

GUIDELINES FOR THE APPLICATION TO RENEW A LICENCE

1. INTRODUCTION

- 1.1. The International Financial Services Commission (the “*Commission*”) is responsible for the licensing, regulation and supervision of firms engaged in the conduct of international financial services in and from within Belize pursuant to the International Financial Services Commission Act, Chapter 272 of the Laws of Belize, Revised Edition 2011 (the “*Act*”).

The Commission has the duty, in collaboration with its licensees, to promote and maintain high standards of conduct and management in the provision of international financial services.

All licensees are expected to adhere to the Commission’s licensing and other requirements and ongoing supervisory programmes, including periodic on-site inspections, and required regulatory reporting. Licensees are also expected to conduct their affairs in conformity with all other legal requirements in Belize.

2. PURPOSE

- 2.1. These Guidelines outline the Commission’s approach to the requirements and conditions that the Commission will apply in assessing applications for the renewal of licence.

3. APPLICABILITY

- 3.1. These Guidelines apply to all licensees.

4. VALIDATION PERIOD

- 4.1. Pursuant to subsection 7A (D) of the Act, a licence shall be renewed for a fixed period not exceeding three (3) years.
- 4.2. A licensee may apply for the renewal of licence for a fixed period not exceeding three (3) years in respect of any of the service or activity set out in the Third Schedule of the Act, save and except for ‘Trading in Foreign Exchange’, ‘Trading in Financial and Commodity-Based Derivative Instruments and Other Securities’ and ‘Brokerage, Consultancy or Advisory Services’.
- 4.3. The Director General may consider and determine whether to grant approval for the fixed period not exceeding three (3) years.

- 4.4. A licensee that may be approved the grant of the renewal of licence(s) for the fixed period not exceeding three (3) years which it has applied for or for such other period as determined by the Director General may either settle the licence fee(s) upfront or pay the licence fee(s) annually for the approved fixed period, which exceeds one (1) year.
- 4.5. The Commission will not return any licence fee(s) paid upfront for the approved fixed period not exceeding three (3) years for which a licence has been granted.

5. APPROACH TO APPLYING FOR THE RENEWAL OF A LICENCE

- 5.1. An application to renew a licence should be submitted in writing to the Director General in the form set out in the Schedule of the International Financial Services Commission (Licensing) (Amendment) (No. 3) Regulations, 2018, S.I. No. 60 of 2018 (the “Regulations”). See [Licence Renewal Application Form \(A\)](#).
- 5.2. The complete application package accompanied by the Requirements for Renewal of a Licence Checklist (the ‘Checklist’) must be forwarded to email address, applications@ifsc.gov.bz. The Checklist outlines the relevant documentation to be submitted as part of the application package.
- 5.3. An application for renewal of a licence (the “Application”) made after the licence expiration date (i.e. 31st December), but no later than 31st January must accompany an acceptable justification for the failure to apply on or before 31st December.
- 5.4. Should an applicant wish to pursue the renewal of licence after 31st January, an acceptable justification for failure to apply on or before 31st January must be provided to the Commission to email address, enforcement@ifsc.gov.bz for the Director General’s consideration and determination whether the application may be treated as an application for renewal of licence or a new application for a licence.
- 5.5. Where an application is made after 31st December, the Commission will supply an invoice for a late application fee, which will indicate the payment due date.
- 5.6. Other requirements and supporting documentation consist of the following:
 - (a) Evidence that the Registered Agent conducted proper due diligence on the applicant and its principals (i.e. Directors, Shareholders, Beneficial Owners, and other Senior Officers) before forwarding the application to the Commission;

- (b) Details of any search that yielded negative/adverse findings;
- (c) Completed [Licence Renewal Application Form \(B\)](#); and
- (d) Certificate of Good Standing for the applicant, issued by the IBC Registry or Belize Companies and Corporate Affairs Registry, as applicable.

6. STAGES FOR THE PROCESSING OF THE APPLICATION

STAGE 1 : Acknowledgment of the Application

The Commission will acknowledge receipt of the application from the time of receipt of the application within one (1) working day.

STAGE 2: Verification of Completeness of Application

The Commission will take no longer than two (2) working days from receipt of the application to verify its completeness and notify the applicant's registered agent of the determination whether the application is complete/incomplete.

Where an application is found to be incomplete, the Commission will notify the applicant's registered agent by electronic means of the outstanding documentation or deficiencies found. If the application is complete, it will be referred to the Licensing and Authorisations Department to commence the assessment phase of the application.

STAGE 3: Assessment Phase of Application

I. Assessment Criteria

Where the Director General is satisfied that the applicant continues to comply with the following requirements, the Director General may approve the grant of renewal of a licence either for the period being applied for or for such other period as the Director General may determine (Section 4.3):

- (a) The applicant is in good standing with the Commission, including the Belize International Corporate Affairs Registry (BICAR) or the Belize Companies & Corporate Affairs Registry, as applicable at the time of the application.
- (b) The applicant and its principals continue to meet the "fit and proper requirements" as set out in the Second Schedule of the International Financial Services Practitioners (Code of Conduct) Regulations, 2001.

- (c) The applicant and its principals must be in full compliance with the following:
- (i) Relevant Standard Conditions of its licence. As regards a licensee holding a licence that has **no** Standard Conditions annexed thereto, it must be fully compliant with all reporting requirement(s). Such report(s) must always be filed with the Commission by electronic means for the preceding year, by the tenth of January of the following year; and
 - (ii) Any other rules, requirements, guidelines, and directives issued by the Commission.

II. Final Decision of the Application

The timeframe to conclude the processing of the application and subsequently make a determination of the final decision of the application, which will generally fall within one of the following three (3) categories, shall be ten (10) working days from the time of receipt of the complete application package:

A. Approval to Grant Licence (the “Notice of Approval”)

Where the applicant satisfies the application requirements as set out at Section 5 of these Guidelines, as well as, the assessment criteria described above, the Director General may approve the grant of the renewal of licence(s) for the period which the applicant has applied or for such other period not exceeding 3 years as determined by the Director General. A notice of approval will be issued by the Commission in one of the following forms:

- ❖ An invoice for the annual renewal fee(s) will follow where the Director General has approved the period for which the applicant has applied.
- ❖ A letter setting out the period approved by the Director General. An invoice for the annual renewal fee(s) will be forwarded under a separate cover.

The applicant must settle payment of the annual renewal fee(s) within the due date specified in the invoice. Failure to pay within the specified due date, a five percent monthly penalty (5%) will be added to the amount past due.

B. Application Placed in Abeyance (the “Notice of Abeyance”)

Where the Director General is satisfied in his own deliberate judgement that certain information and/or documentation is required for further review and consideration of the application, the Director General may place the application in abeyance and issue a Notice of Abeyance to provide the applicant with the opportunity to address any issues that may have arisen during the assessment process.

- ❖ The applicant must satisfactorily address all matters raised by the Commission in the Notice of Abeyance within fifteen (15) working days of receipt of the Notice of Abeyance.
 - In the case in which the applicant suspects that it may require an extension of time beyond the due date stated in the Notice of Abeyance, the Commission may upon receipt of proper justification and payment of US\$500.00 administrative penalty, grant approval of extended timeframe of an additional fifteen (15) working days in order to satisfactorily address the issues raised in the Notice of Abeyance. The request for an extension of time must be made to the email address, licensingandauthorisations@ifsc.gov.bz.
 - The Commission will consider the application staledated if the applicant does not satisfactorily address the Notice of Abeyance within the specified timeframe or alternatively did not request for an extension of time.
 - Where an application becomes staledated, the applicant must re-apply.

C. Refusal of Application (the “Notice of Refusal”)

In the case in which the Director General finds reasonable grounds to refuse an application for renewal of licence, a Notice of Refusal will be issued to the applicant, stating the reason(s) for the refusal of the application to renew a licence.

STAGE 4: Applicant's Response to the Notice of Approval or Notice of Abeyance

The Commission will issue the licence(s) for the approved period within five (5) to ten (10) working days from receipt of payment verification by the Accounts Department.

- ❖ In the case in which the Commission has issued a licence, but has added licence conditions, the applicant's registered agent shall supply a response evidencing compliance with licence conditions to email address, complianceandinspections@ifsc.gov.bz.
 - Where the applicant suspects that it may require an extension of time beyond the thirty (30) working days permitted to address the licence conditions, the Commission may upon receipt of proper justification, grant provision approval of extended timeframe of an additional thirty (30) working days in order to satisfactorily address the licence conditions. Final approval may be subject to receipt of payment of US\$500.00 administrative penalty. The request for an extension of time must be made to the email address, complianceandinspections@ifsc.gov.bz.
 - Failure to address licence conditions may lead the Commission to take enforcement action against the applicant.
- ❖ If the applicant satisfactorily addresses the matter(s) raised in the Notice of Abeyance, the procedures set out at item II (A) of stage 3 under section 6 of these Guidelines applies, followed by the procedures also stated under this stage above.

International Financial Services Commission
6th November 2019