

**MUTUAL FUNDS (AMENDMENT)
ORDINANCE 2000**

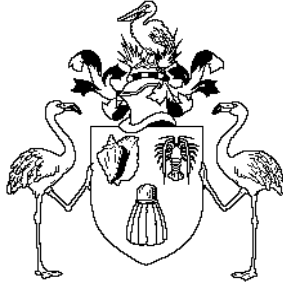
(Ordinance 13 of 2000)

Arrangement of Sections

Section

1. Citation and commencement
2. Amendment of Mutual Funds Ordinance 1998
3. Savings and transitional provisions

Schedule



**MUTUAL FUNDS (AMENDMENT)
ORDINANCE 2000**

(Ordinance 13 of 2000)

Assent..... October 3, 2000

Publication in GazetteOctober 20, 2000

Commencement.....In accordance with section 1

AN ORDINANCE TO AMEND THE MUTUAL FUNDS ORDINANCE 1998; AND FOR CONNECTED PURPOSES.

ENACTED by the Legislature of the Turks and Caicos Islands.

Citation and commencement

1. This Ordinance may be cited as the Mutual Funds (Amendment) Ordinance 2000 and shall come into operation on such day as the Governor may appoint by notice published in the Gazette.

Amendment of Mutual Funds Ordinance 1998 (*cap 13*)

2. The Mutual Funds Ordinance 1998 shall be amended as set out in the Schedule.

Savings and transitional provisions

3. The Governor may by regulations make such provision including amending any legislation, as he considers necessary, convenient or expedient for savings, transitory or transitional purposes in connection with the coming into operation of any provision of this Ordinance.

SCHEDULE

AMENDMENT OF MUTUAL FUNDS ORDINANCE 1998

(Section 2)

1. The Mutual Funds Ordinance 1998 shall be amended as follows.

2. At the appropriate place in section 2 there shall be inserted the following definition –

“mutual fund manager” means a person or partnership appointed in accordance with section 9A;”.

3. At the end of section 3(1) there shall be added the words “or agreed to be an exempt mutual fund under section 10.”.

4. At the end of section 7(1) there shall be added the following-

“and

(e) such further particulars as may be prescribed.”.

5. In section 9 –

(i) In subsection (i) between the words “8” and “shall” there shall be inserted the words “or agreed to be an exempt mutual fund under section 10” and between the words “licensed” and “as” there shall be inserted “or agreed”; and

(ii) in subsection (2) between the words “8” and “shall” there shall be inserted the words “or agreed to be an exempt mutual fund under section 10” and between the words “licensing” and “as” there shall be inserted “or agreed”.

6. At the end of section 9 there shall be added –

“9A. (1) It shall be an offence for the operator of a mutual fund to cause a mutual fund to issue equity interests without the mutual fund having a mutual fund manager that-

(a) shall be granted discretionary authority by the fund to acquire, hold, manage or dispose of the fund’s investments on behalf of the fund; or

(b) shall advise the fund on a continuing basis on its investments.

(2) A mutual fund manager shall not be appointed under this section unless she or it is licensed by a regulatory authority in the countries in which she or it carries on the activities specified in subsection (1).”.

7. In section 10 –

- (i) at the end of subsection (1) there shall be added “relating to registration, recognition and licensing.”;
- (ii) in subsection (2) between the words “Part” and “if” there shall be inserted “relating to registration, recognition and licensing”;
- (iii) at the end of subsection (3) there shall be added–

“(4) An application for agreement in respect of a mutual fund to which this section applies, shall be made to the Permanent Secretary, Finance in the prescribed form and shall be accompanied with the prescribed particulars and fee.

(5) The Permanent Secretary Finance may require the applicant to supply such information and provide such documents for examination as in his opinion are necessary or expedient to enable him to agree that the mutual fund is an exempt mutual fund.”.