

**The text below is an internet version of the Rules made by the FSC under Section 93 of the Financial Services Act 2007 and Sections 29(3) and 55 of the Securities Act 2005 and is for information purpose only. Whilst reasonable care has been taken to ensure its accuracy, the authoritative version is the one published in the *Government Gazette* of Mauritius.**

GN No. 178 of 2010

**SECURITIES (AUTHORIZATION OF FOREIGN INVESTMENT  
DEALERS) RULES 2010**

*(Consolidated version with amendments as at 03 April 2021)*

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**SECURITIES (AUTHORIZATION OF FOREIGN INVESTMENT DEALERS)  
RULES 2010**

**FSC Rules made by the Financial Services Commission under Section 93 of the Financial Services Act 2007 and Sections 29(3) and 155 of the Securities Act 2005.**

**PART I  
PRELIMINARY**

**1. Citation**

These Rules may be cited as the Securities (Authorization of Foreign Investment Dealers) Rules 2010.

**2. Interpretation**

In these Rules –

"Act" means the Securities Act 2005;

“applicant” means a foreign investment dealer applying for authorization to act as an investment dealer in Mauritius;

“clearing member” means a person who is authorized to clear and settle trades executed on a relevant securities exchange;

“Commission” means the Financial Services Commission established under the Financial Services Act;

“Companies Act” means the Companies Act 2001;

“Financial Services Act” means the Financial Services Act 2007;

“foreign investment dealer” means an entity which is licensed, regulated, approved, recognized or otherwise authorized to perform in a foreign jurisdiction the functions of an investment dealer as set out in Section 29 of the Act;

“investment dealer” has the same meaning as in the Act;

“law practitioner” has the same meaning as in the Law Practitioners Act 1984;

“management company” has the same meaning as in the Financial Services Act;

“officer” has the same meaning as in the Financial Services Act

“relevant Acts” has the same meaning as in the Financial Services Act;

“securities exchange” has the same meaning as in the Act.

**Amended by [GN No. 77 of 2021]**

### **3. Scope of the Rules**

These Rules shall apply to the authorization of foreign investment dealers whose activities shall be restricted to trading on a securities exchange licensed by the Commission.

**Amended by [GN No. 77 of 2021]**

## **PART II**

### **AUTHORIZATION OF FOREIGN INVESTMENT DEALERS**

#### **4. Application for authorization**

- (1) No foreign investment dealer shall deal on a securities exchange unless authorized by the Commission.

- (2) A foreign investment dealer may carry out the functions and activities of an investment dealer if authorized by the Commission in accordance with these Rules.
- (3) The Commission may authorize the applicant to act as an investment dealer if the Commission is satisfied that the applicant is exercising the functions of an investment dealer in a jurisdiction where there is a regulatory or supervisory framework consistent with international best practice.
- (4) An application for authorization to act as a foreign investment dealer shall be submitted by the securities exchange and accompanied by –
  - (a) a duly completed authorisation application form;
  - (b) a statement from the securities exchange that the foreign investment dealer will be admitted to deal on the securities exchange if authorized by the Commission;
  - (c) a duly completed application form of the securities exchange;
  - (d) certified true copy of licence to perform investment dealer activities in a foreign Jurisdiction;
  - (e) provide a link to the official website of the relevant regulator indicating the applicant's licencing or authorisation information as available in public domain;
  - (f) either a certificate of good standing from the relevant foreign regulatory body or a statement from a lawyer authorized to practise law in the foreign jurisdiction certifying that the applicant is legally entitled to carry out the functions of an investment dealer in that jurisdiction;
  - (g) a certified true copy of the certificate of incorporation of the applicant;
  - (h) a list of the documents submitted by the applicant to the relevant securities exchange; and
  - (i) any other information that the Commission may deem necessary.

**Amended by [GN No. 77 of 2021]**

- (5) The Commission will only consider applications submitted on behalf of applicants from jurisdictions which adhere to international standards and is a signatory to the IOSCO MMOU or any other jurisdiction as may be approved by the Commission.

**Inserted by [GN No.77 of 2021]**

- (6) Upon satisfaction, the Commission shall issue a letter of authorisation to trade on the relevant securities exchange to the foreign investment dealer.

**Inserted by [GN No.77 of 2021]**

### **PART III**

#### **DUTIES OF SECURITIES EXCHANGE**

##### **5. Duties of the securities exchange**

The securities exchange shall:

- (a) act as the first point of contact for the foreign investment dealer for the submission of the application to the Commission;
- (b) conduct all due diligence checks in relation to the applicant and provide the Commission with an undertaking to this effect;
- (c) monitor the conduct of the business of the applicant and report to the Commission, where appropriate;
- (d) ensure that the settlement of all trades executed by the applicant shall be made through clearing members; and
- (e) exercise such other duties in relation to the foreign investment dealer, as the Commission may determine from time to time.

**Amended by [GN No 77 of 2021]**

**PART IV**  
**FOREIGN INVESTMENT DEALER AGENT**

**6. Designation of an officer**

- (1) A foreign investment dealer, shall at all times, designate an officer who shall be –
- (a) the point of contact between the Commission and the foreign investment dealer;
  - (b) the chief executive officer or a member of the senior management approved by the Commission;
  - (c) have unrestricted access to information about the foreign investment dealer; and
  - (d) have access to sufficient resources to fulfil his responsibility.

**Amended by [GN No 77 of 2021]**

**7. Functions of the officer**

The functions of the officer shall be:

- (a) the filing of all documents with the Commission as may be required under the relevant Acts;
- (b) responding promptly to any request made by the Commission;
- (c) the receiving and forwarding of any communication, notice or summons from, and to, the Commission or the relevant securities exchange or any other party; and
- (d) the notification of any change in the beneficial ownership of the applicant, any alteration to any document submitted to the

Commission by the securities exchange and any other material change within 21 days.

**Amended by [GN No 77 of 2021]**

**PART V**  
**MISCELLANEOUS**

**8. Fees**

The applicant shall pay the corresponding fees as specified in the Financial Services (Consolidated Licensing and Fees) Rules 2008.

**9. Duration and variation of the authorization**

(1) The authorization granted by the Commission shall cease to be valid if the foreign investment dealer is no longer permitted to act as an investment dealer in the jurisdiction where it was operating as such at the time of the application.

(2) The Commission may vary the terms of the authorization as it deems fit.

**10. –**

**[Repealed by GN No. 250 of 2019]**

**11. Commencement**

These Rules shall come into operation on 18 September 2010.

Made by the Financial Services Commission on 18 September 2010.