VIRTUAL ASSET AND INITIAL TOKEN OFFERING SERVICES ACT 2021

Act 21 of 2021 – 7 February 2022

P 12/22
Amended 15/22 (cio 2/8/22); 12/2023 (cio 20/7/2023); 11/24 (cio 27/7/24); 10/24 (cio 25/7/24); 13/26 (cio 13/8/26, 1/1/27);

ARRANGEMENT OF SECTIONS

Section

PART I – PRELIMINARY
1. Short title
2. Interpretation
3. Application of Act
4. Fitness and propriety

PART II – REGULATORY AND SUPERVISORY FUNCTIONS OF COMMISSION
5. Objects of Commission
6. Functions and powers of Commission

PART III – VIRTUAL ASSET SERVICE PROVIDERS
Sub-Part A – Virtual Asset Service Provider Licence
7. Requirement to be licensed
8. Application for licence
9. Determination of application
10. Office premises of virtual asset service provider
11. Register of Virtual Asset Service Providers
12. Variation of licence
13. Material change to business activities

Sub-Part B – Officers, Controllers and Beneficial Owners of Virtual Asset Service Providers
14. Approval of officers
15. Senior executive
16. Controllers and beneficial owners

Sub-Part C – Responsibilities of Virtual Asset Service Providers
17. Custody and protection of client assets
18. Prevention of market abuse
19. Transfer of virtual assets

Sub-Part D – Financial Obligations of Virtual Asset Service Providers
20. Financial requirements
21. Separate accounts
22. Audited financial statement

PART IV – ISSUERS OF INITIAL TOKEN OFFERINGS
Sub-Part A – Registration as Issuer of Initial Token Offerings
23. Requirement to be registered
24. Application for registration
25. Determination of application for registration
26. Register of Issuers of Initial Token Offerings

Sub-Part B – Obligations of Issuers of Initial Token Offerings
27. White paper
28. Offer period

29. Disclosure by issuers of initial token offerings
30. Classification of virtual tokens
31. Advertisement of initial token offerings
Sub-Part C – Purchaser's Right Against Virtual Token Purchased
32. Purchaser's right to rescission or damages
33. Purchaser's right of withdrawal
PART V – PROFESSIONAL CONDUCT AND COMPLIANCE
34. Professional conduct of virtual asset service providers and issuers of initial token offerings
34A. Prohibition on solicitation of investors
35. Confidentiality
PART VI – REQUEST FOR INFORMATION, INSPECTION, INVESTIGATION AND COOPERATION
Sub-Part A – Request for Information, Inspection and Investigation
36. Request for Information
37. Inspection
38. Frequency of inspection
39. Investigation
40. Special investigation
40A. Use investigative tools and information
41. Agent to conduct inspection and investigation
Sub-Part B – Cooperation with Other Entities
42. Exchange of information and mutual assistance
PART VII –SUSPENSION AND SURRENDER OF LICENCE AND REGISTRATION
Sub-Part A – Suspension of Licence and Registration
43. Suspension of licence and registration
Sub-Part B – Surrender of Licence and Registration
44. Surrender of licence and registration
45. Process following surrender of licence and registration
PART VIII – WINDING UP, DISSOLUTION OR APPOINTMENT OF ADMINISTRATOR
46. Winding up or dissolution
47. Appointment of administrator
PART IX – DISCIPLINARY PROCEEDINGS AND ADMINISTRATIVE SANCTION
48. Disciplinary proceedings
49. Administrative sanction
PART X – OFFENCES AND COMPOUNDING OF OFFENCES
50. Offences
51. Compounding of offences
PART XI – MISCELLANEOUS
52. FSC Rules
53. Regulations
54. Transitional provisions
55. Consequential amendments
56. Commencement
FIRST SCHEDULE
SECOND SCHEDULE
THIRD SCHEDULE
FOURTH SCHEDULE

VIRTUAL ASSET AND INITIAL TOKEN OFFERING SERVICES ACT 2021

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Virtual Asset and Initial Token Offering Services Act 2021.

2. Interpretation

In this Act –

"applicable Acts" means the Acts listed in the First Schedule;

"asset" means movable and immovable property of any nature, whether tangible and intangible;

"auditor" means a person qualified as such under the Financial Reporting Act;

"bank" has the same meaning as in the Banking Act;

"beneficial owner" has the same meaning as prescribed under the Financial Intelligence and Anti-Money Laundering Act;

"beneficiary", in respect to a transfer of virtual asset, means the person that will own the virtual asset on completion of a transfer;

"central bank" means the Bank of Mauritius established under section 3 of the Bank of Mauritius Act;

"Chief Executive" has the same meaning as in the Financial Services Act;

"class of licence" means such class of licence as described in the Second Schedule;

"Commission" means the Financial Services Commission established under section 3 of the Financial Services Act;

"company" means a company incorporated as such under the Companies Act;

"competent authority" means –

(a) a public authority to which responsibility to combat money laundering or terrorist financing and proliferation is assigned; and

(b) includes a supervisory authority, a regulatory body and an investigatory authority;

"controller", in respect to a company, means a person –

(a) who is a member of the governing body of the company;

(b) who has the power to appoint or remove a member of the governing body of the company;

(c) whose consent is needed for the appointment of a person to be a member of the governing body of the company;

(d) who, either by himself or through one or more other persons –

(i) is able to control, or exert significant influence over, the business or financial operations of the company, whether directly or indirectly;

(ii) holds or controls not less than 20 per cent of the shares of the company;

(iii) has the power to control not less than 20 per cent of the voting power in the company;

(iv) holds rights in respect to the company that, if exercised, would result in the conditions in subparagraphs (ii) and (iii) being satisfied;

(e) who is a parent undertaking of that company or a controller of such parent undertaking;

(f) who is a beneficial owner of a person referred to in paragraphs (a) to (e) and who appears to the Commission to be a controller of that company;

"corporation" –

(a) means a body corporate; and

(b) includes, where specified in FSC Rules, any trust, *société*, partnership, foundation or any other body of persons;

"cyber-reporting event" means any act that results in unauthorised access to, disruption, or misuse of the electronic systems or information stored on such systems of a virtual asset service provider, including any breach of security leading to the loss or unlawful destruction or unauthorised disclosure of or access to such systems or information;

"distributed ledger technology" means a consensus of replicated, shared or synchronised virtual data geographically spread across multiple sites, countries or institutions;

"Enforcement Committee" means the Enforcement Committee of the Commission set up under section 52 of the Financial Services Act;

"fiat currency" –

(a) means a banknote or coin that is in circulation as a medium of exchange; and

(b) includes a digital currency issued by the central bank or the central bank of a foreign jurisdiction;

"financial institution" has the same meaning as in the Financial Intelligence and Anti-Money Laundering Act;

"FSC Rules" means rules issued by the Commission under this Act;

"initial token offerings" or "ITO" means an offer for sale to the public, by an issuer of initial token offerings, of a virtual token in exchange for fiat currency or another virtual asset;

"issuer of initial token offerings" means a company registered as such under section 25(5);

"investigatory authorities" has the same meaning as in the Financial Intelligence and Anti-Money Laundering Act;
[Inserted 15/22 (cio 2/8/22).]

"law firm" has the same meaning as in the Law Practitioners Act;

"law practitioner" has the same meaning as in the Law Practitioners Act;

"legal consultant" has the same meaning as in the Law Practitioners Act;

"licence" means a virtual asset service provider's licence issued under section 9(5);

"Minister" means the Minister to whom responsibility for the subject of financial services is assigned;

"officer" means a member of the board of directors, a chief executive, a managing director, a chief financial officer or chief financial controller, a senior executive, a manager, a company secretary, a partner, a trustee, a money laundering reporting officer, a deputy money laundering reporting officer, a compliance officer or a person holding any similar function with a virtual asset service provider;

"originator", in respect to a transfer of virtual asset, means –

(a) the person that places an order with a virtual asset service provider for the transfer of virtual assets; or

(b) where the transfer is carried out by a virtual asset service provider on behalf of a client or other third party, the client or third party who owned the virtual asset immediately before the transfer;

"person" means a natural person or legal person;

"platform" means any distributed ledger technology, with or without smart contract functionality, or such other platform as may be prescribed;

"smart contract" means a form of technology arrangement consisting of a computer protocol or an agreement concluded wholly or partly in an electronic form, which is automatable and enforceable by computer code, though some parts may require human input and control and which may be enforceable by ordinary legal methods or by a mixture of both;

"transfer of virtual asset" means any transaction carried out on behalf of another person that moves a virtual asset from one virtual asset address or account to another;

"virtual asset" means –

(a) a digital representation of value that may be digitally traded or transferred, and may be used for payment or investment purposes; but

(b) does not include a digital representation of fiat currencies, securities and other financial assets that fall under the purview of the Securities Act;

"virtual asset exchange" means a centralised or decentralised virtual platform, whether in Mauritius or in another jurisdiction –

(a) which facilitates the exchange of virtual assets for fiat currency or other virtual assets on behalf of third parties for a fee, a commission, a spread or other benefit; and

(b) which –

(i) holds custody, or controls virtual asset, on behalf of its clients to facilitate an exchange; or

(ii) purchases virtual assets from a seller when transactions or bids and offers are matched in order to sell them to a buyer,

and includes its owner or operator but does not include a platform that only provides a forum where sellers and buyers may post bids and offers and a forum where the parties trade in a separate platform or in a peer-to-peer manner;

"virtual asset service provider" means a person that, as a business, conducts one or more of the following activities or operations for, or on behalf of, another person –

(a) exchange between virtual assets and fiat currencies;

(b) exchange between one or more forms of virtual assets;

(c) transfer of virtual assets;

(d) safekeeping of virtual assets or instruments enabling control over virtual assets;

(e) administration of virtual assets or instruments enabling control over virtual assets;

(f) participation in, and provision of, financial services related to –

(i) an issuer's offer and sale of a virtual asset;

(ii) an issuer's offer or sale of a virtual asset;

"virtual asset wallet services" means the provision of a software application or other mechanism or medium to enable a person to transfer virtual assets;

"virtual token" means any cryptographically secured digital representation of a set of rights, including smart contracts, provided on a

digital platform and issued or to be issued by an issuer of initial token offerings;

"white paper" means the document referred to in section 27.

[S. 2 amended by s. 79 of Act 15 of 2022 w.e.f. 2 August 2022.]

3. Application of Act

(1) This Act shall apply to any virtual asset service provider, and to any issuer of initial token offerings, that carries out its business activities in or from Mauritius.

(2) This Act shall not apply to –

(a) closed-loop items which are non-transferable, non-exchangeable, and cannot be used for payment or investment purposes, and which a person cannot sell onward on a secondary market outside of the closed-loop system;

(b) digital representations of fiat currencies, securities and other financial assets;

(c) digital currencies issued by the central bank or the central bank of a foreign jurisdiction;

(d) a person who, by virtue of his acting in a professional capacity on behalf of persons engaged in the participation and provision of financial services related to a virtual asset service provider and an issuer of initial token offerings, as prescribed in FSC Rules; and

(e) a person who provides ancillary services or products, as specified in the Third Schedule, to a virtual asset service provider.

(3) Where there is an inconsistency in respect of matters falling under this Act and any other applicable enactment, this Act shall prevail to the extent of the inconsistency.

(4) A Virtual Asset Custodian, being the holder of a class "R" licence, may, notwithstanding this Act, hold custody of securities tokens or such other instruments as the Commission may approve.

[Added 12/2023 (cio 20/7/2023).]

[S. 3 amended by s. 88 of Act 12 of 2023 w.e.f. 20 July 2023.]

4. Fitness and propriety

In determining whether a person is, for the purposes of this Act, a fit and proper person, the Commission may have regard –

(a) in respect of the person and, where the person is a company, the officers and beneficial owners of the company, to –

(i) the financial standing;

(ii) the relevant education, qualifications and experience;

(iii) the ability to discharge the relevant functions properly, efficiently, honestly and fairly;

(iv) the reputation, character, financial integrity and reliability; and

(v) any relevant criminal record;

(b) to any matter relating to –

(i) any person who is or is to be employed by, or associated with, the person;

(ii) any agent or representative of the person;

(c) where the person is a company –

(i) any officer and shareholder of the company;

(ii) any related company of the company and any officer of any related company;

(d) to any matter specified in the applicable Acts as relating to the fit and proper person requirement; and

(e) any other information or any other matter as it deems necessary.

PART II – REGULATORY AND SUPERVISORY FUNCTIONS OF COMMISSION

5. Objects of Commission

The Commission shall, for the purposes of this Act, be responsible for regulating and supervising virtual asset service providers and issuers of initial token offerings.

6. Functions and powers of Commission

(1) In the discharge of its regulatory and supervisory functions and powers under this Act, the Commission shall –

(a) licence virtual asset service providers;

(b) register issuers of initial token offerings;

(c) monitor and oversee the business activities of virtual asset service providers and issuers of initial token offerings;

(d) issue and publish notices, guidelines, guidance notes, any other similar instrument and provide feedback to virtual asset service providers and issuers of initial token offerings to assist them in detecting and reporting suspicious transactions and application of measures to combat money laundering and financing of terrorism and proliferation –

(i) in connection with the conduct of virtual asset service providers and issuers of initial token offerings;

(ii) regarding the interpretation, application and enforcement of this Act;

(iii) regarding any regulations or FSC rules made under this Act;

(e) determine whether virtual asset service providers and issuers of initial token offerings are, for the purpose of combating money laundering and the financing of terrorism and proliferation, complying with the applicable Acts;

(f) promote investor education that facilitate innovation and development in respect of matters falling under the purview of this Act;

(g) in collaboration with the central bank, ensure the financial soundness and stability of the financial system in Mauritius in respect of matters falling under the purview of this Act;

(h) advise the Minister on all matters relating to virtual asset service providers and issuers of initial token offerings, including legislative, regulatory and policy reforms;

(i) do such other acts and things as may be necessary for the purposes of this Act.

(2) The Commission may set up such technical committees as may be necessary to examine and report on any matter in respect to the administration of this Act.

PART III – VIRTUAL ASSET SERVICE PROVIDERS

Sub-Part A – Virtual Asset Service Provider Licence

7. Requirement to be licensed

(1) No person shall carry out the business activities of a virtual asset service provider in or from Mauritius unless he is the holder of a virtual asset service provider's licence.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 10 years.

8. Application for licence

(1) No person, other than a company, shall carry out the business activities of a virtual asset service provider.

(2) Subject to subsection (3), an application for a licence shall –

(a) be made in such form and manner as the Commission may approve;

(b) specify the class of licence being applied for; and

(c) be accompanied by –

(i) the certificate of incorporation of the company;

(ii) a business plan or feasibility study setting out, amongst others, the nature and scale of the business activities proposed to be carried out;

(iii) particulars of the applicant's arrangements for the management of its business activities;

(iv) policies and measures to be adopted by the applicant to meet its obligations under this Act, the Financial

Intelligence and Anti-Money Laundering Act and the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act 2019 relating to anti-money laundering and combatting the financing of terrorism and proliferation;

(v) particulars and information relating to customer due diligence of promoters, beneficial owners, controllers and directors;

(vi) a written authorisation given by each of the directors of the applicant or by at least 2 directors duly authorised by a resolution of the board of directors, for any regulatory body, law enforcement body or financial institution, in Mauritius or in a foreign country, to release to the Commission, for use in respect to the application and enforcement of this Act, any information about the applicant, and any of its promoters, beneficial owners, officers and controllers, as may be applicable; and

(vii) such application fee as prescribed in FSC Rules.

(3) Notwithstanding any other enactment –

(a) a bank may, with the written approval of the central bank, apply –

(i) for a class "R" licence or class "I" licence to carry out the business activities of a virtual asset service provider;

(ii) through its subsidiary, for a class "M" licence, class "O" licence or class "S" licence to carry out the business activities of a virtual asset service provider;

(b) the holder of a licence issued under the National Payment Systems Act 2018 may, with the written approval of the central bank, apply, through its subsidiary, for a licence to carry out the business activities of a virtual asset service provider.

(4) The Commission may require an applicant to –

(a) give such other information, document or report in connection with the application; and

(b) have any information submitted in support of the application verified at the cost of the applicant.

(5) The Commission shall not be bound to deal further with the application until the requirements under this section are satisfied.

(6) An applicant may withdraw an application by giving written notice, including the reasons thereof, to the Commission at any time before the determination of the application.

9. Determination of application

(1) Subject to this Act and to the applicable Acts, the Commission may, on an application made under section 8, and after being provided with all such information, documents and reports as it may require, reject or grant the application.

(2) The Commission shall not grant an application unless it is satisfied that –

(a) the application complies with this Act;

(b) the criteria set out for the grant of the licence are met;

(c) the applicant has adequate resources, infrastructure, staff with the appropriate competence, experience and proficiency to carry out the business activities of a virtual asset service provider;

(d) the applicant has adequate arrangements for proper supervision of everything done under the licence so as to ensure compliance with this Act, the applicable Acts and the conditions of the licence;

(e) the applicant and each of its controllers, beneficial owners, their associates and officers are fit and proper persons to carry out the business activities in respect of which the licence is sought;

[Amended 13/26 (cio 13/8/26).]

(f) the applicant, once licensed, will satisfy criteria or standards, including prudential standards, issued by the Commission; and

(g) no prejudice would be caused or would ensue to the financial services industry or any part thereof, if the application is granted.

(3) Notwithstanding the class of licence applied for, the Commission may, having regard to all the circumstances of the application and, in particular –

(a) the business activities proposed to be carried out by the applicant;

(b) the capacity of the applicant to carry out the business activities; and

(c) the interests of the clients or potential clients and the public generally,

determine that the applicant should be issued with a different class of licence.

(4) In determining an application, the Commission may, in addition, consider –

(a) any international standard relating to matters falling under this Act; and

(b) any information obtained from a foreign regulator or foreign enforcement authority.

(5) Where the Commission grants an application, it shall, on payment of such fee as prescribed in FSC Rules, issue a licence to the applicant on such terms and conditions as it may determine.

[S. 9 amended by s. 56 of Act 13 of 2026 w.e.f. 13 August 2026.]

10. Office premises of virtual asset service provider

(1) A virtual asset service provider shall have a physical office in Mauritius.

(2) The business activities of a virtual asset service provider shall be directed and managed from Mauritius and, in determining whether it complies with this requirement, the Commission may consider, inter alia, the following factors –

(a) where the strategy, risk management and operational decision making of the virtual asset service provider occurs;

(b) whether the presence of executives who are responsible for, and involved in, the decision making related to the business activities of the virtual asset service provider are located in Mauritius; and

(c) where meetings of the board of directors of the virtual asset service provider take place;

(d) where management of the virtual asset service provider meets to effect policy decisions;

(e) the residence of the officers or employees of the virtual asset service provider; and

(f) the residence of one or more directors of the virtual asset service provider.

11. Register of Virtual Asset Service Providers

The Commission shall establish and maintain a Register of Virtual Asset Service Providers which shall be published on its website and shall, in respect of every virtual asset service provider, contain the following information –

(a) the name and address of the principal place of business of the virtual asset service provider;

(b) the class of licence issued to the virtual asset service provider;

(c) the date on which the licence was issued;

(d) the expiry date of the licence, as may be applicable;

(e) the names of the principal contact person of the virtual asset service provider; and

(f) any other relevant information that the Commission deems necessary.

12. Variation of licence

An application to vary or remove any limitation imposed on the scope of a licence, including the period of validity of the licence, shall be made in such form and manner as the Commission may approve and shall be accompanied by
such –

(a) information and documents as the Commission may require; and

(b) fee as prescribed in FSC Rules.

13. Material change to business activities

No virtual asset service provider shall, without the prior written approval of the Commission –

(a) modify the scope of its business activities;

(b) reorganise its legal structure;

(c) merge with another entity;

(d) change its name; or

(e) change its external auditor.

Sub-Part B – Officers, Controllers and Beneficial Owners of Virtual Asset Service Providers

14. Approval of officers

(1) A virtual asset service provider shall not appoint an officer without the prior approval of the Commission.

(2) Any appointment made in contravention of subsection (1) shall be of no effect.

(3) An application for the approval of the Commission pursuant to subsection (1) shall –

(a) be accompanied by full particulars of the person to be appointed and such other information as the Commission may require;

(b) not be proceeded with by the Commission unless all information required under paragraph (a) has been submitted; and

(c) be deemed to be approved where the Commission has not objected to the proposal within 15 days of having received the application, or any information required under paragraph (a), whichever is later.

(4) Where the Commission objects to a proposed appointment, it shall give the virtual asset service provider an opportunity to make representations within such reasonable time as the Commission may specify.

(5) The Commission may, after having considered the representations made pursuant to subsection (4), withdraw its objection to the proposed appointment.

(6) A virtual asset service provider shall forthwith give written notice to the Commission of the termination of appointment of an officer, for any cause whatsoever, and shall provide particulars of such termination as the Commission may require.

(7) Notwithstanding any other enactment, where, at any time, the Commission is satisfied that an officer of a virtual asset service provider is not a fit and proper person, it may, after giving the virtual asset service provider an opportunity to make representations thereon, direct the virtual asset service provider to terminate the appointment of the officer.

(8) A virtual asset service provider that fails to comply with this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 5 years.

15. Senior executive

(1) (a) A virtual asset service provider shall, at all times, have a senior executive.

[Amended 11/24 (cio 27/7/24).]

(aa) No person shall be appointed as a senior executive of a virtual asset service provider without the prior approval of the Commission.

[Inserted 11/24 (cio 27/7/24).]

(b) Any appointment made in contravention of paragraph (aa) shall be of no effect.

[Amended 11/24 (cio 27/7/24).]

(c) A person shall be appointed as a senior executive where he is –

(i) a natural person resident in Mauritius; and

[Amended 13/26 (cio 13/8/26).]

(ii) of at least senior management level, in such manner as prescribed under the Financial Intelligence and Anti-Money Laundering Act.

(d) An application for the appointment of a senior executive shall be accompanied by –

(i) the location of the senior executive's office; and

(ii) particulars of the senior executive.

(e) A virtual asset service provider shall forthwith give written notice to the Commission of the termination of appointment of a senior executive, for any cause whatsoever, and shall provide particulars of such termination as the Commission may require.

(f) Where there is any change in the location of the senior executive's office or particulars of the senior executive, the virtual asset service provider shall, not later than 14 days after such change, give written notice to the Commission.

(g) Notwithstanding any other enactment, where, at any time, the Commission is satisfied that a senior executive of a virtual asset service provider is not a fit and proper person, it may, after giving the senior executive and the virtual asset service provider an opportunity to make representations thereon, direct the virtual asset service provider to terminate the appointment of the senior executive.

(h) Any virtual asset service provider that fails to comply with this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 5 years.

(2) (a) A senior executive shall forthwith give written notice to the Commission where he has reason to believe that there is a likelihood of any of the following occurring or having occurred –

(i) the virtual asset service provider becoming insolvent or entering into administration or receivership;

(ii) a cyber-reporting event;

(iii) failure by the virtual asset service provider to comply with this Act;

(iv) involvement of the virtual asset service provider in any criminal proceedings, whether in Mauritius or abroad;

(v) the virtual asset service provider ceasing to carry out its business activities in or from Mauritius; and

(vi) a material change to the business activities of the virtual asset service provider.

(b) The senior executive shall, not later than 7 days of a written notice under paragraph (a), furnish the Commission with a report setting out all the information that is in his possession.

(c) A senior executive who fails to comply with this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 5 years.

[S. 15 amended by s. 94 of Act 11 of 2024 w.e.f. 27 July 2024; s. 56 of Act 13 of 2026 w.e.f. 13 August 2026.]

16. Controllers and beneficial owners

(1) Subject to subsections (3) and (4), no shares or legal or beneficial interest in a virtual asset service provider shall be issued or transferred to any person except with the prior approval of the Commission.

(2) Any issue or transfer of shares or legal or beneficial interest in contravention of subsection (1) shall be of no effect.

(3) Subsection (1) shall not apply to a transfer of shares or legal or beneficial interest of less than 5 per cent in a virtual asset service provider unless such transfer results in –

(a) a person who holds more than 20 per cent of the shares or legal or beneficial interest;

(b) a change in control in the virtual asset service provider.

(4) Where there is a transfer of shares or legal or beneficial interest of less than 5 per cent in a virtual asset service provider, he shall give written notice to the Commission of the transfer.

(5) A virtual asset service provider shall provide such particulars of any person under this section as the Commission may require.

(6) Where, at any time, the Commission is satisfied that a controller or beneficial owner of a virtual asset service provider or any of its related corporation or its associates is not a fit and proper person, it may, after giving the virtual asset service provider an opportunity to make representations about the matter, direct –

(a) such person to dispose of his shareholding in the virtual asset service provider;

(b) such person not to exercise any voting rights with respect to his shareholding in the virtual asset service provider; or

(c) the virtual asset service provider to take such remedial measures,

as the Commission may determine.

(7) Where the Commission refuses an approval under subsection (1), it shall give written notice to the virtual asset service provider.

Sub-Part C – Responsibilities of Virtual Asset Service Providers

17. Custody and protection of client assets

(1) A virtual asset service provider that has custody of one or more virtual assets for one or more clients shall maintain, in its custody, a sufficient amount of each type of virtual asset in order to meet its obligations to clients.

(2) The virtual asset referred to in subsection (1) shall –

(a) be held by the virtual asset service provider for the client entitled to the virtual asset;

(b) not be the property or virtual asset of the virtual asset service provider; and

(c) not be subject to the claims of creditors of the virtual asset service provider.

(3) In this section –

"property" has the same meaning as in the Financial Intelligence and Anti-Money Laundering Act.

18. Prevention of market abuse

(1) A virtual asset service provider shall ensure that the systems and controls applied to its business activities are adequate and appropriate for the scale and nature of those business activities, including systems and controls which adequately and appropriately address –

(a) the recording, storing, protecting and transmission of information;

(b) the effecting and monitoring of transactions;

(c) the operation of the measures taken for securing the timely discharge, whether by performance, compromise or

otherwise, of the rights and liabilities of the parties to transactions;

(d) the safeguarding and administration of assets belonging to investors; and

(e) in the event of disruption, business continuity and planning.

(2) For the purpose of subsection (1), a virtual asset service provider that holds a Class "S" licence shall ensure that the systems and controls cover, in respect to its virtual asset exchange –

(a) identification and detection of suspicious price spikes or anomalies;

(b) prevention and monitoring of abusive trading strategies; and

(c) immediate steps for the restriction or suspension of trading upon discovery of market manipulative or abusive trading activities, including temporarily freezing of accounts.

(3) A virtual asset service provider that holds a Class "S" licence shall –

(a) as soon as practicable, give written notice to the Commission where it becomes aware of any market manipulative or abusive trading activities on its virtual asset exchange; and

(b) implement appropriate remedial measures and provide the Commission with such additional assistance as the Commission shall direct.

19. Transfer of virtual assets

(1) Where a transfer of virtual asset is made –

(a) the originating virtual asset service provider shall –

(i) obtain and hold required and accurate originator information and required beneficiary information on the transfer; and

(ii) immediately and securely submit the information obtained and held pursuant to subparagraph (i) to the beneficiary virtual asset service provider or any other financial institution; and

(b) the beneficiary virtual asset service provider shall obtain and hold required originator information and required and accurate beneficiary information on the transfer.

(2) The information obtained and held pursuant to subsection (1) shall be kept in a manner that they are immediately made available to the Commission and, upon request, to any other relevant competent authority.

(3) For the purpose of subsection (1)(a), an originating virtual asset service provider shall ensure that all transfers of virtual assets are always accompanied by –

(a) required and accurate originator information, including –

(i) the name of the originator;

(ii) the originator virtual asset account number where such an account is used to process the transaction or, in the absence of a virtual asset account number, a unique transaction reference number which permits traceability of the transaction; and

(iii) any of the following information –

(A) the originator's physical address;

(B) the originator's National Identity Card number or passport number;

(C) the originator's customer identification number; or

(D) the originator's place of birth;

(b) the following required beneficiary information –

(i) the name of the beneficiary; and

(ii) the beneficiary virtual asset account number where such an account is used to process the transaction or, in the absence of a virtual asset account number, a unique transaction reference number which permits traceability of the transaction.

(4) The originating virtual asset service provider shall not execute a transfer of virtual asset where it does not comply with the requirements specified in subsection (3).

(5) For the purpose of subsection (1)(b) –

the "required information" includes –

(a) the name of the originator;

(b) the originator virtual asset account number where such an account is used to process the transaction or, in the absence of a virtual asset account number, a unique transaction reference number which permits traceability of the transaction;

(c) any of the following –

(i) the originator's physical address;

(ii) the originator's National Identity Card number or passport number;

(iii) the originator's customer identification number; or

(iv) the originator's place of birth;

(d) the name of the beneficiary; and

(e) the beneficiary virtual asset account number where such an account is used to process the transaction or, in the absence of a virtual asset account number, a unique transaction reference number which permits traceability of the transaction.

(6) A beneficiary virtual asset service provider shall –

(a) take reasonable measures, which may include post-event monitoring or real-time monitoring where feasible, to identify transfers of virtual assets that lack required originator information or required beneficiary information;

(b) have risk-based policies and procedures for determining –

(i) when to execute, reject or suspend a transfer of virtual asset lacking required originator or required beneficiary information; and

(ii) the appropriate follow-up actions.

(7) This section shall apply to a financial institution when sending or receiving virtual asset transfers on behalf of a customer as they would have applied to a virtual asset service provider, with such modifications, adaptations and exceptions as may be necessary to bring them in conformity with this section.

(8) In this section –

"accurate" means information that has been verified for accuracy.

Sub-Part D – Financial Obligations of Virtual Asset Service Providers

20. Financial requirements

A virtual asset service provider shall maintain such minimum stated unimpaired capital and such other financial requirements, as prescribed in FSC Rules.

21. Separate accounts

A virtual asset service provider that holds virtual assets of clients shall keep their accounts in respect of such assets separate from any accounts kept in respect of any other business.

22. Audited financial statement

(1) A virtual asset service provider shall, every year but not later than 4 months after the close of its financial year, file with the Commission an audited financial statement in respect of all transactions and balances relating to its business activities.

(2) Notwithstanding any other enactment, the audited financial statement to be filed with the Commission under subsection (1) shall be –

(a) prepared in accordance with such accounting standards as the Commission may approve; and

(b) be audited by an auditor acceptable to the Commission and who shall perform the audit in accordance with International

Standards on Auditing or such other auditing standards as the Commission may approve.

(3) A virtual asset service provider shall keep a copy of the most recent audited financial statement, together with a copy of the auditor's report thereon or accounts, as the case may be, for a period of not less than 7 years beginning with its filing date under subsection (1).

(4) In this section –

"financial year" means –

(a) in respect of its first financial year, a period not exceeding 18 months from the date of its incorporation and, in respect of every subsequent financial year, a period not exceeding 12 months; or

(b) where there is a change in its financial year, a period not exceeding 18 months.

PART IV – ISSUERS OF INITIAL TOKEN OFFERINGS

Sub-Part A – Registration as Issuer of Initial Token Offerings

23. Requirement to be registered

(1) No person shall carry out the business of initial token offerings in or from Mauritius unless he is registered as an issuer of initial token offerings.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 10 years.

24. Application for registration

(1) No person, other than a company, shall carry out the business activities of an issuer of initial token offerings.

(2) An application for registration as an issuer of initial token offerings shall, in such form and manner as the Commission may approve, be made through a virtual exchange in Mauritius or its equivalent acceptable to the Commission at least 45 days before the start of the offer period.

(3) An application under subsection (1) shall be accompanied by –

(a) the certificate of incorporation of the company;

(b) a white paper, together with a written legal opinion obtained from a law practitioner, legal consultant or law firm concerning the compliance with the requirements of this Act;

(c) –
[R 12/2023 (cio 20/7/2023).]

(d) policies and measures to be adopted by the applicant to meet its obligations under this Act and under the applicable Acts relating to anti-money laundering and combatting the financing of terrorism and proliferation;

(e) such application fee as prescribed in FSC Rules.

(4) The Commission may require an applicant to –

(a) give such other information, document or report in connection with the application; and

(b) have any information submitted in support of the application verified at the cost of the applicant.

(5) The Commission shall not be bound to deal further with the application until the requirements under this section are satisfied.

(6) An applicant may withdraw an application by giving written notice, including the reasons thereof, to the Commission at any time before the determination of the application.

[S. 24 amended by s. 88 of Act 12 of 2023 w.e.f. 20 July 2023.]

25. Determination of application for registration

(1) Subject to this Act and to the applicable Acts, the Commission may, on an application made under section 24, and not later than 30 days after being provided with all such information, documents and reports as it may require, reject or grant the application.

(2) The Commission shall not grant an application unless it is satisfied that –

(a) the application complies with this Act;

(b) the criteria set out for the grant of the application are met;

(c) the applicant has adequate resources, infrastructure, staff with the appropriate competence, experience and

proficiency to carry out the business activities of an issuer of initial token offerings;

(d) the applicant has adequate arrangements for proper supervision of everything done as an issuer of initial token offerings so as to ensure compliance with this Act, the applicable Acts and the conditions of its registration;

(e) the applicant is a fit and proper person to carry out the business of initial token offerings;

(f) the applicant, once registered, will satisfy criteria or standards, including prudential standards, issued by the Commission; and

(g) no prejudice would be caused or would ensue to the financial services industry or any part thereof, if the application is granted.

(3) In determining an application, the Commission may, in addition, consider –

(a) international standards relating to matters falling under this Act; and

(b) any information obtained from a foreign regulator or foreign enforcement authority.

(4) Where the Commission's assessment is that a virtual token is a security, the applicant shall withdraw its application for registration of the token and may proceed to have the token registered in accordance with the Securities Act.

(5) Where the Commission grants an application, it shall, on payment of such fee as prescribed in FSC Rules, register the applicant as an issuer of initial token offerings on such terms and conditions as it may determine.

26. Register of Issuers of Initial Token Offerings

The Commission shall establish and maintain a Register of Issuers of Initial Token Offerings which shall be published on its website and shall, in respect of every issuer of initial token offerings, contain the following information –

(a) the name and address of the principal place of business of the issuer of initial token offerings;

(b) the date on which the issuer of initial token offerings was registered;

(c) the name and symbol of the virtual token created;

(d) the exchange or platform on which the virtual token is traded;

(e) any condition imposed by the Commission, including conditions concerning the sale or redemption of the virtual token;

(f) the regulatory licenses or registrations held by the issuer of initial token offerings, including any foreign licences or registrations;

(g) any other relevant information that the Commission deems necessary.

Sub-Part B – Obligations of Issuers of Initial Token Offerings

27. White paper

(1) An issuer of initial token offerings shall, in its white paper, provide full and accurate disclosure of information which would allow potential purchasers to make an informed decision.

(2) An issuer of initial token offerings shall publish its white paper by posting a copy on a website operated and maintained by it, or by a third party for and on its behalf, which shall be readily accessible to, and downloadable by, potential purchasers for the duration of the offer period and for not less than 15 days after the offer period ends.

(3) The white paper required to be published pursuant to subsection (2) shall –

(a) be signed by every member of the governing body of the issuer of initial token offerings;

(b) address the matters specified in the Fourth Schedule.

(4) The Commission may order an issuer of initial token offerings to amend its white paper to include supplementary information.

28. Offer period

(1) Any virtual token offered shall be distributed only during the offer period stipulated in the white paper.

(2) For the purpose of subsection (1), an offer period shall not exceed 6 months, but where the offer period exceeds 6 months, the Commission shall order the cancellation of any initial token offerings and take enforcement action.

29. Disclosure by issuers of initial token offerings

(1) Where, after an issuer of initial token offerings has published its white paper but before the close of the offer period, it becomes aware of any information which could affect the interests of purchasers, it shall immediately give written notice to the Commission and disclose that information by a supplement to the white paper.

(2) Where an issuer of initial token offerings fails to give written notice to the Commission or make a disclosure pursuant to subsection (1), it shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 5 years.

30. Classification of virtual tokens

(1) For the purpose of section 27, an issuer of initial token offerings shall identify the class or classes of virtual tokens which shall be available for subscription in its white paper.

(2) No issuer of initial token offerings shall change the class or classes of virtual tokens to be offered except with the prior written approval of the Commission.

(3) Where, pursuant to subsection (2), the Commission approves a change of class or classes of virtual tokens, the issuer shall amend and publish its white paper in accordance with section 27.

31. Advertisement of initial token offerings

(1) Any advertisement relating to an initial token offerings shall be –

(a) accurate and not be misleading;

(b) clearly identifiable as an advertisement;

(c) consistent with the information contained in the white paper; and

(d) compliant with any FSC Rules made by the Commission under subsection (2).

(2) The Commission may make FSC Rules in respect of the publication, form and content of advertisements relating to initial token offerings.

(3) FSC Rules made under subsection (2) may –

(a) prohibit the publication of advertisements of any description, whether by reference to their contents, to the persons by whom they are published or otherwise;

(b) make provision as to the matters which should or should not be included in such advertisements; and

(c) provide for any exemption from any requirement.

(4) Where it appears to the Commission that an advertisement relating to initial token offerings –

(a) does not comply with FSC Rules made under this section; or

(b) is false, inaccurate or misleading,

the Commission shall issue such directions, as it deems appropriate in the circumstances, to the persons who have published or caused to be published the advertisement.

(5) A direction under subsection (4) may –

(a) require a person to modify, in whole or in part, the advertisement;

(b) require the publication of the advertisement to be removed.

(6) Nothing in this section shall prejudice any remedy that an aggrieved person may have against a person who published or caused to be published an advertisement contrary to the requirements in FSC Rules made under this section, or which is false or misleading.

(7) The Commission shall publish a notice advising the public of any action taken pursuant to this section.

Sub-Part C – Purchaser's Right Against Virtual Token Purchased

32. Purchaser's right to rescission or damages

Where an issuer of initial token offerings publishes its white paper, or any amendment thereto, which contains a material misrepresentation relating to any

matters specified in the Fourth Schedule, a purchaser shall have a right of action against the issuer of initial token offerings for –

(a) the rescission of the subscription; or

(b) damages.

33. Purchaser's right of withdrawal

(1) A purchaser of a virtual token shall be entitled to withdraw his purchase by giving written notice to the issuer of initial token offerings.

(2) A purchaser's notice of withdrawal shall be made not later than 72 hours after the date of the agreement to purchase the virtual token.

(3) Where a purchaser has exercised the right of withdrawal, all funds paid by the purchaser shall be paid over by the issuer of initial token offerings to the purchaser not later than 5 working days of the purchaser's request.

PART V – PROFESSIONAL CONDUCT AND COMPLIANCE

34. Professional conduct of virtual asset service providers and issuers of initial token offerings

A virtual asset service provider and an issuer of initial token offerings shall, in carrying out its respective business activities –

(a) act honestly and fairly;

(b) act with due skill, care and diligence;

(c) observe and maintain a high standard of professional conduct;

(d) refrain from engaging in any improper or illegal conduct;

(e) maintain adequate financial resources and solvency;

(f) ensure that appropriate measures are put into place for the protection of client assets and money;

(g) have effective corporate governance arrangements consistent with this Act; and

(h) have measures in place to comply with the Applicable Acts.

34A. Prohibition on solicitation of investors

(1) No person shall, directly or indirectly, solicit, target or engage with an investor in Mauritius for the purpose of –

(a) entering into virtual asset transactions; or

(b) participating in an initial token offering,

unless that person is duly licensed as a virtual asset service provider or registered as an issuer of initial token offering under this Act.

(2) For the purpose of subsection (1), a person shall be deemed to solicit, target or engage with an investor where that person, by any means or medium –

(a) invites, induces, encourages or otherwise promotes the purchase, sale, exchange or holding of virtual assets;

(b) offers or provides services, recommendations or advice relating to virtual assets or initial token offerings; or

(c) makes available or facilitates access to platforms, arrangements or opportunities involving virtual assets.

(3) For the purpose of this section, a communication, an advertisement or an activity shall be presumed to target investors in Mauritius where it is made in a manner which is accessible to the general public.

(4) Without prejudice to the generality of subsection (2) –

"solicit" includes –

(a) the advertisement, marketing campaigns or promotion of activities directed at, or accessible to, investors in Mauritius;

(b) communications through online platforms, websites, mobile applications or social media, including the use of targeted or algorithmic advertising;

(c) the organisation or promotion of events, seminars or webinars intended to attract participation in virtual asset transactions;

(d) the use of third-party agents, introducers, influencers, affiliates or referral arrangements;

(e) the provision of links, referral codes or other mechanisms facilitating access to virtual asset services;

(f) holding oneself out, whether expressly or by implication, as offering or being able to offer virtual asset services.

[S. 34A inserted by s. 56 of Act 13 of 2026 w.e.f. 13 August 2026.]

35. Confidentiality

Subject to the Financial Intelligence and Anti-Money Laundering Act and the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act 2019, a virtual asset service provider and an issuer of initial token offerings shall, in accordance with the Data Protection Act, implement and maintain measures for preserving the confidentiality of information of its clients.

PART VI – REQUEST FOR INFORMATION, INSPECTION, INVESTIGATION AND COOPERATION

Sub-Part A – Request for Information, Inspection and Investigation

36. Request for information

(1) Every –

(a) virtual asset service provider and issuer of initial token offerings;

(b) controller of a virtual asset service provider and issuer of initial token offerings;

(c) past virtual asset service provider and issuer of initial token offerings; or

(d) other person who ought to be licensed as a virtual asset service provider or registered as an issuer of initial token offerings,

shall furnish to the Commission all such information and produce all such records or documents at such time and place as may be required of him in writing by the Chief Executive.

(2) Subsection (1) applies to information, records or documents required in connection with the discharge by the Commission of its functions under this Act and the applicable Acts.

(3) The Chief Executive may require any information or document supplied to the Commission to be verified or authenticated in such manner as he may specify, at the cost of the person supplying it.

(4) In this section –

"information" –

(a) means any type of information; and

(b) includes information relating to due diligence verification on the identification of the beneficial owners and persons acting on behalf of the customers of the virtual asset service providers and issuers of initial token offerings.

37. Inspection

(1) The Commission may, at any time, cause to be carried out an inspection into the business activities of a virtual asset service provider and an issuer of initial token offerings, and cause to be carried out an audit of their books and records, so as to verify whether they –

(a) are complying or have complied with the requirements of this Act or any applicable Acts, or the conditions of their licence or registration, as the case may be;

(b) satisfy criteria or standards set out in, or made, under this Act.

(2) For the purpose of subsection (1), the Chief Executive may –

(a) direct orally or in writing –

(i) the virtual asset service provider or issuer of initial token offerings; or

(ii) any other person whom the Chief Executive reasonably believes has in his possession or control a document or thing that may be relevant to the Commission,

to produce the document or thing as specified in the direction;

(b) examine, and make copies or extracts from, any document or thing that he considers may be relevant to the inspection;

(c) retain any document or thing he deems necessary; or

(d) direct a person who is or apparently is an officer or employee of the virtual asset service provider or issuer of initial token offerings to give information about any document or thing that he considers may be relevant to the inspection.

(3) A virtual asset service provider or an issuer of initial token offerings, and their officers and employees shall give the Chief Executive full and free access to the records and other documents of the virtual asset service provider or issuer of initial token offerings as may be reasonably required for an inspection.

(4) (a) Any person who, during an inspection –

(i) intentionally obstructs the Chief Executive in the discharge of his functions and exercise of his powers;

(ii) fails, without reasonable excuse, to comply with the directions of the Chief Executive in the discharge of his functions and exercise of his powers,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 5 years.

(b) In this subsection –

"person" includes –

(i) a controller of the virtual asset service provider or issuer of initial token offerings; and

(ii) a past virtual asset service provider or issuer of initial token offerings.

(5) In this section –

"Chief Executive" includes any person designated by the Chief Executive or Commission.

38. Frequency of inspection

(1) The frequency of an inspection carried out under section 37 shall be determined on the basis of, but not limited to –

(a) the money laundering or terrorism financing risks and policies, internal controls and procedures associated with a virtual asset service provider or an issuer of initial token offerings, as assessed by the Commission;

(b) the money laundering or terrorism financing risks present in Mauritius;

(c) the characteristics of a virtual asset service provider or an issuer of initial token offerings and the degree of discretion allowed to them under the risk-based approach implemented by the Commission.

(2) The Commission shall review the assessment of the money laundering or terrorism financing profile of a virtual asset service provider as and when there are major developments in the management and operations of their business activities.

(3) For the purpose of subsection (1)(a), a virtual asset service provider and an issuer of initial token offerings shall furnish to the Commission such information relating to its business or to the business administered or managed by it for its clients to assess the risks of money laundering, terrorist financing and proliferation financing, at such intervals and within such time as the Commission may require.

[Added 10/24 (cio 25/7/24).]

[S. 38 amended by s. 17 of Act 10 of 2024 w.e.f. 25 July 2024.]

39. Investigation

(1) Where the Chief Executive has reasonable grounds to believe that a virtual asset service provider or an issuer of initial token offerings –

(a) has committed, is committing or is likely to commit a breach of –

(i) this Act and any applicable Acts;

(ii) any condition of its licence or registration, as the case may be;

(iii) any direction issued by the Commission under this Act;

(b) has carried out, is carrying or is likely to carry out its business activities which may cause prejudice to the soundness and stability of the financial system of Mauritius or to the

reputation of Mauritius or which may threaten the integrity of the system,

the Chief Executive may order that an investigation be conducted into its respective business activities.

(2) The Chief Executive shall, for the purpose of subsection (1), discharge its functions and exercise its powers in the same manner provided for under section 44 of the Financial Services Act, with such modifications, adaptations and exceptions as may be necessary to bring them in conformity with this Act.

(3) (a) Any person who, in respect to a question put to him during an investigation –

(i) says anything that the person –

(A) knows to be false or misleading in a material particular; or

(B) is reckless as to whether it is false or misleading in a material particular; or

(ii) refuses, without reasonable excuse, to answer,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 5 years.

(b) Any person who, during an investigation –

(i) intentionally obstructs the Chief Executive in the discharge of his functions and exercise of his powers;

(ii) fails, without reasonable excuse, to comply with the directions of the Chief Executive in the discharge of his functions and exercise of his powers,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 5 years.

(c) In this subsection –

"person" includes –

(a) a controller of the virtual asset service provider or issuer of initial token offerings;

(b) a past virtual asset service provider or issuer of initial token offerings.

40. Special investigation

(1) Where the Chief Executive has reasonable grounds to believe that –

(a) any person who, either as a principal or as an agent, provides, advertises or holds himself out in any way as providing services as a virtual asset service provider or an issuer of initial token offerings without being licensed or registered, as the case may be; or

(b) a person has committed, is committing or is likely to commit a breach of this Act,

the Chief Executive may order that a special investigation be conducted into the business activities of that person.

(2) The Chief Executive shall, for the purpose of subsection (1), discharge his functions and exercise his powers in the same manner provided for under section 44 of the Financial Services Act, with such modifications, adaptations and exceptions as may be necessary to bring them in conformity with this Act.

40A. Use of investigative tools and information

(1) The Commission or any investigatory authority may, in carrying out an investigation, supervision or other function under this Act or the applicable Acts, make use of any appropriate tool or information, including –

(a) blockchain or distributed ledger analytics tools;

(b) law enforcement and intelligence reports;

(c) web-scraping or open-source information;

(d) information obtained from international co-operation; or

(e) any other reliable or reputable source of information.

(2) The Commission and any investigatory authority shall share, amongst each other, any information obtained pursuant to subsection (1) when reasonably required for the purpose of any criminal investigation, prosecution or Court proceedings.

(3) Notwithstanding any other enactment, where, pursuant to subsection (1), the Commission or any investigatory authority obtains information that leads it to suspect that an offence has been, or is about to be, committed, it shall immediately report the matter to any one of them.

(4) In any criminal proceedings under this Act or the applicable Acts, any tool or information used pursuant to subsection (1) shall be admissible as evidence for the truth of its contents.

(5) Nothing in subsection (4) shall affect the relevance or weight to be attached in criminal proceedings by a Court to any tool or information used pursuant to subsection (1).

[S. 40A. inserted by s. 79 of Act 15 of 2022 w.e.f. 2 August 2022.]

41. Agent to conduct inspection and investigation

(1) The Commission may, at the expense of a virtual asset service provider or an issuer of initial token offerings, engage a qualified person to act as an agent for conducting an inspection, an investigation or a special investigation.

(2) An agent shall submit a written report of the findings of the inspection, investigation or special investigation to the Commission.

Sub-Part B – Cooperation with Other Entities

42. Exchange of information and mutual assistance

(1) Notwithstanding any other enactment, the Commission may exchange information with law enforcement agencies, investigatory authorities, supervisory authorities, regulatory bodies, FIU, public sector agencies and comparable overseas entities.

(2) The Commission may enter into any agreement or arrangement for the exchange of information with a public sector agency, a supervisory authority, a law enforcement agency, FIU and a comparable overseas entity or an international organisation where the Commission is satisfied that the public sector agency, the supervisory authority, the law enforcement agency, FIU and any comparable overseas entity or the international organisation, as the case may be, has the capacity to protect the confidentiality of the information imparted, in case such a condition of confidentiality is imposed by the Commission.

(3) Notwithstanding the Mutual Assistance in Criminal and Related Matters Act and any other enactment, any agreement or arrangement between the Commission and an overseas comparable entity may provide that the

Commission shall provide such assistance to the overseas comparable entity as may be required for the purposes of its investigatory, supervisory and regulatory functions.

(4) In this section –

"FIU" means the Financial Intelligence Unit established under section 9(1) of the Financial Intelligence and Anti-Money Laundering Act;

"public sector agency" includes any Ministry, Government department, local authority or statutory body;

"regulatory body" has the same meaning as in the Financial Intelligence and Anti-Money Laundering Act;

"supervisory authorities" has the same meaning as in the Financial Intelligence and Anti-Money Laundering Act.

[S. 42 amended by s. 79 of Act 15 of 2022 w.e.f. 2 August 2022.]

PART VII – SUSPENSION AND SURRENDER OF LICENCE AND REGISTRATION

Sub-Part A – Suspension of Licence and Registration

43. Suspension of licence and registration

(1) Where the Chief Executive is satisfied on reasonable grounds that it is urgent and necessary to do so –

(a) for the prevention or mitigation of damage to the integrity of the financial services industry or to any part thereof;

(b) for the protection of the interest of clients of the virtual asset service provider or issuer of initial token offerings, or of the interest of the public in general; or

(c) for the protection of the good repute of Mauritius as a centre for financial services,

he may, by notice, suspend the licence of a virtual asset service provider or registration of an issuer of initial token offerings.

(2) The Chief Executive shall, subject to subsection (3), not suspend the licence of a virtual asset service provider or registration of an issuer of initial token offerings under subsection (1) unless he gives the virtual asset service provider or issuer of initial token offerings –

(a) prior notice of his intention and the reasons for doing so; and

(b) an opportunity to make representations on the matter.

(3) Where the Chief Executive considers that any delay in suspending the licence of a virtual asset service provider or registration of an issuer of initial token offerings may cause prejudice to their clients, the public or any part of the financial services industry, he may suspend the licence or registration with immediate effect and shall give the virtual asset service provider or issuer of initial token offerings the opportunity to make representations as soon as practicable, but not later than 7 days from the date the licence or registration is suspended.

(4) The suspension of the licence of a virtual asset service provider or registration of an issuer of initial token offerings shall operate as the suspension of the licence or registration or similar permission granted to the agent or representative of the virtual asset service provider or issuer of initial token offerings, as may be applicable.

(5) Where the licence of a virtual asset service provider or registration of an issuer of initial token offerings is suspended, the virtual asset service provider or issuer of initial token offerings shall cease to carry out the business activities authorised by the licence or registration, but he shall remain subject to the obligations of a virtual asset service provider or an issuer of initial token offerings and to the directions of the Commission until the suspension of the licence or registration is cancelled.

(6) A virtual asset service provider or an issuer of initial token offerings whose licence or registration, as the case may be, is suspended may, notwithstanding subsection (5), continue to carry out such activities as the Chief Executive may authorise and on such conditions as the Chief Executive may determine.

(7) The Chief Executive shall give public notice of the suspension of the licence of a virtual asset service provider or registration of an issuer of initial token offerings.

Sub-Part B – Surrender of Licence and Registration

44. Surrender of licence and registration

(1) A virtual asset service provider or an issuer of initial token offerings may voluntarily surrender its licence or registration, as the case may be, by giving written notice to the Commission, and such surrender shall be irrevocable.

(2) Where the Commission approves a surrender of licence or registration under subsection (1), section 45 shall apply.

45. Process following surrender of licence and registration

(1) Where the licence of a virtual asset service provider or registration of an issuer of initial token offerings is voluntarily surrendered, the virtual asset service provider or issuer of initial token offerings shall, where so requested by the Commission, not later than 7 days after submitting its written notice of surrender, prepare and submit a written plan to the Commission setting out the steps it will follow to cease its business activities.

(2) The plan required under subsection (1) shall contain the following information –

(a) the person who will manage the cessation of business activities of the virtual asset service provider or issuer of initial token offerings;

(b) the length of time required to cease business activities;

(c) the manner in which client files will be closed and secured;

(d) client notification procedures;

(e) client transfer procedures, where applicable; and

(f) such other information as the Commission may, in the circumstances, require.

(3) Upon the Commission's approval of a plan submitted by the virtual asset service provider or issuer of initial token offerings, the Commission –

(a) shall supervise the execution of the plan; and

(b) may give directions to the virtual asset service provider or issuer of initial token offerings to protect the interest of investors or purchasers, which the virtual asset service provider or issuer of initial token offerings shall comply with.

PART VIII – WINDING UP, DISSOLUTION OR APPOINTMENT OF ADMINISTRATOR

46. Winding up or dissolution

Where the Commission revokes a licence or registration, it may apply to the Court for the virtual asset service provider or issuer of initial token offerings to be wound up or dissolved, as the case may be.

47. Appointment of administrator

The Commission may, in accordance with section 48 of the Financial Services Act and with such modifications, adaptations and exceptions as may be necessary to bring them in conformity with this Act, appoint a person as an administrator in relation to the whole or part of the business activities of a virtual asset service provider or an issuer of initial token offerings whose licence or registration, as the case may be, has been suspended, revoked or surrendered, or where the Commission considers that the conditions of its licence or registration are no longer met.

PART IX – DISCIPLINARY PROCEEDINGS AND ADMINISTRATIVE SANCTION

48. Disciplinary proceedings

(1) Notwithstanding the powers of the Chief Executive to suspend a licence under section 43, where the Chief Executive has reasonable cause to believe that a virtual asset service provider or an issuer of initial token offerings –

(a) has been convicted by a Court of law for an offence under this Act or under the applicable Acts;

(b) has failed to comply with any direction or order issued under this Act or any condition of the licence or registration, as the case may be;

(c) is carrying out its business activities in a manner which threatens the integrity of the financial system of Mauritius or is contrary or detrimental to the interest of the public;

(d) no longer fulfils any condition or criterion specified under this Act in respect of the licence or registration;

(e) no longer carries out the business activities for which it is licensed or registered;

(f) has failed to commence its business activities within 6 months from the date on which it is licensed or registered, as the case may be; or

(g) is not a fit and proper person,

he may refer the matter to the Enforcement Committee for such action as the Enforcement Committee may deem appropriate.

(2) Where a matter is referred under subsection (1) and the Enforcement Committee intends to impose an administrative sanction under section 49 against a virtual asset provider or an issuer of initial token offerings, sections 53 to 67 of the Financial Services Act shall apply with such modifications, adaptations and exceptions as may be necessary to bring them in conformity with this Act.

49. Administrative sanction

The Commission may, with respect to a present or past virtual asset service provider or issuer of initial token offerings or any person who is a present or past officer, partner, shareholder, or controller of the virtual asset service provider or issuer of initial token offerings, as the case may be –

(a) issue a private warning;

(b) issue a public censure;

(c) disqualify the virtual asset service provider or issuer of initial token offerings to be licensed or registered under this Act for a specified period;

(d) in the case of an officer of the virtual asset service provider or issuer of initial token offerings, disqualify the officer from a specified office or position in the virtual asset service provider or issuer of initial token offerings for a specified period;

(e) impose an administrative penalty;

(f) revoke the licence of the virtual asset service provider or the registration of the issuer of initial token offerings.

PART X – OFFENCES AND COMPOUNDING OF OFFENCES

50. Offences

(1) A virtual asset service provider or an issuer of initial token offerings that contravenes this Act shall commit an offence and shall, on conviction, be liable, where no specific penalty is provided, to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 10 years.

(2) Any person who –

(a) wilfully makes any misrepresentation in any document required to be filed or submitted under this Act;

(b) wilfully makes any statement or gives any information required for the purposes of this Act which he knows to be materially false or misleading; or

(c) knowingly fails to disclose any fact or information required to be disclosed for the purposes of this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 5 years.

(3) Any person who destroys, falsifies, conceals or disposes of, or causes or permits the destruction, falsification, concealment or disposal of, any document, information stored on a computer or other device or other thing that the person knows or ought reasonably to know is relevant to the Commission, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 10 years.

(4) Any person who otherwise contravenes this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 10 years.

(5) Where an offence has been committed by a corporation, every director and every person who, at the time of the commission of the offence, was concerned in the senior management of the corporation or was purporting to act in that capacity, shall also commit the like offence, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable steps to prevent the commission of the offence.

51. Compounding of offences

(1) The Commission may, with the consent of the Director of Public Prosecutions, compound any offence committed by a person where the person

agrees, in writing, to pay such amount not exceeding the maximum penalty specified for the offence as may be acceptable to the Commission.

(2) An agreement under subsection (1) shall be in writing and signed on behalf of the Commission and by the person agreeing to the compounding.

(3) Every agreement to compound an offence shall be final and conclusive and on payment of the agreed amount, no further action shall be taken, with respect to the offence compounded, against the person who agreed to the compounding.

(4) Where the Director of Public Prosecutions does not give his consent to compound an offence or a person does not agree to compound an offence, the Commission may, with the consent of the Director of Public Prosecutions, refer the case to the Police for legal proceedings.

(5) The Commission may cause to be published, in such form and manner as it deems appropriate, a public notice specifying the particulars of the amount agreed upon under subsection (1).

PART XI – MISCELLANEOUS

52. FSC Rules

(1) The Commission may make such FSC Rules as it thinks fit for the purposes of this Act.

(2) FSC Rules made under subsection (1) may provide for –

(a) the taking of fees and levying of charges;

(b) prudential standards in respect of –

(i) disclosure to clients;

(ii) risk management;

(iii) custody of client assets;

(iv) cybersecurity;

(v) financial reporting;
[Amended 12/2023 (cio 20/7/2023).]

(vi) statutory returns; and
[Amended 12/2023 (cio 20/7/2023).]

(vii) a virtual asset register for any person who holds a virtual asset;

[Added 12/2023 (cio 20/7/2023).]

(c) any other matter falling under the purview of this Act.

(3) Any FSC Rules made under subsection (1) shall not require the approval of the Minister and shall be published in the Gazette.

[S. 52 amended by s. 88 of Act 12 of 2023 w.e.f. 20 July 2023.]

53. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide –

(a) for the amendment of the Schedules;

(b) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 10 years.

54. Transitional provisions

(1) Where, on the commencement of this Act, a person is carrying out the business activities of a virtual asset service provider or of issuing initial token offerings, he shall make an application, not later than 3 months after the commencement of this Act, to be licensed as a virtual asset service provider or for registration as an issuer of initial token offerings, as the case may be, under this Act.

(2) Where, on the commencement of this Act, a person is carrying out the business activities of a virtual asset service provider or of issuing initial token offerings under a Regulatory Sandbox Licence issued under the Economic Development Board Act 2017, he shall, notwithstanding the Economic Development Board Act 2017, make an application, not later than 3 months after the commencement of this Act, to be licensed as a virtual asset service provider or for registration as an issuer of initial token offerings, as the case may be, under this Act.

(3) Where, on the commencement of this Act, a person is carrying out the business activities of a virtual asset service provider or of issuing initial token offerings under a licence, a registration or any authorisation issued or granted under the Financial Services Act, he shall, notwithstanding the Financial

Services Act, make an application, not later than 3 months after the commencement of this Act, to be licensed as a virtual asset service provider or for registration as an issuer of initial token offerings, as the case may be, under this Act.

(4) Any person who is licensed as a Custodian (digital assets) under the Financial Services Act shall, on 6 August 2023, be deemed to be licensed as a class "R" Virtual Asset Custodian, on such terms and conditions as the Commission may determine.

[RR 12/2023 (cio 20/7/2023).]

(5) Where, on the commencement of this Act, a person has made an application to carry out the business activities of a virtual asset service provider or of issuing of initial token offerings under the Financial Services Act and, on the commencement of this Act, the application has not been determined, the application shall be dealt with in accordance with this Act.

(6) A person referred to in subsection (1), (2), (3) or (4) may continue to carry out its business activities until –

(a) its application is declined or withdrawn; or

(b) it is licensed as a virtual asset service provider or is registered as an issuer of initial token offerings, as the case may be, under this Act.

55. Consequential amendments

(1) The Asset Recovery Act is amended, in section 2, in the definition of "property", by adding the following new paragraph, the word "and" being added at the end of paragraph (c) and the word "and" being deleted at the end of paragraph (b) –

(d) includes a virtual asset and virtual token under the Virtual Asset and Initial Token Offering Services Act 2021;

(2) The Courts Act is amended, in the Sixth Schedule, by inserting, in the appropriate alphabetical order, the following new item –

Virtual Asset and Initial Token Offering Services Act 2021

(3) The Financial Intelligence and Anti-Money Laundering Act is amended –

(a) in section 2 –

(i) in the definition of "financial institution", in paragraph (a), by adding the following new subparagraph, the word "or" at the end of subparagraph (vi) being deleted –

(vii) the Virtual Asset and Initial Token Offering Services Act 2021; or

(ii) in the definition of "property", in paragraph (b), by adding the following new subparagraph, the word "and" being added at the end of subparagraph (v) and the word "and" at the end of subparagraph (iv) being deleted –

(vi) a virtual asset and virtual token under the Virtual Assets and Initial Token Offering Services Act 2021;

(iii) by inserting, in the appropriate alphabetical order, the following new definition –

"digital identification system" means an identification system that uses digital technology throughout the identity lifecycle, including for data capture, validation, storage, transfer, credential management and identity verification and authentication;

(b) in section 17C –

(i) in subsection (1), by adding the following new paragraph, the full stop at the end of paragraph (d) being deleted and replaced by a semicolon –

(e) where the reporting person is a virtual asset service provider under the Virtual Asset and Initial Token Offering Services Act 2021, he shall –

(i) apply CDD measures in respect of an occasional transaction in an amount equal to or above 1,000 US dollars or an equivalent amount in foreign currency

where the exchange rate to be used to calculate the US dollar equivalent shall be the selling rate in force at the time of the transaction, whether conducted as a single transaction or several transactions that appear to be linked;

(ii) record, in respect to an occasional transaction in an amount below 1,000 US dollars –

(A) the name of the originator and the beneficiary; and

(B) the virtual asset wallet address for each or a unique transaction reference number.

(ii) by inserting, after subsection (1), the following new subsection –

(1A) Subject to subsection (1), where a customer is not physically present, the reporting person shall undertake CDD measures, as may be appropriate, by means of such reliable and independent digital identification system.

(c) in section 19H(1)(d)(iii), by deleting the words "by the regulatory body";

(d) by inserting after Sub-part IVB, the following new Sub-Part –

Sub-Part IVC – Risk-based Approach by Supervisory Authority

19Z. Risk-based approach

(1) A supervisory authority shall, in fulfilling its obligation to effectively monitor reporting persons, use a risk-based approach.

(2) A supervisory authority shall, in applying a risk-based approach to supervision, ensure that it –

(a) has a clear understanding of the risks of money laundering, terrorist financing and proliferation financing at national level;

(b) has an on-site and off-site access to all relevant information on the specific domestic and international risks associated with customers, products and services of the relevant reporting person it supervises; and

(c) bases the frequency and intensity of on-site and off-site supervision on –

(i) the money laundering, terrorist financing and proliferation financing risks, and the policies internal controls and procedures associated with the business activities of a reporting person, as identified by the supervisory authority's assessment of its risk profile;

(ii) the risks of money laundering, terrorist financing and proliferation financing in Mauritius as identified within any information that is made available to the supervisory authority; and

(iii) the characteristics of the reporting person, in particular the diversity and number of such institutions and the degree of discretion allowed to a reporting person under the risk-based approach.

(3) The assessment by a supervisory authority of the money laundering, terrorist financing and proliferation financing risk profile of a reporting person, including the risks of non-compliance, shall be reviewed both periodically and

when there are major events or developments in their management and operations.

(e) in the First Schedule, in Part II, in paragraph (1)(e), by inserting, after sub subparagraph (v), the following new sub subparagraph, the word "or" at the end of sub subparagraph (v) being deleted –

(va) the business activities of virtual asset service providers and issuers of initial token offerings under the Virtual Asset and Initial Token Offering Services Act; or

(4) The Financial Services Act is amended –

(a) in section 53, in subsection (11), by inserting, before the definition of "licensee", the following new definition –

"licence" includes any authorisation issued under the relevant Act;

(b) in the First Schedule, by inserting, in the appropriate alphabetical order, the following new item –

Virtual Asset and Initial Token Offering Services Act 2021

(c) in the Second Schedule, by deleting the following items –

Custodian services (digital asset)

Digital asset marketplace

(5) The Income Tax Act is amended, in section 2 –

(a) in the definition of "securities", in paragraph (b), by deleting the words "Treasury Bills and Bank of Mauritius Bills" and replacing them by the words "Treasury Bills, Bank of Mauritius Bills, virtual assets and virtual tokens";

(b) by inserting, in the appropriate alphabetical order, the following new definitions –

"virtual asset" has the same meaning as in the Virtual Asset and Initial Token Offering Services Act 2021;

"virtual token" has the same meaning as in the Virtual Asset and Initial Token Offering Services Act 2021;

(6) The Insolvency Act is amended, in section 102(5), in paragraph (l), by deleting the words "or the Securities Act" and replacing them by the words "the Securities Act or the Virtual Asset and Initial Token Offering Services Act 2021".

(7) The Ombudsperson for Financial Services Act is amended, in the First Schedule, by inserting, in the appropriate alphabetical order, the following new item –

Virtual Asset and Initial Token Offering Services Act 2021

(8) The Securities Act is amended, in section 2, by deleting the definition of "securities" and replacing it by the following definition –

"securities" –

(a) means –

(i) shares or stocks in the share capital of a company, whether incorporated in Mauritius or elsewhere, other than a collective investment scheme;

(ii) debentures, debenture stock, loan stock, bonds, green bonds, convertible bonds or other similar instruments;

(iii) rights, warrants, options or interests in respect of securities mentioned in subparagraphs (i) and (ii);

(iv) treasury bills, loan stock, bonds and other instruments creating or acknowledging indebtedness and issued by or on behalf of or guaranteed by the Government of the Republic of Mauritius or the Government of another country, a local authority or public authority, as may be prescribed;

(v) shares in, securities of, or rights to participate in, a collective investment scheme;

(vi) depository receipts or similar instruments;

(vii) options, futures, forwards and other derivatives whether on securities or commodities;

(viii) any other transferable securities, interests or assets as the Commission may approve; or

(ix) such other instrument as may be prescribed; but

(b) does not include –

(i) a virtual token under the Virtual Asset and Initial Token Offering Services Act 2021; and

(ii) such other instrument as may be prescribed;

(9) The United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act 2019 is amended, in section 2, by inserting, in the appropriate alphabetical order, the following new definition –

"property" has the same meaning as in the Financial Intelligence and Anti-Money Laundering Act;

(10) The Securities (Collective Investment Schemes and Closed-end Funds) Regulations 2008 are amended, in regulation 2, by deleting the definition of "shares" and replacing it by the following definition –

"shares" –

(a) means the participating interest of a person in a collective investment scheme irrespective of its legal form; and

(b) includes interest in the form of virtual asset under the Virtual Asset and Initial Token Offering Services Act 2021.

56. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

FIRST SCHEDULE
[Section 2]

APPLICABLE ACTS

1. Financial Intelligence and Anti-Money Laundering Act

2. Financial Services Act

3. United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act 2019

SECOND SCHEDULE
[Section 2]

CLASS OF VIRTUAL ASSET SERVICE PROVIDER LICENCE

	Class of licence	Business activities
		Any virtual asset service provider that conducts one or more of the following business activities –
Class "M"	Virtual Asset Broker-Dealer	– exchange between virtual assets and fiat currencies; or – exchange between one or more forms of virtual assets
Class "O"	Virtual Asset Wallet Services	– transfer of virtual assets
Class "R"	Virtual Asset Custodian	– safekeeping of virtual assets or instruments enabling control over virtual assets – administration of virtual assets or instruments enabling control over virtual assets
Class "I"	Virtual Asset Advisory Services	– participation in and provision of financial services related to

			an issuer's offer and/or sale of virtual assets
Class "S"	Virtual Asset Market Place	–	a virtual asset exchange

---

THIRD SCHEDULE
[Section 3(2)]

ANCILLARY SERVICES AND PRODUCTS

1. Supply of logistics and technical assistance services

2. Manufacture of hardware and engineering of software services

3. Network and telecommunication services

4. Information technology services in respect to the creation, encryption, digital transfer of virtual assets

5. Services to hardware wallet manufacturers or non-custodial wallets

6. Validation, nodes operation and mining services

7. Services provided by a bank under the Banking Act

8. Any other services which, as prescribed in FSC Rules, do not engage in or facilitate any of the business activities of virtual asset service providers, on behalf of their clients

---

FOURTH SCHEDULE
[Sections 27 and 32]

MATTERS TO BE SPECIFIED IN WHITE PAPER

An issuer of initial token offerings shall ensure that the white paper contains such information that would enable the purchaser or investor to make an informed assessment of the virtual token before subscribing to the virtual token, including the following –

(a) brief description of the directors, senior management, key personnel and advisers of the issuer of initial token offerings, including name, designation, nationality, address, professional qualifications and related experience;

(b) the objective or purpose of the initial token offerings (ITO), including detailed information on the ITO project to be managed and operated by the issuer of initial token offerings;

(c) the key characteristics of the virtual token;

(d) detailed description of the sustainability and scalability of the ITO project;

(e) the business plan of the issuer of initial token offerings;

(f) the targeted amount to be raised through the ITO project, and subsequent use and application of the proceeds thereafter illustrated in a scheduled timeline for drawdown and utilisation of proceeds (schedule of proceeds);

(g) any rights, conditions or functions attached to the virtual token, including any specific rights attributed to a token holder;

(h) discussion on the determination of the accounting and the valuation treatments for the virtual token, including all valuation methodology and reasonable presumptions adopted in such calculation;

(i) associated challenges and risks as well as mitigating measures thereof;

(j) information in respect to the distribution of the virtual tokens and where applicable, the distribution policy of the issuer of initial token offerings;

(k) a technical description of the protocol, platform or application of the virtual token, as the case may be, and the associated benefits of the technology;

(l) details of the consensus algorithm, where applicable;

(m) any applicable taxes and soft/hard cap for the offerings;

(n) information about any person(s) underwriting or guaranteeing the offer;

(o) any restrictions on the free transferability of the virtual tokens being offered;

(p) methods of payment;

(q) details of refund mechanism if the soft cap for the offerings is not reached;

(r) details of smart contract(s), if any, deployed by the issuer of initial token offerings and the auditor who performed an audit on it/them;

(s) description of the anti-money laundering procedures of the issuer of initial token offerings;

(t) intellectual property rights associated with the offerings and protection thereof;

(u) audited financial statements of the issuer of initial token offerings;

(v) a statement of disclaimer as follows –

The furnishing on this white paper to the Financial Services Commission should not be taken to indicate that the Commission assumes responsibility for the correctness of any statement made in this white paper; and

(w) shall also contain the following statement –

Investors are reminded that the Bank of Mauritius (the central bank) does not recognise virtual tokens as a legal tender nor as a form of payment instrument that is regulated by the central bank and that the central bank will not provide any avenues of redress for aggrieved token holders

———————