

ENFORCEMENT

ENFORCEMENT MEASURES

(PART XIV SUB-PART I OF SIA)



- Enforcement measures under the SIA are designed to ensure compliance with regulatory requirements and deter fraudulent activities.
- Drawing from complaints and tips received from both the public and private sectors, in conjunction with investigation findings from the Commission's Licensing & Authorization and Compliance Departments, the Legal & Enforcement Department is formulating its strategy to effectively penalize wrongdoers.

KEY ENFORCEMENT MEASURES:

1. Enforcement Actions:

- Taking appropriate enforcement actions against violators, which may include fines, suspensions, or revocations of licenses.

2. Legal Proceedings:

- Initiation of legal proceedings against individuals or entities engaged in unlawful activities in the securities market.

3. Collaboration:

- Collaborating with domestic and international authorities to enhance enforcement efforts and address cross-border securities violations.

INVESTOR PROTECTION



- Investor protection is a key objective of Belize's securities regulation.
- The SIA includes provisions aimed at safeguarding the interests of investors, such as disclosure requirements, fair dealing obligations, and investor education initiatives.
- Enforcement measures play a crucial role in protecting investors from fraudulent schemes and misconduct in the securities market.

AUTHORITY TO ISSUE DIRECTIONS (S. 137(1) OF SIA)

- The SIA grants the Commission the powers to issue directions to security market participants.
- Those directions may be for the following reasons:
 - Protection of Investors
 - Section of the Act/Regulation will be, has been or was contravened.
 - Non-Compliance of the Act/Regulation
 - False, inaccurate or misleading information was provided

AUTHORITY TO ISSUE DIRECTIONS

(S. 137(2) OF SIA)



- As a result of the infractions, some of the following directions may be issued:
 - To cease and desist from the activity
 - Require a person to comply with the provision/requirement
 - Prohibit one from entering into transactions of a certain class or transaction
 - Prohibit one from soliciting business from a person of a class or description
 - Prohibit one from carrying on business in a specified manner
 - Prohibit one from disposing of assets

SANCTIONS & PENALTIES (S. 138(2) OF SIA)

- The SIA provides for a range of sanctions and penalties for non-compliance and securities violations and determined based on the severity of the violation, the impact on investors, and the deterrent effect required.
- Sanctions may include:
 - written warnings, censure or reprimands [s. 138(2)(a)]
 - cease and desist orders from infringement and to undertake remedial action [s. 138(2)(b)]
 - administrative fines (not exceeding \$100,000) [s. 138(2)(e)]
 - Prohibit a person from acting as approved auditor, partners, director etc. [s. 138(2)(f)]
 - suspension or revocation of licenses [s. 138(2)(i)]

IMPORTANCE OF PROCEDURAL RIGHTS (PART XIV SUB-PART I OF SIA)



- Procedural rights, including the right to a hearing, appeal, and reviews, are essential elements of administrative justice.
- These rights ensure that individuals and entities subject to regulatory actions have the opportunity to present their case, challenge decisions, and seek redress against adverse outcomes.

RIGHT TO A HEARING (S. 148 OF SIA)

- The Commission shall provide a reasonable opportunity for each person directly affected to be heard and give reasonable notice to each person and may give notice to any interested market participant.
- Every person shall be entitled to all privileges that a witness giving evidence before a court is entitled.
- A hearing under this section shall be open to the public unless the Commission directs otherwise.

THANK YOU

The Gian C. Gandhi Building
P.O. Box 455
6130 Iguana Avenue,
Mountain View Area,
City of Belmopan, Belize, C. A.
Tel: 501-822-2974
Email: info@belizefsc.org.bz
Website: www.belizefsc.org.bz