

A BILL

entitled

BERMUDA MONETARY AUTHORITY (REGULATORY FEES)
AMENDMENT ACT 2011

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WHEREAS it is expedient to amend the Bermuda Monetary Authority Act 1969, the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008, and the Investment Funds Act 2006 in relation to fees charged by the Bermuda Monetary Authority.

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Bermuda Monetary Authority (Regulatory Fees) Amendment Act 2011.

Amends the Fourth Schedule to the Bermuda Monetary Authority Act 1969

2 The Fourth Schedule to the Bermuda Monetary Authority Act 1969 under the heading "Insurance Act 1978" is amended—

(a) by repealing paragraph (2)(m) and substituting the following—

“	(m) application for approval of an internal capital model made under the provisions of a Rule made under section 6A	\$40,000
	(n) subject to paragraph 2A, application for review and approval of an internal capital	\$160,000

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model made under the provisions of a Rule
made under section 6A

- | | | |
|-----|---|----------|
| (o) | annual fee for the monitoring of an approved internal capital model made under the provisions of a Rule made under section 6A | \$15,000 |
| (p) | application for post approval of an internal capital model made under the provisions of a Rule made under section 6A | \$15,000 |

”;

(b) by inserting, immediately above paragraph (3), the following—

“(2A) Section 14(6) (which allows the Authority to reduce the annual fee depending on the nature and scale of operations of an insurer and the complexity of its business) shall apply with the necessary modifications to the application fee for review and approval of an internal capital model under paragraph 2(n) above.”; and

(c) by repealing paragraph (3)(iva) and substituting the following—

- “
- | | | |
|-------|---|----------|
| (iva) | Class 3A insurer carrying on general business where gross premium is expected to— | |
| | not exceed \$5 million | \$19,000 |
| | exceed \$5 million but not exceed \$20 million | \$22,500 |
| | exceed \$20 million but not exceed \$35 million | \$26,000 |
| | exceed \$35 million | \$30,000 |
- ”.

Amends section 14 of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008

3 Section 14 of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008 is amended—

- (a) in subsection (2)(b), by deleting the words “30 April” and substituting “31 March”; and
- (b) by repealing subsection (3).

Amends section 7 of the Investment Funds Act 2006

4 Section 7 of the Investment Funds Act 2006 is amended—

- (a) in subsection (3), by deleting the words “30 April” and substituting “31 March”; and

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(b) in subsection (5)(b), by deleting the words “30 April” and substituting “31 March”.

Commencement

5 This Act shall come into operation on 31 December 2011.

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EXPLANATORY MEMORANDUM

This Bill seeks to modify some of the regulatory fees contained in the Fourth Schedule to the Bermuda Monetary Authority Act 1969, and to modify the manner and dates in which annual registration fees are determined and paid under the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008, and to harmonize the payment and filing dates for fees charged under the Investment Funds Act 2006.

Clause 1 cites the Bill's title.

Clause 2 amends the Fourth Schedule to the Bermuda Monetary Authority Act 1969 to modify the fees charged for applications for approval, review and approval, monitoring, and post approval of internal capital models made under the provisions of a Rule made under section 6A of the Insurance Act 1978. Clause 2 also adds a new provision to enable the Bermuda Monetary Authority to apply its fee reducing powers under section 14(6) of the Insurance Act 1978 to applications for review and approval where warranted depending on the nature and scale of operations of an insurer and the complexity of its business, and introduces fees which increase in proportion to expected gross premium for class 3A insurers carrying on a general business.

Clause 3 amends section 14 of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008 by harmonizing the payment date for applications for registration with that of the other regulatory Acts, and by removing the requirement that the first annual registration fee be prorated.

Clause 4 amends section 7 of the Investment Funds Act 2006 to harmonize the date for the payment of fees and the filing of the certification of compliance required under that provision, with that of the other regulatory Acts.

Clause 5 sets out the commencement provision for the Act.