledge, or lien other than a lien of a company on shares issued by it, on any security for securing money or money’s worth;”.

Insertion of Section 136A

4. The principal Act is amended by inserting immediately after section 136 the following —

“Instituting disciplinary proceedings

136A. If it appears to the Commission in light of an inspection under section 136 that —

- (a) there are circumstances suggesting that the licensee may not be a fit and proper person to continue to hold a licence;
- (b) there has been a contravention by the licensee of this Act or any Regulations made under this Act; or
- (c) it is desirable for the protection of investors and the Commission decides that the matter should be the subject of disciplinary proceedings, the Commission shall refer the matter to the Disciplinary Committee for a determination.”.

Substitution of section 140

5. The principal Act is amended by deleting section 140 and substituting the following:

“Establishment of Disciplinary Committee

140.— (1) There shall be for the purposes of this Act, a Disciplinary Committee.

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(f) at any time by the member resigning from office by letter sent to the Chairperson of the Monetary Council and copied to the Secretary of the Commission.

(6) The Disciplinary Committee may act notwithstanding a vacancy among its members or any disability affecting any member.

(7) The Monetary Council may, by instrument in writing, revoke the appointment of any member of the Disciplinary Committee if the Monetary Council considers it to be desirable for the effective performance by the Disciplinary Committee of its functions.”.

Insertion of Section 140A

6. The principal Act is amended by inserting immediately after section 140 the following:

“Jurisdiction of Disciplinary Committee

140A.— (1) The Disciplinary Committee shall hear and determine disciplinary proceedings against a licensee referred to it by the Commission under section 136A.

(2) The Disciplinary Committee may, where it is satisfied, after due inquiry that a licensee is in contravention of any provision of this Act or any Regulations made under this Act, exercise in relation to that licensee any one or more of the following sanctions as it deems appropriate in the circumstances:

- (a) issue a private warning or reprimand;
- (b) issue a notice of public censure;
- (c) issue an order requiring the licensee to cease and desist from the activity or non-activity causing the licensee to be in contravention; or
- (d) issue and order debarring the licensee from carrying on securities business whilst the contravention subsists.

(3) The procedure and related matters concerning the exercise of the jurisdiction of the Disciplinary Committee shall be as prescribed.”.

Amendment of section 153

7. Section 153 of the principal Act is amended by —

- (a) inserting the words “or rights in” between the words “of” and “corporate” appearing in subsection (1);
- (b) deleting paragraph (e) in subsection (2) and substituting the following:
 - “(e) providing for recording liens held by companies pursuant to their articles of association to be recorded and procedures in respect thereof;”;
- (c) inserting the following immediately after paragraph (e):
 - “(f) providing for recording of charges in respect of securities and transfer such charges, to be recorded and procedures in respect thereof;
- (g) including such supplementary, incidental and transitional provisions as appear to the Minister to be necessary or expedient.”.

Amendment of section 154

8. Section 154 of the principal Act is amended by inserting the words “*bona fide*” between the words “done” and “or” appearing in that section.

Insertion of section 157A

9. The principal Act is amended by inserting immediately after section 157 the following:

“Right of Appeal

157A— (1) An interested person who is aggrieved by a decision or action of the Commission or of the Disciplinary Committee may appeal to the High Court within thirty days of the decision or action where:

- (a) the decision of the Commission or the Disciplinary Committee was based on an error of law or a misrepresentation of this Act or the Regulations made under this Act;
- (b) the Disciplinary Committee misdirected or misconducted itself contrary to the rules of natural justice; or

