



TRINIDAD AND TOBAGO SECURITIES AND EXCHANGE COMMISSION

In the Matter of Section 51(1), 155(A)(c) and 159(10) of the Securities Act, Chapter 83:02 of the Laws of the Republic of Trinidad and Tobago

And

In the Matter of an Application by Nigel Clewett, a Registered Investment Adviser, for Exemption from Registering as a Broker-Dealer

ORDER OF THE COMMISSION

Dated this 2nd day of August 2022

WHEREAS Nigel Clewett is registered as an Investment Adviser as required under Section 51(1)(b) of the Securities Act Chapter, 83:02 of the Laws of the Republic of Trinidad and Tobago (the “Act”) with the Trinidad and Tobago Securities and Exchange Commission (the “Commission”);

AND WHEREAS Nigel Clewett has been conducting activities consistent with effecting transactions in securities which are within the scope of activities that ought to be conducted by Broker-Dealers namely:

- a. instructing a local or foreign broker-dealer to effect transactions on behalf of the investment adviser’s clients based on the investment decisions made by the clients after they had considered the investment advice received from the investment adviser;
- b. having non-discretionary control of clients’ portfolios and compensated via investment advisory or wealth/portfolio management fees; and
- c. Receiving compensation by way of investment advisory or portfolio management fees; and is not registered as a Broker Dealer as required under Section 51(1)(a) of the Act;

AND WHEREAS:

- a. The Board of Commissioners approved the issuance of a Circular Letter, dated December 3rd, 2019, providing guidance on investment advisory activities;
- b. By letter dated January 3rd, 2020, Nigel Clewett submitted an application for exemption from registration as a Broker-Dealer to the Commission;

- c. The Staff of the Commission made submissions on the application by Nigel Clewett to the Board of Commissioners;
- d. By Order dated 23rd day of April 2020, Nigel Clewett was granted an exemption from the requirement to be registered as a Broker-Dealer under Section 51(1)(a) of the Securities Act with effect from the 3rd day of December, 2019 to the 3rd May, 2021 (the Initial Period of Exemption);
- e. By Order dated 27th August 2021, the Board of Commissioners, having considered representations by the Staff of the Commission, granted an extension of the Initial Period of Exemption to the 2nd May, 2022;
- f. The Board of Commissioners considered representations by Staff to grant an Order further extending the Initial Period of Exemption granted in the Order dated 27th August 2021 by one additional year, ending on the 2nd May 2023.

AND UPON the Board of Commissioners considering that the making of the Order would not be contrary to the public interest pursuant to Section 155(1A)©;

AND UPON the Board of Commissioners determining that the making of the Order is essentially procedural and does not require a hearing pursuant to Section 159 of the Act.

IT IS HEREBY ORDERED THAT:

- I. The exemption granted to Nigel Clewett from the requirement to be registered as a Broker-Dealer under Section 51(1)(a) of the Securities Act continues to be effective for the period indicated herein;
- II. The exemption Order dated the 27th August 2021 shall continue to have effect from May 3rd, 2022 for a further period of twelve (12) months to May 2nd, 2023 or until the appropriate amendments are made to the Securities Act (and related legislation) take effect, whichever is sooner; and
- III. This Order shall be published in the Trinidad and Tobago Gazette and posted on the Commission's website. Notification of the posting shall be published in two daily newspapers in general circulation in Trinidad and Tobago

BY ORDER OF THE COMMISSION