

**CAYMAN ISLANDS**



# **MONETARY AUTHORITY (AMENDMENT) (NO.2) BILL, 2020**

Supplement No. 3 published with Legislation Gazette No. 31 dated 28th April, 2020.

**A BILL FOR A LAW TO AMEND THE MONETARY AUTHORITY LAW (2020 REVISION) TO INCLUDE THE VIRTUAL ASSET (SERVICE PROVIDERS) LAW, 2020 AS A REGULATORY LAW; TO INCLUDE A FINANCIAL INCLUSION OBJECTIVE AS A PRINCIPAL FUNCTION OF THE AUTHORITY; TO EMPOWER THE AUTHORITY TO ADJUST THE REGULATORY REQUIREMENTS OF A PERSON WHO HOLDS A SANDBOX LICENCE UNDER THE VIRTUAL ASSET (SERVICE PROVIDERS) LAW, 2020; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

## PUBLISHING DETAILS

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**Sponsoring Ministry/Portfolio:** Ministry of Financial Services and Home Affairs (FSHA)



**Memorandum of  
OBJECTS AND REASONS**

This Bill amends the Monetary Authority Law (2020 Revision) (the “principal Law”) to include the Virtual Asset (Service Providers) Law, 2020 as a regulatory law, to include a financial inclusion objective as a principal function of the Authority, to empower the Authority to adjust the regulatory requirements of a person who holds a sandbox licence under the Virtual Asset (Service Providers) Law, 2020 and for incidental and connected purposes.

Clause 1 provides the short title of the legislation and contains the commencement provision.

Clause 2 amends section 2 of the principal Law in the definition of “regulatory laws” to include the Virtual Asset (Service Providers) Law, 2020 as a regulatory law.

Clause 3 amends section 6 of the principal Law to require the Authority to endeavour to promote and facilitate innovation, competition, consumer benefits and the development of technology and services that encourage and promote financial inclusion in performing its regulatory functions and its co-operative functions.

Clause 4 inserts proposed new section 6A in the principal Law. The proposed new section 6A empowers the Authority to waive, modify or impose additional regulatory requirements on a person who holds a sandbox licence in accordance with the Virtual Asset (Service Providers) Law, 2020 based on the use of innovative technology or innovative methods of delivery, the nature and complexity of the activity, or the supervisory needs of the person who holds the sandbox licence.



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ENACTED by the Legislature of the Cayman Islands.

**Short title and commencement**

1. (1) This Law may be cited as the Monetary Authority (Amendment) (No.2) Law, 2020.
- (2) This Law shall come into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions of this Law and in relation to different matters.

**Amendment of section 2 of the Monetary Authority Law (2020 Revision) - interpretation**

2. The *Monetary Authority Law (2020 Revision)*, in this Law referred to as the “principal Law”, is amended in section 2, in the definition of “regulatory laws” as follows —



- (a) in paragraph (ga) by deleting the words “[*Law 10 of 2014*]; and” and substituting the words “[*Law 10 of 2014*];”;
- (b) in paragraph (h) by deleting the words “(*2020 Revision*),” and substituting the words “(*2020 Revision*); and”; and
- (c) by inserting after paragraph (h) the following paragraph —
  - “(i) *Virtual Asset (Service Providers) Law, 2020*,”.

### **Amendment of section 6 - principal functions of Authority**

3. The principal Law is amended in section 6(3) as follows —

- (a) in paragraph (e) by deleting the words “services business; and” and substituting the words “services business;”;
- (b) in paragraph (f) by deleting the words “the Authority.” and substituting the words “the Authority; and”; and
- (c) by inserting after paragraph (f) the following paragraph —
  - “(g) endeavour to promote and facilitate innovation, competition, consumer benefits and the development of technology and services that encourage and promote financial inclusion.”.

### **Insertion of section 6A - power to adjust regulatory requirements**

4. The principal law is amended by inserting after section 6 the following section —

#### **“Power to adjust regulatory requirements**

**6A.** The Authority may at any time during the term of a sandbox licence issued under the *Virtual Asset (Service Providers) Law, 2020* —

- (a) waive or modify any regulatory requirements imposed in accordance with the *Virtual Asset (Service Providers) Law, 2020* or any other regulatory law; or





- (b) impose any additional regulatory requirements in accordance with the *Virtual Asset (Service Providers) Law, 2020* or any other regulatory law,

on the person who holds the sandbox licence, based on the use of innovative technology or innovative methods of delivery, the nature and complexity of the activity, or the supervisory needs of the person who holds the sandbox licence.”.

**Passed by the Legislative Assembly the                      day of                      , 2020.**

*Speaker*

*Clerk of the Legislative Assembly*