AN ACT TO AMEND THE CENTRAL BANK OF THE BAHAMAS ACT

Enacted by the Parliament of The Bahamas

1.(1) This Act which amends the Central Bank of The Bahamas Act, may be cited as the Central Bank of The Bahamas (Amendment) Act, 2006.

(2) This Act shall come into force on such date as the Minister may appoint by Notice in the Gazette.

2. Section 2 of the principal Act is amended by the insertion in the appropriate place of the following:

“Registered Representative means a licensee or a Financial and Corporate Service Provider approved by the Governor, which provides to a private trust company, the services of -
(i) secretary;
(ii) director;
(iii) Bahamas Agent,

and is resident in The Bahamas.

Amends 3. Section 35 of the principal Act is

section 35 amended by the repeal of subsection (1) and the replace-

of the ment of the following -

Principal Act.

“(1) The Bank may require any financial institution, trust company, Registered Representative or any director, officer or servant of such an institution or company, to supply to the Bank in such form and within such time as the Bank may determine such information as the Bank considers necessary to enable the Bank to carry out its functions under this Act.”.

Amends 4. Section 38 of the principal Act is amended -

section 38 (a) (i) in subsection (1) (c), by deleting the
of the word “or” at the end thereof;

Principle (ii) in subsection (1) (d), by deleting the comma at the end thereof and substituting therefor the words “; or”

(b) by inserting immediately after paragraph (d) the following:

“(e) the affairs of Registered Representative,”.

(c) by deleting subsection (2) and substituting therefore the following:

“(2) Subsection (1) shall not apply to a disclosure-

(a) lawfully required or permitted by any court of competent jurisdiction within The Bahamas;

(b) for the purpose of assisting the Bank to exercise any functions conferred on it by this Act, by any other Act or by regulations made thereunder;

(c) in respect of the affairs of a bank or trust company, or of a customer,
client, policy-holder of, or a company or mutual fund managed by a bank or trust company, with the authority of the bank or trust company, customer, client, policy-holder, company or mutual fund, as the case may be which consent has been voluntarily given;

(d) if the information disclosed is or has been available to the public from any other source;

(e) where the information disclosed is in a manner that does not enable the identity of any bank or trust company or of any customer, client, or policyholder of, or company or mutual fund managed by, a bank or trust company to which the information relates to be ascertained;

(f) in respect of the affairs of a Registered Representative or of a
customer or client of the Registered Representative, with authority of the Registered Representative, customer or client, as the case may be which consent has been voluntarily given;

(g) where the information disclosed is in a manner that does not enable the identity of any Registered Representative or of any client or customer of a Registered Representative to which the information relates to be ascertained;

(h) to a person with a view to the institution of, or for the purpose of -

(i) criminal proceedings;

(ii) disciplinary proceedings, whether within or outside The Bahamas, relating to the exercise by
a counsel and attorney, auditor, accountant, valuer or actuary of his professional duties; or

(iii) disciplinary proceedings relating to the discharge by a public officer, or a member or employee of the Bank of his duties;

(i) for the purposes of any legal proceedings in connection with –

(i) the winding-up or dissolution of a bank, trust company, or Registered Representative;

or

(ii) the appointment or duties of a receiver of a bank, trust company or Registered Representative.
OBJECTS AND REASONS

This Bill provides a definition of “Registered Representative”.

Clause 3 amends section 35 of the principal Act and empowers the Bank to requisition such information from such financial institutions, trust companies or Registered Representatives as the Bank may require to enable it to carry out its functions under the principal Act.

Clause 4 amends section 38 of the principal Act by permitting disclosure of confidential information relating to banks, trust companies, company or mutual funds managed by a bank or trust company, Registered Representatives and relating to the customers of these entities in certain defined circumstances.