

GUYANA

ACT No. 21 2004

BANK OF GUYANA (AMENDMENT) ACT 2004
ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 9 of the Principal Act
3. Amendment of section 10 of the Principal Act
4. Amendment of section 12 of the Principal Act
5. Amendment of section 14 of the Principal Act
6. Amendment of section 17 of the Principal Act
7. Insertion of new sections 17A and 17B in the Principal Act

AN ACT to amend the Bank of Guyana Act 1998

A.D.2004.

Enacted by the Parliament of Guyana :-

Short title
Act No.19
of 1998.

1. This Act, which amends the Bank of Guyana Act 1998, may be cited as the Bank of Guyana (Amendment) Act 2004.

Amendment
of section 9
of the
Principal
Act

2. Section 9 of the Principal Act is hereby amended in the following respects-

(a) in subsection 1 (c) , for the words “two“ and “four “ substitute the words “four “ and “six”, respectively;

(b) by the insertion immediately after subsection (2) of the following as subsection (2A)-

“2A The contractual terms and conditions of the appointment of the Governor and Deputy Governor, including remuneration and other benefits shall be specified upon appointment”,

(bb) by the insertion immediately after subsection (2A) of the following as subsection (2B)-

“(2B) The substantive offices of Governor and Deputy Governor shall not remain vacant for a period in excess of six months of becoming vacant”,

(c) by the insertion immediately after subsection (4) of the following as subsection (4A) and (4B)-

“(4A) The Governor is eligible for re-appointment by the President, on the expiration of his terms of office, for a further period not exceeding five years”

(4B) The Deputy Governor is eligible for re-appointment by the Minister, on the expiration of his term of office, for a further period not exceeding five years”,

(d) by the substitution for subsection (5) of the following subsection-

“(5) Every other Director is eligible for re-appointment on the expiration of his term of office for such period not exceeding five years as the Minister may determine”.

Amendment
of section 10
of the
Principal Act

(3). Section 10 of the Principal Act is hereby amended in the following respects-

(a) in subsection (2) by the substitution for the word “two “ of the word “three “,

(b) in substitution (3) and in every other written law there shall be substituted for the words “ Secretary to the Treasury” the words “ Finance Secretary”.

(c) by the substitution for subsection (4) of the following subsection-

“(4) A quorum for any meeting of the Board shall be a majority of the Directors”.

Amendment
of section 12
of the
Principal Act.

(4) Section 12 of the Principal Act is hereby amended in the following respects-

(a) ___ in subsection, (2) by the insertion at the end of the following sentence-

“ The contractual terms and conditions remuneration of the appointment of Banking Manager including remuneration and other benefits shall be specified upon appointment”.

(b) ___ in subsection (3), by the deletion of the words “ Deputy Governor and” and by the substitution for the words “their terms” of the

words “his term”

Amendment of
section 14(1) of
the Principal Act

(5) Section 14(1) of the Principal Act is hereby amended by the

substitution for the paragraph (c) of the following paragraph –

(c) ___ is a director , officer or other employee or a
major shareholder of –

No. 1 of 1995.

(i) any financial institution referred to in the
Financial Institutions Act 1995 or of any
Subsidiary or other affiliate as defined in that
Act, of such institution;

No.21 of 1998

(ii) any securities company within the meaning
of the Securities Industry Act 1998 or of
any subsidiary or other affiliate, as
defined in that Act, of such securities
company; or

No.20 of 1998

(iii) any insurance company within the
meaning of the Insurance Act 1998, or of
any subsidiary or other affiliate as
defined in the Act, of such insurance
company;

(iv) any other institution supervised by the
Bank.”

Insertion of
Section 17 in
the Principal
Act.

6. Section 17 of the Principal Act is hereby amended by the insertion immediately after subsection (2) of the following as subsection (2A)-

“(2A) Upon appointment and prior to assumption of duty as Director, other officer or employee of the Bank, the person shall take an oath, or make a solemn affirmation, of and fidelity and secrecy, in the form set out in the Schedule.”

Schedule

Insertion of new
Section 17A and
17B in the
Principal Act.

7. The Principal Act is hereby amended by the insertion immediately after section 17 of the following as sections 17A and 17B-

“Committee

17A. (1) The Board may establish committees to deal with any matter within the competence of the Board.

(2) A committee shall keep minutes of its proceedings, which shall be submitted to the Board at its next meeting.

Disclosure of
Conflicts.

17B.(1) A Director shall disclose to the Bank, in writing or by requesting to have it entered in the minutes of a meeting of the Board, the nature and extent of the Director’s interest if the Director-

(a) is a party to a material contract or transaction, or proposed material

contract or transaction, with the Bank;.

(b) is a director or an officer of, or has a material interest in, any person who is a party to a material contract or transaction, or proposed material contract or transaction, with the Bank;.

No.1 of 1995.

(c) is or is likely to be materially affected by any action taken or proposed to be taken by the Bank under the Financial Institutions Act 1995; or

(d) is a director or an officer of, or has a material interest in, any person who is or is likely to be materially affected by any action taken or proposed to be taken by the Bank under the Financial Institutions Act 1995.

(2) The disclosure shall be made as soon as the Director becomes aware of the contract, transaction or action.

(3) A director who is required to make disclosure shall not vote on any resolution to approve the contract, transaction or action, unless it relates to Directors' fee.

(4) For the purpose of this section, a general notice to the Board by a Director, declaring that he is a director or officer of, or has material interest in, a person or entity, and that he is to be regarded as interested in any contract or transaction entered into with that person or entity or in any section that affects that person or entity is a sufficient declaration of interest in relation to a contract or transaction with that person or entity that affects that person”.

Insertion of
new section 58A
in the Principal Act.

8. The Principal Act is hereby amended by the insertion
immediately after section 58 of the following as section 58A-

“Internationally
accepted
accounting
standards.

58A. The Board shall at all times ensure that the
books and records of the bank, including its financial
statements are prepared and maintained in conformity
with internationally accepted accounting standards.”

SCHEDULE

FORM OF OATH OR SOLEMN AFFIRMATION

I,,do solemnly swear (or affirm) that I will faithfully and to the best of my judgment and ability perform the duties that relate to any office or position in the Bank held by me.

I also solemnly swear (or affirm) that I will not-

- (i) Communicate or allow to be communicated, to any person not entitled to it, any confidential information that relates to the business or affair of the Bank that I may learn in the course of performing my duties
- (ii) Use any information for any purpose other than to perform those duties;
- (iii) Allow any person to inspect or have access to any books and records that belong to; or that are in the possession of, the Bank and that relate to the business or affairs of the Bank, unless the person is legally entitled to inspect them or to have access to them”.

Passed by the National Assembly on the 29th November, 2004

1. (BILL No.20 of 2004)