

CAYMAN ISLANDS



MONETARY AUTHORITY (AMENDMENT) (NO. 2) BILL, 2019

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A BILL FOR A LAW TO AMEND THE MONETARY AUTHORITY LAW (2018 REVISION) TO PROVIDE FOR THE FACILITATION OF BUSINESS CONTINUITY FOR ENTITIES THAT ARE LICENSED OR REGISTERED IN OTHER JURISDICTIONS IN THE EVENT OF NATURAL OR MAN-MADE DISASTERS; TO ADJUST THE FINANCIAL YEAR OF THE AUTHORITY; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS



**Memorandum of
OBJECTS AND REASONS**

The Monetary Authority (Amendment) (No. 2) Bill, 2019 seeks to amend the Monetary Authority Law (the “principal Law”) to adjust the financial year of the Authority and to facilitate the carrying on of business by entities that are licensed or registered in other jurisdictions in the event of natural or man-made disasters occurring in those jurisdictions.

Clause 1 provides for the short title of the legislation.

Clause 2 provides for the amendment of section 39 of the principal Law to make the Authority’s financial year consistent with the date set out in paragraph (a) of the definition of “financial year” in the Public Management and Finance Law (2018 Revision).

Clause 3 amends section 46 of the principal Law to provide for the carrying on of business in the Islands by specified entities in other jurisdictions in the event of disasters in those jurisdictions.

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ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the Monetary Authority (Amendment) (No. 2) Law, 2019.

Amendment of section 39 of the Monetary Authority Law (2018 Revision) - financial year

2. The *Monetary Authority Law (2018 Revision)* is amended in section 39 by deleting the words “end on the 30th June” and substituting the words “be the date set out in paragraph (a) of the definition of “financial year” in section 2 of the Public Management and Finance Law (2018 Revision).”.

Amendment of section 46 of the Monetary Authority Law (2018 Revision) - regulations

3. The *Monetary Authority Law (2018 Revision)* is amended in section 46 by inserting after subsection (3) the following subsections —



- “(4) Without prejudice to the generality of subsection (1), the Cabinet may, for the purpose of facilitating business continuity and disaster recovery, make regulations that authorize the Authority to exempt from any provision of this Law or the regulatory laws any person or class of persons that is affected by a disaster for such period of time as the Cabinet may stipulate.
- (5) Without prejudice to section 32 of the *Interpretation Law (1995 Revision)* or to any other provision of this Law, regulations under subsection (4) may provide for —
- (a) a financial service business that would otherwise be subject to regulatory laws to which the exemption relates and the conditions to which the exemption shall be subject;
 - (b) circumstances under which the Authority may withdraw the exemption from a person or class of persons;
 - (c) limitation of the exemption to some or all financial service businesses that would otherwise be subject to regulatory laws;
or
 - (d) a stipulation that the exemption operates in respect of some or all regulated activities.
- (6) For the purposes of this section, “**disaster**” shall have the same meaning as in the *Disaster Preparedness and Hazard Management Law (2019 Revision)*.”.

Passed by the Legislative Assembly the day of , 2019.

Speaker

Clerk of the Legislative Assembly

