

BC Securities Commission receives new powers to investigate investment fraud

November 18, 2019

On October 21, 2019, British Columbia introduced broad reforms by way of [Bill 33, the Securities Amendment Act, 2019](#), which proposes to modify the Securities Act to provide the British Columbia Securities Commission with a host of new powers to collect financial penalties and prosecute white-collar investment offences.

The proposed new legislation is the most extensive update to the Securities Act since its introduction in 1996. It includes over 100 amendments, many of which are unprecedented in Canada. The proposed amendments to the Securities Act consist of the following:

Amendments in respect of enforcement include:

- Expanded investigation authority;
- Mandatory minimum jail sentences for serious or multiple fraud offences;
- Increased penalties, including an increase in maximum fines;
- Increased maximum penalties for securities offences;
- Increased sanctions relating to records; and,
- The addition of whistleblower protections.

Amendments in respect of the enforcement or collection of financial penalties include:

- Enhanced powers to freeze and seize property transferred to third parties for less than market value;
- The ability to seize RRSPs;
- The ability to impose penalties for regulatory ruling violations in the absence of a hearing; and,
- The ability to direct that the renewal or issuance of driver's licenses or license plates be withheld for failure to pay amounts owing.

In addition to improving enforcement and collection powers, the amendments also modernize the Securities Act and aligns the regulation of derivatives with other jurisdictions like Ontario and Alberta.

By:

[Breanna Needham](#)

Services:

[Capital Markets](#), [Securities Disputes](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2023 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.