

Statutory Instruments of Anguilla: /2018

Gazette Dated: , 2018

ANGUILLA UTILITY TOKEN OFFERING ACT, 2018 (ACT NO. 4/2018)

ANGUILLA UTILITY TOKEN OFFERING (WHITE PAPER) REGULATIONS, 2018

Regulations made by the Governor on advice from the Commission under section 27 of the Anguilla Utility Token Offering Act, 2018 (Act No. 4/2018).

Interpretation

1. (1) In these Regulations—

“Act” means the Anguilla Utility Token Offering Act;

“Commission” means the Anguilla Financial Services Commission established under section 2 of the Financial Services Commission Act, R.S.A. c.F28;

“custodian” means a person who contracts with an issuer and/or a utility token offering administrator to provide the service of storing subscription funds on behalf of the issuer;

“dollar” or “\$” means a dollar in the currency of the United States of America;

“initial utility token offering” means an initial offer to the public to subscribe for the purchase of utility tokens to be issued by an issuer made by the issuer to any person who is not connected to the issuer;

“issuer” means a person undertaking an initial or secondary utility token offering;

“secondary utility token offering” means an offer to the public to subscribe for the purchase of utility tokens to be issued by an issuer made by the issuer to any person who is not connected to the issuer subsequent to an initial utility token offering by such issuer, whether or not the initial utility token offering was made under the Act;

“subscriber” means a person who subscribes for, purchases or otherwise obtains a utility token (or any part thereof) at an initial or secondary utility token offering in consideration of the subscription price;

“subscription funds” and “subscription price” means the value provided or to be provided by a subscriber, in the medium of exchange stipulated by an issuer, in consideration for the subscription of a utility token at an initial or secondary utility token offering conducted by such issuer;

“white paper” means any document of an issuer the purpose of which is to make an initial or secondary utility token offering and that contains the information –required by this Act and as may be prescribed by regulations from time to time.

“\$” means the currency of the United States of America.

Contents of white paper

2. For the purposes of section 10 of the Act, a white paper should contain, at a minimum—
- (a) objectives of the issuer;
 - (b) subscription restrictions;
 - (c) risk factors of the issue;
 - (d) minimum and maximum subscription, if applicable, for subscribers;
 - (e) the corporate structure and location, including ownership structure of the issuer and any affiliated companies that collectively will develop, manage and operate the blockchain project(s) operated or to be developed and operated using the proceeds from the initial or secondary utility tokens offering;
 - (f) officers and directors of the issuer including relevant backgrounds;
 - (g) description of technical functionality of utility tokens proposed to be offered;
 - (h) the contractual and legal rights provided by the utility tokens being offered;
 - (i) where the initial utility token offering will be offered or restricted from being offered;
 - (j) the total amount of utility tokens that may be issued in the initial or secondary offering or in the future by the issuer;
 - (k) the initial utility token offering timeline, including any discounts provided to purchasers on the price of offering based on time, amount, auction or other staged investment;
 - (l) any actual or projected cap on the total amount offered in the initial offering;
 - (m) detailed use of proceeds from the initial or secondary offering, especially any material payments that will be made to affiliates of the issuer;
 - (n) any rights or obligations of the holders of tokens to have their tokens redeemed by the issuer or affiliates;
 - (o) all proposed uses of the tokens within the blockchain project or platform owned or to be developed by the issuer;
 - (p) the mechanism of the initial utility token offering issue;
 - (q) a description of the AML/KYC compliance requirements applicable to the offering and how they will be addressed;
 - (r) a description of the escrow arrangements that will apply prior to the closing of the offering and governing the release of subscription funds;

(s) any other material information that the issuer reasonably determines to be necessary for a potential subscriber to understand (a) the business or proposed business of the issuer and its affiliates, (b) the operation of the proposed blockchain project and (c) the management structure of the issuer.

Citation

3. These regulations may be cited as the Anguilla Utility Token Offering (White Paper) Regulations, 2018.

Made by the Governor on this day of , 2018

Timothy J. Foy, OBE
GOVERNOR OF ANGUILLA