COOK ISLANDS

MONEY-CHANGING AND REMITTANCE BUSINESSES ACT 2009

Examined and certified by:

Clerk of the Parliament

In the name and on behalf of Her Majesty Queen Elizabeth the Second I hereby assent to this Act this 30th day of June, 2009

Sir F Goodwin, KBE
Queen's Representative

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2009, No. 10

An Act to regulate the business of money-changing and remittance payments

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same as follows:

1. Short title and commencement – This Act may be cited as the Money-changing and Remittance Businesses Act 2009.

2. Interpretation – (1) In this Act, unless the context otherwise requires –

"Commission" means the Financial Supervisory Commission established under the Financial Supervisory Commission Act 2003;

"company" means any company incorporated under any written law for the time being in force relating to companies and includes any company incorporated outside the Cook Islands;

"disqualified person" means a person referred to in subsection (3)

"licence" means a money-changer's licence or a remittance licence, as the case may be, granted under this Act;

"licensee" means the holder of a money-changer's licence or a remittance licence, as the case may be;

"money-changer's licence" means a licence granted under this Act authorising the holder thereof to carry on money-changing business;

"money-changing business" means the business of buying or selling foreign currency notes;

"place of business" means each place or location in the Cook Islands used by a licensee for carrying on money-changing business or remittance business, whether within a single building, at a single business address, or otherwise;

"remittance business" means the business of accepting money for the purpose of transmitting it to persons resident in another country or a territory outside the Cook Islands;

"remittance licence" means a licence granted under this Act authorising the holder thereof to carry on remittance business;

"substantial shareholder" means a person who has a legal or equitable interest in that company or in a holding company of that company and who is entitled, by that interest, to:

(a) control 10 percent or more of the voting stock of the company,

(b) share 10 percent or more of the dividends declared and paid by the company, or

(c) a share of 10 percent or more in the distribution of surplus assets of the company.

(2) For the purposes of this Act, a person shall be deemed to be carrying on –

(a) money-changing business if he offers to buy or sell any foreign currency notes; and

(b) remittance business if he offers to transmit money on behalf of any person to another person resident in another country.

(3)

(a) A person is a disqualified person if, at any time –

(i) the person has been convicted of an offence against or arising out of this Act or any other Act administered by the Commission for which a fine of an amount in excess of $1000 may be imposed, or

(ii) the person is or has been a director, or is or has been directly or indirectly concerned in the management of a licensee or any other financial institution in the Cook Islands or any other country which has been refused a licence, had its licence revoked or has been wound up by a court in any jurisdiction; or

(iii) the person has been convicted by a court in any jurisdiction for an offence involving dishonesty; or

(iv) the person is or becomes bankrupt;

(v) the person has applied to take the benefit of a law for the relief of bankrupt or insolvent debtors; or

(vi) the person has compounded with his or her creditors.

(b) The period for which the person is a disqualified person shall be determined by the Commission and shall be for a period of not less than 2 years.

(4) In this Act, a reference to a document or record shall include a reference to any or part of any –

(a) document or record kept on any magnetic, optical, chemical or other medium;

(b) map, plan, graph, picture or drawing;

(c) and film (including a microfilm and microfiche), negative, disc, tape, sound track or any other device in which one or more visual images, sounds or other data are

embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom.

PART 1
PRELIMINARY

3. Scope of this Act – This Act shall not be construed as requiring any person who accepts foreign currency notes from a customer or client in payment for goods sold or services rendered by him to obtain a money-changer's licence.

4. Commission responsible for administration of this Act – (1) The Commission shall be responsible for the administration of this Act and may authorise any of its officers to exercise any powers and perform any duties or functions of the Commission under this Act.

(2) The Commission may formulate in writing guidelines for the purposes of this Act.

5. No person to carry on money-changing business without licence – (1) No person shall carry on or advertise that he carries on money-changing business unless he is in possession of a valid money-changer's licence.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a fine not exceeding $100 for every day during which the offence continues after conviction.

6. No person to carry on remittance business without licence – (1) No person shall carry on or advertise that he carries on remittance business unless he is in possession of a valid remittance licence.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a fine not exceeding $100 for every day during which the offence continues after conviction.

PART II
LICENSING

7. Application for a money-changer's licence – (1) Any person who desires to obtain a money-changer's licence shall submit an application to the Commission in such form, and shall furnish the Commission with such information, as the Commission may require.

(2) No person other than a body corporate or statutory corporation is eligible to apply for a licence.

(3) An application made to the Commission for a money-changer's licence shall be accompanied by a non-refundable application fee of a prescribed amount, which shall be paid in the manner specified by the Commission.

(4) Upon receiving an application for a money-changer's licence under subsection (1), the Commission shall consider the application and may –

(a) grant a money-changer's licence with or without conditions; or

(b) refuse to grant a money-changer's licence.

(5) In considering any application for a money-changer's licence, the Commission must be satisfied as to -

(a) the general character of the management of the company;

(b) each director and manager of the applicant being a fit and proper person;

(c) the financial condition of the applicant; and

(d) whether the public interest will be served by the granting of the money-changer's licence.

(6) The Commission may at any time vary or revoke any of the existing conditions of a money-changer's licence or impose new conditions.

(7) In varying or revoking any of the existing conditions of a money-changer's licence or imposing new conditions the Commission must give the licensee 14 days notice in writing of its intention and allow the licensee a further 14 days to respond before taking any action.

8. Application for renewal of a money-changer's licence – (1) Any person who desires to renew a money-changer's licence shall submit an application to the Commission in such form, and shall furnish the Commission with such information, as the Commission may require.

(2) An application for the renewal of a money-changer's licence shall be made at least one month, or such other period as the Commission may prescribe, before the expiry of the money-changer's licence.

(3) The Commission may renew the money-changer's licence even though the licensee does not submit an application for the renewal of the money-changer's licence within the time required by subsection (2), if the person pays a late renewal fee not exceeding $10 for every day or part thereof that the application for renewal is late, subject to a maximum of $300.

(4) Where a person submits an application for the renewal of his money-changer's licence, whether or not within the time required by subsection (2), his money-changer's licence shall continue in force until the date on which the licence is renewed or the application for its renewal is refused, as the case may be.

(5) No application for renewal of a money-changer's licence shall be made after the expiry of the licence.

9. Application for remittance licence – (1) Any person who desires to obtain a remittance licence shall submit an application to the Commission in such form, and shall furnish the Commission with such information, as the Commission may require.

(2) No person other than a body corporate or statutory corporation shall be eligible to apply for a licence.

(3) An application made to the Commission for a remittance licence shall be accompanied by a non-refundable application fee of a prescribed amount, which shall be paid in the manner specified by the Commission.

(4) Upon receiving an application for a remittance licence under subsection (1), the Commission shall consider the application and may -

(a) grant a remittance licence with or without conditions; or

(b) refuse to grant a remittance licence.

(5) In considering any application for a remittance licence, the Commission must be satisfied as to -

(a) the general character of the management of the applicant;

(b) each director and manager of the applicant being a fit and proper person;

(c) the financial condition of the applicant; and

(d) whether the public interest will be served by the granting of the remittance licence.

(6) The Commission may at any time vary or revoke any of the existing conditions of a remittance licence or impose new conditions.

(7) In varying or revoking any of the existing conditions of a money-changer's licence or imposing new conditions the Commission must give the licensee 14 days notice in writing of its intention and allow the licensee a further 14 days to respond before taking any action.

10. Application for renewal of a remittance licence – (1) Any person who desires to renew a remittance licence shall submit an application to the Commission in such form, and shall furnish the Commission with such information, as the Commission may require.

(2) An application for the renewal of a remittance licence shall be made at least one month, or such other period as the Commission may prescribe, before the expiry of the remittance licence.

(3) The Commission may renew the remittance licence even though the licensee does not submit an application for the renewal of his remittance licence within the time required by subsection (2), if the person pays a late renewal fee not exceeding $10 for every day or part thereof that the application for renewal is late, subject to a maximum of $300.

(4) Where a person submits an application for the renewal of his remittance licence, whether or not within the time required by subsection (2), his remittance licence shall continue in force until the date on which the licence is renewed or the application for his renewal is refused, as the case may be.

(5) No application for renewal of a remittance licence shall be made after the expiry of the licence.

11. Place of business of licensee – (1) No licensee shall operate a money-changing business or remittance business, as the case may be, unless it has a permanent place of business in the Cook Islands.

(2) No licensee shall carry on money-changing business or remittance business at any additional place of business other than the licensee's permanent place of business referred to in subsection (1) except with the approval of the Commission.

(3) A licensee which intends to commence money-changing business or remittance business at any additional place of business shall, prior to commencing such business at the additional place of business, apply in writing to the Commission for approval, and the Commission may approve the additional place of business subject to such conditions as it thinks fit.

(4) The Commission may revoke its approval granted under subsection (3) by giving 28 days notice to the licensee if the licensee breaches any of the conditions imposed on the licensee under that subsection.

(5) Every licensee shall notify the Commission of any change in the address of any of the licensee's place of business within 7 days of such change.

(6) Any licensee who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $500 and, in the case of a continuing offence, to a further fine of $50 for every day or part thereof during which the offence continues after conviction, subject to a maximum of $1,500.

(7) Where a licensee fails to notify the Commission within the time period specified in subsection (5) of any change in the address of the licensee's place of business, the Commission may impose a late notification fee not exceeding $50 for every day or part thereof that the notification is late, subject to a maximum of $1,500.

12. Approval of directors – (1) No holder of a money-changer's licence shall appoint a person as its director, unless the holder has obtained the prior approval of the Commission.

(2) No holder of a remittance licence shall appoint a person as its director unless it has obtained the prior approval of the Commission.

(3) Where a licensee has obtained the approval of the Commission to appoint a person as its director under subsection (1) or (2), the person may be re-appointed without break as director of the licensee immediately upon the expiry of his earlier term without the approval of the Commission.

(4) A director who becomes a disqualified person must resign his appointment within 7 days of becoming a disqualified person.

(5) The Commission may request that the licensee remove as a director or manager a person who is a disqualified person and the licensee must take action to do this within 7 days.

(6) Without prejudice to any other matter that the Commission may consider relevant, the Commission may, in determining whether to grant its approval under subsection (1) or (2), have regard to such criteria as may be prescribed or specified in written guidelines.

(7) Any person who contravenes subsection (1), (2),(4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000 or imprisonment for a term not exceeding 2 years, or both.

13. Approval of substantial shareholdings – (1) No person shall become a substantial shareholder of the licensee unless he has obtained the approval of the Commission.

(2) Without prejudice to any other matter that the Commission may consider relevant, the Commission may, in determining whether to grant its approval under subsection (1), have regard to such criteria as may be prescribed or specified in guidelines issued under section 4(2).

(3) A substantial shareholder who disposes of his shareholding shall notify the Commission within 7 days of such action.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000.

14. Display of licence – (1) Every licensee shall display or exhibit its licence or a certified true copy thereof in a conspicuous place at each of the premises which the licensee carries on money-changing business or remittance business.

(2) Any licensee who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $1,000.

15. Licence fees – (1) Every licensee shall pay such licence fee as the may be prescribed by Regulation.

(2) The Commission may prescribe different licence fees in respect of different classes or categories of licensees.

(3) The licence fees shall be paid in such manner as may be specified by the Commission.

(4) There shall be no refund of any licence fee paid to the Commission in the event that a licence is cancelled, revoked or suspended or when the licensee ceases to carry on business at any time prior to the expiry of the licence.

16. Period for which licence is in force – (1) A licence shall be in force for such period as the Commission may determine.

(2) Upon its expiry, a licence may be renewed by the Commission for 12 months or for such other period as the Commission may determine.

17. False statements – A person who, in connection with an application for a licence or for a renewal of a licence, wilfully makes a statement which is false or misleading in a material particular, knowing it to be false or misleading, or wilfully omits to state any matter or thing

without which the application is misleading in a material respect, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding one year.

18. Lapsing, surrender, revocation, suspension and expiry of licence – (1) A licence shall lapse –

(a) on the date the licensee makes a composition or an arrangement with its creditors, or goes into liquidation, or is wound up or is otherwise dissolved, whether in the Cook Islands or elsewhere;

(b) where the licensee has not commenced money-changing business or remittance business, as the case may be, for a continuous period of 3 months (or such longer period as the Commission may allow) after the grant of the licence, upon the expiry of that period;

(c) where the licensee has ceased to carry on money-changing business or remittance business, as the case may be, and has not resumed money-changing business or remittance business, as the case may be, for a continuous period of 3 months (or such longer period as the Commission may allow) from the date of cessation of business, upon the expiry of that period; or

(d) in the event of such other occurrence or in such other circumstances as may be prescribed by the Commission.

(2) Where a licence has lapsed on the ground specified in subsection (1) (b) or (c), the person who held the licence shall, within 14 days of the date on which the licence lapsed, notify the Commission, in such form as may be specified by the Commission, of the lapsing of the licence and shall return the licence to the Commission.

(3) Where a licensee has not commenced or has ceased to carry on money-changing business or remittance business, as the case may be, the licensee may, before the licence has lapsed pursuant to subsection (1) (b) or (c), surrender his or its licence by returning the licence to the Commission with a written notice of its surrender in such form as may be specified by the Commission.

(4) Upon receipt of the notice and licence referred to in subsection (2) or (3), the Commission shall cancel the licence.

(5) The Commission may, by notice in writing, revoke a licence -

(a) if the licensee has contravened any of the provisions of this Act;

(b) if the licensee has failed to comply with or observe any of the conditions of its licence;

(c) if the licensee has failed to comply with or observe any written direction issued to it by the Commission under this Act;

(d) if the licensee has made a false or misleading statement in its application for a

licence;

(e) if the licensee has carried on or is carrying on business in a manner likely to be detrimental to the interests of the public or its customers;

(f) If –

(i) a receiver, a receiver and manager or an equivalent person has been appointed, whether in the Cook Islands or elsewhere, in relation to or in respect of any property of the licensee; or

(ii) the licensee, or any of its directors or substantial shareholders has been convicted, whether in the Cook Islands or elsewhere, of an offence -

(A) involving serious criminal activity, fraud or dishonesty; or

(B) the conviction for which involved a finding that it or he had acted fraudulently or dishonestly.

(6) The Commission may, if it considers it desirable to do so, by notice in writing –

(a) suspend a licence for a specific period instead of revoking it under subsection (5); and

(b) at any time extend or revoke the suspension of the licence.

(7) The Commission may revoke a licence on any ground under subsection (5) (f), or suspend a licence on any such ground under subsection (6), without giving the licensee an opportunity to be heard.

(8) Where the Commission gives a licensee an opportunity to be heard prior to the revocation or suspension of the licence, the Commission shall give a notice to the licensee –

(a) stating the decision the Commission intends to make that affects the licensee and the grounds for the decision; and

(b) inviting the licensee to give to the Commission, within such period as may be specified in the notice (being not less than 14 days from the date the licensee receives the notice), a written statement, accompanied by relevant supporting documents, as to why the Commission should reconsider the decision.

(9) Notwithstanding subsection (8), the Commission may, during the period when the Commission gives the licensee an opportunity to be heard, give a direction under section 31 prohibiting the licensee from entering into any new transaction for money-changing business or remittance business, as the case may be.

(10) Any person who is aggrieved by any direction referred to in subsection (10) may, within 14 days after he is given the direction, make representations in writing to the Commission and the Commission may upon such representations, modify or cancel the direction.

(11) If no representation is made under subsection (10), the person shall be deemed to have accepted the direction given by the Commission.

(12) A notice of revocation shall not take effect until –

(a) the expiration of 30 days after the date the notice is served on the licensee; or

(b) where the licensee has made a statement under subsection (8), the notice of revocation is confirmed by the Commission;

(13) An notice of suspension shall take effect on the date the notice is served on the licensee.

(14) Any licensee who carries on money-changing business or remittance business, as the case may be, after his or its licence has lapsed or has been surrendered, revoked or suspended shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 and, in the case of a continuing offence, to a further fine not exceeding $100 for every day or part thereof during which the offence continues after conviction.

(15) Any lapsing, surrender, revocation, suspension or expiry of a licence shall not operate so as to -

(a) avoid or affect any agreement, transaction or arrangement relating to the money-changing business or remittance business, as the case may be, entered into by such licensee, whether the agreement, transaction or arrangement was entered into before or after the lapsing, surrender, revocation, suspension or expiry of the licence, as the case may be; or

(b) affect any right, obligation or liability arising under any such agreement, transaction or arrangement.

19. Closure certificate - The holder of a remittance licence shall within 45 days, or such longer period as the Commission may allow, of the date on which its remittance licence has lapsed, has been surrendered or revoked or has expired, submit to the Commission a closure certificate issued by its auditors confirming that -

(a) all moneys received from the licensee's customers have been received by the intended recipients of such moneys;

(b) provision has been made to satisfy all statutory obligations; and

(c) adequate provision has been made to meet any unforeseen liabilities in respect of the remittance business.

PART III
ADMINISTRATION

20. Records – (1) Every licensee shall keep complete records in the English language of all its transactions in such books, accounts, records and registers as the Commission may specify from time to time and shall produce such books, accounts, records and registers to the Commission as and when it is so directed in writing by the Commission.

(2) Every licensee shall retain such books, accounts, records and registers for a period of at least 6 years after the day on which the transaction takes place.

(3) Any licensee who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000.

21. Information to be furnished by licensees – (1) Every licensee shall furnish to the Commission, at such time and in such manner as the Commission may specify, such returns and information as the Commission may reasonably require for the proper discharge of its functions.

(2) Any licensee who fails to furnish any returns or information required under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $1,000 and, in the case of a continuing offence, to a further fine of $50 for every day during which the offence continues after conviction.

22. Power to enter premises, inspect and investigate – (1) Any person duly authorised by the Commission to act on its behalf may -

(a) at any reasonable time enter any premises where a licensee is carrying on business, or any premises where he reasonably suspects any business is being carried on in contravention of this Act;

(b) inspect the premises and any book, document or record on those premises which he reasonably requires to inspect for the purpose of ascertaining whether a contravention of this Act or any regulations made thereunder is being or has been committed:

(c) use or cause to be used any computer system or data processing system in the premises to examine any data contained in or available to the system;

(d) reproduce any record, or cause it to be reproduced from the data, in the form of a printout or other output for examination or copying;

(e) use or cause to be used any copying equipment in the premises to make copies of any record fro removal from the premises of the licensee.

(2) Any person who -

(a) fails without reasonable excuse to admit any person who demands admission to the premises in pursuance of subsection (1);

(b) on being required by a person referred to in subsection (1) to do so, fails without reasonable excuse to permit the person to inspect the premises; or

(c) on being required by a person referred to in subsection (1) to produce any book, document or record in his possession or under his control and which that person reasonably requires to inspect for the purpose specified in subsection (1), fails without reasonable excuse to produce it to him and to permit him to take copies of it or of any

entry in it,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 or a term of imprisonment of not more than 2 years, or both, and, in the case of a continuing offence, to a further fine of $200 for every day during which the offence continues after conviction.

23. Liability of directors, partners, etc. – (1) Where an offence under this Act has been committed by a body corporate, any person who at the time of the commission of the offence was a director, secretary, manager or other officer of the company or who was purporting to act in any such capacity shall be liable to be proceeded against and punished accordingly unless he proves that -

(a) the offence was committed without his consent or connivance; and

(b) he exercised such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his function in that capacity and to all the circumstances.

(2) Where it is proved to the satisfaction of the court that any business of the licensee has been carried out with the intention of defrauding any creditor or customer of the licensee or any other person, or for any fraudulent purpose, the court may, on the application of any person who has suffered any loss as a result of the carrying on of the business in the above-mentioned manner, declare that -

(a) in the case where the licensee is a company –

(i) any of its directors, whether past or present, who were knowingly parties to the carrying on of the business in the above-mentioned manner; or

(ii) any of its directors, secretaries, managers or other officers, whether past or present, who have caused the business of the licensee to be carried on in the above-mentioned manner; or

(b) in the case where the licensee is a limited liability partnership –

(i) any of its partners or managers, whether past or present, who were knowingly parties to the carrying on of the business in the above-mentioned manner; or

(ii) any of its partners or managers, whether past or present, who have caused the business of the licensee to be carried on in the above-mentioned manner,

shall be personally responsible, without any limitation of liability, for all or any of the losses suffered by the applicant.

(3) Where the court makes a declaration under subsection (2) against any person, the amount which such person is liable to pay to any other person pursuant to the declaration shall be enforceable by the second-mentioned person as a judgment debt.

24. Service of documents – (1) Any notice, order or document required or authorised by this Act to be given to any person may –

(a) be delivered to the secretary or other like officer of the company at its registered office;

(b) be left at the place of business or the registered office of the company; or

(c) be sent by registered post to the last known address of the registered office.

(2) Any notice, order or document sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person at the time when the notice, order or document, as the case may be, would in the ordinary course of post be delivered.

(3) When proving service of any notice, order or document referred to in subsection (2), it shall be sufficient to prove that the envelope containing the notice, order or document, as the case may be, was properly addressed, stamped and posted by registered post.

25. Payment of security bond – (1) Every licensee who carries on remittance business shall maintain a security bond with the Commission.

(2) All money paid for the purposes of a security bond shall be paid into a trust account in the Commission's name maintained at a bank in the Cook Islands.

(3) The amount of the bond shall be prescribed by regulation.

26. Auditors – (1) Where the Commission forms the view, on the basis of information provided to it, that there is a need for an examination of the operations of the licensee, it may require an audit to be conducted of the systems and controls existing within the licensee and provide a report to the Commission

(2) The cost of such audit shall be borne by the licensee.

(3) The Commission may require an auditor appointed under subsection (1) –

(a) to submit to the Commission such information as it may require in relation to the audit carried out by him;

(b) to enlarge or extend the scope of his audit of the business and affairs of the licensee;

(c) to carry out any examination or establish any procedure in any particular case; or

(d) to submit to the Commission a report of his audit or a report on any matters referred to in paragraphs (b) and (c).

(4) Where the Commission requires an auditor to submit a report under subsection (2) (d), the licensee shall ensure that the auditor submits the report to the Commission in such form and within such time as may be prescribed by the Commission.

(5) The Commission may, if it is of the view that the auditor appointed by the licensee does not carry out his duties to the satisfaction of the Commission, direct the licensee to appoint another auditor and where such direction has been made, the licensee shall comply with the direction.

(6) Any licensee who contravenes subsection (1), (4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000.

PART IV
MISCELLANEOUS

27. Power of Commission to publish information – The Commission may, from time to time and in such form or manner as it considers appropriate, publish such information as the Commission may consider necessary or expedient to publish in the public interest, including information relating to all or any of the following:

(a) the lapsing, surrender, revocation or suspension of the licence of any person under section 18;

(b) the revocation or withdrawal of any exemption granted under this Act;

(c) the conviction of any person for any offence under this Act;

(d) any other action taken by the Commission against any person under this Act.

28. Exemptions – (1) This Act shall not apply to -

(a) any company which has a domestic banking licence granted under the Banking Act 2003 authorising it to conduct banking business in the Cook Islands;

(2) The Commission may, by notification in the Gazette, exempt any person or categories of persons from the provisions of this Act, subject to such terms or conditions as may be prescribed.

(3) An exemption granted under subsection (2) -

(a) may be granted subject to such terms or conditions as the Commission may specify by notice in writing;

(b) will be published by the Commission; and

(c) may be withdrawn at any time by the Commission after giving 28 days notice to the affected parties.

29. Liability of employers or principals – (1) Any act done or omitted by a person as an employee or agents is, for the purposes of this Act, to be treated as done or omitted by that person's employer or principal, whether or not it was done with the knowledge or approval of the employer or principal.

(2) Subsection (1) only applies, in the case of an agent, if the agent acted within the terms of

his or her agency or contract.

30. Regulations – (1) The Commission may make regulations for, or in respect of, every purpose which is considered necessary for carrying out the provisions of this Act and for the prescribing of any matter which is authorised or required under this Act to be so prescribed.

(2) Without prejudice to the generality of subsection (1), the Commission may by such regulations -

(a) prescribe fees to be charged under this Act; and

(b) regulate the conduct of money-changing and remittance business by persons holding licences granted under this Act.

31. Power of Commission to issue directions – (1) The Commission may, by notice in writing, issue to a licensee directions, either of a general or specific nature, for or in respect of every purpose which the Commission considers necessary for carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Commission may by such directions -

(a) require a licensee to display or exhibit such cautionary statements as the Commission thinks fit in a conspicuous place at every place where he or it carries on money-changing business or remittance business, as the case may be;

(b) require a licensee to provide cautionary statements in writing to the licensee's customers.

(3) Any licensee who fails to comply with any requirement specified in a written direction issued under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding $50 for every day or part thereof during which the offence continues after conviction.

32. Transitional provisions – A business operating as a money-changer or remittance business at the date this Act comes into effect has until 1 January 2010 to comply with the provisions of this Act.

33. Schedules – The enactments set out in the second column of Schedule 1 to this Act are amended to the extent specified in the third column with effect from the date that this Act comes into force.

This Act is administered by the Financial Supervisory Commission

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SCHEDULE 1

No.	Enactment	Amendment

1.	Financial Supervisory Commission Act 2003	First schedule Enactments administered by the Commission *Insert* Money Changers and Remittance Businesses Act 2009 In section 2(1) in the definition of licensed financial institution insert after 'banking business' 'a money changing or remittance business licensed under the Money Changers and Remittance businesses Act 2009'.