

**ANTIGUA AND BARBUDA**



**THE CORPORATE MANGEMENT SERVICE PROVIDERS ACT, 2007.**  
**No. of 2007**

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**THE CORPORATE MANAGEMENT SERVICE PROVIDERS ACT, 2007**

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**BILL FOR**

**AN ACT** to provide for the licensing and Regulation of the business of Corporate Management Service Providers and for related matters.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**1. Short title**

This Act may be cited as the Corporate Management Service Providers Act 2005.

**2. Interpretation**

(1) In this Act, unless the context otherwise requires—

“Administrator” means the person appointed as Administrator under section 316 of the International Business Corporation Act Cap. 222.

“Auditor” means an external auditor that is —

- (a) a person who holds a practising certificate issued under the Accountancy Profession Act, 1992 and is certified to practise as an auditor;
- (b) any other person approved by the Minister, acting on the recommendation of the Central Bank;

“Board” means the Board established under section 316 of the International Business Corporation

“dependant”, with reference to a member of a visiting force or to a member of the armed forces of a designated state, means the wife or husband of that member, or any other person wholly or mainly maintained by him, or in his custody, charge or care;

“designated state” means a state, other than Antigua and Barbuda, that is designated under section 4;

“Antigua and Barbudan forces” means the Antigua and Barbuda Defence Force established by section 4 of the Antigua and Barbuda Defence Act, 2003;

“military establishment” has the meaning assigned to those words by subsection (1) of section 36 of the Defence Act;

“Minister” unless the context otherwise requires, means the Minister responsible for matters of defence in Antigua and Barbuda;

“regulations” means regulations made under this Act;

“service authorities” means naval, military or air force authorities;

“service court” means a court martial of a visiting force and includes the service authorities of a designated state who are empowered by the laws of that state to deal with charges brought against persons subject to the service law of that state;

“service law” in relation to a designated state, means the law governing all or any of the forces of that state;

“visiting force” means any of the armed forces of a designated state present in Antigua and Barbuda in connection with official duties, and includes civilian personnel designated under section 4 as a civilian component of a visiting force.

## **PART II.**

### **Application of Act**

#### **3. Application of Act**

This Act applies in respect of a designated state when the Defence Board has, pursuant to section 4, declared it to be applicable in respect of that state, and it applies in respect of that state only to the extent declared by the Defence Board pursuant to that section.

#### **4. Orders designating states, etc.**

The Defence Board may by order—

- (a) designate any country as a designated state for the purposes of this Act;
- (b) declare the extent to which this Act is applicable in respect of any designated state; and
- (c) designate civilian personnel as a civilian component of a visiting force.

(3) Nothing in this section shall be construed as derogating from the provisions of any other enactment restricting the prosecution of any proceedings or requiring the consent of any authority to

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the prosecution thereof.

**8. Arrest, custody, etc. of offenders against Antigua and Barbuda law**

(1) Nothing in section 7 shall affect—

- (a) any powers of arrest, search, entry, seizure or custody exercisable under the law of Antigua and Barbuda with respect to offences committed or believed to have been committed against that law;
- (b) an obligation of a person in respect of a recognizance or bail bond entered into in consequence of his arrest, or the arrest of any other person, for an offence; or
- (c) any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with an offence.

(2) Where a person has been taken into custody by a constable without warrant for an offence, and there is reasonable ground for believing that in accordance with section 7 he is subject to the jurisdiction of the service court of a designated state, then, with a view to its being determined whether he is to be dealt with for that offence under the law of Antigua and Barbuda or dealt with by the courts of that state for an offence under the law thereof, he may, notwithstanding any other law to the contrary, be detained in custody for a period not exceeding forty-eight hours after his detention without being brought before a court of summary jurisdiction, but if within that period he is not delivered into the custody of an authority of the designated state, he shall be released on bail or brought before a court of summary jurisdiction as soon as practicable after the expiration of that period.

(3) In computing the period of detention in subsection (2) Sundays and public holidays shall be excluded.

**9. Previous trial by service courts**

(1) Where a member of a visiting force or a dependant has been tried by a service court of that visiting force and has been convicted or acquitted he may not be tried again by a civil court for the same offence.

(2) For the purposes of this section a certificate under the hand of the officer presiding over a service court, or the officer in command of a visiting force stating—

- (a) that a member of the visiting force or a dependant has been tried before a service court for an offence specified in the certificate;
- (b) the result of the trial; or
- (c) the judgment or order of the Court,

shall be evidence of the matters stated in the certificate.

dependant is being detained in either of the circumstances described in subsection (2) shall be



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receivable in evidence and shall be conclusive proof of the cause of the detention, but not of his being a member of the visiting force or a dependant.

### **13. Arrest**

For the purposes of enabling the service authorities and service courts of a visiting force to exercise more effectively the powers conferred upon them by this Act, the Defence Board, if so requested by the officer in command of the visiting force or by the designated state, may from time to time by general or special orders to the forces of Antigua and Barbuda, direct the Antiguan and Barbudan officers and soldiers to arrest members of the visiting force or dependants alleged to have been guilty of offences against the law of the designated state and to hand over any person arrested to the appropriate authorities of the visiting force.

### **14. Place of imprisonment or detention**

(1) Where a member of a visiting force or a dependant of a member has been sentenced by a service court to undergo a punishment involving incarceration, the incarceration may, at the request of the officer in command of the visiting force and in accordance with the regulations, be served wholly or partly in a civil prison or military establishment and the provisions of the Defence Act relating to the carrying out of punishments of imprisonment or detention imposed upon officers and soldiers of the Antiguan and Barbudan forces shall *mutatis mutandis* apply.

(2) The Defence Board shall, in accordance with regulations, and having regard to the nature of the place of incarceration to which the offender would have been committed under the law of the designated state, determine whether the offender's punishment is to be served in whole or in part in a civil prison or in a military establishment.

### **15. Police functions.**

The authority of members of a visiting force to exercise police functions, including the power of arrest, in relation to any member of that force or dependant, shall be the same as authorized by the service law of that force, but nothing herein contained shall empower a member of a visiting force to exercise police functions in respect of a person who is not a member of the visiting force or a dependant.

### **16. Application of section 111 of the Defence Act**

The provisions of section 111 of the Defence Act shall *mutatis mutandis* apply in relation to a court martial under this Act as they apply to a court martial under that Act, except that no person other than a member of a visiting force may be summoned before a court martial except by process issued by a magistrate or justice of the peace whose authority in that behalf shall be exercised in accordance with regulations.

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**22. No proceedings lie where compensation payable**

No proceedings lie against the Crown by virtue of section 21, or against any member of a visiting force who is deemed a servant of the Crown under section 21, in respect of a claim by a member of a visiting force or his personal representative or a dependant arising out of the death, or injury to the person, of the member, if compensation has been paid or is payable by a designated state, or out of any funds administered by an agency of a designated state, for the death or injury.

**23. Enforcement of judgment.**

A member of a visiting force is not subject to any proceedings for the enforcement of any judgment given against him in Antigua and Barbuda in respect of a matter that arose while he was acting within the scope of his duties or employment.

**24. Ships.**

Except the Minister by order so directs in respect of the ships of any particular designated state, section 21 does not apply to a claim arising out of or in connection with the navigation, operation or salvage of a ship or the loading, carriage or discharge of a cargo, unless the claim is a claim arising out of death or injury to the person.

**25. Settlement of claims against visiting forces.**

- (1) The Minister may make arrangements whereby claims in respect of acts or omissions of—
  - (a) members of visiting forces; or
  - (b) other persons connected to those forces and specified in the arrangements, may be satisfied by payments made by the Minister of those amounts as may be—
    - (i) adjudged by any court in Antigua and Barbuda or any authority as may be provided by the arrangements; or
    - (ii) agreed between the claimant and the Minister;

so, however, that the acts or omissions in respect of which the claim is made shall be acts or omissions of a description to which the arrangements relate.

(2) Any expenses of the Minister incurred in satisfying claims in pursuance of any arrangements under this section or otherwise in connection with the arrangements shall be defrayed out of moneys provided by Parliament.

(3) The Minister shall take steps as may be required for securing that persons concerned with any arrangements made by him under this section shall be informed of the nature and operation of the arrangements.

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**30. Fuel, oil, etc.**

Subject to compliance with conditions as may be prescribed, no duty or tax shall be payable on any fuel, oil or lubricants intended for use exclusively in the service vehicles, aircraft or vessels of a visiting force.

**PART VI.**

**Coroners Inquest**

**31. Provisions as to coroner's inquest.**

(1) If any coroner having jurisdiction to hold an inquest touching a death is satisfied that the deceased person at the time of his death had a relevant association with a visiting force, then unless the Minister responsible for justice otherwise directs the coroner shall not hold the inquest or, if the inquest has begun but not completed, shall adjourn the inquest and, if a jury has been summoned, shall discharge the jury.

(2) Subject to subsection (1), if on an inquest touching a death the coroner is satisfied—

- (a) that a person who in accordance with section 7 is subject to the jurisdiction of the service courts of a designated state has been charged before a court of that state with the homicide of the deceased person, whether or not that charge has been dealt with; or
- (b) that a person is being detained by an authority of that state with a view to being so charged;

then unless the Minister responsible for justice otherwise directs the coroner shall adjourn the inquest and, if a jury has been summoned, shall discharge the jury, and shall furnish the Registrar of deaths with a certificate stating the particulars necessary for the registration of the death so far as they have been ascertained at the inquest.

(3) Where an inquest is adjourned under this section, the coroner shall not resume it except on the direction of the Minister responsible for justice and, if he does resume it, shall proceed in all respects as if the inquest had not previously been begun, except that it shall not be obligatory on the coroner to view the body or to furnish the Registrar of deaths with any certificate, as the case may be.

- (4) (a) The Registrar shall not give a death certificate under section 36 of the Antigua and Barbuda Births and Deaths (Registration) Act, Cap. 53 if the body is proposed to be removed out of Antigua and Barbuda before the coroner's inquest has been completed.
- (b) Where a body is to remain in Antigua and Barbuda until the completion of the coroner's

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