

## **LEGAL ALERT**

### **Hedge Funds In The British Virgin Islands – Extended Deadline To Submit Annual Information**

***The BVI Financial Services Commission (the “FSC”) announced the extension of the deadline for the submission of Annual Information (“Annual Return”). All regulated BVI mutual funds must submit a return to the FSC no later than October 15, 2009.***

On September 9, 2008, the BVI FSC announced that BVI investment funds (*i.e.*, the funds which are recognized or registered under the BVI Mutual Funds Act 1996, including all regulated BVI private, professional and public funds) would need to submit a yearly Annual Return to the FSC by June 30, 2009. (See our previous article “[Hedge Funds In The British Virgin Islands– New Requirement To Submit Annual Information](#)”)

#### ***Extended Deadline: October 15, 2009***

The reporting period for the return (the “Reporting Period”) will be the calendar year, regardless of the financial year operated by the fund. Therefore, the Reporting Period in this year’s return must cover the calendar year ending 31 December 2008.

The information to be disclosed includes basic information of the fund and its service providers, and financial information such as opening NAV, total subscriptions and total redemptions, net income or loss, dividends and distributions, summary expenses and closing NAV. Each Fund is also required to disclose general description of the fund’s asset allocation; however, individual positions are not required to be revealed. No information is required to be disclosed with respect to the identity of investors or of specific investments held by the fund.

The Annual Return also includes a declaration that the information represents a true and fair view of the fund’s position as of the date the Annual Return is made. Such a declaration must be signed by a director, officer or other duly authorized person.

The Annual Return will need to be submitted to the FSC by October 15, 2009. Subject to the enacting legislation coming into force, failure to complete the Annual Return for the 2008 Reporting Period may lead to enforcement action being taken by the FSC, including the application of administrative penalties.

The form of the Annual Return along with the regulator’s guidance notes is available at [www.bvifsc.vg](http://www.bvifsc.vg).

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