

LAWS OF GUYANA

DEALERS IN FOREIGN CURRENCY (LICENSING) ACT

CHAPTER 87:01

Act
19 of 1989
Amended by
9 of 1995

Current Authorised Pages

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CHAPTER 87:01

DEALERS IN FOREIGN CURRENCY (LICENSING) ACT

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19 of 1989

An Act to make provision for the licensing of persons carrying on the business of buying and selling foreign currency, and for matters connected therewith.

[13TH MARCH, 1990]

Short title.

1. This Act may be cited as the Dealers in Foreign Currency (Licensing) Act.

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Interpretation.
[9 of 1995]

2. In this Act—

c. 86:01 “authorised dealer” has the same meaning as in the Foreign Exchange (Miscellaneous Provisions Act)

c. 85:02 “the Bank” has the same meaning as in the Bank of Guyana Act;

“exempted foreign currency” means any foreign currency which—

c. 85:02 (i) is received as a result of the settlement of any monetary obligation or transaction in foreign currency, where such settlement is in accordance with section 21 of the Bank of Guyana Act;

c.86:01
(repealed) (ii) is required to be sold to an authorised dealer under section 25 (1) (c) of the Exchange Control Act;

(iii) is received by any person in foreign currency by virtue of the provisions contained in any other written law;

“foreign currency” means any currency other than Guyana dollars and includes a traveller’s cheque designated in a foreign currency;

“licence” means a licence under this Act;

“licensed business” means the business of buying and selling foreign currency a licensee is authorised to carry on;

c. 85:03 “licensed financial institution” has the same meaning as in the Financial Institutions Act;

“licensed premises” means the premises specified in a licence as the premises where the licensed business may be

carried on by the holder of the licence;

“licensee” means the holder of a licence, which has not been suspended or revoked or the term of which has not expired;

“prescribed” means prescribed by the Minister by regulations;

“week” means a period of seven days beginning with Monday and ending with Sunday.

Application for
licence.
[9 of 1995]

3. (1) Any person who is desirous of carrying on the business of buying and selling foreign currency may apply to the Bank in the prescribed form for a licence for that purpose.

(2) Every application for a licence shall be accompanied by such fees as may be prescribed.

Grant of
licence.
[9 of 1995]

4. (1) The Bank, after consultation with the Minister, may, having regard to—

- (a) the experience of the applicant for a licence in dealing in foreign currency;
- (b) the financial resources of the applicant; and
- (c) the character and antecedents of the applicant,

grant or refuse to grant to him a licence.

(2) Where the Bank is of the opinion that, having regard to the likely volume of the business of buying and selling foreign currency in the area where the applicant proposes to carry on the licensed business, an adequate number of persons have already been granted licences and

are carrying on licensed business in the area, the Bank, after consultation with the Minister, may refuse a licence to the applicant.

(3) A licence shall be in such form as may be prescribed and such fees as may be prescribed shall be paid for the grant of the licence.

Term of licence and renewal.
[9 of 1995]

5. A licence shall expire on the expiry of the 31st December of the year in which it is granted, but may be renewed on an application made therefor in the prescribed form and on payment of such fees as may be prescribed:

Provided that the Bank may, after giving the applicant a reasonable opportunity of being heard, and after consultation with the Minister, refuse the renewal of a licence where the licensee has contravened any provision of this Act or any condition of the licence.

Premises where licensed business to be carried on.
[9 of 1995]

6. (1) A licence shall specify the premises where the licensed business may be carried on and the licensed business shall not be carried on in any other premises.

(2) Where a licensee is desirous of shifting the licensed business to premises other than the premises specified in the licence, he shall make an application therefor in the prescribed form along with such fees as may be prescribed and, where the Bank grants the application, the licence shall be amended accordingly.

Conditions of licence.
[9 of 1995]

7. (1) Every licence shall be subject to the provisions of this Act, and such conditions as may, from time to time, be prescribed or specified in the licence.

(2) The conditions of a licence referred to in subsection (1) may include a condition as to the furnishing of security by the licensee, the amount and forfeiture thereof and the power of the Bank to vary the amount of the security from

time to time.

Revocation and
suspension of
licence.
[9 of 1995]

8. (1) The Bank may revoke a licence granted to a licensee if—

- (a) he has ceased to carry on the licensed business for a period of not less than six months; or
- (b) has contravened, or failed to comply with, any of the conditions subject to which the licence was granted or any provision of this Act.

(2) A licence may be suspended by the Bank for such period as may be specified by it on the ground that the licensee has contravened, or has failed to comply with, any of the conditions subject to which the licence was granted or the provisions of this Act, or pending any investigation into a complaint that the licensee is guilty of any such act or omission.

(3) The Bank shall not revoke or suspend a licence unless the holder of the licence has been given a reasonable opportunity of being heard.

(4) Any action taken by the Bank under this section shall only be taken after consultation with the Minister.

Right of
licensee to buy,
sell or hold
foreign
currency.
[9 of 1995]

9. (1) Subject to the provisions of this Act and the conditions of the licence, a licensee shall be entitled to carry on the business of buying and selling foreign currency.

(2) A licensee shall not be under any obligation to sell to an authorised dealer the foreign currency bought by the licensee under this Act.

(3) The price at which a licensee may buy or sell any foreign currency shall be determined by the licensee and

shall be displayed at a prominent place on the licensed premises.

(4) No licensee, other than a company which is a licensed financial institution under the Financial Institutions Act, may engage to any extent in the lending or borrowing or acceptance of deposits, of Guyana dollars or any foreign currency.

(5) Any person who contravene the provisions of subsection (4) shall be guilty of conducting a financial business without a licence within the meaning of the Financial Institutions Act and shall be liable to the penalties prescribed under the Financial Institutions Act therefor.

c. 85:03

Special provisions relating to authorised dealers who are licensees.

10. (1) An authorised dealer may be granted a licence under this Act.

(2) Where an authorised dealer is granted a licence under this Act, the business that the licensee is entitled to carry on under section 9 and the business as authorised dealer shall be carried on in separate units or divisions, separate accounts and other records shall be maintained for the two businesses and the foreign currency received in the course of transactions as licensee shall be kept separate from the foreign currency received in the course of transactions as authorised dealer.

Right to sell foreign currency to, and to buy foreign currency from, licensee.
[9 of 1995]

11. (1) Any person entitled to sell foreign currency, not being exempted foreign currency, may sell it to a licensee.

(2) The Bank, after consultation with the Minister, may permit any person holding exempted foreign currency to sell a part or the whole of it to a licensee and, where any such permission is granted, the person may sell a part or whole, as the case may be, of the exempted foreign currency to a licensee in accordance with the permission.

(3) A permission under subsection (2) may be granted subject to such conditions as may be specified by the Bank, after consultation with the Minister, or without any conditions.

(4) Subject to the provisions of subsection (5), any person may buy any foreign currency from a licensee.

(5) The Bank, after consultation with the Minister may, by notification in the *Gazette*, direct that a licensee may sell a foreign currency, to any person, only for such purposes as may be specified in the notification or only to any person authorised by the Bank, after consultation with the Minister, to buy the foreign currency for any specified purpose, and the licensee shall comply with the direction.

Receipts.

12. (1) A licensee shall give to any person selling any foreign currency to the licensee, a receipt and keep a duplicate of the receipt.

(2) A licensee shall take from every person buying any foreign currency from the licensee a receipt and give the purchaser a duplicate of the receipt.

Act to override
other written
laws.
c. 86:01

13. Any Act authorised to be done by this Act and done in accordance with it shall not be deemed to be an offence under any other written law notwithstanding anything contained in that other written law.

Keeping of
accounts and
other records.
[9 of 1995]

14. (1) Every licensee shall maintain a proper account in which shall be recorded —

- (a) the amount of each foreign currency purchased by the licensee each day and the price paid therefor;
- (b) the amount of each foreign currency sold by the licensee each day and the

price received therefor;

- (c) the opening and closing balances each day in respect of each foreign currency held by the licensee;
- (d) any other particulars that may be prescribed by the Bank, by regulation or notice published in the *Gazette*, to further the purposes of this Act or the exercise of the Bank's functions under the Bank of Guyana Act.

c. 85:02

(2) A licensee shall maintain a record in respect of each day of the price, determined by the licensee, for the purchase and sale of each foreign currency, bought and sold by him that day, when he opened and closed the licensed business for the day (hereinafter called the opening and closing rates).

Returns.
[9 of 1995]

15. (1) Every licensee shall make and furnish to the Bank every Monday a return stating the opening and closing rates for each of the days on which the licensee carried on the licensed business in the preceding week.

(2) Every licensee shall make and furnish to the Bank, not later than every Wednesday in a week, a return stating the following particulars pertaining to the licensed business in respect of the preceding week—

- (a) the amount of each foreign currency which the licensee held when he opened for business at the beginning of the week;
- (b) the amount of each foreign currency purchased by him in the week;

- (c) the amount of each foreign currency sold by him in the week;
- (d) the amount of each foreign currency held by the licensee when the licensee closed business at the end of the last day on which he carried on business in the week;
- (e) such other particulars as may be prescribed by the Bank, by regulation or notice published in the *Gazette*, to further the purposes of this Act or the exercise of the Bank's functions under the Bank of Guyana Act.

Production and
examination of
books.
[9 of 1995]

16. Any public officer authorised by the Bank in this behalf may, during the hours the licensed premises of a licensee are ordinarily open for business, enter thereon and —

- (a) request the licensee or any of his employees to produce any accounts, books, records and documents—
 - (i) relating to the licensed business as are found therein; or
 - (ii) likely to contain, in the opinion of such public officer, evidence of the contravention of any provision of this Act or any condition of the licence granted to the licensee,

and may examine and take copies of the same; or

- (b) question—
 - (i) the licensee or any of his

- employees; or
- (ii) any other person found on the licensed premises.

Penalties.
[9 of 1995]

17. (1) Any person who sells to any person other than a licensee or authorised dealer, any foreign currency, which under section 11 may be sold to a licensee, shall be liable, on summary conviction, to a fine of ten thousand dollars and to imprisonment for one year.

(2) Any person, not being a licensee or authorised dealer, who buys or sells any foreign currency shall be liable, on summary conviction, to a fine of not less than fifteen thousand dollars and to imprisonment for three years.

(3) Any person who fails or refuses to comply with any request made under section 16 (a) by any public officer authorised by the Bank, or fails or refuses to answer any question by such public officer, or obstructs any such public officer from carrying out his functions under section 16, shall be liable, on summary conviction, to a fine of twenty thousand dollars and to imprisonment for one year.

(4) Any person who is guilty of the contravention of any provision of this Act or any condition of the licence for which no penalty has been specified by any other provision of this Act, shall be liable, on summary conviction, to a fine of ten thousand dollars and to imprisonment for one year.

(5) Nothing in this Act shall be construed as limiting or impairing the authority of the Bank to take any action under the Financial Institutions Act or the Bank of Guyana Act.

c.85:03
c.85:02

18. (1) The Bank may make regulations for carrying out the purposes of this Act.

Power to make
regulations.
[9 of 1995]

(2) Without prejudice to the generality of the

provisions of subsection (1), such regulations may, in particular, provide for all or any of the following matters –

- (a) the forms of an application for a licence and of a licence;
 - (b) the fees payable along with the application for a licence and for the grant of a licence;
 - (c) the form of an application for renewal of a licence and the fees payable therefor;
 - (d) the form of an application for the change of licensed premises and the fees payable along with it;
 - (e) the conditions of a licence;
 - (f) the particulars that an account to be kept by a licensee shall contain;
 - (g) the particulars that a return under section 15(2) shall contain;
 - (h) any other matter that is required to be, or may be, prescribed by or under this Act.
-

SUBSIDIARY LEGISLATION

Nt. 2
24th May 1994

**DEALERS IN FOREIGN CURRENCY
(LICENSING) NOTICE**

made under section 11 (2)

1. Notice is hereby given that, with effect from 31st May, 1994, the Senior Minister of Finance has decided to permit, under section 11 (2) of the Dealers in Foreign Currency (Licensing) Act, holders of exempted foreign currency to sell that foreign currency to persons holding licences under that Act:

Provided that in the case of exempted foreign currency received through the export of sugar, bauxite or related products of bauxite only the whole or part of the amount of foreign currency authorised by the Bank of Guyana to be retained by the exporters of any of the aforesaid commodities is allowed to be sold to persons holding such licences.

2. Where exempted foreign currency is held by a person received through the existing payment arrangements of the Caricom Central Bank in respect of export to Caricom countries, it has to be sold to authorised dealers. However in the case of exempted foreign currency received from Jamaica and Trinidad and Tobago, only foreign currency received in respect of non-commercial transactions has to be sold to authorised dealers. These transactions will be effected at exchange rates fixed and announced by the Bank of Guyana.

[Subsidiary]

Dealers In Foreign Currency (Licensing) Regulations

Note – In this Notice exempted foreign currency means any foreign currency which –

- (i) is received as a result of the settlement of any monetary obligation or transaction in foreign currency, where such settlement is in accordance with section 21 of the Bank of Guyana Act;
- (ii) is required to be sold to an authorised dealer under section 25 (1) (c) of the Exchange Control Act;
- (iii) is received by any person in foreign currency by virtue of the provision contained in any other written law.

c. 86:01
repealed

Reg. 3/1990
3/1996
7/1996
1/2000

DEALERS IN FOREIGN CURRENCY (LICENSING) REGULATIONS

made under Section 18

Citation

1. These regulations may be cited as the Dealers in Foreign Currency (Licensing) Regulations.

Interpretation.

2. In these Regulations “Form” means a form set out in the Schedule.

Form of
application for
grant of licence.
Form 1

3. (1) An application for the grant of a licence under section 3 of the Act shall be made in Form 1 and shall state the particulars required to be stated by the Form.

(2) An application for the grant of a licence shall be accompanied by a fee of one thousand dollars.

Form of licence
Form 2.
[Reg. 3/1996
1/2000]

4. (1) A licence granted under section 4 of the Act shall be in Form 2.

(2) A fee of five hundred thousand dollars shall be

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[Subsidiary]

Dealers in Foreign Currency (Licensing) Regulations

paid for the grant of a licence.

(3) Every licence shall be subject to the provisions of the Act and these regulations and any conditions specified in the licence.

Form of application for renewal of licence.

5. (1) An Application under section 5 of the Act for the renewal of a licence shall be in Form 3 and shall state the particulars required to be stated in the Form.

Form 3

[Reg. 3/1996
1/2000]

(2) A fee of five hundred thousand dollars shall be paid for the renewal of a licence.

Form of application for change of licensed premises.

6. (1) An application under section 6 (2) of the Act for shifting the licensed business to premises other than the premises specified in the licence shall be in Form 4.

Form 4

(2) An application under paragraph (1) shall be accompanied by a fee of two hundred and fifty dollars.

Returns.
Form 5

7. (1) The weekly return a licensee is required to submit under section 15 (1) of the Act shall be in Form 5.

Form 6

(2) The weekly return a licensee is required to submit under section 15 (2) of the Act shall be in Form 6.

[Subsidiary]

Dealers In Foreign Currency (Licensing) Regulations

[Reg. 3/1996
1/2000]

FORM 1

APPLICATION FOR LICENCE TO CONDUCT THE
BUSINESS OF BUYING AND SELLING FOREIGN
CURRENCY

DEALERS IN FOREIGN CURRENCY
(LICENSING)

The Governor
Bank of Guyana
Georgetown

1. I, the undersigned, acting as principal or duly authorised agent on behalf of or chief executive officer of.....being duly empowered, hereby apply for a licence to conduct the business of buying and selling foreign currency.

2. (i) if applicant is an individual:

(a) Name and Address of applicant

Name	Address
.....

(b) Nationality, Occupation and National Identity Card Number of the applicant

Nationality	Occupation	I.D. No
.....

(ii) If application is by a partnership firm:

(a) Names and Addresses of partners

Names	Addresses
.....

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.....
.....

(a) Nationality, Occupation and Identity Card Numbers.

Nationality	Occupation	I.D. No
.....

(iii) If application is by a company or other body corporate:

(a) Name and Address of its registered or principal office and Place and Date of Incorporation.

Nationality	Address
.....

Place and Date of Incorporation

.....

(b) If incorporated outside of Guyana, Name, Nationality and Address of duly authorised agent in Guyana.

Names	Nationality	Address
.....

(c) Nature of business

.....

(d) Names and Addresses of the Directors or Principal Officers

Names	Addresses
.....

3. Address of the premises where the applicant intends to carry on the business of buying and selling foreign currency

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Dealers In Foreign Currency (Licensing) Regulations

.....
.....

4. Names and Addresses of two referees in Guyana to whom the applicant is personally known

Names

Addresses

.....

5. State reasons why applicant wants to establish the business

.....
.....
.....

6. State particulars of how the applicant proposes to finance the business (own funds, borrowed funds, others specify)

.....
.....
.....

(Signature)

(Date)

Note:

1. Completed forms are to be submitted to the Governor, Bank of Guyana. No section in this form shall be left blank. Place "Not Applicable "or "None" as the case may be. If the space provided is not adequate, the required information or data needed may be annexed. Reference shall be made in the pertinent section of the form by placing the words "Refer to Annex ----- "

2. This application shall be accompanied by a fee of one thousand dollars.

FORM 2

CO-OPERATIVE REPUBLIC OF GUYANA
DEALERS IN FOREIGN CURRENCY (LICENSING) ACT

LICENCE TO CARRY ON THE BUSINESS OF BUYING
AND SELLING FOREIGN CURRENCY

LICENCE No:

To:

whose registered address is at

, Guyana, is hereby granted a licence under section 4
(1) of the Dealers in Foreign Currency (Licensing) Act, to
carry on in Guyana the business of buying and selling
foreign currency for the period 1st January to 31st December,
subject to the licensee complying with all the laws and
conditions relating to the conduct of said business.

Dated the day of 20

FORM 3

APPLICATION FOR RENEWAL OF LICENCE
DEALERS IN FOREIGN CURRENCY (LICENSING) ACT

1. Applicant's name and address in full

Name

Address

.....

2. Number and date of the licence sought to be
renewed.

Licence Number

Date

.....

[Subsidiary]

Dealers In Foreign Currency (Licensing) Regulations

3. (a) State whether the above-mentioned licence was previously renewed and if so, the date/dates on which the licence was renewed over the last five years.

.....
.....
.....

(b) State whether an application for the renewal of the licence was refused at any time if so, the date/dates of refusal.

.....
.....

4. Address of the premises where the applicant intends to carry on the licensed business.

.....
.....

Signature of Applicant

Date

FORM 4

APPLICATION FOR APPROVAL TO SHIFT LICENSED BUSINESS TO PREMISES OTHER THAN PREMISES SPECIFIED IN LICENCE

DEALERS IN FOREIGN CURRENCY (LICENSING)

1. Applicant's name and address in full.

Name

Address

.....

2. Number and date granted to the applicant under

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Dealers in Foreign Currency

[Subsidiary]

Dealers in Foreign Currency (Licensing) Regulations

the Dealers in Foreign Currency (Licensing) Act 1989 (No 19 of 1989).

.....

3. Date on which the licence was last renewed, if the licence was renewed.

.....

4. Address of the premises at which the licensed business is being carried on

.....

5. New address of the premises to which applicant desires to shift the licensed business

.....

6. Reason (s) for change of address of the premises

.....

Signature of applicant

Date

[Subsidiary]

Dealers In Foreign Currency (Licensing) Regulations

FORM 5		WEEKLY REPORT DAILY BUYING AND SELLING RATES OF FOREIGN CURRENCY DEALERS IN FOREIGN CURRENCY (LICENSING) ACT 1989											
		[No. 19 of 1989]											
		NAME & ADDRESS OF LICENSEE:.....WEEK ENDING:.....											
		US\$				€				ONS			
DAY		Buying	Selling	Buying	Selling	Buying	Selling	Buying	Selling	Buying	Selling	Buying	Selling
		Operating	Closing	Operating	Closing	Operating	Closing	Operating	Closing	Operating	Closing	Operating	Closing
MONDAY	[1]												
	[2]												
TUESDAY	[1]												
	[2]												
WEDNESDAY	[1]												
	[2]												
THURSDAY	[1]												
	[2]												
FRIDAY	[1]												
	[2]												
Note: [1] = Notes													
[2] = Travellers cheques													
												(Authorised Signature)	
												Name of licensee	

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Dealers in Foreign Currency (Licensing) Regulations

FORM 6												
WEEKLY REPORT ON DAILY BUYING AND SELLING RATES OF FOREIGN CURRENCY DEALERS IN FOREIGN CURRENCY (LICENSING (No. 19 of 1989)												
NAME AND ADDRESS OF LICENSEE:-----											WEEK ENDED:-----	
US\$						POUNDS STERLING						
	Purchases			Sales			Purchases			Sales		
	Weight Rate	totally daily Volume	weighte d Rate	Total daily Volume	Weight Rate	totally daily Volume	Weight Rate	totally daily Volume	Weight Rate	totally daily Volume	Weight Rate	totally daily Volume
MONDAY												
TUESDAY												
WEDNESDAY												
THURSDAY												
FRIDAY												
SATURDAY												
Total Volume												
MONDAY												
TUESDAY												
WEDNESDAY												
THURSDAY												
FRIDAY												
Total Volumes												
		PENNING BALANCE			PENNING BALANCE			PENNING BALANCE			OPENNING BALANCE	
		PENNING BALANCE			PENNING BALANCE			PENNING BALANCE			OPENNING BALANCE	
Name of Officer										Signature		