

中央銀行專著選譯叢書 NO. 10

各國中央銀行法選輯 (2025 年版)

(上冊)

*Collections of Central Bank  
Acts of Selected Countries  
(2025 Edition) (Volume 1)*  
《中英對照本》

中央銀行法務室編印  
中華民國一一四年十一月

## 序

中央銀行職掌一國貨幣政策，藉以達成「中央銀行法」所賦予之法定職責；一國之經濟金融情勢，除受該國中央銀行決策影響外，亦受國際間主要央行之貨幣政策所生外溢效應影響。而各國「中央銀行法」皆明定該國中央銀行之組織架構、經營目標及業務運作等事項，除對該國央行政策施行及業務經營至關重要外，外界亦可藉此瞭解該央行之制度及功能。

綜觀各國「中央銀行法」，對於一國央行之制度安排，於經營目標、政府組織之定位、決策組織架構、職掌及管理制度等面向，因各國憲政體制、政府組織結構、政治、經濟、金融及文化等因素有所差異而不盡相同；各有肆應其國情之需及發展特色，也有基於國際間央行的發展趨勢，其中亦有可供各國央行制度相互參考之處。

近年來，國際間因金融穩定風險、數位金融推動趨勢及地緣政治動盪等，各國就其「中央銀行法」亦有修正。其修正目的有旨在明定維持金融穩定亦為央行之經營目標，及央行為達成經營目標可設立公司或持有公司股權之機制（如南非）；有旨在明定央行發行數位貨幣之法源依據及相關管理措施（例如阿拉伯聯合大公國及巴哈馬；惟印度尼西亞則另

定於該國貨幣專法)；亦有旨在強化央行取得涉及外匯交易之各類資訊與文件者（例如土耳其）等。

為便於各界對主要國家中央銀行制度進行比較參照，本行法務室就歐、亞、美洲及大洋洲等各國中央銀行法，曾於 2003 年、2004 年、2009 年選譯出版中文版及中英對照版；嗣於 2013 年及 2019 年選譯出版中英對照版。本次賡續編印「各國中央銀行法選輯 (2025 年版)」（中英對照本），係衡酌各國央行法修法篇幅、是否曾翻譯、兼顧區域平衡及近年熱議話題（例如「央行數位貨幣」）等因素，爰選編法規修正內容幅度較大或未曾選譯（例如擴及非洲之「南非準備銀行法」），及近年國際金融較關注國家之「中央銀行法」；其中「西班牙銀行自治法」、「土耳其共和國中央銀行法」、「南非準備銀行法」及「以色列銀行法」錄為「上冊」；「挪威銀行及貨幣制度法（中央銀行法）」及「阿拉伯大公國中央銀行及金融機構組織與業務法」、「印度尼西亞銀行法」及「巴哈馬中央銀行法」錄為「下冊」，並續以「中央銀行專著選譯叢書」之系列方式出版。敬祈各界先進續予指教。

中央銀行總裁

楊金龍 謹識

中華民國 114 年 8 月 26 日

## 各國中央銀行法選輯 (2025 年版) 翻譯及審校人員

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一、LAW OF AUTONOMY  
OF THE BANCO DE  
ESPAÑA  
西班牙銀行自治法

**LAW OF AUTONOMY OF  
THE BANCO DE ESPAÑA**

**西班牙銀行自治法**  
法務室 江子維 譯

*PREAMBLE*

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*CHAPTER II OBJECTIVES AND FUNCTIONS*

*SECTION 1 MONETARY POLICY*

*SECTION 2 EXTERNAL OPERATIONS*

*SECTION 3 CASH MANAGEMENT AND PUBLIC  
DEBT SERVICES*

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SYSTEMS*

*CHAPTER III GOVERNING BODIES*

前 言

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第 II 章 目標及任務

第 1 節 貨幣政策

第 2 節 對外營運

第 3 節 現金管理及公共債務服務

第 4 節 支付工具及支付系統

第 III 章 決策組織

# LAW OF AUTONOMY OF THE BANCO DE ESPAÑA

Law 13/1994, of 1 June.

(Official State Gazette of 2 June).

## Preamble

The Treaty on European Union, which introduces wide-ranging changes in the European Community

Treaty in order to transform it into an Economic and Monetary Union, requires that the Banco de España (hereafter "the Bank") be granted the autonomy envisaged in the Treaty for the monetary institutions that will eventually be integrated into the European System of Central Banks. Although pursuant to article 108.2 of the Treaty the granting of this autonomy might have been postponed until the establishment of the European System of Central Banks, it appeared to be congruent with the spirit of the Treaty, with the necessary effort by Member States to converge for the Treaty to take full effect, with the positions defended by Spain throughout the Inter-Governmental Conference where the Treaty was forged, and finally with Spain's attitude toward implementation of European Community legislation, to grant the Bank this autonomy at the beginning of the second stage of Economic and Monetary Union.

Autonomy for our central bank requires, in the first place, that the Treasury shall not run overdrafts on its account with the Bank even on a temporary basis, because this would deprive the Bank of its initiative in the process of money creation. In keeping with an additional precautionary provision of the EU Treaty, the Bank may not acquire directly from the Treasury any securities issued by it, although it may conduct operations in the public debt market. Autonomy also means that in the area of monetary policy, the Bank shall not take instructions from the government or the Economy and Finance Minister, enabling it to direct its policy toward its primary objective of maintaining price stability. Finally, autonomy requires that the Governor's term of office be relatively long and non-renewable, and that the reasons for a possible dismissal be strictly specified.

# 西班牙銀行自治法

1994年6月1日第13/1994號法律  
(登載於6月2日官方政府公報)

## 前　　言

《歐洲聯盟條約》對歐洲共同體帶來廣泛的變革。

該條約為使西班牙銀行（以下簡稱本行）轉型進入經濟及貨幣聯盟，要求其被授予本條約預期之獨立性，以便其最終整合納為歐洲中央銀行體系之貨幣機構。儘管依照本條約第108條第2項<sup>譯註1</sup>，此獨立性之授與本可延後至歐洲中央銀行體系建立之時，然考量該條約之意旨、會員國為使該條約完全生效採取之必要措施、西班牙在擬議本條約之政府間會議表達之立場，以及西班牙對實施歐洲共同體法制態度之一致性，於經濟及貨幣聯盟第二階段開始即授予本行獨立性。

我國中央銀行之獨立性，首要要求財政部不得於本行開立之帳戶透支，即便是暫時性透支亦然，因其將使本行於創造貨幣之過程喪失自主性。為符合歐洲聯盟條約附加之預防性規定，即使本行得進行公債市場操作，亦不得直接自財政部購買任何由其發行之有價證券。獨立性同時意味在貨幣政策領域，本行不應接受政府或經濟及財政部長之指示，而須以維持物價穩定之首要目標為政策方向。最後，獨立性之要件包括總裁之任期，必須相對較長且不可連任，以及任何可能之解任事由均從嚴明定。

<sup>譯註1</sup> 所譯「本條約」係指歐洲聯盟運作條約（Treaty on the Functioning of the European Union）；本條約第108條依2012年10月26日公布之合併版本，已改定於第130條。

As a result of the foregoing, and in response in general to the conditions set out in the protocol under which the Statutes of the European System of Central Banks and of the European Central Bank was approved, the new design of the Bank is altered definitively from that established in the Legislative Decree on the Nationalization of the Bank in 1962, which made it in all respects a direct arm of the government and maintained its traditional function of financing the government. The current legal text, in contrast, continues a trend begun in 1980 with Law 30/1980, of July 21, on the Governing Bodies of the Bank, which granted it a significant degree of instrumental autonomy and limited the possible causes for the dismissal of the Governor.

In defining the institutional role of the Bank within the Spanish administration and the precise scope of its autonomy, the new law balances the provisions of the Treaty on European Union with the mandates of our Constitution, and coordinates this equilibrium through various provisions. Article 7, for example, which defines the objectives towards which monetary policy should be directed, sets price stability as a priority objective, which is an essential, though admittedly not the sole, element of the «economic stability» referred to in article 40 of the Constitution. As long as it does not detract from this primary objective, monetary policy shall support the general economic policy of the government. In the light of article 97 of the Constitution, which gives the government responsibility for directing domestic and foreign policy, article 24 of the law assigns to the government the exclusive responsibility for appointing all members of the Bank's governing bodies. Article 20 authorizes the Economy and Finance Minister and the Secretary of State for the Economy to attend the meetings of the Bank Council as they deem necessary, and to submit motions to the Council as needed, thereby providing the government with an appropriate channel to expound its arguments even in areas in which the Bank can make independent decisions. Article 10 specifies the Bank's responsibility to report on monetary policy to Parliament and the government, so that these institutions can monitor and debate the monetary policy being pursued on a regular basis. The Bank may report to Parliament and the government on any obstacles that hinder monetary policy from achieving price stability, which will help permit an appropriate balance in overall economic policy-making. Finally, in areas other than monetary policy, including the supervision of credit institutions, the Bank shall be subject not only to relevant laws, but also to the regulations drafted by the government to implement such laws, with administrative acts and resolutions being subject to ordinary appeal to the Economy and Finance Minister. In sum, the law makes the Bank a special institution within the administration; it is subordinate to the government in general terms but nonetheless enjoys full autonomy in the area of monetary policy, so as better to defend the objective of price stability set out in the law itself.

綜上所述，以及整體性回應核准「歐洲中央銀行體系及歐洲中央銀行條例」所議定之條件，本行之新架構已明確改變 1962 年本行國有化之法令，該法令原將本行定位為政府之直屬機關，並賦以對政府融資之傳統職責。相反地，現行之法條延續由 1980 年 7 月 21 日第 30/1980 號法律開始之趨勢，授予本行之決策組織高度且工具性之獨立性，並限縮可能解任總裁之事由。

為明確本行在西班牙政府間之機構定位及其獨立性之精確範圍，新法律透過不同之規定安排，使歐洲聯盟條約之規定以及我國憲法之要求相互調和並達到平衡。例如第 7 條將物價穩定列為貨幣政策之優先目標，即是憲法第 40 條所稱「經濟穩定」中一個核心但非唯一的要素。只要無損於此一首要目標，貨幣政策應支持政府之整體經濟政策。鑑於憲法第 97 條授予政府主導國內外政策之職責，本法第 24 條授予政府任命本行決策組織全體成員之專屬權責。第 20 條授權經濟及財政部長以及經濟國務秘書，必要時可參加本行理事會會議並提交議案，藉此使政府於本行獨立決策之範圍內，亦有適當管道可表達意見。第 10 條明定本行負有向國會及政府報告貨幣政策之責任，以便該等機構能對實施中之貨幣政策定期監督並辯論。本行得向國會及政府報告任何妨礙貨幣政策達成物價穩定之障礙，俾促進整體經濟政策制定之適當平衡。最後，在貨幣政策以外之範疇，包括信用機構監理等，本行不僅應遵守相關法律之規範，亦應受政府據以擬定之規定約束，且相關行政行為與決議仍得向經濟及財政部長提起通常訴願。簡言之，本法使本行成為政府內之特殊機構，通常情況下隸屬於政府，但仍於貨幣政策領域內享有完整之獨立性，俾更能捍衛本法所定之物價穩定目標。

Organizationally although the law respects the basic institutional structure created for the Bank under Law 30/1980 of July 21, on the Governing Bodies of the Bank -as demonstrated by the parallel between the General Council and the Executive Council which formerly governed the Bank and the new Governing Council and Executive Commission set out in the new law- it introduces some changes which are aimed at generally reinforcing the institution's autonomy. In this respect, the term of office of the Governor and Deputy Governor are extended to a single term of six years, and the reasons for their possible dismissal are strictly specified.

Although this law introduces significant changes in the areas mentioned above (i.e. steering of monetary policy and the status of the governing bodies of the Bank), there are no significant changes in the status of the other functions that current legislation assigns to the Bank. In particular, the Bank's supervisory functions over credit institutions will still be regulated by Law 26/1988, of July 29, on Discipline and Intervention of Credit Institutions, and other applicable legislation. It should be kept in mind that under the terms of article 14.4 on the Statutes of the European System of Central Banks and the European Central Bank, national central banks may perform functions separate from monetary policy-making which do not interfere with this task, and these shall be subject to national legislation and shall not be considered part of the functions of the European System of Central Banks.

In conclusion, this law transposes to our legislation the provisions of the Treaty on European Union regarding monetary policy and the relationship between the Treasury and the central bank, and contributes in this way to laying the foundations for Spain successfully to join the future Economic and Monetary Union.

## CHAPTER I. NATURE AND LEGAL STATUS

### Article 1. Nature and specific provisions<sup>1</sup>

- 1 The Bank is an institution under public law with its own legal personality and full public and private legal capacity. It shall pursue its activities and fulfil its objectives with autonomy from the administration, carrying out its functions as specified in this law and other legislation.
- 2 The Bank shall be subject to private law except when it is exercising the administrative authority conferred on it by this and other laws. In the exercise of its administrative authority, Law 30/1992, of November 26, on

<sup>1</sup> Article 1 amended by Law 12/1998, of April 28 (article 1.1).

儘管本法尊重 1980 年 7 月 21 日第 30/1980 號法律為本行建立之有關決策組織之基本組織架構，但若將原定管理本行之全體理事會及執行委員會與新法規定之決策理事會及執行委員會相互對照，便可知新法為全面強化本行獨立性所引入之變革。關此部分，總裁及副總裁之單一任期延長為 6 年，且其等之可能解任事由亦從嚴明定。

儘管本法在上述領域引入重大之異動（例如貨幣政策之指導原則及本行決策組織之地位），但現行法律賦予本行之其他職權並無重大異動。特別是本行對信用機構之監理職權仍然受 1988 年 7 月 29 日第 26/1988 號「信用機構監管法」等法律規範。應留意依「歐洲中央銀行體系及歐洲中央銀行條例」第 14 條第 4 項之規定，會員國中央銀行得執行不妨礙制定貨幣政策任務之其他職權，該等職權應由國內法律決定且不屬於歐洲中央銀行體系職權之一部分。

綜上所述，本法使歐洲聯盟條約關於貨幣政策及財政部與中央銀行關係之規定轉化為本國法，並藉此為西班牙成功加入未來之經濟及貨幣聯盟奠定基礎。

## 第一章 性質及法律定位

### 第 1 條 性質及具體規定<sup>1</sup>

- 1 本行係依公法成立之具備獨立法人資格及完整公法與私法法律能力之機構。本行應獨立於政府履行職責與達成目標，並執行本法及其他法律所定任務。
- 2 本行除於執行本法或其他法律授予之行政權力外，應受私

<sup>1</sup> 第 1 條係依 1998 年 4 月 28 日第 12/1988 號法律修正（第 1 條第 1 項）。

the *Legal Status of Public Administration and Common Administrative Proceedings*, shall be applicable to the Bank.

In any case, acts adopted by the Bank in the exercise of the functions referred to in article 7.6 and article 15.4 shall be considered of an administrative nature.

The Bank shall not be subject to the terms of Law 6/1997, of April 14, on the *Organisation and Functioning of the Administration*.

3 The Bank is an integral part of the European System of Central Banks ("ESCB") and shall be subject to the provisions of the Treaty of the European Community ("Treaty") and to the Statutes of the ESCB.

In the exercise of the functions arising from its status as an integral part of the ESCB, the Bank shall follow the guidelines and instructions emanating from the European Central Bank ("ECB") under the terms of the aforementioned provisions.

#### *Article 2. Appeal System*<sup>2</sup>

- 1 The administrative acts adopted by the Bank in the exercise of the functions envisaged in section 1 and article 15 of chapter II of this law, as well as the sanctions, if any, that may be imposed as a result of the application of these provisions, shall end administrative proceedings.
- 2 The administrative acts adopted by the Bank in the exercise of other functions, as well as any sanctions it may impose, shall be subject to ordinary appeal to the Economy and Finance Ministry.
- 3 Without prejudice to the competence of the European Court of Justice, the «Sala de lo Contencioso-Administrativo» of the «Audiencia Nacional» shall have sole jurisdiction in the case of appeals filed against acts adopted by the Bank not subject to administrative appeal, as well as against decisions of the Minister of Economy and Finance on appeals filed against acts adopted by the Bank.

<sup>2</sup> Article 2 amended by Law 12/1998, of April 28 (article 1.2).

法之規範。本行於執行行政權力時，應適用 1992 年 11 月 26 日第 30/1992 號「公共行政機關法律地位及一般行政程序法」。

在任何情況下，本行為執行第 7 條第 6 項及第 15 條第 4 項所定任務而採取之行為，應視為具備行政性質。

本行不適用 1997 年 4 月 14 日第 6/1997 號「行政機關組織及運作法」之規定。

3 本行為歐洲中央銀行體系之一部分，應受歐洲共同體條約及歐洲中央銀行體系條例之規範。

執行因作為歐洲中央銀行體系之一部分所衍生之任務時，本行應遵循歐洲中央銀行體系依上述條約或條例規定而發布之準則或指令。

#### 第 2 條 上訴及訴願制度<sup>2</sup>

- 1 本行為執行本法第 II 章第 1 節與第 15 條所定任務而採取之行政行為，及因此衍生之處罰行為，應終結行政程序。
- 2 本行為執行其他任務而採取之行政行為，以及因此衍生之處罰行為，適用對經濟及財政部之通常訴願程序。
- 3 在不影響歐洲法院權限之前提下，對本行作出不得提起行政上訴之行為，以及對經濟及財政部長就本行行為提起訴願所為之決定而提起之上訴，本國法院之行政訴訟庭應有專屬之司法管轄權。

<sup>2</sup> 第 2 條係依 1998 年 4 月 28 日第 12/1998 號法律修正（第 1 條第 2 項）。

**Article 3. Regulations adopted by the Bank<sup>3</sup>**

1 Without prejudice to the terms of article 1.3, the Bank shall adopt the necessary regulations for the exercise of the functions envisaged in article 7.3 as described in section 1 and article 15 of chapter II of this law, which shall be called «*Circulares monetarias*».

In addition, to correctly fulfil its other responsibilities, it may adopt any regulations that it deems necessary to develop legislation for which it has been expressly empowered. These regulations shall be called «*Circulares*».

2 Both types of regulations shall be published in the «Boletín Oficial del Estado» and will enter into force as determined in the first point of article 2 of the Civil Code. Previously, the Bank should request any technical and legal reports needed from its internal services, and any other reports or advice that it deems necessary. The terms of article 24 of Law 50/1997, of November 27, will not be applicable, although in the case of the «*Circulares*» the affected parties should receive a hearing.

Any regulations adopted by the Bank may be appealed directly to the «*Sala de lo Contencioso-administrativo*» of the «*Audiencia Nacional*».

**Article 4. Economic and budgetary treatment<sup>4</sup>**

1 The rules governing the State budget, property and contracting shall not apply to the Bank unless otherwise specifically indicated.

2 The Bank's draft budget for operating expenses and investments, once approved by its Governing Council according to article 21.1g), shall be forwarded to the government, which will submit it to Parliament for approval. The budget shall be prospective in nature, and shall not be consolidated with other State public sector budgets.

<sup>3</sup> Article 3 amended by Law 12/1998, of April 28 (article 1.3).

<sup>4</sup> Article 4 amended by Law 12/1998, of April 28 (article 1.4).

**第3條 本行採行之規定<sup>3</sup>**

1 在不影響第1條第3項規定之前提下，本行為執行本法第II章第1節及第15條所述之第7條第3項所定任務，應採取必要規範，並稱之為《貨幣通函規範》。

此外，本行為正確執行其他職務，得於明確獲得授權之範圍內研訂並採行任何必要規範。此類規定應被稱為《通函規範》。

2 上開兩類規範均應登載於西班牙國家官方公報，並依民法第2條第1項之規定生效。發布前，本行應向內部單位取得所需之技術與法律報告，及必要之其他報告或建議。受通函規範影響之人應得陳述意見，但不適用1997年11月27日第50/1977號法律第24條之規定。

對於本行所採行之任何規範，得直接向國家法院之行政訴訟庭提起上訴。

**第4條 經濟及預算待遇<sup>4</sup>**

1 除另有規定者外，國家預算、財產及簽訂契約適用之規範，不適用於本行。

2 本行為營運支出及投資活動擬具之預算案，經決策理事會依第21條第1項第(g)款審定後，應轉交由政府提請國會核定。預算應具前瞻性，且不得與其他國家公共部門預算合併編列。

<sup>3</sup> 第3條係依1998年4月28日第12/1988號法律修正（第1條第3項）。

<sup>4</sup> 第4條係依1998年4月28日第12/1988號法律修正（第1條第4項）。

The government, upon proposal by the Economy and Finance Minister, shall have the authority to approve the annual balance sheet and accounts of the Bank, which will be sent to Parliament for informational purposes. Without prejudice to the terms of article 27 of the Statutes of the ESCB, the Bank shall be subject to external auditing by the «*Tribunal de Cuentas*», under the terms of Organic Law 2/1982, of May 12, on the *Tribunal de Cuentas*. The report accompanying the annual balance sheet and accounts shall give further detail on different operations or items on the balance sheet, according to their characteristics. In particular, the Bank's contributions to the Deposit Guarantee Funds shall be detailed, as will any loans or other operations transacted for the benefit of any other institution or person not on an arm's-length basis, or which in any other way involve loss of profit or losses for the Bank. In such cases the amount of such loss of profit or losses shall be specified.

#### *Article 5. Fiscal treatment*

The Bank shall receive the same fiscal treatment as the State.

#### *Article 6. Obligation of secrecy*

- 1 The members of its governing bodies and the personnel of the Bank shall keep secret, even after their duties have ceased any confidential information which they might receive in the exercise of their responsibilities. Any breach of this obligation shall be sanctioned according to internal Bank rules, in the case of Bank personnel, and under the terms of article 29, in the case of members of its governing bodies.
- 2 The secrecy obligation shall be without prejudice to the reporting requirements on monetary policy imposed on the Bank by article 10 of this law, and the terms of specific provisions which, in keeping with European Community directives on credit institutions, regulate the secrecy obligation of supervisory authorities.
- 3 Parliamentary access to information falling under the secrecy obligation must be channelled through the Governor of the Bank, under the conditions laid down in parliamentary regulations. To this end, the Governor may request that the appropriate parliamentary body hold a secret session or use the appropriate procedures for access to classified material.

政府依經濟及財政部長提案，核定本行之年度資產負債表及帳目，並應送請國會備查。在不影響於歐洲中央銀行體系條例第 27 條規定之前提下，本行應依 1982 年 5 月 12 日第 2/1982 號「審計法庭組織法」規定，接受審計法院之外部審計。與資產負債表及帳目一併提交之報告，應依不同業務運作或資產負債表項目之性質，提供進一步資訊。本行尤應詳細說明對存款保證基金之捐助，貸款或為其他機構或人員利益進行之非基於公平交易基礎業務，或以他法致本行獲益減少或損失之情形。該等獲益減少或損失之數額應具體敘明。

#### 第 5 條 財政待遇

本行應與國家受相同之財政待遇。

#### 第 6 條 保密義務

- 1 本行決策組織成員及本行人員對因執行職務而獲悉之機密資訊，應保守秘密；其職責終止後，亦同。本行人員及本行決策組織成員違反此項義務，分別依本行內部規定及本法第 29 條規定懲處。
- 2 保密義務不影響本法第 10 條所定本行負有報告貨幣政策之義務，亦不影響歐洲共同體關於信用機構的指令中規範監管機關保密義務之特定規定。
- 3 國會調閱屬於保密義務範圍之資訊，應依國會規定之條件並透過本行總裁為之。為此本行總裁得要求適當之國會機構召開秘密會議，或採取適當程序以查閱機密資料。

**Article 6 bis. Legal framework for the staff of the Banco de España<sup>5</sup>**

The staff of the Banco de España shall be selected in accordance with the principles of equality, merit, ability and publicity, and the relationship between the Banco de España and its staff shall be governed by employment law. Without prejudice to its autonomy in matters of staff policy, the Banco de España shall apply to its staff personnel costs-related measures equivalent to those generally established for public sector staff, principally by the State budget laws for each year, and may not, under any circumstances, agree remuneration increases that involve an increase in the overall wage bill beyond the limits set for such staff.<sup>6</sup>

Banco de España members of staff who may have access to confidential information shall report, in accordance with the applicable internal rule approved by the Executive Commission, securities market operations they carry out, whether directly or through an intermediary. This internal rule shall determine the restrictions applying to these members of staff concerning the purchase, sale or availability of these securities, in addition to the reporting obligations and restrictions applying to financial operations carried out by these members of staff with entities subject to the Banco de España's supervision, whether by themselves or by an intermediary. Infringement of the provisions of this paragraph shall be subject to the sanctions laid down in the Banco de España's internal rules.

Data provided under these reporting obligations shall be kept for a maximum of five years.

**CHAPTER II. OBJECTIVES AND FUNCTIONS****Article 7. General principles<sup>7</sup>**

- 1 The Bank shall be responsible for exercising the functions assigned to it by this law and any other functions which it might be assigned by other laws.
- 2 Without prejudice to its main objective of maintaining price stability and fulfilling its duties as a member of the ESCB in accordance with the terms of article 105.1 of the Treaty, the Bank shall support the general economic policy of the government.

<sup>5</sup> Incorporated by Law 62/2003, of 30 December (article 63).

<sup>6</sup> Wording of the first paragraph pursuant to the sixth final provision of Law 17/2012 of 27 December 2012.

<sup>7</sup> Article 7 amended by Law 12/1998, of April 28 (article 2.1).

**第 6 條之 1 本行職員之法律框架<sup>5</sup>**

本行職員應依平等、績效、能力及公開之原則進行甄選，且職員與本行之關係應依就業法之規定。在不影響本行人事政策自主性之前提下，本行對其職員所採人事成本控管措施，應與公共部門職員普遍適用者相當，主要依每年之國家預算法律規定，且在任何情況下均不得同意薪酬提高導致該等職員工資總額之增加超過相關限制。<sup>6</sup>

對可能接觸機密資訊之本行職員，應依執行委員會核定之相關內部規則，申報其直接或透過中介機構所進行證券市場之交易。內部規則應明定此等職員直接或透過中介機構與受本行監管之實體進行金融操作之報告義務與限制，以及購買、出售或取得此類證券之限制。違反本項規定者，應依本行內部規則懲處。

依前項所定報告義務提供之資料，最長應保存 5 年。

**第 II 章 目標及任務****第 7 條 一般原則<sup>7</sup>**

- 1 本行負責執行本法及其他法律賦予之任務。
- 2 本行應在不影響穩定物價之首要目標，及依據本條約第 105 條第 1 項所定作為歐洲中央銀行體系成員應履行職務之前提下，支持政府之整體經濟政策。

<sup>5</sup> 依 2003 年 12 月 30 日第 62/2003 號法律納入（第 63 條）。

<sup>6</sup> 第 1 項之文字係依 2012 年 12 月 27 日第 17/2012 號法律之第 6 項最後規定擬定。

<sup>7</sup> 第 7 條係依 1998 年 4 月 28 日第 12/1998 號法律修正（第 2 條第 1 項）。

3 The Bank shall participate in the fulfilment of the following basic functions attributed to the ESCB:

- a To define and implement the monetary policy of the Community.
  - b To conduct foreign exchange operations that are consistent with the provisions of article 109 of the Treaty<sup>8</sup>.
  - c To hold and manage the official foreign exchange reserves of the Member States. Nonetheless, the government may hold and manage foreign exchange working balances, in keeping with the terms of article 105.3 of the Treaty.
  - d To promote the smooth functioning of the payment system.
  - e To issue legal-tender banknotes.
  - f All other functions deriving from its status as an integral part of the ESCB.
- 4 Without prejudice to the terms of article 1.3, in carrying out the functions envisaged in point three of this article, specified in sections 1, 2 and 4 of chapter II, but in these latter cases only when it addresses matters resulting from the functions of the ESCB, neither the government nor any other national or Community body shall give instructions to the Bank, and nor may the latter request or accept them.

5 Observing the provisions of point 2 of this article, the Bank shall, moreover, perform the following functions:

- a Hold and manage foreign-currency and precious metal reserves not transferred to the ECB.
- b Promote the smooth operation and the stability of the financial system and, without prejudice to the terms of 3.d) above, of national payment systems.
- c Place coins in circulation and carry out, on behalf of the State, any other functions related to metallic currency which might be assigned to it.
- d Act as treasurer and financial agent for Public Debt, as stipulated in section 3.
- e Advise the government, and prepare any reports and studies deemed necessary.
- f Compile and publish statistics related to its functions and assist the ECB in the compilation of the statistical information needed for the fulfilment

<sup>8</sup> Current Article 219 of the Treaty on the Functioning of the European Union.

3 本行應參與執行歐洲中央銀行體系之下列基本任務：

- a 確定共同體之貨幣政策並執行之。
  - b 實施符合本條約第 109 條規定之外匯操作<sup>8</sup>。
  - c 持有並管理會員國之官方外匯準備，惟政府仍得依據本條約第 105 條第 3 項規定持有並管理外匯營運資金。
  - d 促進支付系統之順利運作。
  - e 發行法定貨幣之鈔券。
  - f 其他因作為歐洲中央銀行體系之一部分所衍生之任務。
- 4 本行在無礙於第 1 條第 3 項之情形下，執行明定於第 II 章第 1 節、第 2 節及第 4 節之本條第 3 項任務時，如係為處理源於歐洲中央銀行體系賦予任務之事務，政府及任何其他國家或共同體之機構均不得對本行下達指令，本行亦不得請求或接受之。

5 除遵守本條第 2 項規定外，本行並應執行下列任務：

- a 持有並管理未移交歐洲中央銀行之外國貨幣及貴金屬準備。
- b 促進金融系統之順利運作及穩定，並在不影響上述第 3 項第 d 款規定之前提下，促進國內支付系統之正常運作及穩定。
- c 發行硬幣投入流通，並代表國家執行所賦予之其他有關金屬貨幣任務。
- d 依第 3 節之規定，擔任公共債務之國庫及財務代理人。
- e 對政府提供建議，並準備必要之報告及研究。
- f 彙整並公布與本行任務相關之統計數據，並協助歐洲中央銀行彙整為執行歐洲中央銀行體系賦予任務所需之統

<sup>8</sup> 指現行歐洲聯盟運作條約第 219 條。

of the ESCB's functions.

g Carry out any other responsibilities which it is assigned by law.

6 The Bank shall supervise, in accordance with existing regulations, the solvency activities and compliance with specific regulations of credit institutions, and any other financial institution or market it has been called on to oversee, without prejudice to the prudential supervision of "Comunidades Autónomas" in their areas of responsibility, and the co-operation between these "Comunidades Autónomas" and the Bank in performing such regional supervisory tasks.

7 The Bank may engage in the necessary operations to correctly perform its functions, and those needed for administrative purposes and its staff.

8 The Bank may establish relationships with other central banks, with financial supervisory authorities and financial institutions in other countries, and with international monetary and financial organisations.

It may also establish relationships with public financial institutions and regional financial supervisory authorities.

## SECTION 1. MONETARY POLICY

### Article 8. Opening of accounts for institutions<sup>9</sup>

In order to conduct its operations, the Bank may open accounts for credit institutions, public entities and other market participants, and accept assets as collateral.

### Article 9. Implementation of monetary policy<sup>10</sup>

1 To achieve the objectives of the ESCB and carry out its functions, the Bank may conduct all types of financial operations, complying with the general principles and instruments established by the ESCB, and in particular the following:

Operate in financial markets, buying and selling outright (spot and forward) or

<sup>9</sup> Article 8 amended by Law 12/1998, of April 28 (article 2.2).

<sup>10</sup> Article 9 amended by Law 12/1998, of April 28 (article 2.3).

計資訊。

g 執行本行其他法定職務。

6 本行應依現行規定，監理信用機構及其他受本行監督之金融機構或市場之償付行為與遵循特別規定之情形，惟此無礙於自治區職司之審慎監理，及自治區彼此或與本行合作執行之區域監理任務。

7 本行為正確執行任務及達成行政目的與其職員所需，得從事必要之營運。

8 本行得與其他中央銀行、金融監理主管機關、其他國家金融機構與國際貨幣及金融組織往來。

本行亦得與公共金融機構及區域金融監理當局往來。

## 第 1 節 貨幣政策

### 第 8 條 為機構開立帳戶<sup>9</sup>

本行為進行營運，得為信用機構、公共機構及其他市場參與者開立帳戶，並收受資產作為擔保品。

### 第 9 條 貨幣政策之實施<sup>10</sup>

1 本行為執行任務以達成歐洲中央銀行體系之目標，得遵循歐洲中央銀行體系訂定之一般原則及工具，進行所有種類之金融操作，特別是下列事項：

於金融市場進行公開買入及賣出（即期及遠期）或按附買回協議操作；借出或借入證券及其他以任何貨幣或記帳單位計

<sup>9</sup> 第 8 條係依 1998 年 4 月 28 日第 12/1988 號法律修正（第 2 條第 2 項）。

<sup>10</sup> 第 9 條係依 1998 年 4 月 28 日第 12/1988 號法律修正（第 2 條第 3 項）。

under repurchase agreements; lend or borrow securities and other financial instruments denominated in any currency or unit of account, as well as precious metals.

Conduct credit operations with credit institutions and other market participants, ensuring such operations are based on adequate collateral.

2 The immobilised funds arising from the establishment of minimum reserves imposed pursuant to the provisions laid down in accordance with the ESCB Statutes may be held at the Bank.

#### *Article 10. Information and accountability in the area of monetary policy<sup>11</sup>*

1 The Bank shall regularly inform Parliament and the government of the objectives and the implementation of monetary policy, without prejudice to the terms of article 107 of the Treaty<sup>12</sup> and the ECB rules on professional secrecy.

To this end, the Governor of the Bank may be asked to appear, in accordance with Parliamentary regulations, before any Congress or Senate committee or joint committee of both chambers, or be asked to attend for this purpose cabinet meetings or meetings of its Commission for Economic Affairs.

2 In addition, the Governor of the Bank may be asked to attend the meetings of the «Consejo de Política Fiscal y Financiera de las Comunidades Autónomas» referred to in article 3 of Organic Law 8/1980, of September 22, on *Financing of Comunidades Autónomas* and to report on issues within the scope of the Bank's authority, with a view to facilitating the tasks of financial coordination of the above-mentioned “Consejo” .

## SECTION 2. EXTERNAL OPERATIONS<sup>13</sup>

#### *Article 11. Exchange-rate policy<sup>14</sup>*

Without prejudice to the competence of the European Community, the government shall consult with the Bank on matters relating to exchange-rate policy.

<sup>11</sup> Article 10 amended by Law 12/1998, of April 28 (article 2.4).

<sup>12</sup> Current Article 130 of the Treaty on the Functioning of the European Union.

<sup>13</sup> Section 2 amended by Law 12/1998, of April 28 (article 2.5).

<sup>14</sup> Article 11 amended by Law 12/1998, of April 28 (article 2.6).

價之金融工具及貴金屬。

與信用機構及其他市場參與者進行信用操作，並確保該等交易係以適當擔保為基礎。

2 依歐洲中央銀行體系條例規定應提撥最低準備金之非流動資金，得存放於本行。

## 第 10 條 貨幣政策範疇之資訊及問責性<sup>11</sup>

1 本行應在不妨礙本條約第 107 條規定<sup>12</sup>與歐洲中央銀行對職務秘密規範之前提下，定期向國會及政府報告有關貨幣政策之目標及實施狀況。

為此，本行總裁得依國會之規定，應邀出席眾議院或參議院之委員會或兩議院之聯席委員會，或應邀出席內閣或內閣經濟事務委員會之會議。

2 此外，本行總裁得依 1980 年 9 月 22 日第 8/1980 號「自治區之資助組織法」第 3 條規定，應邀出席《自治區財政資助及政策委員會會議》，並就本行權責事項提出報告，以促進與上述委員會之金融合作任務。

## 第 2 節 對外營運<sup>13</sup>

#### 第 11 條 匯率政策<sup>14</sup>

在不影響歐洲共同體權限之前提下，政府就涉及匯率政策事務，應徵詢本行之意見。

<sup>11</sup> 第 8 條係依 1998 年 4 月 28 日第 12/1988 號法律修正（第 2 條第 4 項）。

<sup>12</sup> 指現行歐洲聯盟運作條約第 130 條。

<sup>13</sup> 第 2 節係依 1998 年 4 月 28 日第 12/1988 號法律修正（第 2 條第 5 項）。

<sup>14</sup> 第 11 條係依 1998 年 4 月 28 日第 12/1988 號法律修正（第 2 條第 6 項）。

**Article 12. Conduct of external operations<sup>15</sup>**

Without prejudice to the terms of article 1.3, the Bank may carry out any operations that it deems suitable, and in particular the following:

- a Hold, manage, acquire and sell spot and forward all types of assets denominated in foreign currencies or units of account, as well as precious metals.
- b Carry out any type of banking transaction with domestic or foreign institutions or with international organisations, including operations of granting and obtaining loans.

**SECTION 3. CASH MANAGEMENT AND PUBLIC DEBT SERVICES****Article 13. Cash management services**

- 1 Under the terms agreed with the Treasury and with the *Comunidades Autónomas* that so request it, the Bank may provide cash management services, holding and maintaining necessary accounts in pesetas or in foreign currencies, receiving income and making payments on their behalf and, in general, engaging in any other banking activity, both domestically and abroad, with the exceptions mentioned in the following number of this article.
- 2 Overdraft facilities or the granting of any other type of credit by the Bank to the central government, *Comunidades Autónomas*, local authorities or any other of the authorities or entities referred to in article 104 of the Treaty creating the European Community<sup>16</sup> -as amended by the Treaty on European Union of February 7, 1992- are prohibited. The exceptions to the above are as follows:
  - c Public credit institutions, which may receive liquidity from the Bank on the same terms as other credit institutions, and Deposit Guarantee Funds in credit institutions, when relevant.
  - d Financing by the Bank of obligations incurred by the government with the International Monetary Fund, or arising from the implementation of the medium-term financial assistance facility of the European Community.

<sup>15</sup> Article 12 amended by Law 12/1998, of April 28 (article 2.7).

<sup>16</sup> Current Article 123 of the Treaty on the Functioning of the European Union.

**第 12 條 對外營運行為<sup>15</sup>**

在不影響第 1 條第 3 項規定之前提下，本行得實施任何適當之營運行為，特別是包括下列項目：

- a 持有、管理、取得及賣出以外幣或記帳單位計價之各類即期與遠期資產及貴金屬。
- b 與國內外機構或國際組織進行包括核給或取得貸款之各類銀行交易。

**第 3 節 現金管理及公共債務服務****第 13 條 現金管理服務**

- 1 本行得依與財政部及提出請求之自治區議定之條款，提供現金管理服務，持有並維持必要之比塞塔或外國貨幣帳戶，代表其等為款項收付，以及於國內外概括從事第 2 項所列除外項目以外之其他銀行活動。
- 2 本行不得向中央政府、自治區、地方主管機關，或依建立歐洲共同體之條約<sup>16</sup> 第 104 條（經 1992 年 2 月 7 日歐洲聯盟條約修正者）所定之其他主管機關或機構，以透支工具或以任何形式授予以信用。但下列情形不在此限：
  - c 公共信用機構於適當時，得以與其他信用機構及信用機構之存款保證基金相同之條件，自本行取得流動性。
  - d 本行之融通義務，包括源於政府對國際貨幣基金所產生之義務，或自實施歐洲共同體中期金融協助措施所衍生之義務<sup>2</sup>。

<sup>15</sup> 第 12 條係依 1998 年 4 月 28 日第 12/1988 號法律修正（第 2 條第 7 項）。

<sup>16</sup> 指現行歐洲聯盟運作條約第 123 條。

<sup>2</sup> 譯註<sup>2</sup> 本條第 2 項之第 c 款及第 d 款前未有第 a 款或第 b 款，似為原始條文誤植；惟為利於與原始條文對照，爰未逕予更正。

In any case, Spain's contribution to the International Monetary Fund, and the liabilities of the Bank to the Fund, shall be included on the balance sheet of the Bank as assets or liabilities, as the case might be, *vis-à-vis* the International Monetary Fund. The government shall be responsible for exercising Spain's voting rights with the Fund.

3 Under the terms agreed with the Treasury and, as relevant, with the *Comunidades Autónomas*, the Bank shall remunerate the liquid balances deposited with it.

#### Article 14. Public debt service functions

- 1 Under the terms agreed with the Treasury and with the *Comunidades Autónomas* that so request it, the Bank shall provide public debt service functions, offering its technical expertise to facilitate issuance procedures, repayment and, in general, management of this debt. In any case, the prohibition contained in article 13.2 shall be observed.
- 2 The Bank may not directly acquire from issuers any type of public debt. It may only acquire it in markets, in the exercise of the functions assigned to it.
- 3 The Bank may:
  - a Serve as accounts holder and managing entity for the public debt market.
  - b Open, under the terms agreed with the issuer, securities accounts where public debt may be registered for direct subscribers.

### SECTION 4. MEANS OF PAYMENT AND PAYMENT SYSTEMS

#### Article 15. Banknote issuance and circulation<sup>17</sup>

- 1 The Banco de España shall, with the prior authorisation of the European Central Bank, have the power to issue euro banknotes which, without prejudice to the legal system applicable to coins, shall be the only valid banknotes within Spanish territory, in accordance with the provisions of current European Union law.

<sup>17</sup> Wording pursuant to the fifth additional provision of Law 8/2012 of 30 October 2012.

在任何情況下，西班牙對國際貨幣基金之捐助及本行對該基金之負債，均應納入本行資產負債表，列為針對該基金之資產或負債。西班牙對該基金之投票權，應由政府行使。

3 基於與財政部及適當時與自治區議定之條件，本行應就存放於本行之流動性資金給付利息。

### 第 14 條 公共債務服務任務

- 1 本行應依與財政部及自治區議定之條件，提供公共債務服務任務，提出專業技術以促成債務之發行程序、償還及整體管理。在任何情形下，均不得違反第 13 條第 2 項所定之禁止規定。
- 2 本行不得向發行人直接取得任何類型之公共債務。本行僅得於執行任務時，自市場取得公共債務。
- 3 本行得執行下列任務：
  - a 作為公共債務市場之帳戶持有人及管理機構。
  - b 依與發行人議定之條件，開立供直接承購人登錄公共債務之證券帳戶。

### 第 4 節 支付工具及支付系統

#### 第 15 條 鈔券之發行及流通<sup>17</sup>

- 1 本行應依歐洲中央銀行之事先授權，在不影響硬幣所適用法制之前提下，擁有發行歐元鈔券之權限，該歐元鈔券依現行歐洲聯盟法律規定，為西班牙領土範圍內唯一有效之鈔券。

<sup>17</sup> 文字係依 2012 年 10 月 30 日第 8/2012 號法律之第 5 項附加規定擬定。

- 2 In order to promote the authenticity and quality of the euro banknotes in circulation, the Banco de España may establish criteria and procedures in relation to their placement in circulation, withdrawal, exchange, safe custody and recirculation, and shall ensure compliance therewith.
- 3 In relation to the institutions and economic agents referred to in Article 6(1) of Council Regulation (EC) N.º 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting, the Banco de España may:
- (i) collect all such information and documentation as may be necessary to promote the good condition, quality and authenticity of the banknotes in circulation;
  - (ii) carry out on-site inspections, including unannounced ones, at the premises of institutions and economic agents, to monitor their banknote handling machines and, in particular, the machines' capacity to check for authenticity and fitness and to trace suspect counterfeit euro banknotes and euro banknotes that are not clearly authenticated to the account holder;
  - (iii) verify the procedures governing the operation and control of the banknote handling machines, the treatment of checked euro banknotes and any manual authenticity and fitness checking;
  - (iv) take samples of processed euro banknotes to check them at its own premises; and
  - (v) require the adoption by the institution of corrective measures in the event of failure to discharge the obligations applicable thereto.
- 4 The reproduction of euro banknotes and any advertising which uses in full or in part banknotes which are or have been legal tender in Spain must be previously authorised in each case by the Banco de España under the conditions and the requirements set out in current regulations.

No authorisation shall be required for the government and the institutions under public law that depend on the government.

The Banco de España may, in accordance with the established sanctioning procedures applicable to persons acting in the financial markets, impose fines of up to one million euro on natural or legal persons or their directors who advertise without the proper authorisation or who violate the conditions specified in such authorisation.

- 2 為提升流通歐元鈔券之真實性及品質，本行得建立並確保遵循有關鈔券流通、提領、兌換、安全保管及再流通之標準及程序。
- 3 有關 2001 年 6 月 28 日第(EC) N.º 1338/2001 號歐洲聯盟理事會規則訂定保護歐元免於偽造之必要措施第 6 條第 1 項所定之機構及經濟主體，本行得執行下列任務：
- (i) 蔑集對提升流通鈔券良好狀態、品質與真實性之必要資訊及文件；
  - (ii) 對機構及經濟主體之營業處所，實施包含突襲檢查在內之實地檢查，以檢查其鈔券處理機器，特別是該等機器用以檢驗鈔券真實性與良好狀態之檢測能力，確保可追溯疑似偽造之歐元鈔券及帳戶持有人未能明確確認真實性之歐元鈔券；
  - (iii) 查核鈔券處理機器之操作及控制程序、檢驗歐元鈔券之處理方式與人工檢驗鈔券真實性及良好狀態之程序；
  - (iv) 對經處理之歐元鈔券採樣，並在其內部處所檢驗之；以及
  - (v) 於機構未能履行其義務時，命令該機構採取改正措施。

- 4 歐元鈔券之重製及任何廣告，屬利用現為或曾為西班牙法定貨幣鈔券之一部或全部進行者，均須依現行規定之條件及要求，取得本行事前、逐案之授權。

政府及依公法附屬於政府之機構，無須取得授權。

本行得依適用於金融市場從業者之處罰程序，對未獲充分授權或違反授權條件而為廣告之自然人、法人或其管理人，科處 1 百萬歐元以下之罰鍰。

**Article 16. Payment systems<sup>18</sup>**

- 1 To promote the sound functioning of payment systems, and in the exercise of its functions as a member of the European System of Central Banks, the Banco de España shall, by means of a Circular, regulate payment clearing and settlement systems. In particular, it may implement or complement the legal acts prescribed by the European Central Bank and include the recommendations of international bodies that constitute principles applicable to the security and efficiency of payment systems and instruments. Where appropriate, it may also manage the related payment clearing and settlement systems.
- 2 The Banco de España shall oversee the functioning of clearing and payment systems. To that end, it may seek to obtain whatsoever information and documents it deems necessary to assess the efficiency and security of payment systems and instruments both from the payment-system managing entity and from the suppliers of payment services, including those entities providing technological services for such systems and services.
- 3 Failure to comply with the rules laid down by the Banco de España in point 1 of this article and with the reporting obligation in point 2 of this article, by the entities referred to in said point 2, once the period determined by the Banco de España to amend this situation has elapsed, will constitute an infringement for the purposes of the provisions of article 5.f), of article 4.i), if the failure to report information hampers assessment of the risks inherent in payment systems and instruments, and of article 5.i), respectively, of Law 26/1988 of 28 July 1988 on the Discipline and Intervention of Credit Institutions.

The references in the aforementioned Law to credit institutions shall be understood to be to the institutions referred to in point 2 of this article.

- 4 For reasons of prudence, the Banco de España may suspend application of the decisions adopted by a payment-system managing entity and take the steps it deems appropriate if it considers that such decisions violate the rules in force or are detrimental to the proper development of clearing and settlement processes.

**CHAPTER III. GOVERNING BODIES****Article 17. Governing bodies**

The governing bodies of the Bank shall be:

<sup>18</sup> Article 16 amended by Law 2/2004, Of December 27 (fortieth additional provision).

**第 16 條 支付系統<sup>18</sup>**

- 1 為促進支付系統之穩健運作，並履行作為歐洲中央銀行體系成員之任務，本行應以通函規範之方式，監管支付結算及清算系統。特別是本行得實施或補充歐洲中央銀行規定之法律行為，並納入構成支付系統與支付工具安全性及效率所適用原則之國際組織建議。本行亦得於適當情況管理相關之支付結算及清算系統。
- 2 本行應監督結算與支付系統之運作。為此，本行得向支付系統管理機構及支付服務提供者，包含為該等系統與服務提供技術服務之機構，蒐集必要資訊及文件，以評估支付系統與支付工具之效率及安全性。
- 3 本條第 2 項所定之機構，未能遵守本行依本條文第 1 項所定規範及第 2 項所定報告義務者，於本行規定應改正之期間未改正，將分別違反 1988 年 7 月 28 日第 26/1988 號「信用機構監管法」第 5 條第 f 款、第 4 條第 i 款；其妨礙對支付系統及支付工具潛在風險之評估者，違反第 5 條第 i 款。  
本條第 2 項所定之機構，視為前述法律所定之信用機構。
- 4 基於審慎之理由，本行如認支付系統管理機構採行之決定，違反現行有效之規範或不利於結算及清算程序之正常發展，得暫停執行該決定並採取適當措施。

**第 III 章 決策組織****第 17 條 決策組織**

本行之決策組織指：

<sup>18</sup> 第 16 條係依 2004 年 12 月 27 日第 2/2004 號法律修正（第 14 條額外規定）。

- 1 The Governor.
- 2 The Deputy Governor.
- 3 The Governing Council.
- 4 The Executive Commission.

#### *Article 18. Powers of the Governor<sup>19</sup>*

The Governor of the Bank shall be empowered to:

- a Manage the Bank and preside over the Governing Council and the Executive Commission.
- b Act as legal representative of the Bank whenever necessary and especially in Courts of Justice, as well as authorising contracts and documents and carrying out all other activities necessary in the pursuit of the functions assigned to the Bank.
- c Represent the Bank in the international institutions and organisations in which its participation may be envisaged.
- d Sit on the Governing Council and the General Council of the European Central Bank.

#### *Article 19. Powers of the Deputy Governor*

The Deputy Governor shall substitute for the Governor when the post becomes vacant or in the event of absence or illness, in performing managing or representative functions for the Bank. In addition, the Deputy Governor shall have the powers assigned to him by internal Bank rules and delegated to him by the Governor.

#### *Article 20. Composition of the Governing Council*

- 1 The Governing Council shall be composed of:
  - a The Governor.
  - b The Deputy Governor.
  - c Six elected Council members.
  - d The Director-General of the Treasury and Financial Policy.

<sup>19</sup> Article 18 amended by Law 12/2004, Of April 28 (article 3.1).

- 1 總裁。
- 2 副總裁。
- 3 決策理事會。
- 4 執行委員會。

#### 第 18 條 總裁之權限<sup>19</sup>

總裁擁有下列權限：

- a 管理本行並擔任決策理事會及執行委員會之主席。
- b 於法庭或其他必要場合擔任本行法定代表，並授權簽訂合約與文件，以及執行為達成本行任務之一切必要活動。
- c 代表本行參與可預期之國際機構及組織。
- d 代表參與歐洲中央銀行之決策理事會及全體理事會。

#### 第 19 條 副總裁之權限

副總裁應於總裁出缺、缺席或病假時，代行管理或代表本行之任務。此外，副總裁之權限得依本行內部規則授予及由總裁授權。

#### 第 20 條 決策理事會之組成

- 1 決策理事會由下列成員組成：
  - a 總裁。
  - b 副總裁。
  - c 6 名選任之理事會成員。
  - d 財政及金融政策部門主管。

<sup>19</sup> 第 18 條係依 1998 年 4 月 28 日第 12/1988 號法律修正（第 3 條第 1 項）。

- e The Vice-president of the National Securities Market Commission.
  - 2 The Directors-General of the Bank shall attend Council meetings in a participatory but non-voting capacity.
- A representative of the Bank's personnel, chosen as specified in internal rules, shall also attend the meetings in a participatory but non-voting capacity.
- 3 The Director-General of the Treasury and Financial Policy and the Vice-president of the National Securities Market Commission shall not be permitted to vote when the Council makes decisions on issues related to the matters regulated under section 1 and under sections 2 and 4 of chapter II of this Law, but in the case of the latter two sections only when decisions are made on issues arising from the functions of the ESCB<sup>20</sup>.
  - 4 The Economy and Finance Minister or the Secretary of State for Economy may attend the meetings of the Council, as participating but non-voting members, when they consider it necessary in the light of the importance of the matters under consideration. They may also submit a motion for consideration by the Governing Council.
  - 5 The Governing Council's Secretary shall be the Secretary of the Bank, who will attend in a participatory but non-voting capacity.

#### *Article 21. Powers of the Governing Council<sup>21</sup>*

- 1 The Governing Council shall:
  - a Approve general guidelines for Bank action to fulfil its assigned functions.
  - b Observing the guidelines and instructions of the ECB, and the Governor's independence and obligation of secrecy as a member of the governing bodies of the ECB, it shall debate the issues relating to monetary policy and shall supervise the Bank's contribution to the implementation of the ESCB's monetary policy carried out by the Executive Commission.
  - c Approve, at the proposal of the Executive Commission, the annual report of the Bank and, as relevant, any other reports which the Bank must submit to Parliament, to the government or to the Economy and Finance Minister.

<sup>20</sup> Article 20.3 amended by Law 66/1997, of December 30 (twenty-fourth additional provision.1).

<sup>21</sup> Article 21 amended by Law 12/1998, of April 28 (article 3.2).

- e 國家證券市場委員會之副主席。
- 2 本行之部門主管應列席理事會會議，但無投票權。  
依本行內部規則選任之本行人員代表亦應列席會議，但無投票權。
- 3 理事會就本法第 II 章第 1 節所定相關事項，及第 2 節及第 4 節所定並限於與歐洲中央銀行體系任務相關之決策時，財政及金融政策部門主管及國家證券市場委員會之副主席不得投票<sup>20</sup>。
- 4 經濟及金融部長或經濟國務秘書，得審酌擬議事項之重要性後，於必要時列席決策理事會，並得提交議案，但無投票權。
- 5 決策理事會之秘書應由本行秘書長兼任，僅列席會議但無投票權。

#### 第 21 條 決策理事會之權限<sup>21</sup>

- 1 決策理事會擁有下列權限：
  - a 為執行本行任務，核定本行行為之一般性準則。
  - b 於遵守歐洲中央銀行之準則及指令，並遵從總裁作為歐洲中央銀行決策組織成員之獨立性及保密義務下，討論貨幣政策相關議題，並監督本行執行委員會對歐洲中央銀行體系貨幣政策之貢獻程度。
  - c 依執行委員會之提案，核定本行之年度報告，與其他本行必須向國會、政府或經濟及財政部長提交之相關報告。

<sup>20</sup> 第 20 條第 3 項係依 1997 年 12 月 30 日第 66/1997 號法律修正（第 24 條之額外規定 1）。

<sup>21</sup> 第 21 條係依 1998 年 4 月 28 日第 12/1998 號法律修正（第 3 條第 2 項）。

- d** Approve the Bank's «*Circulares monetarias*» and «*Circulares*».
  - e** Submit to the government the separation proposals referred to in letter d) of number 4 of article 25.
- In these decisions, the member of the Council to which the proposal of separation refers will have no vote.
- f** Approve the internal rules of the Bank at the proposal of the Executive Commission.
  - g** Approve proposed Bank budgets and formulate its annual accounts and the proposal for distribution of profits.
  - h** Approve guidelines on personnel policy and ratify the appointment of Directors-General.
  - i** Impose sanctions whose adoption is the responsibility of the Bank.
  - j** Approve proposals for sanctions which the Bank must submit to the Minister of Economy and Finance.
  - k** Settle appeals to or claims filed against Bank resolutions when the authority to do so corresponds to the latter.
  - l** Adopt any other necessary agreements to carry out the functions entrusted to the Bank under this law which are not the exclusive responsibility of the Executive Commission, with the power of delegating to the Governor, the Deputy Governor, or the Executive Commission the responsibilities or tasks that it deems appropriate. It shall determine explicitly in which cases subdelegation is possible.
- 2** The presidency of the Governing Council shall be held in this order:
- 1** By the Governor.
  - 2** By the Deputy Governor.
  - 3** By the oldest elected Council member.
- 3** The Governing Council shall meet at least ten times a year, and whenever convened by the Governor.
- The Governor of the Bank, as President of the Council, shall call meetings and set the agenda.
- The members of the Governing Council may request a meeting, which should be held whenever the request is made by at least two members. The request shall specify the agenda for the special meeting.
- 4** The Governing Council shall have a valid quorum when at least five of its

- d** 核定本行之《貨幣通函規範》及《通函規範》。
  - e** 向政府提交第 25 條第 4 項第 c 款<sup>譯註<sup>3</sup></sup> 所定之解任提案。涉及被解任提案之理事會成員，就此類決策無投票權。
  - f** 依執行委員會之提案，核定本行之內部規則。
  - g** 核定本行預算案，並擬具年度決算報告及收益分配案。
  - h** 核定人事政策之準則及批准部門主管之任命案。
  - i** 對應由本行負責採取之處罰作出決定。
  - j** 核定本行須向經濟及財政部長提交之處罰提案。
  - k** 於本行權限範圍內，決定對本行所為處置提起之上訴或主張。
  - l** 為執行本法所定本行任務，就非專屬於執行委員會之適當權責或任務，得決議將其適當權責或任務授權予總裁、副總裁或執行委員會。應明確規定得再為授權之情形。
- 2** 決策理事會之主席依序由下列人員擔任：
- 1** 總裁。
  - 2** 副總裁。
  - 3** 選任之理事會成員中最資深者。
- 3** 決策理事會每年應至少開會 10 次，並可由總裁隨時召集開會。
- 本行總裁作為理事會之主席，應召開會議並確定議程。
- 決策理事會成員可請求召開會議，但至少須由 2 名成員提出，並應具體說明此特別會議之議程。
- 4** 至少有 5 名理事會非當然成員及理事會秘書出席時，決策理事會即達有效法定人數。決議以過半數之同意行之，票

<sup>譯註<sup>3</sup></sup> 原文列為第 25 條第 4 項第 d 款，參照相關條文，似應為第 25 條第 4 項第 c 款。

members, not counting *ex-officio* members, and the Secretary are present. Decisions shall be made by majority voting and in case of a tie, the President shall have the casting vote.

#### *Article 22. Composition of the Executive Commission*

1 The Executive Commission shall be made up of:

- a The Governor, who shall act as President.
- b The Deputy Governor.
- c Two elected Council members.

2 The Directors-General of the Bank shall attend the meetings in a participatory but non-voting capacity.

3 The Secretary of the Bank will be Secretary, attending in a participatory but non-voting capacity.

#### *Article 23. Powers of the Executive Commission<sup>22</sup>*

1 The Executive Commission shall be responsible for the following, subject to the guidelines of the Governing Council:

- a To contribute to the implementation of the monetary policy formulated by the ESCB in accordance with the terms of article 21.1 b).
- b To decide upon the administrative authorisations to be granted by the Bank.
- c To organise the Bank and appoint Directors-General and personnel, fixing their salaries in line with internal rules and the general guidelines approved by the Governing Council. The Council will in all cases ratify appointments of Directors-General.
- d Submit to the Governing Council the proposals which the Council is responsible for resolving or approving.
- e Carry out the tasks expressly delegated to it by the Governing Council.
- f Formulate necessary recommendations and requirements for credit institutions and, with regard to the latter, their Board of Directors and management, agree to initiate sanctioning procedures and intervention measures, replace Directors, or take any other precautionary measures set out in legal regulations and entrusted to the Bank.

<sup>22</sup> Article 23 amended by Law 12/1998, of April 28 (article 3.3).

數相同時，由主席決定之。

#### 第 22 條 執行委員會之組成

1 執行委員會由下列成員組成：

- a 總裁，並擔任主席。
- b 副總裁。
- c 2 名選任之理事會成員。

2 本行部門主管應列席會議但無投票權。

3 由本行秘書長擔任之委員會秘書，應列席會議但無投票權。

#### 第 23 條 執行委員會之權限<sup>22</sup>

1 執行委員會應依決策理事會之指導方針，負責下列事項：

- a 依第 21 條第 1 項第 b 款之規定，致力於實施歐洲中央銀行制定之貨幣政策。
- b 決定由本行賦予之行政授權。
- c 建置本行組織及指派部門主管等人事，依據決策理事會核定之內部規則與一般性準則確定其薪資。部門主管之任命案，均應由決策理事會批准。
- d 提交應由決策理事會負責核定或同意之提案。
- e 執行決策理事會明確授權之任務。
- f 制定對信用機構之必要建議與要求，並針對其董事會及管理行為同意啟動處罰程序與干預措施，替換其董事，或依法令與本行之授權採取其他預防措施。

<sup>22</sup> 第 23 條係依 1998 年 4 月 28 日第 12/1988 號法律修正（第 3 條第 3 項）。

Any precautionary measures taken by the Executive Commission in the fulfilment of its responsibilities will be immediately reported to the Governing Council.

- g Administer the Bank in the area of private law and manage its assets.
  - h Agree on any other operations or transactions which the Bank must perform to carry out its responsibilities, delegating these to the commissions or individuals that it deems appropriate.
- 2 Meetings of the Executive Commission shall be called by the Governor on his own initiative or upon the request of two of its members.
- 3 Agreements shall be taken by majority vote. In the event of a tie, the President shall have the casting vote.

#### *Article 24. Appointment of governing bodies*

1 The Governor of the Bank shall be appointed by the King following a proposal by the President of the government. Nominees shall be Spanish and will have recognised competence in monetary or banking matters.

Prior to the appointment of the Governor, the Economy and Finance Minister shall appear before the relevant parliamentary committee under the terms envisaged in article 203 of the Spanish Parliamentary Internal Regulations, to report on the proposed candidate.

- 2 The Deputy Governor shall be appointed by the government following a proposal by the Governor and must meet the same conditions as the Governor.
- 3 The six elected Council members shall be appointed by the government following a proposal by the Economy and Finance Minister, after consultation with the Governor of the Bank. They must be Spanish and have recognised competence in the area of economy or law.
- 4 The two elected members of the Executive Commission shall be appointed by the Governing Council, following a proposal by the Governor, from the Council's elected members.

執行委員會因執行職務而採取之任何預防措施，應立即向決策理事會報告。

- g 管理本行於私法領域之事項及資產。
  - h 同意本行為執行職務之必要所從事之其他營運或交易，並得授權由適當之委員會或個人辦理。
- 2 執行委員會之會議，應由總裁主動或由 2 名成員之請求召集。
- 3 各項協議應以過半數之同意行之，票數相同時，由主席決定之。

#### 第 24 條 決策組織之任命

1 本行總裁應由總理代表政府提名後，由國王任命。被提名人應為西班牙公民，並於貨幣或銀行事務具備公認之專業能力。

任命總裁之前，經濟及財政部長應依西班牙國會內部規則第 203 條之規定，出席相關國會委員會並報告候選人情況。

- 2 副總裁應由總裁提名後由政府任命，並具備與總裁相同之資格條件。
- 3 6 名選任之理事會成員，應由經濟及財政部長提名，並由政府諮詢本行總裁後任命。該等成員須為西班牙公民並於經濟或法律領域擁有公認之專業能力。
- 4 2 名選任之執行委員會成員，應由總裁自決策理事會之選任成員提名後，並由理事會任命。

**Article 25. Renewal and dismissal of governing bodies<sup>23</sup>**

- 1 The terms of office of the Governor and the Deputy Governor will have a duration of six years, and will be non-renewable for the same position.
- 2 Elected Council members will serve a six-year term and may be reappointed once.
- 3 Council members appointed to the Executive Commission will serve the period that remains in their ordinary term of office as Council members.
- 4 The Governor, the Deputy Governor and elected Council members shall leave office for the following reasons:
  - a Expiration of their terms of office.
  - b Resignation, which will take effect once the Government is notified or, in the case of a member of the Executive Commission, when the Governing Council is notified.
  - c Dismissal decided by the Government, due to permanent incapacity to perform their functions, serious breach of their obligations, incompatibility that may have arisen during the term of office or prosecution for deliberate crimes. Except for cases of prosecution for deliberate crimes, the dismissal decision shall be adopted following a proposal by the Bank's Governing Council, after a hearing with the individual in question.
- 5 In cases where any of the persons mentioned in this article are dismissed, their replacement shall serve the ordinary term of office corresponding to the position concerned.

**Article 26. Incompatibilities**

- 1 The Governor and the Deputy Governor shall be subject to the system of incompatibilities applicable to senior officials. Their posts shall also be incompatible with the exercise of any public or private profession or activity, unless these are inherent to their status or are imposed as part of their role as representatives of the Bank.

Once their term of office ends, over the next two years they may not engage in any professional activity linked to credit institutions or securities markets. During this period, they shall be entitled to a monthly economic compensation

<sup>23</sup> Wording pursuant to the fifth additional provision of Law 8/2012 of 30 October 2012.

**第 25 條 決策組織之續任及解任<sup>23</sup>**

- 1 總裁及副總裁之任期為 6 年，且不得續任同一職務。
- 2 經選任之理事會成員之任期為 6 年，得再任 1 次。
- 3 被任命為執行委員會之決策理事會成員，其執行委員會委員之任期與其擔任決策理事會成員之任期相同。
- 4 總裁、副總裁及選任之決策理事會成員，如有下列情形應予解任：
  - a 任期屆滿時。
  - b 辭職，並於政府獲通知時生效；若為執行委員會成員，則於決策理事會獲通知時生效。
  - c 由政府決定解任，其原因包括永久喪失工作能力、嚴重違反義務、任期中有職務不相容（或兼職衝突）或故意犯罪經起訴等情形。除故意犯罪經起訴之情形外，解任之決定，應依本行決策理事會提案，並經當事人陳述意見後作成之。
- 5 依本條規定所為之解任，其繼任者應依各該職位之原定任期服務。

**第 26 條 不得兼職及涉入相關專業活動**

- 1 總裁及副總裁應受高階政府官員之兼職限制之規範，除基於其職位固有之職務或代表本行行使之角色外，不得同時從事任何公共或私人之職務或活動。  
任期結束後之 2 年內，其等均不得從事任何涉及各類信用機構或證券市場之專業活動。於此期間內，每月可領取相當於其原職薪酬 80% 之經濟補償。但若於公、私部門從事教學以

<sup>23</sup> 文字係依 2012 年 10 月 30 日第 8/2012 號法律之第 5 項附加規定擬定。

equivalent to 80% of the total salary assigned to that post during the indicated period. This compensation may not be received if the individual holds a paying job, post or activity in the public or private sector, except for teaching, or when the dismissal has occurred due to a separation decided by the government.

2 Elected Council members may not be involved in professional activities linked to credit institutions of any type, to securities markets or to private financial institutions during their terms in office. Serving on the Bank Council is compatible with teaching and research activities<sup>24</sup>.

#### *Article 27. System of remuneration*

Remuneration and other employment conditions for the Governor, the Deputy Governor and the elected Council members shall be set by the Economy and Finance Minister, following a proposal by the Bank's Governing Council.

The Parliament shall be informed of these remuneration and employment conditions.

#### *Article 28. Limitations applicable to members of the Governing Council*

1 Members of the Governing Council shall refrain from acquiring or owning goods or rights and from engaging in any activities that might compromise their independence and impartiality in the exercise of their responsibilities, cause conflicts of interest, or permit them to use privileged information.

In particular, they must contractually entrust to a financial institution registered with the National Securities Market Commission the administration of any tradable securities or financial assets of which they, their non-separated spouses or dependent children are owners. The said institution shall administer these assets subject only to the general indications of profitability and risk established in the contract, and may not request nor receive investment instructions from the interested parties. It may not inform the parties of the composition of their investments, except in the case of mutual funds or when, for a justified cause, authorisation by the National Securities Market Commission may have been granted. Without prejudice to the responsibility of the interested parties, failure of the said institution to comply with these requirements shall be considered a very serious offence under the system of sanctions applicable to it as a financial institution.

<sup>24</sup> Article 26.2 amended by Law 12/1998, of April 28 (article 3.4).

外之有薪工作、職位或活動，或因政府決定解任而離職之情形，則不得領取此一補償。

2 選任之決策理事會成員於任期中，不得從事任何涉及各類信用機構、證券市場或私人金融機構之專業活動。但從事教學或研究活動，不在此限<sup>24</sup>。

#### 第 27 條 薪酬制度

總裁、副總裁與決策理事會選任成員之薪酬及其他僱用條件，應於決策理事會提案後，由經濟及財政部長訂定。

上述薪酬及僱用條件，應通知國會。

#### 第 28 條 決策理事會成員適用之限制

1 決策理事會之成員獲取、持有財物或權利及從事任何活動，屬可能損害其職務執行之獨立性與公正性、造成利益衝突及使其利用機密資訊者，應避免之。

特別是其必須將所有人為本人、未分居配偶或受扶養子女之可交易證券或金融資產，以契約信託交付國家證券市場委員會註冊之金融機構進行管理。前述機構僅得依約定之一般性獲利能力及風險指標管理此類資產，不得要求或接受利害關係人之投資指示。除屬共同基金或出於正當理由並獲得國家證券市場委員會授權之情況外，不得告知當事人其投資組合。在不影響利害關係人責任之前提下，前述機構未能遵守此等規定者，應視為金融機構處罰制度之重大違規行為。

<sup>24</sup> 第 26 條係依 1998 年 4 月 28 日第 12/1988 號法律修正（第 3 條第 4 項）。

2 In the three months following their taking of office and the end of their terms, and on an annual basis, the members of the Governing Council must file a statement on their activities and their net worth situation, and those of their non-separated spouses and their dependent children. The statement shall be submitted to the Ministry of Public Administration, which may verify the information included and determine whether the interests revealed in the statement infringe the conditions set out in the previous paragraph.

The statement shall be inscribed in the «*Registro de Intereses de Altos Cargos*».

#### **Article 29. Sanctioning proceedings**

Without prejudice to the terms of criminal law and article 25.4 d) of this law, violation by members of the governing bodies of the Bank of the obligation of secrecy set out in article 6, the rules on incompatibilities set out in article 26, and the limitations set out in article 28, shall be punished with fines of up to fifty million pesetas. The sanction shall be commensurate with the nature and the scale of the offence, the gravity of the risks caused or damage done, the spontaneous conduct of the offender to remedy it, and the earnings obtained as a result of the offence.

The government shall be responsible for imposing the above-mentioned sanction following an administrative enquiry conducted by the Ministry for Public Administration, which shall be subject to the rules on the sanctioning procedure applicable to civil servants. In all cases the proceedings shall be initiated following a proposal or a favourable report from the Bank's Governing Council.

#### **Article 30. System applicable to the Secretary and Directors-General**

The terms of article 6, 26.2, 28 and 29 shall also apply to the Secretary and Directors-General of the Bank, and to the personnel representative referred to in article 20.2. In the absence of other specific provisions, the penalty system set out for Bank personnel in internal rules will apply for all of them.

#### **FIRST ADDITIONAL PROVISION**

Letter g) of article 5 of Law 26/1988, of July 29, on *Discipline and Intervention of Credit Institutions*, is amended to read as follows<sup>25</sup>:

<sup>25</sup> This first additional provision, whose text is included, may be understood as repealed by Law 10/2014 of 26 June, on the Regulation, Supervision and Solvency of Credit Institutions.

2 決策理事會成員須於就職與任期結束後之3個月內，以及每年申報一次關於其本人、未分居配偶及受扶養子女活動及淨資產狀況。申報資訊及所揭露之利益是否違反前段所定條件，應交由公共行政部查核確認。

此申報應登錄於《高階官員利益登記冊》。

#### **第 29 條 處罰程序**

在不影響刑法及本法第 25 條第 4 項第 d 款規定之前提下，本行決策組織之成員違反第 6 條之保密義務、第 26 條兼職限制之規範及第 28 條之限制條款，應科處 5 千萬比塞塔以下之罰鍰。處罰應與違規行為之性質與規模、造成風險或損害之嚴重性、違規人員採取之補救措施及其違規所獲得之利益進行衡量。

上述處罰應由政府於公共行政部進行行政調查後科處，並應適用公務員處罰程序之規則。其程序應於決策理事會提案或出具同意報告後啟動。

#### **第 30 條 祕書長及部門主管適用之制度**

第 6 條、第 26 條第 2 項、第 28 條與第 29 條之規定亦適用於本行之秘書長與部門主管，以及第 20 條第 2 項所定之人員代表。除另有規定外，內部規則所定適用於本行人員之懲處制度，亦適用之。

#### **第一附加條款**

1988 年 7 月 29 日第 26/1988 號「信用機構監管法」第 5 條第 g 款，修正如下<sup>25</sup>：

<sup>25</sup> 第一附加規定，包含其所納入之文字，得理解為已依 2014 年 6 月 26 日第 10/2014 號「管理、監理信用機構及其償付能力法」廢止。

«g) Failure to comply with existing provisions on legal reserve requirements and other requirements arising from monetary control procedures».

A new section n) is added to article 4 of Law 26/1988, of July 29, on Discipline and Intervention of Credit Institutions, which reads as follows:

«n) The infractions described in article 5.g) on required provisions relating to the legal reserve requirement and requirements arising from monetary control procedures, when in the five years prior to the offence unconditional sanction has been applied to the credit institution for the same type of infraction».

Letter c) of article 18 of Law 26/1988, of July 29, on Discipline and Intervention of Credit Institutions, shall read as follows:

«c) The imposition of penalties for very serious offences shall be the responsibility of the Economy and Finance minister on the proposal of the Bank, except in situations such as those described in letter n) of article 4, in which they shall be imposed by the Bank, and in cases where authorisation is withdrawn, in which case it shall be imposed by the Council of Ministers».

## SECOND ADDITIONAL PROVISION

Any mention made by existing legislation to the General Council and the Executive Council of the Bank shall be understood to refer, respectively, to the Governing Council and the Executive Commission.

## THIRD ADDITIONAL PROVISION<sup>26</sup>

The first paragraph of article 4 of Law 10/1975, of March 12, on Regulation of Coinage, shall read as follows:

«Within the annual limit which may be indicated by the Bank, the Ministry of Economy and Finance shall decide on the coinage of metallic currency and, in particular: (...)»

<sup>26</sup> This third additional provision, whose text is included, may be understood as tacitly repealed by Law 12/1998, of April 28 (single additional provision), since this has entailed new wording for the first paragraph of article 4 of Law 10/1975, of March 12.

「g)未能遵守現行法定準備要求及其他因貨幣管制程序所為要求之規定」。

1988年7月29日第26/1988號「信用機構監管法」第4條增訂之第n款，內容如下：

「n)違反第5條第g款所定關於法定準備金之應提準備及源自於貨幣管制程序條件之違規行為，且該信用機構於違規行為發生前之5年內，曾因同類違規行為而遭無條件處罰」。

1988年7月29日第26/1988號「信用機構監管法」第18條第c款，修正如下：

「c)重大違規行為之處罰，除第4條第n款所定情形應由本行處罰，及授權經撤回而應由部長會議處罰者外，應由經濟及金融部長依本行之提案處罰之」。

## 第二附加條款

現行法所提及之本行全體理事會與執行理事會，應分別視為決策理事會及執行委員會。

## 第三附加條款<sup>26</sup>

1975年3月12日第10/1975號「鑄幣法」第4條第1項，修正如下：

「於本行可能規定之年度限額內，經濟及財政部應決定金屬貨幣之鑄造事宜，特別是：（…）」

<sup>26</sup> 第三附加規定，包含其所納入之文字，得理解為已依1998年4月28日第12/1998號法律（單一附加規定）默示廢止，因該規定包含對1975年3月12日第10/1975號法律第4條第1項文字之新安排。

**FOURTH ADDITIONAL PROVISION<sup>27</sup>**

The following changes shall be introduced to the adapted text of the *General Budget Law*, approved by *Royal Legislative Decree 1091/1988*, of September 23:

Letter e) of article 8 shall read as follows:

«e) Determine the guidelines of the State's economic and financial policy. »

Letter g) of article 9 shall read as follows:

«g) Direct the implementation of the financial policy approved by the government and lay down the necessary provisions to that end. »

**FIFTH ADDITIONAL PROVISION<sup>28</sup>**

*Article 1 of Law 24/1984, of June 29, on Legal Interest Rate for Money*, shall read as follows:

«The legal interest rate for money shall be determined in the State Budget Law. »

**SIXTH ADDITIONAL PROVISION. LEGAL RULES APPLICABLE TO COLLATERAL SECURITY PROVIDED TO THE BANCO DE ESPAÑA, THE EUROPEAN CENTRAL BANK AND OTHER NATIONAL CENTRAL BANKS OF THE EUROPEAN UNION, IN THE PERFORMANCE OF THEIR TASKS<sup>29</sup>**

1 For the purposes of this provision, collateral security shall mean any pledge, simultaneous transaction, sell and buy-back transaction, charge, lien, deposit, assignment or any other legal transaction for collateral purposes arranged over any asset that may be realised or appropriated, including cash, and which aims to secure the rights and obligations arising from any present or future transaction concluded with the Banco de España, the European Central Bank or another European Union national central bank.

<sup>27</sup> Please note that *Royal Decree-Law 1091/1988, of September 23*, was repealed by *Law 47/2003, of November 26*, single repealing provision.

<sup>28</sup> Please note that *Law 65/1997, of December 30*, has added a second paragraph to the article 1 of the *Law 24/1984, of June 29*.

<sup>29</sup> Wording pursuant to the second final provision of *Royal Decree-Law 2/2012 of 3 February 2012*.

**第四附加條款<sup>27</sup>**

1988年9月23日第1091/1988 皇家法令核定修改文字之「總預算法」，應納入下列異動：

第8條第e款應修改如下：

「e)決定國家經濟及財政政策之指導方針。」

第9條第g款應修改如下：

「g)主導並實施政府所核定之財政政策，且為此訂定必要規則。」

**第五附加條款<sup>28</sup>**

1984年6月29日第24/1984號「金錢之法定利率法」第1條，應修正如下：

「金錢之法定利率應明定於國家預算法。」

**第六附加條款。適用於本行、歐洲中央銀行及其他歐盟國家中央銀行執行其等職責時，提供予其等擔保品之相關法律規範<sup>29</sup>**

1 為達本條文之目的，擔保應指針對可變賣或撥用之資產，包括現金，進行質押、同步交易、賣出與買回交易、抵押、留置、存款、轉讓，或任何以擔保為目的之其他合法交易，旨在確保源自於本行、歐洲中央銀行或其他歐盟國家中央銀行現在或未來交易之權利及債權債務關係。

<sup>27</sup> 請注意1988年9月23日第1091/1988號「皇家政令法」，業經2003年11月26日第47/2003號法律所定之單一廢止條款予以廢止。

<sup>28</sup> 請注意1997年12月30日第65/1997號法律，業於1984年6月29日第24/1984號法律第1條增訂第2項規定。

<sup>29</sup> 文字係根據2012年2月3日第2/2012號「皇家政令法」之第二最終規定。

**2** Such collateral security shall be subject to the following legal regime:

- a** In order to be fully valid, effective against the guarantor or third parties, enforceable, even for the purposes of Articles 517 and 571 et seq of the Civil Procedure Law, or admissible as evidence, it need not be arranged in the presence of a notary or fulfil any formal requirement other than, one, a written (or legally equivalent) record of the collateral agreement or, where applicable, a unilateral declaration by the guarantor, and, two, the contribution of the underlying asset and a written (or legally equivalent) record of such contribution.

For the purposes of this additional provision, an electronic record or note in any durable format shall be deemed legally equivalent to a written record.

Moreover, in order to be fully valid, effective against the guarantor or third parties, enforceable, even for the purposes of Articles 517 and 571 et seq of the Civil Procedure Law, or admissible as evidence, the corresponding principal obligation need not be formalised in the presence of a notary or fulfil any other formal requirement.

- b** For transactions in which the ultimate beneficiary of the collateral security is the Banco de España, the European Central Bank or another European Union national central bank, whether directly or through the intermediation of a third party, where the underlying assets are book-entry securities or financial instruments, the contribution of such assets and the written (or legally equivalent) record of such contribution may take the form of any of the following procedures:

- 1 Book transfer, with transfer of ownership, of the securities or financial instruments to an account of the beneficiary or of a third party acting directly or indirectly for or on behalf of the beneficiary, in accordance with Article 9 of Law 24/1988 of 28 July 1988 on the securities market, the guarantor forfeiting ownership of the security or financial instrument in favour of the beneficiary or third party.
- 2 Recognition of the collateral in the relevant account in accordance with Article 10 of Law 24/1988 of 28 July 1988 on the securities market, the guarantor retaining ownership of the security or financial instrument.

**2** 該等擔保品應受下列法制之規範：

- a** 為使其完全有效並可約束保證人或第三方，甚至在民事訴訟法第 517 條與第 571 條及後續條款的規定仍可強制執行，或可作為證據，其無須透過公證人見證或履行任何形式要求，但須符合下列兩項條件：一、擔保協議之書面紀錄（或其他法律上相當者），或可適用之保證人單方面聲明，及；二、提供標的資產及該提供行為之書面紀錄（或其他法律上相當者）。

為達本附加規定之目的，任何具可持續存取格式之電子紀錄或備註，視為與書面紀錄具備同等法律效力。

此外，為使其完全有效並可約束保證人或第三方，甚至在民事訴訟法第 517 條與第 571 條及後續條款的規定仍可強制執行，或可作為證據，對應之主要債務亦無須公證人在場見證，或無須履行任何其他形式要求。

- b** 對於擔保品之最終受益人為本行、歐洲中央銀行或其他歐盟國家中央銀行之交易，且標的資產是登錄證券或金融工具，無論是直接或透過第三方中介提供，提供該等資產及其提供行為之書面紀錄（或其他法律上相當者），得採用下列方式之一：

- 1 將證券或金融工具之所有權透過劃撥方式，轉移至受益人帳戶，或是可直接或間接代表受益人之第三方帳戶，依 1988 年 7 月 28 日第 24/1988 號「證券市場法」第 9 條規定，保證人放棄證券或金融工具之所有權，移轉給受益人或第三方。
- 2 依 1988 年 7 月 28 日第 24/1988 號「證券市場法」第 10 條規定，於相關帳戶中確認之擔保品，保證人仍保有該證券或金融工具之所有權。

3 Book transfer or recognition of the securities or financial instruments, without transfer of ownership, to or in an account in the name of the beneficiary or of a third party acting directly or indirectly for or on behalf of the beneficiary. The above account shall have the sole purpose of recognising pledges made over book-entry securities and instruments, the guarantor retaining ownership thereof.

Where the underlying asset is a securities or financial instruments account, the contribution thereof and the written (or legally equivalent) record of such contribution shall take the form of the recognition of the collateral in the relevant account, and the above pledge shall be subject, mutatis mutandi, to the provisions of the final subparagraph of 2(e) below.

- c Where the underlying assets are securities represented by physical certificates, the contribution thereof and the written (or legally equivalent) record of such contribution may take the form of their delivery to the beneficiary of the collateral security or to a mutually agreed third party.
- d Enforcement of the collateral shall require only the certification issued by the Banco de España, the European Central Bank or the relevant European Union national central bank, evidencing the amount of the past due claimable amounts enforced, together with the order to dispose of, appropriate or transfer, free of charge, the underlying assets, as applicable in line with this paragraph. This certification shall declare that the settlement took place in accordance with the agreement, pact and/or rule giving rise to the obligation in question.

At the discretion of the beneficiary and subject to the terms of the collateral agreement, the collateral may be enforced under any of the procedures recognised in the prevailing legislation.

Where the underlying assets are traded on an organised market, they shall be disposed of through the relevant market operator. Otherwise, notwithstanding any other such disposal procedures as may be recognised in the prevailing legislation, the disposal may be carried out in an auction organised by the Banco de España.

Moreover, where the collateral security has not already been arranged by transferring ownership of the relevant assets, it may also be enforced by way of an appropriation of the underlying assets by the Banco de España, the European Central Bank or the relevant European Union national central bank, to be set off or applied in discharge of the guaranteed obligations, provided that: (i) the institution providing the underlying assets and the Banco de España, the European Central Bank or the relevant European

3 在不移轉所有權之情形下，劃撥或認可作為擔保之證券或金融工具，並轉至受益人名下帳戶，或是可直接或間接代表受益人之第三方帳戶。上述帳戶僅用於確認對登錄證券及工具設定之質押，保證人仍保有其所有權。

當標的資產為證券或金融工具帳戶時，提供該等資產及該提供行為之書面紀錄（或其他法律上相當者），應採取相關帳戶認可之擔保形式，上述質押應準用下述第2項第e款最終段之規定。

- c 當標的資產係以實體憑證表彰之證券時，提供標的資產及該提供行為之書面紀錄（或其他法律上相當者），得透過實體轉移形式，交付擔保品予受益人，或經雙方同意之第三方。
- d 強制執行擔保僅需由本行、歐洲中央銀行或相關之歐盟國家中央銀行核發證明，表明逾期可請求之執行數額，以及適用本節規範之相關命令，如標的資產處分、撥用或無償移轉等。該證明應載明此清算，係依衍生該項債務之協議、契約及/或規則發生。

擔保得按受益人之裁量及擔保協議之條款，依任何現行有效之法定程序強制執行。

標的資產於集中市場進行交易時，其處分應透過相應之市場營運者。否則，儘管有現行有效法律認可之其他類此處分程序，其處分仍可透過本行辦理拍賣。

此外，如擔保品尚未透過移轉相關資產所有權之方式設定，其亦得透過本行、歐洲中央銀行或相應之歐盟國家中央銀行撥用標的資產之方式強制執行，以抵銷或清償擔保債務，前提是：(i)提供標的資產之機構，與本行、歐洲中

Union national central bank have so agreed, and (ii) the parties have agreed a valuation method for the underlying assets.

In any event, the surplus resulting once the debt in question has been paid shall be returned to the institution that provided the underlying assets.

e Where the collateral security consists of pledged cash deposits, the beneficiary or, where applicable, the depositary of the cash shall record in the relevant account the arrangement of the pledge or, where applicable, the pledged balance, when it has evidence of the account holder's consent.

In order to be fully valid, effective against the guarantor or third parties, enforceable, or admissible as evidence, the pledge need not be arranged with the intervention of a notary or fulfil any formal requirement other than the record referred to in the preceding sub-paragraph, which shall be equivalent to the contribution of the underlying assets and the written (or legally equivalent) record of such contribution.

Such pledges shall be enforced by means of set off, with any surplus funds once the debt has been paid remaining at the disposal of the account holder.

As from the recording referred to in the first subparagraph of 2(e), any amounts paid into the account whose balance is pledged or, where applicable, only the pledged amount, shall, by the mere fact of being paid in, be irrevocably pledged, without any limitation whatsoever, as collateral security for the full performance of the secured obligations. Likewise, and unless the parties have agreed otherwise, as from the time the pledge is recorded, the account holder shall not be able to withdraw the funds deposited therein or, where applicable, the pledged amount, without the prior consent of the beneficiary of the collateral security.

f The underlying assets may be used to settle secured obligations, even when insolvency or administrative winding-up proceedings have been commenced. Such collateral security may be enforced separately, immediately, in the manner agreed by the parties, or in accordance with this additional provision.

The collateral security shall not be limited, restricted or affected in any way by the insolvency or administrative winding-up of the other party.

In particular, the provision, acceptance or enforcement of the collateral security to which this additional provision refers, the balance of the accounts or registers in which it is recorded and the formalisation of the secured obligations may not be challenged in the event of restitution actions linked to insolvency or administrative winding-up proceedings.

央銀行或相應之歐盟國家中央銀行已達成協議，以及(ii)各方已就標的資產之評價方法達成協議。

在任何情況下，債務經清償後仍有結餘，則應返還提供該標的資產之機構。

e 以質押現金存款充當擔保品時，於獲得帳戶持有人同意之證明時，受益人或現金存款保管人應於相關帳戶記錄質押之設定或質押之餘額。

為確保對保證人或第三方可有效進行強制執行或作為證據，該質押無須公證人介入，或履行任何除前款所定紀錄外之任何形式要求，該紀錄應等同提供標的資產及該提供行為之書面紀錄（或其他法律上相當者）。

該等質押應透過抵銷之方式強制執行，任何清償債務後之剩餘資金，應由帳戶持有人處置。

自第2項第e款第一段所定之紀錄開始，任何存入質押帳戶之餘額或僅限被質押之金額，一旦有存入該帳戶之事實，即不可撤銷且無條件為擔保債務之完全履行而成為擔保。同樣地，除非各方另有協議，自質押設定被記錄之日起，帳戶持有人不得再提領已存入之資金，或在未經擔保品受益人事先同意之情形下，提領質押金額之資金。

f 即便破產或行政清算程序已開始進行，標的資產仍可用於清算擔保債務。該等擔保品應透過相關單位同意之方式或依據本附加條款，分別進行即時之強制執行。

擔保品不因其他單位之破產或行政清算而受到任何形式之限制、限縮或影響。

尤有甚者，本附加條款所指擔保品之提供、收受或強制執行，其帳戶或紀錄所登載餘額及擔保債務之確定，不受破產或行政清算程序之回復原狀程序影響。

g The date of provision of the collateral security, and the balance and date that appear in the certification issued by the Banco de España, the European Central Bank or the other national central banks of the European Union, referred to in 2(b), shall constitute proof of such facts against the institution itself and third parties.

Collateral security provided in accordance with the rules of this additional provision shall not be subject to any attachment, restraint or encumbrance, or to any other restriction or lien of any kind whether legal or contractual, from the time of its provision.

- 3 The parties may agree that, in the event of changes in the value of the underlying assets or in the amount of the secured obligations, new assets shall have to be provided, including cash, or, where applicable and where so agreed, returned, to restore the balance between the value of the secured obligation and that of the collateral provided as security. Any such new assets shall be considered an integral part of the initial collateral and shall be treated as if they had been provided at the same time as the initial collateral security, and all the terms of this additional provision shall be applicable thereto.
- 4 Non-mortgage loans or credit provided as collateral security to the Banco de España, the European Central Bank or other European Union national central banks to secure the performance of present or future obligations incurred under transactions entered into with such bodies in the performance of their tasks shall be governed by, in addition to the provisions of paragraph 1, of sub-paragraphs a), d), f) and g) of paragraph 2 and of the following paragraphs of this additional provision, the following rules:

a Loans and credits may be pledged or assigned whatever the formal or material requirements that may have been agreed by the parties with regard to their assignment or encumbrance. The provision of information or documentation relating the loans or credits or the credit claims thereunder, including any relating to the relevant debtors and, where applicable, guarantors, to the Banco de España, the European Central Bank or the European Union national central banks, as well as, where applicable, to any third parties to which such bodies may assign their rights in the event that the credit claims are assigned or the collateral arranged thereover is enforced, shall not constitute a breach of the legislation on banking secrecy or personal data protection.

The pledge or assignment shall relate solely, unless agreed otherwise, to the credit claims under the relevant contract. In no event shall the assignee or beneficiary of the collateral security assume the obligation to make funds available to the borrowers. On no account shall any pledge or assignment arranged in line with the provisions of this paragraph constitute a breach of

g 依第 2 項第 b 款，由本行、歐洲中央銀行或其他歐盟國家銀行所核發證書上所載之額度及日期，以及出具擔保品之日期，對該等機構及第三方單位而言，即構成該等事實之證明。

依本附加條款規定提供之擔保品，自該提供之時點起，不得查封、扣押、設定物權，或為任何基於法定或約定之限制或留置。

- 3 當事人得同意於標的資產之價值改變，或擔保債務之金額改變時，須提供新資產，包含現金或其他適用且經同意返還者，使擔保債務與提供之擔保品價值恢復均衡。任何此類新增資產應視為初始擔保組成之一部分，並應視同與初始擔保品同時提供，適用本附加條款之所有規定。
- 4 為擔保與本行、歐洲中央銀行或歐盟國家中央銀行執行任務而進行交易之機構所衍生之現在或未來之債權債務關係，而提供無抵押貸款或信用充作擔保者，應適用第 1 項與第 2 項第 a 款、第 d 款、第 f 款及第 g 款，以及本附加條款所定之下列規定：

a 貸款或信用貸款均可予以質押或轉讓，無論當事人議定之形式或實質轉讓或負擔設定條件。因此向相關債務人、保證人、本行、歐洲中央銀行或歐盟國家中央銀行，及向於信用債權轉讓或被強制執行之擔保設定時可能出讓權利之第三方，提供有關貸款、信用貸款或信用債權之資訊或文件，不構成違反銀行業保密或個人資料保護法令之行為。

除另有約定外，質押或轉讓應僅涉及相關契約下之信用債權。於任何情況下，擔保品之受讓人或受益人均無須承擔提供資金予借款人之義務；且依本項規定進行之質押或轉讓，均不構成任何有關貸款或信用貸款之違約，亦無須取

- the relevant loans or credits, nor shall they require the consent of the debtor or guarantor of the credits pledged or assigned.
- b The contribution and written (or legally equivalent) record of the contribution of the credit claims may be arranged by providing the beneficiary with the forms approved by the latter for such purpose or by serving written (or legally equivalent) notice on the beneficiary of the particulars of the credit claims as established by the latter for such purpose, without it being necessary to fulfil any other formal requirement for the full validity of the pledge or assignment, or its efficacy against the debtor and, where applicable, the guarantor, or against any third parties, or for its enforceability or admissibility as proof.
- c The income accruing on assigned or pledged loans or credits shall, unless agreed otherwise, correspond to the credit institution providing the collateral security.
- d In the event of breach of the secured obligations, the beneficiary of the collateral security shall acquire full title to the corresponding credit claims. However, notwithstanding any other such enforcement procedures as may be envisaged in the prevailing legislation, the collateral may also be enforced by means of an auction organised by the Banco de España.
- e The debtor or, where applicable, guarantor of a credit claim assigned or pledged to the Banco de España, the European Central Bank or the European Union national central banks may not rely, against such bodies or against any such third parties to which the relevant credit claim may subsequently have been assigned, on any of the exceptions to which it may be entitled against the assigning or pledging credit institution, not even the right to set off.
- 5 Any agreements the Banco de España may execute in the exercise of its functions may provide for their termination or cancellation in the event of insolvency or administrative winding- up. Also, in such cases of insolvency or administrative winding-up, the transactions secured in accordance with the terms of this additional provision shall be deemed to be public law claims for the purposes of the application of Article 91(4) of Insolvency Law 22/2003 of 9 July 2003, insofar as they cannot be paid out of the collateral security provided.
- 6 Where this additional provision is silent, regard shall be had, secondarily, to the regime with respect to financial guarantees set forth in Chapter II of Royal Decree-Law 5/2005 of 11 March 2005 on urgent reforms to boost productivity and improve public sector procurement.
- 7 The rules set forth in this additional provision may be implemented in regulations.

- 得被質押或轉讓貸款之債務人或保證人同意。
- b 信用貸款債權之提供及該提供行為之書面紀錄（或其他法律上相當者），得以提供受益人同意適用於此目的之表單，或符合受益人為此目的建立之信用貸款求償細項書面通知（或其他法律上相當者）為之，無須履行任何其他形式要求，即可確保質押或轉讓完全有效，或用以約束債務人、保證人或任何第三方，或具備可強制執行或作為證據之能力。
- c 已轉讓、質押之貸款或信用貸款所產生之收入，除另有約定外，應歸屬於提供該擔保品之信貸機構。
- d 擔保債務違約時，該擔保品之受益人應獲得對應信用貸款債權之完整權利。然而，儘管在現行法規可能定有其他相關強制執行程序，該擔保亦得透過本行發起之拍賣執行。
- e 信用貸款債權轉讓或質押予本行、歐洲中央銀行或歐盟國家中央銀行之債務人或保證人時，不得向該等機構或任何可能再受讓相關信用貸款債權之第三方，主張任何可用以對抗轉讓或質押信用機構之例外事由，包括抵銷之權利。
- 5 本行履行職能時可能簽署之任何協議，得約定協議於破產或行政清算時終止或解除。在上述破產或行政清算時，依本附加條款擔保之交易，若無法自己提供之擔保品中償付，則應視為公法債權，適用 2003 年 7 月 9 日第 22/2003 號「破產法」第 91 條第 4 項之規定。
- 6 本附加條款未規定者，則應次要參照 2005 年 3 月 11 日第 5/2005 號「皇家政令法」第 II 章中關於緊急改革以促進生產力並改善公共部門獲取金融擔保制度之規定。
- 7 本附加條款所定之規定，得透過法規加以實施。

**SEVENTH ADDITIONAL PROVISION<sup>30</sup>**

No court or administrative authority may issue an attachment order or process an execution order against goods and property rights belonging, possessed or managed by the Banco de España, when they are physically subject to the exercise of public functions or the exercise of administrative powers.

The same rules shall apply to the goods and property rights belonging, possessed or managed by foreign states or central banks in which foreign reserves are invested, and to those belonging, possessed or managed by the Bank for International Settlements.

Express waiver of the prerogative contained in the previous paragraph, whether made before or after the commencement of the judicial or administrative procedure in question, shall be valid.

The above rules shall apply in the absence of international treaties or agreements to which Spain is a party referring to the same persons and matters to which this additional provision refers.

**EIGHTH ADDITIONAL PROVISION. SPECIAL-PURPOSE ENTITIES<sup>31</sup>**

1 In accordance with European Central Bank regulations, the Banco de España may entrust the production of its share of euro banknotes to a public corporation in which it has a controlling interest, and whose sole corporate purpose is the production of euro banknotes within the European System of Central Banks.

The Banco de España's property, budgetary, recruitment and procurement of goods and services regimes shall apply to this corporation, even though it is subject to private law. Its budget shall be included as an annex to the budget of the Banco de España.

2 Even though it is subject to Foundations Law 50/2002 of 26 December 2002, *Fundación Centro de Estudios Monetarios y Financieros (CEMFI)* shall be subject to the Banco de España's property, budgetary, recruitment and procurement of goods and services regimes. The foundation's budget shall be included as an annex to the budget of the Banco de España.

<sup>30</sup> Seventh additional provision incorporated by Law 22/2005, of November 18.

<sup>31</sup> Incorporated under final provision two of Law 36/2014 of 26 December 2014 on the State Budget for 2015 (Official State Gazette of 30 December 2014).

**第七附加條款<sup>30</sup>**

為實際行使公共職能或行政權力，而屬於本行或由本行持有、管理之財物及財產權，任何法院或行政機關均不得對其核發扣押命令或執行命令。

同一規則亦適用由國際清算銀行或由他國或他國中央銀行以外匯準備投資而所有、持有或管理之財物及財產權。

對前項所定特權之明示放棄，不論是在相關司法或行政程序開始前後作出，均有效。

即便西班牙未與本附加條款所定相同法人及事項簽訂國際條約或協議，亦應適用上述規則。

**第八附加條款。特殊目的實體<sup>31</sup>**

1 依歐洲中央銀行之法規，本行得將歐元鈔券之生產配額委託其具有控股權，且唯一宗旨係於歐洲中央銀行體系內生產歐元鈔券之公營企業。

儘管該企業受私法管轄，亦應適用本行之財產、預算、招聘及財物或服務採購制度，且其預算亦應列入本行預算之附錄中。

2 儘管貨幣金融研究中心基金會（CEMFI）受到 2002 年 12 月 26 日第 50/2002 號「基金會法」之管轄，該基金會亦應遵循本行之財產、預算、招聘及財物或服務採購制度，且其預算亦應列入本行預算之附錄中。

<sup>30</sup> 第七附加條款係依 2005 年 11 月 18 日第 22/2005 號法律納入規範。

<sup>31</sup> 依 2014 年 12 月 26 日第 36/2014 號法令（關於發布於 2014 年 12 月 30 日政府公報之 2015 年國家預算）第二最終條款納入。

## FIRST TRANSITORY PROVISION

The Governing Council and the Executive Commission shall be created under the terms of this law within a period of two months from the time it enters into force. At that moment, any governing bodies in operation up to that time shall be replaced, and the terms of office of current council members shall end.

## SECOND TRANSITORY PROVISION

Until the agreements mentioned in article 13.1 and 14.1 are approved, the Bank, without prejudice of the terms of article 13.2, shall continue providing to the Treasury and, as relevant, to *Comunidades Autónomas*, cash management and public debt services as described in current provisions.

## THIRD TRANSITORY PROVISION

Until such time as they are replaced, the provisions drafted to implement Law 26/1983, of December 26, on Legal Reserve Requirements for Financial Intermediaries shall remain in effect.

## REPEALING PROVISION

Law 30/1980, of June 21, on Governing Bodies of the Bank, Law 26/1983, of December 26, on Legal Reserve Requirements for Financial Intermediaries, the first paragraph of the eighth additional provision of Law 26/1988, of July 29, on Discipline and Intervention of Credit Institutions, and any other provision that contradicts the content of this law, are repealed.

Once this law enters into force, the General Regulation of the Bank of March 23, 1948 and its Statutes of July 24, 1947, will be repealed whenever they might be still in force.

## FIRST FINAL PROVISION

This law shall enter into force on the day following its publication in the «*Boletín Oficial del Estado*».

## SECOND FINAL PROVISION<sup>32</sup>

Repealed.

<sup>32</sup> The second final provision has been repealed by Law 66/1997, of December 30 (twenty-fourth additional provision 1.d).

## 第一過渡條款

自本法生效之日起兩個月內，應依本法規定成立決策委員會及執行委員會。屆時，所有在該時點前運作之組織將被取代，現任委員會成員之任期亦應終止。

## 第二過渡條款

直至第13條第1項及第14條第1項所定之協議獲得批准時，於不影響第13條第2項規定之前提下，本行應持續依現行規定向財政部與相關自治區提供現金管理及公共債務服務。

## 第三過渡條款

為實施1983年12月26日第26/1983號法令「金融中介機構之法定準備要求」所訂定之規定應持續有效，直至其被取代為止。

## 廢止條款

廢止1980年6月21日第30/1980號法令「中央銀行治理組織」、1983年12月26日第26/1983號法令「金融中介機構之法定準備要求」、1988年7月29日第26/1988法令「信用機構監管法」第8附加條款之第1項，以及任何與本法內容抵觸之其他條款。

本法生效時，仍實施之1948年3月23日「中央銀行一般管理規定」及1947年7月24日「中央銀行條例」，失其效力。

## 第一最終條款

本法自發布於《國家公報》之次日起生效。

## 第二最終條款<sup>32</sup>

廢止。

<sup>32</sup> 第二最終條款業依1997年12月30日第66/1997號法律廢止（第二十四附加條款第1項第d款）。

二、THE LAW ON THE  
CENTRAL BANK OF  
THE REPUBLIC OF  
TÜRKİYE  
土耳其共和國  
中央銀行法

**THE LAW ON THE CENTRAL BANK OF  
THE REPUBLIC OF TÜRKİYE**

*PART I Establishment, fundamental duties and powers, capital*

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*CHAPTER I The General Assembly*

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**土耳其共和國中央銀行法**

**法務室 江子維 譯**

第 I 部分 設立、基本任務及職權、資本

第 II 部分 本行之組織及機關

第 I 章 股東大會

第 II 章 理事會及貨幣政策委員會

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*PART VII Accounts and balance sheet of the Bank, bulletin, exceptions, exemptions and miscellaneous provisions*

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第VI部分

第VII部分 本行之帳戶及資產負債表、公告、除外、豁免及其他事項

第 I 章

第 II 章

第 III 章 豁免、除外及其他事項

# THE LAW ON THE CENTRAL BANK OF THE REPUBLIC OF TÜRKİYE

Law No. 1211

Date of Acceptance: January 14, 1970

## PART I

### Establishment, fundamental duties and powers, capital

#### Establishment and title

##### Article 1 - (As amended by Law No. 3985 of April 21, 1994)

A bank, under the title of the "Central Bank of the Republic of Türkiye", is hereby established as a joint stock company having the exclusive privilege of issuing banknotes in Türkiye and the powers and duties set forth in this Law.

The Bank shall be subject to the provisions of private law in cases where the Law is not explicit.

The Central Bank of the Republic of Türkiye is hereinafter referred to as the "Bank" in this Law.

#### Head Office and branches

##### Article 2 - The Head Office of the Bank is in Ankara.

The Bank may, by Board decision, establish a banknote printing works and open branches in cities within the country where deemed necessary. Similarly, the Bank may maintain correspondents both within the country and abroad.

(As amended by Statutory Decree No. 703 of July 2, 2018) The decisions of the Bank in this regard shall be conveyed to the Presidency of the Republic.

(As amended by Statutory Decree No. 703 of July 2, 2018) The Bank may also establish representative offices in foreign countries by Board decision and with the consent of the President of the Republic.

#### Memberships and participations

##### Article 3 - (As amended by Statutory Decree No. 703 of July 2, 2018)

# 土耳其共和國中央銀行法

法律編號：1211  
通過日期：1970年1月14日

## 第 I 部分

### 設立、基本任務及職權、資本

#### 設立及名稱

##### 第 1 條 - (依 1994 年 4 月 21 日第 3985 號法律修正)

茲設立以「土耳其共和國中央銀行」為名，並採股份公司形式之銀行，具有於土耳其發行鈔券之專屬權與本法所定之職權及任務。

前揭銀行於本法未明文規範者，適用私法之規定。

土耳其共和國中央銀行以下於本法簡稱「本行」。

#### 總部及分支機構

##### 第 2 條 - 本行總部設於安卡拉。

本行經理事會決議，必要時得於國內城市設立鈔券印製廠及分支機構；亦得與國內、外機構維持往來。

(依 2018 年 7 月 2 日第 703 號法令修正) 本行就上開事項之相關決議，應向總統陳報。

(依 2018 年 7 月 2 日第 703 號法令修正) 本行經理事會決議及總統同意後，亦得於國外設立代表辦事處。

#### 會籍及參與

##### 第 3 條 - (依 2018 年 7 月 2 日第 703 號法令修正)

The Bank may, by Board decision, become a member of international financial, economic and professional organizations in which central banks participate and may participate in such organizations as a shareholder with the consent of the President of the Republic.

#### Fundamental duties and powers

##### Article 4 - (As amended by Law No. 4651 of April 25, 2001)

The primary objective of the Bank shall be to maintain price stability. The Bank shall determine on its own discretion the monetary policy that it shall implement and the monetary policy instruments that it is going to use in order to maintain price stability.

The Bank shall, provided that it shall not conflict with the objective of maintaining price stability, support the growth and employment policies of the Government.

The fundamental duties and powers of the Bank shall be as follows:

I - The fundamental duties of the Bank shall be:

- a) to carry out open market operations,
- b) to take necessary measures in order to protect the domestic and international value of the Turkish Lira and to establish the exchange rate regime to determine the parity of the Turkish Lira against gold and foreign currencies jointly with the Government, to execute spot and forward purchase and sale of foreign exchange and banknotes, foreign exchange swaps and other derivatives transactions in order to determine the value of the Turkish Lira against foreign currencies,
- c) (As amended by Law No. 7186 of July 17, 2019) to determine the procedures and principles of reserve requirements and liquidity requirement by taking into consideration the deemed appropriate on-balance sheet items or off-balance sheet items of banks and other financial institutions to be deemed appropriate by the Bank,
- d) to conduct rediscount and advance operations,
- e) to manage the gold and foreign exchange reserves of the country,
- f) (As amended by Law No. 6493 of June 20, 2013) to regulate the volume and circulation of the Turkish Lira, to establish payment, securities transfer and settlement systems, to ensure the uninterrupted operation and oversight of the systems established and to be established and to make necessary regulations, to determine the methods and instruments including electronic environment that shall be used for payments,

本行經理事會決議，得成為由各國央行參與之國際金融、經濟及專業組織會員，且經總統同意後，得成為該等組織之股東。

#### 基本任務及職權

##### 第4條 - (依2001年4月25日第4651號法律修正)

本行主要目標為維持物價穩定。本行應自行決定應執行之貨幣政策及用以維持物價穩定之貨幣政策工具。

本行在不抵觸維持物價穩定目標之前提下，應支持政府之發展及就業政策。

本行之基本任務及職權如下：

I - 本行之基本任務為：

- a) 實施公開市場操作。
- b) 採取必要措施，以維護土耳其里拉（以下簡稱里拉）於國內及國際之價值，並建立匯率制度，俾與政府共同決定里拉與黃金、外幣之平價；以及執行外匯與鈔券之即期及遠期買賣、換匯交易與其他衍生性交易，以決定里拉對於外國貨幣之價值。
- c) (依2019年7月17日第7186號法律修正) 經審酌銀行及其他經本行認屬適當之金融機構，其資產負債表內或表外之適當項目，以決定應提準備金及流動性要求之程序及原則。
- d) 實施重貼現及墊款業務。
- e) 管理國家之黃金及外匯準備。
- f) (依2013年6月20日第6493號法律修正) 規範里拉之數量及流通，建立支付、證券移轉及清算系統，確保並監管所建立或將建立之系統營運不中斷，並訂定必要規範，以決定可用於支付之方式及工具，包括電子環境等。

- g) to take precautions for enhancing the stability in the financial system and to take regulatory measures with respect to money and foreign exchange markets,
- h) to monitor the financial markets,
- i) to determine the terms and types of deposits in banks and the terms of participation funds in special finance houses.

II - Fundamental powers of the Bank:

- a) The privilege of issuing banknotes in Türkiye shall rest exclusively with the Bank.
- b) The Bank shall determine the inflation target together with the Government and shall, in compliance with this, adopt the monetary policy. The Bank shall be exclusively authorized and responsible in the implementation of the monetary policy.
- c) The Bank shall, with the objective to maintain price stability, be authorized to use the monetary policy instruments described in this Law and to directly determine and implement other monetary policy instruments that it deems appropriate as well.
- d) The Bank shall, under extraordinary conditions and in cases when the resources of the Savings Deposits Insurance Fund are insufficient, be authorized to grant advance to this Fund in accordance with the procedures and principles that it shall determine.
- e) The Bank shall, as the lender of last resort, carry out the operations of extending credit to banks.
- f) The Bank shall, in accordance with the procedures and principles that it shall determine, be authorized to request from banks the interest rates which they will charge in credit operations and deposit-taking.
- g) The Bank shall, in order to monitor financial markets, be authorized to request necessary information and to gather statistical information from banks, other financial institutions and from establishments and institutions assigned to regulate and supervise these. **(Added by Law No. 7186 of July 17, 2019)** The Bank's requests shall be covered in real-time and instantly. In order for these requests to be covered, access systems may be installed to data processing systems of establishments and institutions by the Bank. All types of procedures and principles pertaining to implementation shall be determined by the Bank.

III - Main advisory duties of the Bank:

- a) **(As amended by Statutory Decree No. 703 of July 2, 2018)** The

- g) 為強化金融系統之穩定而採取預防措施，並對貨幣及外匯交易市場採取監理措施。
- h) 監控金融市場。
- i) 決定銀行存款之條件及種類，以及特別金融機構參與性資金之條件。

II - 本行之基本職權：

- a) 於土耳其發行鈔券之特權應專屬於本行。
- b) 本行應與政府共同決定通貨膨脹之目標，並採取相應之貨幣政策；本行有執行貨幣政策之專屬權，並為此負責。
- c) 為達成維持物價穩定之目標，本行有權使用本法所定之貨幣政策工具，並可直接決定及實施其他本行認為適當之貨幣政策工具。
- d) 於極端情況或儲蓄存款保險基金來源不足之情形下，本行有權依所定之相關程序及原則，對該基金提供墊款。
- e) 本行應作為對銀行實施授信業務之最後融通者。
- f) 本行有權依所定之相關程序及原則，要求銀行提供其授信及存款業務所收取之利率資訊。
- g) 本行為監控金融市場，有權向銀行及其他金融機構，以及向受指定管理及監督該等銀行及金融機構之組織與機構，要求提供必要資訊並蒐集統計資料。（依 2019 年 7 月 17 日第 7186 號法律增訂）本行之要求應即時並迅速地獲得回應。為此，本行得於上開組織與機構之資料處理系統中安裝存取系統。執行前述作業之各類相關程序及原則，應由本行決定之。

III - 本行之主要諮詢任務：

- a) **(依 2018 年 7 月 2 日第 703 號法令修正)** 本行應擔

Bank shall be the financial and economic advisor, the fiscal agent and the treasurer of the Government. The relation of the Bank with the Government shall be maintained through the President of the Republic or also through a minister that he/she shall appoint.

- b) The Bank shall present its views to the Government, on the issues to be requested with respect to financial system.
- c) (As amended by Statutory Decree No. 703 of July 2, 2018) The Bank may convey its opinions and observations regarding banks and other financial institutions that it shall deem appropriate to the Presidency of the Republic and to institutions authorized to regulate and supervise these establishments and institutions.

The Bank shall be assigned and authorized to make and implement regulations regarding the duties and powers entrusted to it by this Law and legislation, and shall be assigned and authorized to supervise the compliance with these regulations and the accuracy of the information sent to it, with these establishments and institutions subject to the said regulations.

The Bank shall enjoy absolute autonomy in exercising the powers and carrying out the duties granted by this Law under its own responsibility.

The Bank shall participate to the bankrupt's estate as a privileged creditor for the amount of its claims and the interest pertaining to them, in the event of bankruptcy of the bank, person or institution with whom the Bank undergoes a transaction during the course of implementing monetary policy instruments.

Actions for damages resulting from the performance by the Bank staff members of their duties shall only be filed against the Bank. The right of recourse of the Bank shall be reserved.

#### Capital and shares of the Bank

##### Article 5 - (As amended by Statutory Decree No. 703 of July 2, 2018)

The capital of the Bank shall be TL 25,000,000 and shall be divided into 250,000 shares, each with a value of TL 100. This capital may be increased with the approval of the President of the Republic. The nominal values of the shares shall be TL 100, 200, 500, 1,000, 5,000 and 10,000.<sup>1</sup>

<sup>1</sup> By Decision of the General Assembly of April 28, 1988 and the Decree of the Council of Ministers on Amending Certain Articles of the Articles of Association of the Bank No. 88/13075 of June 24, 1988 the capital is increased to TL 25,000,000,000 (TL 25,000 under the Law on the Currency Unit of the Republic of Türkiye No. 5083 dated January 28, 2004); the nominal values of the shares are increased to TL 100,000, 200,000, 500,000, 1,000,000, 5,000,000 and 10,000,000 (Kr 10, Kr 20, Kr 50, TL 1, TL 5, TL 10 respectively under Law No. 5083).

任政府之金融與經濟顧問，以及財政代理人及國庫管理者。本行與政府之關係，應透過總統或其指派之1名部長維繫。

- b) 本行應就政府徵詢金融體系相關之議題表示意見。
- c) (依2018年7月2日第703號法令修正) 本行對銀行及其他金融機構之適當意見及觀察結果，得向總統報告，以及提供予有權規範及監管該等組織與機構之單位。

本行應依本法與相關法律之指定及授權，就被賦予之任務及職權訂定並實施相關規章，並監督該等規章所適用之組織與機構法令遵循情形，與其提交資訊之正確性。

本行於職責範圍內依本法行使職權及執行任務，享有絕對自主性。

本行因實施貨幣政策工具而與之交易之銀行、個人或機構破產時，本行應以優先債權人身分，就債權金額及相應之利息，參與破產人資產之分配。

因本行職員執行職務所致損失，僅得對本行提起訴訟，且本行將保留求償權。

#### 本行之資本及股份

##### 第5條 - (依2018年7月2日第703號法令修正)

本行之資本為2仟5佰萬里拉並分為25萬股，每股價值為100里拉。此資本得經總統同意後增加。股份之名目價值應為100、200、500、1,000、5,000及10,000里拉。<sup>註1</sup>

<sup>註1</sup> 依1988年4月28日股東大會之決議及內閣會議1988年6月24日第88/13075號修正本行組織章程之特定條文法令，本行資本增加至250億里拉（即依「2004年1月28日土耳其共和國貨幣單位法」所定之25,000里拉）；股份之票面價值增加至10萬、20萬、50萬、100萬、500萬及1000萬里拉（分別為第5083號法律所定之10、20、50庫魯斯及1、5、10里拉）。

**Type of shares**

**Article 6** - The shares of the Bank shall be registered.

**Classes of shares**

**Article 7** - The shares shall be divided into (A), (B), (C) and (D) classes.

**Class (A) shares**

**Article 8** - Each class (A) share shall consist of at least 100 shares. This class of shares shall belong solely to the Treasury and shall not fall below fifty one percent of the capital.

**Class (B) shares**

**Article 9** - Class (B) shares shall be allocated to the national banks operating in Türkiye.

**Class (C) shares**

**Article 10** - A maximum of 15,000 shares shall be allocated as class (C) shares to the banks other than the national banks and to privileged companies.

**Class (D) shares**

**Article 11** - Class (D) shares shall be allocated to Turkish commercial institutions and to legal and real persons of Turkish nationality.

**Change in the classes of shares**

**Article 12** - The Bank shall immediately conclude the requests for the conversion of shares from one class to another. No commission shall be charged for the conversion of shares from one class to another.

The number of class (C) shares shall in no event exceed the amount set forth by this Law.

**PART II****Organization and organs of the Bank****Organs**

**Article 13** - (As amended by Law No. 4651 of April 25, 2001)

**股份之類型**

**第 6 條** - 本行之股份應予登記。

**股份之類別**

**第 7 條** - 本行之股份應分為 (A) 、 (B) 、 (C) 及 (D) 類。

**(A) 類股份**

**第 8 條** - 每一 (A) 類股份應至少由 100 股組成，此類股份應專屬於國庫，且不得少於本行資本之 51%。

**(B) 類股份**

**第 9 條** - (B) 類股份應分配予在土耳其營運之國營銀行。

**(C) 類股份**

**第 10 條** - (C) 類股份最多以 1 萬 5 仟股為限，並應分配予國營銀行以外之銀行及其他特許公司。

**(D) 類股份**

**第 11 條** - (D) 類股份應分配予土耳其商業機構及其他於土耳其註冊之法人或具土耳其國籍之自然人。

**股份類別之轉換**

**第 12 條** - 本行對轉換股份類別之請求，應立即作成決定。不同類別間之股份轉換，不得收取手續費。

(C) 類股份之數量在任何情況下均不得超過本法所定總量。

**第 II 部分****本行之組織及機關****機關**

**第 13 條** - (依 2001 年 4 月 25 日第 4651 號法律修正)

Organs of the Bank shall be as follows:

- a) General Assembly,
- b) Board,
- c) Monetary Policy Committee,
- d) Audit Committee,
- e) Office of the Governor,
- f) Executive Committee.

## CHAPTER I

### The General Assembly

#### Right to vote

**Article 14** - The shareholders who are registered in the share book of the Bank shall constitute the General Assembly of the Bank. The General Assembly shall convene each year on the date indicated by the Articles of Association of the Bank. Each person owning ten shares or representing this number of shares shall be entitled to one vote.

#### Duties and powers of the General Assembly

**Article 15** - The General Assembly shall have the following duties and powers:

1. to examine the annual report submitted by the Board and the report of the Audit Committee;
2. to examine the balance sheet and the income statements of the Bank and decide thereon;
3. to discharge the Board members and the Audit Committee;
4. to increase the capital;
5. to make amendments in the Articles of Association;
6. to render a decision concerning the liquidation of the Bank.

#### Articles of Association of the Bank and liquidation

**Article 16 - a) (As amended by Statutory Decree No. 703 of July 2, 2018)**

The Articles of Association of the Bank shall become effective with the approval of the General Assembly and by a decree of the President of the Republic. Amendments to be made in the Articles of Association shall also be subject to this provision.

本行之機關如下：

- a) 股東大會。
- b) 理事會。
- c) 貨幣政策委員會。
- d) 審計委員會。
- e) 總裁辦公室。
- f) 執行委員會。

## 第一章

### 股東大會

#### 投票權

**第 14 條** - 本行股東名冊登記之股東組成本行之股東大會。股東大會每年應於本行組織章程指定之日期召開。擁有 10 股或代表此數量股份之人，享有 1 投票權。

#### 股東大會之任務及職權

**第 15 條** - 股東大會具有下列任務及職權：

1. 審查理事會提交之年度報告及審計委員會之報告。
2. 審查本行之資產負債表及損益表並作成相應決策。
3. 解除理事會成員及審計委員會之職務。
4. 增加本行資本。
5. 修改本行組織章程。
6. 就有關本行清算之事由作出決議。

#### 本行之組織章程及清算

**第 16 條 - a) (依 2018 年 7 月 2 日第 703 號法令修正)**  
本行組織章程經股東大會同意及總統令頒布後生效。組織章程內容之修正，亦同。

## b) (As amended by Statutory Decree No. 703 of July 2, 2018)

Decisions to be taken for the liquidation of the Bank before the end of the period set forth in Article 1 shall be valid with the approval of the President of the Republic provided that the commitments assumed by the Bank are fully performed under the Law.

A two-thirds majority shall be required in the General Assembly both to make amendments in the Articles of Association and to decide on the liquidation.

**Chairmanship**

**Article 17** - The Governor shall chair the General Assembly.

**Representation**

**Article 18** - Those who are not shareholders may not represent more than one vote by proxy at the General Assembly.

(Added by Law No. 6456 of April 3, 2013.) The last sentence of the first paragraph of Article 414 and Article 428 of the Turkish Commercial Code No. 6102 of January 13, 2011 shall not be applicable to the Bank.

**CHAPTER II****The Board and the Monetary Policy Committee**

(As amended by Law No. 4651 of April 25, 2001)

**Composition**

**Article 19** - The Board shall be composed of the Governor and six members to be elected by the General Assembly.

(As amended by Statutory Decree No. 703 of July 2, 2018) The duties of the members may not be reconcilable with any other duty outside the Bank whether of a legislative, official or private nature unless based on a special law or Presidential Decree. Furthermore, these members may not engage in trade, nor may they become shareholders of banks or companies. Duties in charitable associations and in foundations with charitable, social and educational purposes and partnership in non-profit cooperative companies are excluded

## b) (依 2018 年 7 月 2 日第 703 號法令修正) 於本行

承諾事項已依本法充分履行時，在第 1 條所定期限  
內<sup>譯註<sup>1</sup></sup>作成清算本行之決議，經總統批准後生效。

本行組織章程之修正及清算，應取得股東大會三分之二之多數決同意。

**主席職務**

**第 17 條** - 本行總裁為股東大會之主席。

**代表**

**第 18 條** - 非屬本行股東者，不得於股東大會代理超過 1  
投票權。

(依 2013 年 4 月 3 日第 6456 號法律增訂) 「2011 年 1  
月 13 日編號第 6102 號土耳其商業法典」第 414 條及第 428  
條第 1 項之末句，不適用於本行。

**第 II 章****理事會及貨幣政策委員會**

(依 2001 年 4 月 25 日第 4651 號法律修正)

**組成**

**第 19 條** - 本行理事會應由總裁及 6 名股東大會選任之成  
員組成。

(依 2018 年 7 月 2 日第 703 號法令修正) 除依據特別  
法或總統令外，理事會成員不得兼任本行以外之其他職務，  
無論該職務係屬立法、政府或民間性質。此外，理事會成員

<sup>譯註<sup>1</sup></sup> 1970 年 1 月 14 日公布本法之第 1 條第 3 項，明定本行發行紙鈔之特許權期  
限為 1999 年之年底。此一特許權之期限，可於到期前 5 年內延長。

from this provision.

Members of the Board shall be required to have received a higher education and to have knowledge and experience in banking or in the fields of economics and public finance.

The Governor shall be the Chairman of the Board.

**(As amended by Statutory Decree No. 703 of July 2, 2018)** Salaries and remuneration of Board members shall be determined by the President of the Republic. Travel expenditures to be incurred to attend Board meetings by those residing outside where the Head Office is located shall be paid by the Bank.

#### Term of office

**Article 20** - The term of office of Board members shall be three years.

One-third of Board members shall be renewed each year. Members who are to leave the Board at the end of the first and second years shall be designated by drawing names.

Re-election of the members whose terms of office have terminated is permissible.

#### Meetings, decisions and withdrawal from voting

**Article 21** - Members of the Board shall neither participate in discussions nor cast votes on credit issues concerning themselves or persons with whom they have a link of interest or kinship in the degrees stated in sub-paragraph 3 of Article 245 of the Code of Civil Procedure.

Board meetings shall be held in Ankara. When necessary, the meetings may also be held elsewhere. The meetings shall be held at least once a month upon the call of the Governor. The agenda shall be drawn up by the Office of the Governor. Items requested to be discussed by members that are not in the agenda, shall be included therein and discussed at the same meeting if also supported by the Governor; otherwise, a decision may be taken to include them in the agenda of the next meeting.

The Board shall convene with the participation of at least two thirds of the members and render a decision by the majority of the members present. In the event of a tie, the proposal of the party supported by the Governor shall be

不得從事商業交易，亦不得成為銀行或公司之股東。惟於慈善機構或具慈善、社會及教育目的之基金會擔任職務，以及非營利性合作社之合夥，不在此限。

理事會成員應接受過高等教育，且具備銀行業務或經濟及公共財政領域之知識及經驗。

總裁為理事會之主席。

**(依 2018 年 7 月 2 日第 703 號法令修正)** 理事會成員之薪酬，由總統決定之。非居住於本行總部所在地之理事會成員，為參加理事會所產生之差旅費用應由本行支應。

#### 任期

**第 20 條** - 理事會成員之任期為 3 年。

理事會每年應更新三分之一成員；於首年及次年年底離任之理事會成員，應以抽籤決定之。

任期屆滿之理事會成員，得再次被選任。

#### 會議、決定及退出投票

**第 21 條** - 理事會成員就涉及自身或與其具備「民事訴訟法」第 245 條第 3 款所定之利害關係或親屬關係者，不得參與有關信用議題之討論，亦不得投票。

理事會應於安卡拉召開；必要時，亦得於其他地點召開。理事會由總裁召集，每月至少應開會 1 次。議程應由總裁辦公室擬具。由理事會成員提出討論但未列入議程之議題，如亦獲總裁支持，即應納入議程並於當次會議討論；否則，得決定列入下次會議議程。

理事會召開至少應有三分之二之成員出席，並由過半之出席成員作成決議。提案之正、反兩方票數相同時，獲總裁

considered adopted.

Vice Governors may attend Board meetings in a non-voting capacity.

#### Duties and powers of the Board

##### Article 22 - (As amended by Law No. 4651 of April 25, 2001)

The duties and powers of the Board shall be as follows:

- a) to take decisions concerning monetary policy that may be implemented and monetary policy instruments which may be used in compliance with the monetary policy strategy and inflation target,
- b) to make regulations and to take decisions on issues concerning the replacement, withdrawal from circulation and destruction of banknotes in circulation,
- c) to determine the procedures and principles and to make necessary regulations regarding open market operations, foreign exchange and banknote operations, rediscount and advance operations, rediscount and advance interest rates, reserve requirements and liquidity requirement, other monetary policy operations and instruments, management of gold and foreign exchange reserves of the country,
- d) to take decisions on the issues laid out in paragraphs (I) and (III) of Article 40,
- e) (As amended by Law No. 6493 of June 20, 2013) to take decision on the establishment of payment, securities transfer and settlement systems under the conditions that shall promote their soundness and effectiveness, to determine the procedures and principles of payment methods and instruments, to make regulations regarding the oversight of clearing houses,
- f) (As amended by Law No. 6111 of February 13, 2011) to determine the procedures and principles on requesting information and collecting statistical information,
- g) to make regulations and render decisions on issues pertaining to opening branches, maintaining correspondents, establishment of representative offices and bureaus, and to the Banknote Printing Works,
- h) to take decisions on issues concerning provisions and reserves and to determine the procedures and principles regarding the transfer of the balance to the Treasury remaining after the allocation of profit,
- i) to prepare the budget, annual report, balance sheet, income

支持之提案視同通過。

副總裁得列席理事會，惟無投票權。

#### 理事會之任務與職權

##### 第 22 條 - (依 2001 年 4 月 25 日第 4651 號法律修正)

理事會之任務與職權如下：

- a) 依據貨幣政策策略和通貨膨脹目標決定可執行之貨幣政策，及可使用之貨幣政策工具。
- b) 就流通鈔券之替換、回收及銷毀相關事項，訂定規範並作成決議。
- c) 就公開市場操作、外匯及鈔券業務、重貼現及墊款作業、重貼現及墊款利率、應提準備金及流動性要求、其他貨幣政策操作與工具，以及國家黃金及外匯準備管理事項，決定其作業程序及原則，並訂定必要之規章。
- d) 就第 40 條第 (I) 項及第 (III) 項所定事項作成決議。
- e) (依 2013 年 6 月 20 日第 6493 號法律修正) 在促進支付、有價證券移轉與清算等系統穩健及效率前提下，就該等系統之建立作成決議，並決定支付方式與工具之作業程序及原則，以及訂定有關監督結算機構之規章。
- f) (依 2011 年 2 月 13 日第 6111 號法律修正) 決定資訊要求及統計資料蒐集之作業程序及原則。
- g) 就開設分支機構、維持往來銀行、設立代表辦事處與辦公室，以及鈔券印製廠之相關事宜，訂定規範並作成決議。
- h) 就準備金及盈餘公積相關事項作成決議，並決定分配收益後將餘額移交國庫之作業程序及原則。
- i) 編製本行預算、年度報告、資產負債表、損益表及

- statements and the agenda of the General Assembly of the Bank,
- j) to submit proposals to the General Assembly for increasing the capital and making amendments in the Articles of Association,
  - k) to approve the regulations prepared with respect to the administration, organization, services and personnel of the Bank,
  - l) to take decisions on the purchase or acquisition of real property for the need of the Bank; when necessary, on the sale, barter and donation of real property owned by the Bank and on other transactions,
  - m) to make decisions on donation, amicable settlement, release, waiver and cancellation of the amounts and values which are not within the scope of powers that the Bank shall delegate to its other organs,
  - n) to approve the personnel cadres of the Bank,
  - o) to take decisions and make regulations on other issues to be submitted by the Office of the Governor for examination and approval, apart from those subject to the decision of the Monetary Policy Committee pursuant to this Law.

**(Added by Law No. 6111 of February 13, 2011.)** The Board, when necessary, may delegate part of its powers to other organs provided that the limits thereof shall be determined explicitly in writing.

#### The Monetary Policy Committee

##### Article 22/A - (Added by Law No. 4651 of April 25, 2001.)

**(As amended by Statutory Decree No. 703 of July 2, 2018)** The Monetary Policy Committee shall, under the chairmanship of the Governor, be composed of Vice Governors, a member to be elected by and from among the Board members and a member to be appointed on the recommendation of the Governor. The Deputy Minister of Treasury and Finance or a unit chief to be designated by the Minister may participate to the meetings in a non-voting capacity. Monetary Policy Committee membership of those, whose office as Governor, Vice Governor and Board member comes to an end, shall terminate as well.

**(As amended by Statutory Decree No. 703 of July 2, 2018)** The member to be appointed shall be required to have, studies in monetary policy matters and an academic degree in one of the fields of economics, business administration, banking and finance, and shall be required to have worked in his/her field of office for at least ten years and to have adequate experience and

#### 股東大會之議程。

- j) 向股東大會提出增資及修改組織章程之議案。
- k) 核准有關本行行政管理、組織、服務及人事事項所訂定之規章。
- l) 為本行需要而購入或取得不動產，以及於必要時，就本行所持有不動產之出售、互易及捐贈及其他交易行為，作成決議。
- m) 就非屬本行授權其他內部單位權限內之金額或價值，所為之捐贈、和解、解除、豁免或取消，作成決議。
- n) 核准本行人事編制。
- o) 除依本法規定應由貨幣政策委員會決定者外，就總裁辦公室提交審查及核准之其他事項，作成決議及訂定規章。

**(依 2011 年 2 月 13 日第 6111 號法律增訂)** 理事會於必要時，得以書面載明授權之限制後，將其職權委由其他內部單位執行之。

#### 貨幣政策委員會

##### 第 22/A 條 - (依 2001 年 4 月 25 日第 4651 號法律增訂)

**(依 2018 年 7 月 2 日第 703 號法令修正)** 貨幣政策委員會以總裁為主席，並由副總裁、1 名由理事會成員中互相選任之代表，以及 1 名由總裁提名任命之理事會成員組成。國庫財政副部長或由該部部長指派之單位主管得以不具投票權身分列席會議。貨幣政策委員會成員由總裁、副總裁及理事會成員出任者，當其本職之任期屆滿時，其委員會成員之資格亦同時終止。

**(依 2018 年 7 月 2 日第 703 號法令修正)** 受任命之委員應具備貨幣政策事務之學養，以及經濟、商業管理、銀行或財務等其中一個領域之學術學位，並於該專業領域至少服

knowledge. The term of office of this member shall be five years.

The prohibitions stipulated in Article 19 shall also be applicable to the appointed member. However, academic posts in universities shall not be in the scope of this provision. The appointed member shall have the same financial and social rights as the Board members.

**(As amended by Law No. 6770 of January 18, 2017)** Monetary Policy Committee meetings shall be held at least eight times a year upon the call of the Governor. Other provisions of the second paragraph of Article 21 and its third paragraph shall also be applicable to the Monetary Policy Committee meetings.

The Monetary Policy Committee shall have the following duties and powers:

- a) to determine the principles and strategy of monetary policy in order to maintain price stability,
- b) to determine the inflation target together with the Government within the framework of the monetary policy strategy,
- c) to provide information to the public in line with the principles that it shall set forth, and provide information to the Government within specified periods by preparing reports regarding monetary policy targets and its implementations,
- d) to take necessary measures in order to protect the domestic and international value of the Turkish Lira and to establish the exchange rate regime to determine the parity of the Turkish Lira against gold and foreign currencies jointly with the Government.

The Monetary Policy Committee shall determine the issues that it shall announce, together with the procedure of their announcement. The issues requested by the Monetary Policy Committee to be published in the Official Gazette shall be published without delay.

Monetary Policy Committee decisions shall be executed by the Governor and shall be submitted for the information of the Board.

### CHAPTER III

#### The Audit Committee

##### Composition, term of office and qualifications<sup>2</sup>

##### Article 23 - (As amended by Law No. 6456 of April 3, 2013)

<sup>2</sup> In accordance with Article 60 of Law No. 6456 dated April 3, 2013, the effective date of this Article is set forth as May 1, 2013.

務 10 年，且具備充分之經驗及知識；該委員之任期應為五年。

本法第 19 條所定限制，對於受任命之委員，亦適用之；惟於大學擔任學術職位者，不在此限。受任命之委員應享有與理事會成員相同之財務及社會權利。

**(依 2017 年 1 月 18 日第 6770 號法律修正)** 貨幣政策委員會每年應至少召開 8 次，由總裁召集之；本法第 21 條第 2 項及第 3 項之其他規定，亦適用於貨幣政策委員會。

貨幣政策委員會應履行下列任務及職權：

- a) 為維持物價穩定，決定貨幣政策之原則及策略；
- b) 在貨幣政策策略架構下，與政府共同決定通貨膨脹目標；
- c) 依其所定之原則向公眾揭露資訊，並於指定期限內透過編製關於貨幣政策目標及其實施情形之報告，向政府提供資訊；
- d) 採取必要措施，以維護里拉之國內及國際價值，並建立匯率制度，俾與政府共同決定里拉對黃金及外匯之平價。

本行貨幣政策委員會應決定其發表聲明之事項及其發表演程序；經貨幣政策委員會要求公布於政府公報之事項，應立即公布之。

貨幣政策委員會之決議由總裁執行之，並應提報理事會。

### 第 III 章

#### 審計委員會

##### 組成、任期及資格條件<sup>2</sup>

##### 第 23 條 - (依 2013 年 4 月 3 日第 6456 號法律修正)

<sup>2</sup> 依「2013 年 4 月 3 日第 6456 號法律」第 60 條之規定，本條文之生效日為 2013 年 5 月 1 日。

The Audit Committee shall be composed of four members to be elected by the General Assembly. In the event that a member of the Audit Committee leaves the membership, the other members of the Audit Committee shall elect in his place a person who meets the requirements for election to hold office until the first meeting of the General Assembly.

The terms of office of the Audit Committee members shall be two years.

The ones to be elected for the membership of the Audit Committee shall be required to have received a higher education and to have knowledge and experience in the fields of banking and accounting.

#### Duties and prohibitions

##### Article 24 - (As amended by Statutory Decree No. 703 of July 2, 2018)

The Audit Committee shall audit all the operations and accounts of the Bank. The Office of the Governor shall be obliged to furnish all the information and documents to be requested by the Audit Committee. The Audit Committee, having no administrative power, shall submit its opinions in writing to the Board and shall also present a copy thereof to the Presidency of the Republic. The Committee shall submit the report that it shall draw up on the operations and accounts at the end of the year to the General Assembly.

Members of the Audit Committee may not share in the profits of the Bank.

(As amended by Statutory Decree No. 703 of July 2, 2018) Remuneration of the Audit Committee members shall be determined by the President of the Republic. Travel expenditures to be incurred by those residing outside where the Head Office is located shall be paid by the Bank.

## CHAPTER IV

### The Office of the Governor

#### (A) Governor

##### Appointment, qualifications and term of office

##### Article 25 - (As amended by Law No. 3670 of October 25, 1990)

(The first paragraph is repealed by Statutory Decree No. 703 of July 2, 2018).

審計委員會由股東大會選任之 4 名成員組成。當任一審計委員會成員解任時，應由審計委員會之其他成員選任 1 名符合資格者接替其職務，直至下次股東大會召開。

審計委員會成員之任期為二年。

被選任為審計委員會之成員者，應接受過高等教育，並具備銀行及會計領域之知識及經驗。

#### 任務及禁止事項

第 24 條 - (依 2018 年 7 月 2 日第 703 號法令修正) 審計委員會應就本行之全部業務及帳務進行查核，總裁辦公室有義務提供審計委員會要求之所有資訊及文件。審計委員會不具行政權，其意見應以書面提交理事會，並將其書面意見副本一份呈送總統。審計委員會於年終時，應就上開業務及帳務，撰寫報告並提報股東大會。

審計委員會之成員不得參與本行盈餘分配。

(依 2018 年 7 月 2 日第 703 號法令修正) 審計委員會之薪酬，由總統決定之。非居住於本行總部所在地之成員所產生差旅費用，由本行支應。

## 第 IV 章

### 總裁辦公室

#### (A) 總裁

##### 任命、資格條件及任期

##### 第 25 條 - (依 1990 年 10 月 25 日第 3670 號法律修正)

(第 1 項依 2018 年 7 月 2 日第 703 號法令廢止)

The Governor shall be required to have received a higher education and to have knowledge and experience in the fields of public finance, economics and banking.

#### **Duties, representation and powers**

**Article 26** - The Governor shall, in the capacity of the highest executive officer, administer and run and represent the Bank within the country and abroad.

The Governor shall be entrusted with the following powers:

1. to ensure the enforcement of the provisions of this Law and the decisions to be taken by the Board;
2. to take appropriate measures for the performance of the duties with which the Bank is entrusted by this Law, and to make proposals to the Board thereon where he/she deems necessary.

**(As amended by Statutory Decree No. 703 of July 2, 2018)** The Governor may, in the case of his/her dissent from the decisions of the Board, postpone the execution of the decision and may demand it be reconsidered at the next meeting. In urgent circumstances, the Board shall convene upon the call of the Governor and reconsider the issue in dispute. In the event of a disagreement between the Governor and the Board, the President of the Republic shall act as an arbitrator.

#### **Prohibitions**

**Article 27 - (As amended by Statutory Decree No. 703 of July 2, 2018)** The post of Governorship may not be reconcilable with any other duty outside the Bank whether of a legislative, official or private nature unless based on a special law or Presidential Decree. Furthermore, the Governor shall not be allowed to engage in trade, nor shall he/she become a shareholder in banks or companies. Duties in charitable associations and in foundations with charitable, social and educational purposes and partnership in non-profit cooperative companies are excluded from this provision.

It shall not be considered a violation of the provisions of the first paragraph if the Governor assumes duties at inter-ministerial committee meetings held at the level of ministers and undersecretaries.

#### **Temporary absence and excuse from duty**

**Article 28** - During the temporary absence of the Governor, the Vice Governor designated by him/her shall act on his/her behalf.

總裁應接受過高等教育，並具備公共財政、經濟及銀行領域之知識及經驗。

#### **任務、代表及職權**

**第 26 條** - 總裁作為最高行政官員，於國內外負責管理、營運及代表本行。

總裁被賦予下列職權：

1. 確保本法所定規章及理事會決議之執行；
2. 為履行本法賦予本行之任務採取適當措施，並向理事會提出其認為必要之提案。

**(依 2018 年 7 月 2 日第 703 號法令修正)** 總裁不同意理事會之決議時，得暫緩該決議之執行，並要求於下次理事會重行審議。於緊急情況下，理事會應即依總裁之召集，就爭議事項重行審議。總裁及理事會仍持不同意見時，應由總統居間調處。

#### **禁止事項**

**第 27 條 - (依 2018 年 7 月 2 日第 703 號法令修正)** 除基於特別法或總統令外，總裁不得兼任本行以外之其他職務，無論該職務係立法、政府或民間性質。此外，總裁不得從事商業交易，亦不得成為銀行或公司之股東。惟於慈善機構或具慈善、社會及教育目的之基金會擔任職務，以及非營利性合作社之合夥，不在此限。

總裁擔任部長或次長層級之跨部委員會職務，不違反第 1 項之規定。

#### **暫時缺席及免職事由**

**第 28 條** - 總裁暫時缺席期間，應由其指定之副總裁代行職務。

The Governor may be excused from duty through the same procedure applied for his/her appointment, only when the prohibitions stated in Article 27 are violated and there is no longer any possibility for him/her to perform the duties entrusted by this Law.

In case of vacancy in the Governor's post, a Vice Governor, who shall be elected as acting Governor by the Board to convene under the chairmanship of the most senior member shall perform the duties and exercise the powers of the Governor.

### **(B) Vice Governors**

#### **Qualifications, appointment, duties and prohibitions**

##### **Article 29 - (As amended by Statutory Decree No. 703 of July 2, 2018)**

Four Vice Governors shall be appointed to assist the Governor. Vice Governors shall be appointed from among persons who have received a bachelors or a masters degree and have adequate knowledge and experience either in one of the fields of law, public finance, economics, business administration, banking, finance, engineering, public administration, political science, international relations and statistics or in faculties of economics and administrative sciences. The first paragraph of Article 27 and second paragraph of Article 28 shall also be applicable to Vice Governors.

## **CHAPTER V**

### **The Executive Committee**

#### **Composition, duties**

**Article 30 -** The Executive Committee shall be composed of the Vice Governors under the chairmanship of the Governor. In cases when the Governor is unable to chair, the Vice Governor designated by him/her shall preside over the Executive Committee.

The duties of the Executive Committee shall be as follows:

1. to prepare proposals to be submitted to the Board, by examining in advance the issues subject to Board decision, when deemed necessary by the Governor;
2. to draw up regulations on the administration, organization and services of the Bank;

總裁僅於違反本法第 27 條所定之禁止事項，且不可能履行本法所定任務時，得依與任命相同之程序免除職務。

總裁出缺時，應由理事會最資深之成員擔任主席召開理事會，選任 1 名副總裁作為代理總裁，執行總裁之任務並行使其實職權。

### **(B) 副總裁**

#### **資格條件、任命、任務及禁止事項**

##### **第 29 條 - (依 2018 年 7 月 2 日第 703 號法令修正)**

應任命 4 名副總裁協助總裁。副總裁應具備學士或碩士學位，且在下列領域之一具充分知識及經驗者中任命：法律、公共財政、經濟、商業管理、銀行、金融、工程、公共管理、政治、國際關係、統計，或經濟學及行政管理相關科系。第 27 條第 1 項及第 28 條第 2 項之規定，亦適用於副總裁。

## **第 V 章**

### **執行委員會**

#### **組成及任務**

**第 30 條 -** 執行委員會由總裁擔任主席，並與全體副總裁共同組成。總裁無法擔任主席時，應由其指派之副總裁主持執行委員會。

執行委員會之任務如下：

1. 於總裁認有必要時，事先檢視需由理事會決議之事項，並擬具提交理事會之提案；
2. 草擬本行管理、組織及服務之規章。

3. to render decisions on issues left by regulations to the decision of the Executive Committee;
4. to ensure coordination in the operations of the Bank;
5. to perform duties such as appointment, determination of the salaries, dismissal and retirement of the personnel other than those appointed by the Board.

Decisions at the Executive Committee meetings shall be taken by a majority of all the members. In the event of a tie, the proposal supported by the Governor shall be considered adopted.

## CHAPTER VI

### Organization of branches

#### Composition, duties

**Article 31** - The organization and duties of the Bank's Head Office and Branches and the Banknote Printing Works, as well as the composition and duties of the Executive Committees of the Branches and Banknote Printing Works shall be determined by regulations.

## PART III

### Provisions concerning Bank personnel

#### Status of the personnel

**Article 32** - The Bank personnel shall consist of the Bank's officers as well as the workers of the Banknote Printing Works.

The term "Bank officer" shall refer to the persons appointed to serve continuously for the main and permanent duties that the Bank services entail.

Provisions of Law No. 624 on the Unions of Civil Servants shall apply to the unions which the Bank officers have already established or shall establish. The prohibition under Article 20 of Law No. 275 of July 15, 1963 shall also apply in the services of the Bank.

3. 就規章交付執行委員會決定之事項作成決議。
4. 確保本行日常業務之協調。
5. 執行非由理事會任命人事之任命、薪給決定、解僱及退休等任務。

執行委員會會議之決議，應取得全體成員過半數同意。提案之正、反兩方票數相同時，獲總裁支持之提案視同通過。

## 第 VI 章

### 分支機構之組織

#### 組成及任務

第 31 條 - 本行總行、分支機構與鈔券印製廠之組織及任務，以及分支機構及鈔券印製廠執行委員會之組成及任務，應以規章定之。

## 第 III 部分

### 本行人事規定

#### 人員地位

第 32 條 - 本行人員由本行官員及鈔券印製廠之工作人員組成。

「本行官員」指經受任持續履行本行應盡主要且永久任務之人員。

「本行人員已成立或將成立之協會」適用「第 624 號公務人員協會法」。「1963 年 7 月 15 日第 275 號法律」第 20 條所定禁止事項，亦適用於本行之業務。

The Bank personnel shall be subject to the provisions of this Law and of the regulation to be drawn up by the Board.

Native and foreign experts may be employed on a contractual basis by Board decision.

#### Remuneration regime

##### Article 33 - (As amended by Statutory Decree No. 703 of July 2, 2018)

The salaries and the representation allowances of the Governor and Vice Governors of the Bank shall be determined by the President of the Republic.

The Board shall determine the additional remuneration to be paid to the Chairman and Members of the Executive Committee and to the Chairmen and Members of the Executive Committees of the Branches and of the Banknote Printing Works for their duties, provided that the amount may not exceed two-thirds of their salaries.

Salaries of other officers shall be fixed by the Board and by the Head Office Executive Committee empowered to appoint them by taking into consideration the above-mentioned salaries. The principles to be observed in this regard, as well as the payments for business trips of the officers and all other issues shall be specified in the regulation referred to in Article 32.

#### Retirement of personnel

Article 34 - (As amended by Law No. 6456 of April 3, 2013) The provisions of sub-paragraph (c) of the first paragraph of Article 4 of Social Insurances and Universal Health Insurance Law No. 5510 of May 31, 2006 shall apply to staff members of the Bank with the exclusion of workers and to Board members.

The retirement contributions of those employed at the Bank on the effective date of this Law shall be deducted from their salaries subject to these contributions fixed by Law No. 5434. The provision of the second subparagraph of paragraph (B) of Article 15 of the same Law shall apply to such persons with respect to their monthly pay increases. Provisions of the same Law shall also apply to personnel employed on a contractual basis, whose previous posts are subject to retirement benefits.

Salaries subject to retirement contributions of the persons to be appointed after the effective date of this Law shall be determined in accordance with the provisions of paragraph (B) of Article 15 of Law No. 5434.

(As amended by Statutory Decree No. 562 of July 6, 1995) In terms of retirement, the "supplementary salary indicator" and the "executive compensation"

本行人員應受本法及理事會訂定之規章規範。

本國及外國專家得經理事會決議，依契約聘用之。

#### 薪酬架構

第 33 條 - (依 2018 年 7 月 2 日第 703 號法令修正) 本行總裁及副總裁之薪給及業務費，由總統決定之。

理事會應決定支付予執行委員會、分支機構與鈔券印製廠執行委員會主席及成員履行職務之額外報酬，惟其數額不得逾其等薪給之三分之二。

其他官員之薪給，由理事會及被賦予該等職務任命權之總部執行委員會，審酌上述薪給標準後決定之。相關應遵守之原則、官員差旅費用之支付及其他所有相關事項，應於第 32 條所述規章明定之。

#### 人員之退休

第 34 條 - (依 2013 年 4 月 3 日第 6456 號法律修正)

2006 年 5 月 31 日「第 5510 號社會保險及全民健康保險法」第 4 條第 1 項第 (c) 款之規定，適用於工作人員及理事會成員以外之本行職員。

本法生效日仍受雇於本行者，其退休金提撥金應依「第 5434 號法律」所定數額自其薪給中扣減。該等人員月薪調升，應適用同法第 15 條第 (B) 項第 2 款之規定。同法相關規定亦適用於先前職務係享有退休福利之約聘人員。

本法生效日後始獲任命之人員，其適用退休金提撥之薪給，應依「第 5434 號法律」第 15 條第 (B) 項規定決定之。

(依 1995 年 7 月 6 日第 562 號法令修正) 有關退休事務，為次長及副次長訂定之「補充薪給指標」及「行政補

determined for Undersecretaries and Deputy Undersecretaries of the Ministries shall apply to the Governor and Vice Governors respectively; and the "executive compensation" determined for similar duties as specified in the ranks they may enter according to the Law on Civil Servants in respect of the duties they perform, shall apply to other personnel. The period of time they have served in these posts shall be considered as served in the duties entailing the payment of executive compensation pursuant to Supplementary Article 68 of the Law on Pension Fund No. 5434.

#### **Secrecy and responsibility**

**Article 35** - Staff members of the Bank shall be obliged to observe the secrecy of matters pertaining to the Bank or to persons and institutions dealing with the Bank which they acquire within their official capacities and due to their duties, and not to disclose these secrets, in any manner whatsoever, to those other than the authorities entitled by law.

This obligation shall continue to be binding even after they leave the Bank.

Staff members of the Bank shall be subject to the provisions on tort in the Code of Obligations for the damages they cause to the Bank in connection with their duties.

### **PART IV**

#### **Duties and powers of the Bank**

##### **CHAPTER I** **Issuance of banknotes**

###### **Issuance of banknotes and obligatory circulation**

**Article 36** - a) The circulation of banknotes already issued and to be issued by the Bank shall be compulsory and they shall have unlimited capacity of payment.

b) (As amended by Law No. 4651 of April 25, 2001) The Bank shall also have the power to issue banknotes in connection with the operations stipulated in Articles 45, 52 and 53.

貼」，應分別適用於總裁及副總裁；為各該人員依公務人員法律明定其所得履行之各級職務相似任務而訂定之「行政補貼」，應適用於其他人員。各該人員於此等職務服務期間，應依「第 5434 號退休金法」之補充條文第 68 條，視為履行得支領行政津貼之任務。

#### **保密責任**

**第 35 條** - 本行職員對於因職務及任務所知悉，與本行有關或與本行有事務往來個人及機構之機密事務，負有保密義務，除對依法可知悉此等秘密之主管機關外，不得以任何方式洩露。

上述義務於其等自本行離職後，仍具拘束力。

本行職員因執行職務致對本行造成之損害，應適用「債務法」所定侵權行為之相關規定。

### **第 IV 部分**

#### **本行之任務及職權**

##### **第 I 章** **鈔券之發行**

###### **鈔券之發行及強制流通**

**第 36 條** - a) 本行已發行及將發行之鈔券，具強制流通性及不受限制之支付能力。

b) (依 2001 年 4 月 25 日第 4651 號法律修正) 本行亦有權發行與第 45 條、第 52 條及第 53 條所定業務相關之鈔券。

**Replacement of banknotes**

**Article 37 - a)** The Bank may replace the banknotes in circulation with new issues, when it deems necessary.

The old banknotes withdrawn from circulation shall fall into statute of limitations after ten years beginning from the date the replacement process commences.

The date on which the replacement process shall commence as well as the duration of the compulsory circulation of old banknotes within this ten years' period shall be determined by the Board and be published in the Official Gazette.

**b) (As amended by Statutory Decree No. 703 of July 2, 2018)** Based on the principles to be determined between the Presidency of the Republic and the Bank and in accordance with the "Gabarit" (quadrant scales method) to be set forth by regulation, old and worn out banknotes shall be replaced by the Bank with the banknotes kept in reserve.

**c)** Principles related to the cancellation and destruction of banknotes withdrawn from circulation, and banknotes replaced due to becoming old, worn out or mutilated shall be specified by regulation.

**Coins**

**Article 38 - (Repealed by Law No. 1264 of May 28, 1970.)**

**CHAPTER II****Duties and powers pertaining to the protection of the stability of the Turkish currency****Matters to be announced**

**Article 39 - (As amended by Law No. 3098 of December 6, 1984)**

The Bank shall announce the rates of rediscount, discount and interest applicable to its operations and the conditions of the open market policy, to be determined by the Board from time to time.

The buying and selling prices of gold and foreign exchange, to be determined by the Board in accordance with Article 4, as well as the decisions taken in conformity with sub-paragraphs (3) and (5) of Article 22 shall be

**鈔券之替換**

**第 37 條 - a)** 本行認有必要時，得以新發行之鈔券替換流通中舊版鈔券。

收回不再流通之舊版鈔券，自替換程序開始之日起 10 年後作廢。

替換程序開始日期，以及舊版鈔券 10 年內併行流通之期限，應由理事會決議並於政府公報公告。

**b) (依 2018 年 7 月 2 日第 703 號法令修正)** 基於總統及本行間所定之原則，並依規定揭示之「模版」（象限度量法），髒舊及汙破損之鈔券應以本行儲備鈔券替換之。

**c)** 收回不再流通鈔券之作廢及銷毀，以及替換髒舊或汙破損鈔券之相關原則，應以規章明定之。

**硬幣**

**第 38 條 - (依 1970 年 5 月 28 日第 1264 號法律廢止)**

**第 II 章****關於保護土耳其貨幣穩定性之任務及職權****應發布聲明之事項**

**第 39 條 - (依 1984 年 12 月 6 日第 3098 號法律修正)**

本行應隨時就適用相關業務之重貼現率、貼現率與利率，以及公開市場政策之情況，經理事會決議並公布之。

理事會依第 4 條決定之黃金及外匯買賣價格，以及依第 22 條第 (3) 款及第 (5) 款<sup>註 2</sup> 作成之決策，應於政府公報

<sup>註 2</sup> 本法第 22 條並非以阿拉伯數字作為款次，此處似係指同條文第 (c) 至 (e) 款。

published in the Official Gazette.

**Duties and powers of the Bank in money and credit issues**

**Article 40 - I - a) (As amended by Law No. 4651 of April 25, 2001)** The Bank may, as the lender of last resort, provide intraday or end-of-day credit facilities to the system against collateral so as to eliminate the technical payment problems which may obstruct the efficient functioning of the financial markets, and the temporary liquidity shortages that may cause interruption in the payment system.

b) (Repealed by Law No. 5411 of October 19, 2005.)

c) (As amended by Law No. 4651 of April 25, 2001) The Bank may extend credit to the banks that are the subject of uncertainty and lack of confidence in the event of acceleration of fund withdrawals and uncertainty and lack of confidence in the banking system, in the amount to cover the withdrawal of funds, the conditions of which shall be determined by the Bank. In the event of bankruptcy of banks to which the Bank extends credit in accordance with this provision, the Bank shall participate to the bankrupt's estate as a privileged creditor for the amount of the credit extended and the interest pertaining to it.

**II - (As amended by Law No. 5411 of October 19, 2005)**

(As amended by Law No. 7186 of July 17, 2019) Banks and other financial institutions to be deemed appropriate by the Bank including those issuing electronic payment instruments shall, by taking into consideration their on-balance sheet items or off-balance sheet items deemed appropriate, maintain reserve requirements in cash, at the accounts to be opened with the Bank. All types of procedures and principles pertaining to implementation including the scope of on- balance sheet items or off-balance sheet items deemed appropriate which are subject to reserve requirements, the ratio of reserve requirements, their establishment period and interest rate to be applied to those requirements when necessary, the transactions to be executed in extraordinary withdrawals from deposit or participation funds and in mergers, acquisitions and divisions shall be determined by the Bank.

(As amended by Law No. 7186 of July 17, 2019) The qualification and the ratio of the liquidity requirement to be maintained by the above-mentioned institutions shall be determined by the Bank when necessary.

公告。

**本行於貨幣與信用事項之任務及職權**

**第 40 條 - I - a) (依 2001 年 4 月 25 日第 4651 號法律修正)** 本行作為最後貸款者，得於徵提擔保品後，對系統提供日間或日終信用額度，以消除可能妨礙金融市場運作效率之技術性支付問題，以及因暫時流動性短缺可能造成支付系統中斷之情形。

b) (依 2005 年 10 月 19 日第 5411 號法律廢止)

c) (依 2001 年 4 月 25 日第 4651 號法律修正) 本行對於銀行體系因擠兌造成不確定性及缺乏信心等事件而受影響之銀行，得提供可填補其受擠兌數額之貸款；貸款條件由本行決定之。本行依本規定提供貸款之銀行如破產時，本行應以優先債權人身分，就所提供之貸款及其利息之數額內，參與破產人資產之分配。

**II - (依 2005 年 10 月 19 日第 5411 號法律修正)**

(依 2019 年 7 月 17 日第 7186 號法律修正) 本行認可之銀行及其他金融機構，包括發行電子支付工具者，經本行審酌其資產負債表內外之適當項目後，應於本行開立現金帳戶留存應提準備金。各類相關實施程序及原則，包括應提準備金之資產負債表內外適當項目、應提之準備率、必要時適用之準備金提存期間及利率，以及存款或參與性資金異常提領或合併、收購與分割時執行之交易，由本行決定之。

(依 2019 年 7 月 17 日第 7186 號法律修正) 必要時，上述機構留存流動性要求之條件及比率，由本行決定之。

When it is required according to the regulation to be issued by the Bank that, the reserve requirements are kept blocked in the accounts with the Bank, reserve requirements kept in the blocked accounts shall not be utilized to finance any purpose or issue, shall not be assigned or attached.

Where reserve requirements and liquidity requirements are not established within the specified period or are established deficiently, the Bank, in accordance with the procedures and principles that it shall determine, shall be authorized, for the deficient portion, to either request interest-free deposit to be kept in the accounts with the Bank or impose penalty interest. The accrued penalty interest claims shall be collected in accordance with Law No. 6183 on the Procedure of Collection of Public Claims. The penalty interest so collected shall be registered as revenue to the Savings Deposits Insurance Fund.

### III - (As amended by Law No. 4651 of April 25, 2001)

- a) Within the framework of the powers delegated to the Bank by legislation for the execution of its fundamental powers and duties, banks shall notify the Bank of the interest rates to be charged in credit operations and deposit-taking in accordance with the principles to be determined.
- b) The Bank shall determine the terms and types of deposits in banks and the terms of participation funds in special finance houses.
- c) (Added by Law No. 7351 of January 19, 2022.) The money, claims, goods, rights and assets of foreign country central banks which are available with the Bank may not be attached, no interim injunction or provisional attachment may be imposed thereon.

## CHAPTER III

### Relations between the Bank and the Government and relevant duties

#### Acting as financial and economic advisor and fiscal agent

##### Article 41 - (As amended by Law No. 6111 of February 13, 2011)

The Bank shall be the financial and economic consultative organ of the Government. In this capacity, the Bank shall submit opinions concerning the matters, on money and credit policy, examination of which is requested by the Government.

依本行規章將應提準備金須存放於本行帳戶時，該存放之應提準備金即不得用於任何目的或問題之資金援助，亦不得將其轉讓或扣押。

當應提準備金及流動性要求未於指定期間內提存或提存金額不足時，本行應依所定之程序及原則，就不足額之部分，要求於本行帳戶存放免付息之存款，或予以罰息。得收取之罰息債權，應依「第 6183 號收取公法債權程序法」收取。據此所收取之罰息，應計入存款保險基金之收入。

### III - (依 2001 年 4 月 25 日第 4651 號法律修正)

- a) 在本行之法定職權架構內，為執行本行基本職權及任務，銀行應依本行訂定之原則，將其辦理信用業務及收受存款之利率向本行申報。
- b) 本行應決定銀行存款之期限與條件，以及特別金融機構參與性資金之條件。
- c) (依 2022 年 1 月 19 日第 7351 號法律增訂) 對本行可取得之外國中央銀行所有資金、債權、商品、權利及資產不得扣押，亦不得對其裁定臨時性禁制令或假扣押。

## 第 III 章

### 本行與政府之關係及相關任務

#### 擔任金融與經濟之顧問及國庫代理人

##### 第 41 條 - (依 2011 年 2 月 13 日第 6111 號法律修正)

本行應作為政府之金融與經濟諮詢機關。在此職能下，本行應就政府要求審議之貨幣及信用政策相關事項，提出意見。

The Bank may be assigned as the fiscal agent for the Government in the international financial and economic relations of the State.

**(As amended by Statutory Decree No. 703 of July 2, 2018)** The Bank may be entrusted with carrying out the financial servicing of all types of domestic borrowing notes, the exchange control and the implementation of foreign trade regime or with similar operations in accordance with special laws, Presidential Decrees or decisions based thereon. The Bank may not be held liable by third parties for the operations it shall perform in this capacity.

The Bank shall, upon the request of the Undersecretariat of Treasury, execute or have executed collections and disbursements of the State and all the Treasury operations both within the country or abroad, and domestic and foreign money transfers and remittances of all types. The charges to be applied for these operations shall be determined by the Bank.

The procedures and principles regarding payment of interest on the deposits belonging to the Undersecretariat of Treasury shall be set forth jointly by the Bank and the Undersecretariat of Treasury.

#### Special audit and disclosure to public

##### Article 42 - (As amended by Law No. 4651 of April 25, 2001)

**(As amended by Statutory Decree No. 703 of July 2, 2018)** The President of the Republic may have the operations and accounts of the Bank audited. The Presidency of the Republic may request any information in this regard from the Bank.

The Bank may have the balance sheet and the income statements audited by independent auditing institutions.

**(As amended by Statutory Decree No. 703 of July 2, 2018)** The Governor shall submit a report to the President of the Republic on the activities of the Bank and the monetary policy followed and to be followed, each year in April and October. The Bank shall furnish information regarding its activities to the Planning and Budget Commission of the Grand National Assembly of Türkiye twice a year.

The Bank shall prepare periodical reports concerning monetary policy targets and implementations and disclose these to public. In what periods the reports shall be prepared and the scope and disclosure procedure of the reports shall be determined by the Bank. In the event of incapability to achieve the determined targets in due time published or of the occurrence of the possibility of not achieving them, the Bank shall submit information to the Government in writing and inform the public disclosing the reasons and the measures to be taken thereof.

本行於國際金融及經濟關係中，得受任為政府之國庫代理人。

**(依 2018 年 7 月 2 日第 703 號法令修正)** 本行得依特別法、總統令或基於此等法令之決定，受託辦理各類國內票據借貸之金融服務、執行外匯管制及實施外國貿易制度或類似業務。本行據此職能辦理之業務，不對第三人承擔責任。

本行應依財政部次長辦公室之請求，於國內外辦理國家與一切國庫業務之收支，以及各類國內外資金之移轉及匯款業務。辦理此類業務之收費標準，由本行決定之。

有關屬於財政部次長辦公室存款利息支付之相關程序與原則，由本行及該辦公室共同訂定之。

#### 特殊查核及對公眾之揭露

##### 第 42 條 - (依 2001 年 4 月 25 日第 4651 號法律修正)

**(依 2018 年 7 月 2 日第 703 號法令修正)** 總統得查核本行之業務及帳務，並得要求本行提供任何資訊。

本行之資產負債表及損益表，得由獨立審計機構進行查核。

**(依 2018 年 7 月 2 日第 703 號法令修正)** 本行總裁應於每年四月及十月，針對本行之業務活動、已執行及將執行之貨幣政策，向總統提交報告。本行每年應向大國民議會之計畫及預算委員會提供兩次有關業務活動之資訊。

本行應定期編製貨幣政策目標及其實施情況之報告，並對公眾揭露。報告編製之週期、範圍及其揭露程序，由本行決定之。應提出報告期限前發生無法達成既定目標之情事，或有無法達成之虞時，本行應以書面向政府提交資訊並告知公眾，揭露其原因及擬採行之措施。

## CHAPTER IV

### Request for information

(As amended by Law No. 6111 of February 13, 2011)

#### Authority to request information, the balance sheets and reports of banks

##### Article 43 - (As amended by Law No. 4651 of April 25, 2001)

All banks, special finance houses, and other financial institutions deemed appropriate by the Bank, operating in Türkiye shall be obliged to submit their annual balance sheets and income statements along with the reports of their boards of directors and that of auditors to the Bank, at the latest within one month, after their general assembly meetings and the reports of independent auditing institutions after the date of preparation.

The Bank shall be authorized to request, in accordance with the procedures and principles that it shall determine, all kinds of information and documents from the establishments and institutions cited in the first paragraph in order to be able to perform its duties assigned by this Law and other legislation. The establishments and institutions indicated in the first paragraph shall be obliged to submit the information requested within the period specified by the Bank. The Bank may, when necessary, suspend or restrict the operations authorized by this Law, of the establishments and institutions cited in the first paragraph, who fail to provide the required information accurately and in a timely manner to the Bank.

(As amended by Statutory Decree No. 703 of July 2, 2018) The Bank, concerning the issues that fall within the scope of its powers and duties, may request information from establishments and institutions assigned to regulate and supervise the establishments and institutions referred to in the first paragraph. The Bank may, when necessary, convey its opinions and observations regarding the establishments and institutions referred to in the first paragraph, to the Presidency of the Republic, Banking Regulation and Supervision Agency and to other establishments and institutions authorized to regulate and supervise the said.

The Bank may, in collecting statistical information, cooperate with public establishments and institutions, Undersecretariat of Treasury, State Institute of Statistics and the authorities of other countries entitled to collect statistical information and with international institutions. The Bank shall be authorized to directly request and collect,

## 第 IV 章

### 資訊之要求

(依 2011 年 2 月 13 日第 6111 號法律修正)

#### 請銀行提交資訊、資產負債表及報告之權力

##### 第 43 條 - (依 2001 年 4 月 25 日第 4651 號法律修正)

所有於土耳其營運之銀行、特別金融機構及經本行認屬適當之其他金融機構，應於其股東大會及獨立審計機構備妥報告日起算至遲 1 個月內，向本行提交其年度資產負債表、損益表、董事會報告及審計報告。

本行有權依所定之程序及原則，要求第 1 項所定之銀行及機構提交各種資訊及文件，以履行其依本法及其他法律所定之責任。第 1 項所定之銀行及機構，應於本行所定期限內提交相關資訊。未能確實並於時限內向本行提交相關資訊之銀行及機構，本行於必要時得暫停或限制其依本法所授權之營運。

(依 2018 年 7 月 2 日第 703 號法令修正) 本行於職權與責任範圍內，得要求受指派規範及監管第 1 項所定銀行及機構之單位與機構提交資訊。本行認有必要時，得將有關第 1 項所定銀行與其他金融機構之意見及情資，向總統報告，或轉知銀行監督管理機關，以及規範及監管上述銀行及機構之其他單位與機構。

本行得與政府單位及機構、財政部次長辦公室、國家統計局，以及其他有權蒐集統計資訊之主管機關及國際機構，合作蒐集統計資訊。本行得直接要求銀行、其他金融機構與個人，提交與金融體系有關之所有統計資訊，以及監控經濟

all statistical information relating to the financial system and other statistical information that shall be deemed necessary for the surveillance of developments in the economy and the balance of payments, from banks, other financial institutions and persons. The ones from whom information is requested shall be obliged to submit this information accurately in accordance with the procedures and principles to be determined by the Bank. The Bank shall be authorized to investigate and supervise the accuracy of this information with the concerned parties, and to request additional information and documents.

The Bank may publish the statistical information that it deems necessary. However, the Bank may not publish or disclose the statistical information having a private and personal nature nor may it submit these to any official authority or private body other than the Banking Regulation and Supervision Agency. This information shall not be used for purposes other than those of statistical nature nor as means of evidence.

#### **Authority to request information from real and legal persons**

**Article 44 - (The redrafted Article 44 by Law No. 7061 of November 28, 2017, which was repealed by Law No. 6111 of February 13, 2011)**

The Bank shall, in order to monitor the operations of real and legal persons which affect their foreign exchange position, be authorized to request all kinds of information and documents from real and legal persons that it shall determine. The procedures and principles, including also the scope, collection and monitoring methods, supervision of the accuracy and sharing of the information and documents to be requested and provision of outsourcing services, shall be determined by the Bank.

In the implementation of this article, the provisions of Article 35 and subparagraph (a) of paragraph (II) of Article 68 of this Law shall also apply to employees of outsourcing institutions.

## **PART V**

### **Operations to be performed by the Bank**

#### **CHAPTER I**

##### **Operations with credit institutions**

發展與國際收支必要之其他統計資訊。受要求提交資訊者，應依本行所定之程序及原則準確提交資訊。本行有權對利害關係人調查及審查此等資訊之準確性，並要求提交其他資訊及文件。

本行得發布必要之統計資訊。但不得發布或揭露具隱私或個人性質之統計資訊，或將其提供予銀行監督管理機關以外之任何政府主管機關或私人。此等具隱私或個人性質之統計資訊，不得作統計性質以外之用途，亦不得作為證據使用。

#### **要求自然人及法人提交資訊之權力**

**第 44 條 - (依 2017 年 11 月 28 日第 7061 號法律修訂為第 44 條，原條文於 2011 年 2 月 13 日第 6111 號法律廢止)**

為監控影響自然人及法人外匯交易部位之業務活動，本行有權要求所定之自然人及法人提交各類資訊及文件；包括要求提交資訊與文件之範圍、蒐集與監控方法、準確性審查及資訊與文件分享，以及委外服務規定等相關程序及原則，由本行決定之。

本條文實施時，本法第 35 條及第 68 條第 (II) 項第 (a) 款，亦適用於提供委外服務機構之員工。

## **第 V 部分**

### **本行之營運**

## **第 I 章**

### **信用機構之營運**

**Acceptance of bills and documents for rediscount and advance****Article 45 - (As amended by Law No. 4651 of April 25, 2001)**

(As amended by Law No. 6745 of August 20, 2016) The Bank may, within the scope of principles that it shall determine, accept commercial bills and documents to be presented by banks for rediscount, provided that they bear at least two signatures of solvent persons. The types of commercial bills to be accepted for rediscount and all other issues shall be stipulated by the Bank. The maximum amount of loans to be extended in accordance with this article and their limits as per credit types shall be determined by the Bank by taking monetary policy principles into consideration.

The Bank may also grant advances against the bills that it may accept for rediscount.

**Medium term rediscount and advance operations****Article 46 - (Repealed by Law No. 4651 of April 25, 2001.)****Maximum amount of bills to be accepted for rediscount or advance****Article 47 - (Repealed by Law No. 4651 of April 25, 2001.)****Advance against bonds****Article 48 - (Repealed by Law No. 4651 of April 25, 2001.)****Discount Committees of the Head Office and of the Branches****Article 49 - (Repealed by Law No. 4651 of April 25, 2001.)****CHAPTER II****Operations with the Treasury and public institutions****Short-term advances to the Treasury****Article 50 - (Repealed by Law No. 4651 of April 25, 2001.)****Credit to public institutions****Article 51 - (Repealed by Law No. 4651 of April 25, 2001.)****因重貼現及墊款而收受票據及文件****第 45 條 - (依 2001 年 4 月 25 日第 4651 號法律修正)**

(依 2016 年 8 月 20 日第 6745 號法律修正) 本行於所定原則範圍內，得收受銀行為重貼現而提出之商業票據及文件，並以至少有 2 名具償付能力人士之簽章者為限。辦理重貼現得收受之商業票據種類及其他相關事項，由本行決定之。依本條文提供貸款之最高額度及各信用類別之限額，應由本行審酌貨幣政策原則後決定之。

本行亦得對辦理重貼現所收受之票據，提供墊款。

**中期重貼現及墊款業務****第 46 條 - (依 2001 年 4 月 25 日第 4651 號法律廢止)****因重貼現及墊款所收受票據之最高限額****第 47 條 - (依 2001 年 4 月 25 日第 4651 號法律廢止)****對債券之墊款****第 48 條 - (依 2001 年 4 月 25 日第 4651 號法律廢止)****總行及分支機構之重貼現委員會****第 49 條 - (依 2001 年 4 月 25 日第 4651 號法律廢止)****第 II 章****國庫及公共機構之營運****對國庫之短期墊款****第 50 條 - (依 2001 年 4 月 25 日第 4651 號法律廢止)****對公共機構之貸款****第 51 條 - (依 2001 年 4 月 25 日第 4651 號法律廢止)**

## CHAPTER III

### Open market operations

#### Article 52 - (As amended by Law No. 4651 of April 25, 2001)

The Bank may, with an aim to effectively regulate the money supply and the liquidity in the economy within the framework of monetary policy targets, conduct open market operations against the Turkish Lira such as outright purchase and sale of securities, repurchase and reverse repurchase, lending and borrowing securities and lending and borrowing of the Turkish Lira deposits, and act as an intermediary in these operations. The open market operations to be carried out by the Bank and their procedures and principles, and the instruments bearing high liquidity and low risk levels which shall be subject to open market operations shall be determined by the Bank.

The Bank, within the scope of open market operations, may issue liquidity bills whose maturity shall not exceed 91 days, and that shall be tradable in the secondary markets, for its own account and behalf. However, the matters such as the prevention of the liquidity bills from being a permanent alternative investment tool, and the limitation of the issuance of the said bills merely with the aim to promote the effectiveness of open market operations shall be taken into consideration. The agreement period of repurchase, reverse repurchase and the Turkish Lira deposit transactions of the Bank shall not exceed 91 days; the initiation of the period shall be the value date of the transactions.

The Bank shall be authorized to designate establishments and institutions related to the operations falling within the scope of this article, from among banks and intermediary institutions specified in Law No. 2499 on Capital Markets, by taking the nature of the operation into consideration.

Open market operations shall be conducted only for monetary policy purposes and shall not be conducted to provide credit to the Treasury, to public establishments and institutions, or to other establishments and institutions.

## CHAPTER IV

### Operations on gold and foreign exchange

#### Article 53 - (As amended by Law No. 4651 of April 25, 2001)

## 第 III 章

### 公開市場操作

#### 第 52 條 - (依 2001 年 4 月 25 日第 4651 號法律修正)

本行於貨幣政策目標之架構下，為達成有效管理經濟體系中貨幣供給及流動性之目的，得以里拉進行公開市場操作，包括就有價證券之即時買賣、附買回、附賣回交易及借貸，以及里拉存款之借貸，並於此等公開市場操作擔任中介者。本行實施之公開市場操作及其程序與原則，以及得適用於公開市場操作之高流動性且低風險之投資工具，由本行決定之。

本行於公開市場操作範圍內，得以自己帳戶及名義簽發到期日不超過 91 日，且可於次級市場交易之流動性票據。簽發時應考慮防止流動性票據成為永久之替代性投資工具，以及限制該等票據僅為促進公開市場操作有效性之目的。本行進行附買回、附賣回及里拉存款交易之約定期限，不得超過 91 日；此期限起始日應為該等交易之起息日。

本行有權審酌各該操作之性質後，自「第 2499 號資本市場法」所定之銀行及中介機構中，指定與本條操作範圍有關之組織及機構。

公開市場操作僅能為貨幣政策目的而實施，且其實施不得向國庫、政府單位及機構或其他組織、機構提供信用。

## 第 IV 章

### 黃金及外匯之操作

#### 第 53 條 - (依 2001 年 4 月 25 日第 4651 號法律修正)

- a) In order to determine the value of the Turkish Lira against foreign currencies, the Bank may, within the framework of its monetary policy, execute spot and forward purchase and sale of foreign exchange and banknotes, and may execute foreign exchange swaps and other derivatives transactions provided that the conditions thereof shall be determined beforehand.
- b) The Bank shall manage the gold and foreign exchange reserves of the country consistent with the monetary policy targets and practices. The Bank may, with this objective and in compliance with the procedures and principles that it shall determine, perform all kinds of banking activities in the domestic and international markets covering spot or forward purchase and sale of gold, foreign exchange, securities and derivatives products, as well as lending and borrowing operations, by taking into consideration the safety, liquidity and return priorities respectively.

#### Loan limits

Article 54 - (Repealed by Law No. 4651 of April 25, 2001.)

## CHAPTER V

#### Other operations

Article 55 - The Bank may perform banking operations and services to be determined by the Board.

The Bank shall supervise the operations of interbank clearing houses which already exist or which shall be established in the future in places where the branch offices are located.

## PART VI

#### Operations prohibited for the Bank

Article 56 - (As amended by Law No. 4651 of April 25, 2001)

The Bank may not, grant advance and extend credit to the Treasury and to public establishments and institutions, and may not purchase debt instruments issued by the Treasury and public establishments and institutions in the primary market.

- a) 為決定里拉對外國貨幣之價值，本行得於貨幣政策架構內，執行即期或遠期外匯、鈔券之買賣，並得執行換匯交易及其他衍生性商品交易，但其條件必須事先確定。
- b) 本行管理我國之黃金及外匯準備，應與貨幣政策之目標及執行具一致性。本行得依此目標及遵循所定之程序及原則，並分別考量安全性、流動性及收益性之優先順序，於國內外市場執行各類銀行業務，包含黃金、外匯、有價證券、衍生性商品之即期與遠期買賣及借貸操作。

#### 貸款之限制

第 54 條 - (依 2001 年 4 月 25 日第 4651 號法律廢止)

## 第 V 章

#### 其他業務

第 55 條 - 本行得辦理經理事會決議之銀行業務及服務。本行應監督現有或未來設立於分支機構所在地之銀行間清算機構之運作。

## 第 VI 部分

#### 本行不得從事之業務

第 56 條 - (依 2001 年 4 月 25 日第 4651 號法律修正)

本行不得向國庫、政府單位與機構提供墊款及信用貸款，亦不得於初級市場購買由國庫、政府單位與機構發行之債務工具。

The Bank may not extend credit and grant advance except for the operations authorized by this Law, and the credit to be extended and the advance to be granted may not be unsecured or without cover, and in any manner whatsoever the Bank may not, be a guarantor or provide security except for the transactions directly related to itself.

## PART VII

### Accounts and balance sheet of the Bank, bulletin, exceptions, exemptions and miscellaneous provisions

## CHAPTER I

#### Accounts of the Bank and accounting period of the balance sheet

**Article 57** - The accounting period of the Bank shall be the calendar year.

#### Balance sheet and report

**Article 58** - (As amended by Statutory Decree No. 703 of July 2, 2018)

The Bank shall, prior to the meeting of the General Assembly, submit to the Presidency of the Republic the balance sheet and the income statement along with the annual report to be prepared as of the end of each calendar year and shall have the balance sheet published in the Official Gazette.

#### Provisions and special reserves

**Article 59** - Provisions, in the amounts to be deemed appropriate by the Board, may be set aside from the gross annual profit of the Bank in order to cover certain risks which may occur in the following years due to the operations exclusive to the Bank.

Banknotes whose statute of limitations has expired as well as the differences arising from replacement in accordance with paragraph (b) of Article 37 shall be included in special reserves.

#### Allocation of the profit

**Article 60** - The annual net profit of the Bank shall be allocated in the following order:

除本法授權之業務外，本行不得提供信用貸款及墊款，且所提供之貸款及墊款不得為無抵押或無擔保。本行除對直接涉及自身之交易外，於任何情形下均不得擔任保證人或提供擔保。

## 第 VII 部分

### 本行之帳戶及資產負債表、公告、除外、豁免及其他事項

## 第 I 章

#### 本行之帳戶及資產負債表之會計期間

**第 57 條** - 本行之會計期間應為曆年制。

#### 資產負債表及報告

**第 58 條** - (依 2018 年 7 月 2 日第 703 號法令修正)

本行應於股東大會前，將資產負債表、損益表及各該年度終結後應備妥之年度報告呈送總統，並應將資產負債表公布於政府公報。

#### 準備金及特別盈餘公積

**第 59 條** - 經理事會認屬適當數額之準備金，得自本行之年度總收益提存，以因應未來年度因本行專有業務運作可能發生之特定風險。

已逾兌換時效之鈔券，以及因依第 37 條第 (b) 項替換鈔券而產生之差額，應納入特別盈餘公積。

#### 收益之分配

**第 60 條** - 本行年度淨利應依下列次序分配：

- a) (Repealed by Law No. 7186 of July 17, 2019.)
- b) 6 percent of the nominal value of its share capital to the shareholders as the first dividend;
- c) (As amended by Law No. 7186 of July 17, 2019) After deducting the above-stated percentage; a maximum of 5 percent of the remaining amount to the staff members of the Bank in an amount not to exceed the sum of two months' of their salaries and 10 percent to the reserve fund;
- d) A second dividend to the shareholders in the ratio of a maximum of 6 percent of the nominal value of its share capital by a decision of the General Assembly.

The balance shall be transferred to the Treasury after this allocation.

(Added by Law No. 7186 of July 17, 2019.) Accumulated reserve funds, excluding the reserve fund set aside from the profit of last year, may be allocated by being added to the profit every year.

#### Valuation differences

#### Article 61 - (As amended by Law No. 6009 of July 23, 2010)

The valuation differences, arising from the valuation of foreign exchange and banknotes, other assets and obligations in terms of foreign currency, and gold in the assets and liabilities of the Bank due to changes in the value of Turkish currency against foreign currencies and changes in the price of gold in international markets, shall be monitored in a separate account.

Unrealized valuation differences accrued in favor of the Bank as the result of the valuation of foreign exchange and banknotes, and other assets and obligations in terms of foreign currency, and gold in the assets and liabilities of the Bank due to changes in the value of Turkish currency against foreign currencies and changes in the price of gold in international markets, shall not be included in the profit of the valuation period and not be recognized as income in corporate tax assessment. Unrealized valuation differences accrued against the Bank, on the other hand, shall not be deducted from the profit of the valuation period and not be recognized as expense in corporate tax assessment.

The provision of Article 280 of Tax Procedure Law No. 213 shall not apply to the valuation to be made under this article.

#### Liquidation

#### Article 62 - In the event of liquidation of the Bank, the principles applicable

- a) (依 2019 年 7 月 17 日第 7186 號法律廢止)
- b) 將股本名目價值 6%之首次股息分配予各股東。
- c) (依 2019 年 7 月 17 日第 7186 號法律修正) 扣除上述比率後，得以剩餘數之最高 5%內分配予本行職員，惟不得超過本行職員 2 個月薪給總額，另 10% 擲入準備基金。
- d) 經股東大會決定，得將股本名目價值最高 6%之第二次股息分配予股東。

經分配後之結餘應撥交國庫。

(依 2019 年 7 月 17 日第 7186 號法律刪除) 除自前一年度收益提存之準備基金外，累積之準備基金得納為每年收益分配之。

#### 評價差異

#### 第 61 條 - (依 2010 年 7 月 23 日第 6009 號法律修正)

因土耳其貨幣對外國貨幣之價值變動及國際市場黃金價格變動，導致本行資產及負債中之外匯與鈔券、以外幣計價之其他資產與債務及黃金等評價之差異，應以不同帳戶監控之。

因土耳其貨幣對外國貨幣之價值變動及國際市場黃金價格變動，導致本行資產及負債中之外匯與鈔券、以外幣計價之其他資產與債務及黃金之未實現評價利得，不得納入評價期間之收益，且不得認列為公司稅務評估中之收入。此外，未實現之評價損失不得自評價期間之收益中扣除，亦不得認列為公司稅務評估中之費用。

「第 213 號稅務程序法」第 280 條之規定，不適用於本條之評價。

#### 清算

#### 第 62 條 - 當本行進行清算時，應以法律明定清算適用之

to the liquidation shall be laid down by a law. The value of the shares shall firstly be paid out from the net assets originating from the liquidation. Of the amount remaining after the payment of the shares at par, 80 percent shall be paid to the Government, and 20 percent to the shareholders.

## CHAPTER II

### Bank bulletin

**Article 63** - The Bank shall issue a bulletin briefly showing the statement of account as of the end of each week and shall also publish it in the Official Gazette.

The Bulletin shall contain the cash balance, gold holdings, foreign exchange position, the aggregate of the domestic bills to be paid, the Bank's deposits in foreign countries, and other claims on one hand; and the capital of the Bank, its reserves, the amount of banknotes in circulation, the deposits with the Bank, and other debts on the other hand; as well as the current rediscount, discount and interest rates applicable to the Bank's operations.

This bulletin shall be sent to the institutions to be deemed necessary and to foreign central banks.

## CHAPTER III

### Exemptions, exceptions and miscellaneous provisions

#### Exemption from taxes, duties and charges

**Article 64** - The capital of the Bank, its reserves, profits accrued in respect of class (A) shares as well as gold bullion or gold coins to be imported by the Bank; the imports to be effected for the Banknote Printing Works and its installations shall be exempt from all kinds of taxes, duties and charges.<sup>3</sup>

The Bank shall be exempt from stamp duty as well as from duties and charges of any kind to be paid in connection with all the documents, announcements and other similar items associated with its own banking operations.

<sup>3</sup> Provisions pertaining to all kinds of tax, duty and charge exemption applicable to importation are repealed by Article 1 of Law on the Repeal of Customs Exemptions Granted by Certain Laws No. 3283 dated May 6, 1986.

However, by the Decree of the Council of Ministers No. 95/7536 which is issued in accordance with Article 2 of the same Law and published in the Official Gazette No. 22513 dated January 4, 1996, it is so decided that any machine, equipment and supply to be imported by the Banknote Printing Works so as to be utilized in the production of banknotes and negotiable instruments shall be exempted from customs duty and Housing Development Fund.

原則。清算產生之淨資產應優先用以償付股份之價值。支付按面額計算之股份後，剩餘數之 80% 應支付予政府，20% 則支付予股東。

## 第 II 章

### 本行之公告

**第 63 條** - 本行應發行公告，簡要呈現每週結束時之帳目結算表，並於政府公報發布之。

公告除應包含現金餘額、黃金持有量、外匯部位、應支付之國內票據總額、本行於外國之存款及其他債權外，並應包含本行之資本、盈餘公積、鈔券流通數量、本行收受之存款與其他負債，以及目前適用於本行業務之重貼現率、貼現率及利率。

本公告應傳送予必要之機構及外國中央銀行。

## 第 III 章

### 豁免、除外及其他事項

#### 稅捐、關稅及費用之豁免

**第 64 條** - 本行之資本、盈餘公積、(A) 類股份之收益，以及本行進口之金塊或金幣；為鈔券印製廠之營運及設立而進口之貨物，均應豁免各類稅捐、關稅或費用。<sup>3</sup>

本行之印花稅，應予豁免，且與所為銀行業務有關之一切文件、公告及其他類似項目而衍生之任何稅捐及費用，亦應豁免之。

<sup>3</sup> 適用於進口之各類稅捐及費用豁免之相關條款，依 1986 年 5 月 6 日第 3283 號「廢止特定法律給予關稅豁免法」第 1 條，業已廢止。

但 1996 年 1 月 4 日刊登於第 22513 號政府公報，經內閣會議依同法第 2 條所為之第 95/7536 號法令，已決定由鈔券印製廠進口，且用於生產鈔券與其他可流通票據之機器、設備及供應品，應豁免關稅及住房發展基金之徵收。

**Tariffs applicable to the transportation of valuables**

**Article 65** - Weight-based freight tariffs shall apply to the transportation of all kinds of gold coins, gold bullion and the Turkish Lira banknotes, as well as bonds, bills and foreign banknotes belonging to the Bank by the vehicles of Türk Hava Yolları A.O., Türkiye Cumhuriyeti Devlet Demir Yolları İşletmesi, Denizcilik Bankası T.A.O. and D.B. Deniz Nakliyatı T.A.Ş..

**Nature of the books and records of the Bank**

**Article 66** - All kinds of documents, records, books and bills of the Bank and the statements of account based thereupon shall be considered official documents.

**Domicile of the debtor**

**Article 67** - The address given by the debtors or by their guarantors during the conduct of a transaction with the Bank shall be considered their legal domicile. Subsequent changes shall not alter the jurisdiction of the court or enforcement power.

**Penal provisions****Article 68 - (As amended by Law No. 5728 of January 23, 2008)**

I - a) Any officer or relevant person of banks and of other financial establishments and institutions, who does not comply with the regulations set forth by the Bank within the framework of the powers granted to it through the fourth paragraph of Article 4 and Article 52 on open market operations, of this Law, and who fails to establish in due time or who establishes deficiently the ratios fixed for reserve requirements and liquidity requirement pursuant to paragraph (II) of Article 40 of this Law, shall be sentenced to a judicial fine of two hundred to four hundred days.

b) **(As amended by Law No. 6111 of February 13, 2011)** Any officer or relevant person of banks and of other financial establishments and institutions, who fails to furnish the documents and information specified in the first and second paragraphs of Article 43 of this Law, or who provides inaccurate information and documents, or who obstructs the audit set forth in the fourth paragraph of Article 4 of this Law, shall be sentenced to a penalty of imprisonment for a term of one to three years and a judicial fine of four hundred to eight hundred days.

The commencement of an investigation and prosecution in connection with

**貴重物品運輸適用之費率**

**第 65 條** - 以土耳其航空公司、土耳其國家鐵路公司、海事銀行公司及 D.B. 海事運輸公司之運具所運輸之本行各類金幣、金塊、里拉鈔券、債券、票據及外國鈔券，應適用以重量計算之運費費率。

**本行帳簿及紀錄之性質**

**第 66 條** - 本行各類文件、紀錄、帳簿及票據，以及所衍生之帳目報告，視同政府文件。

**債務人之住所**

**第 67 條** - 債務人或其保證人因與本行交易而留存之地址，視為其法定住所。縱有變更，亦不影響法院之管轄權或執行權。

**罰則****第 68 條 - (依 2008 年 1 月 23 日第 5728 號法律修正)**

I - a) 銀行及其他金融單位、機構之任何官員或相關人員，未依本行於本法第 4 條第 4 項與第 52 條所定對公開市場操作之授權規章，及未能及時或足額提存符合本法第 40 條第 (II) 款所定應提準備金與流動性要求準備金者，應處以 200 日至 400 日之罰金。

b) **(依 2011 年 2 月 13 日第 6111 號法律修正)** 銀行及其他金融單位、機構之任何官員或相關人員，未能提供或提供不確實之本法第 43 條第 1 項及第 2 項所規定之文件及資訊，或妨礙本法第 4 條第 4 項之查核者，應處以 1 年至 3 年之有期徒刑，併處以 400 日至 800 日之罰金<sup>譯註3</sup>。

**對本項所定犯罪行為展開之偵查及起訴，應由銀行監督**

<sup>譯註3</sup> 此處所定本法第 4 條第 4 項似係本法第 43 條第 4 項之誤譯。

the offences described in this paragraph shall be subject to the filing of a petition by the Banking Regulation and Supervision Agency with the Office of the Chief Public Prosecutor either upon the request of the Bank or after obtaining the Bank's opinion. In this case, the provisions of Article 162 of the Banking Law shall apply.

II - a) Any staff member of the Bank who violates the first and second paragraphs of Article 35 of this Law shall be sentenced to a penalty of imprisonment for a term of one to three years and a judicial fine which shall not be less than hundred days.

Any staff member of the Bank who discloses confidential information in order to obtain benefits for himself or other persons shall be sentenced to a penalty of imprisonment for three to five years and a judicial fine of one thousand to ten thousand days.

b) Any staff member of the Bank who embezzles, for the benefit of himself or another, the money, or the documents or bills which substitute for money, or other goods, which he is obliged to keep and supervise or possession of which is delivered to him by reason of his office, shall be punished with a penalty of imprisonment for six to twelve years and a judicial fine of up to five thousand days and also be sentenced to indemnify the damage incurred by the Bank.

Where the offence is committed by conducting fraudulent acts to ensure that the embezzlement shall not be discovered, the offender shall be sentenced to a penalty of imprisonment which shall not be less than twelve years and a judicial fine of up to twenty thousand days; however, the amount of the judicial fine shall not be less than three times the damage incurred by the Bank. Furthermore, if the damage occurred has not been indemnified, the court shall, on its own initiative, render a judgment for the payment.

In the event that the money, or the documents or bills that substitute for money, or other goods, which are embezzled, are returned in their original state or the damage incurred is totally indemnified, prior to the initiation of the investigation, two thirds of the penalty to be imposed shall be reduced.

If, prior to the commencement of the prosecution, the embezzled money, or such documents or bills that substitute for money, or other goods, are voluntarily returned in their original state or the damage incurred is totally indemnified, the penalty to be imposed shall be reduced by one half. In case this happens before the judgment is rendered, the penalty to be imposed shall be reduced by one third.

Where the value of the money, or of the documents or bills that substitute for money, or of other goods, which are the subject matter of the offence of embezzlement, is minimal, the penalty to be imposed shall be reduced by one third to one half.

管理機關基於本行之要求或徵詢本行意見後，向檢察總長辦公室提出追訴。於此情形，應適用「銀行法」第 162 條之規定。

II - a) 本行職員違反本法第 35 條第 1 項及第 2 項規定者，應處以 1 年至 3 年之有期徒刑，併處以 100 日以上之罰金。

本行職員為其自身或他人之利益洩露機密資訊者，應處以 3 年至 5 年之有期徒刑，併處以 1000 日至 1 萬日之罰金。

b) 本行職員為其自身或他人之利益，挪用其因職務所保管或監管之款項、可作為金錢替代品之文件或票據，或其他財物者，應處以 6 年至 12 年之有期徒刑，併處以 5000 日以下之罰金，並應賠償本行所受之損害。

為隱匿其挪用行為，而以詐欺手段犯罪者，應處以 12 年以上之有期徒刑，併處以 20000 日以下之罰金；其中罰金之數額，不得低於本行所受損害數額之 3 倍。此外，若發生之損害未經賠償，法院應另行判決賠償數額。

於調查開始前將挪用之款項、可作為金錢替代品之文件或票據，或其他財物回復原狀或全數賠償損害者，應減少所定刑罰之三分之二。

於起訴前自願將挪用之款項、可作為金錢替代品之文件或票據，或其他財物回復原狀或全數賠償損害者，應減少所定刑罰之二分之一。於判決前始發生此情形者，應減少所定刑罰之三分之一。

挪用之款項、可作為金錢替代品之文件或票據，或其他財物之價值甚微者，應減少所定刑罰之三分之一至二分之一。

**(As amended by Statutory Decree No. 703 of July 2, 2018)** The commencement of an investigation and prosecution, against the Bank personnel in connection with the offences described in this paragraph and their actions during the performance of their duties specified in the Law, shall be subject to the filing of a petition by the Board with the Office of the Chief Public Prosecutor, and the commencement of an investigation and prosecution against other staff members of the Bank who are in office by appointment and election shall be subject to the filing of a petition by the President of the Republic with the Office of the Chief Public Prosecutor.

III - a) Anyone who intentionally takes an action which may tarnish the reputation or damage the credibility or assets of the Bank or who disseminates and publishes false information to that effect shall be sentenced to a penalty of imprisonment for one to two years and a judicial fine which shall not be less than hundred days.

b) Any real person or any responsible person of a legal entity, who fails to furnish the documents and information in the fourth paragraph of Article 43 of this Law accurately in accordance with the procedures and principles specified, shall be sentenced to a judicial fine of thirty to sixty days.

The commencement of an investigation and prosecution in connection with the offences described in this paragraph shall be subject to the filing of a petition by the Office of the Governor with the Office of the Chief Public Prosecutor.

IV - **(Added by Law No. 7061 of November 28, 2017.)** Any real person or any officer or relevant person of a legal entity, who fails to furnish, who furnishes inaccurately or who furnishes inconsistently with the determined procedures and principles, the information and documents requested by the Bank pursuant to Article 44 of this Law, shall be sentenced to a judicial fine of one thousand to two thousand days.

#### **Supplementary Article - (Added by Law No. 3098 of December 6, 1984.)**

The terms "Minister of Finance" and "Ministry of Finance" referred to in Law on the Central Bank of the Republic of Türkiye No. 1211 of January 14, 1970 are amended to read as "Prime Minister" and "Prime Ministry" respectively.

**Provisional Article 1** - The Board of Directors of the Bank shall be transformed into Board as of the effective date of this Law; the duties of the members shall continue until the end of their respective terms of office. The duties of the member of the Board of Directors representing the personnel shall terminate on the effective date of this Law.

**(依 2018 年 7 月 2 日第 703 號法令修正)** 偵查及起訴係對本行人員之本項所定犯罪行為或其履行本法所定任務而為之者，應由本行理事會向檢察總長辦公室提出追訴。另偵查及起訴對象係任命及選舉產生之本行其他工作人員者，應由總統向檢察總長辦公室提出追訴。

**III - a)** 任何故意採取可能損害本行聲譽、信用或資產之行為者，或散佈虛假訊息致有損害本行聲譽、信用或資產之虞者，應處以 1 年至 2 年之有期徒刑，並處以 100 日以上之罰金。

**b)** 未確實依本法第 43 條第 4 項所定程序與原則提交文件及資訊之任何自然人或法人之負責人，應處以 30 日至 60 日之罰金。

對本項所定犯罪行為展開之偵查及起訴，應由本行總裁辦公室向檢察總長辦公室提出追訴。

**IV - (依 2017 年 11 月 28 日第 7061 號法律增訂)** 任何自然人、法人之高階職員或相關人員，就本行依本法第 44 條請求提交之文件及資訊，未能提交、提交不確實，或未依所定程序及原則提交者，應處以 1000 日至 2000 日之罰金。

#### **補充條文 - (依 1984 年 12 月 6 日第 3098 號法律增訂)**

依 1970 年 1 月 14 日第 1211 號「土耳其共和國中央銀行法」所定之「財政部長」及「財政部」，分別修正為「總理」及「總理府」。

**過渡條文 1** - 於本法生效日起，本行理事會應轉換為理事會；其成員之任務應持續至其任期結束。代表本行人員之理事成員，其任務應於本法生效日終止。

**Provisional Article 2** - As of the effective date of this Law, the General Director of the Bank shall be designated as "Governor" and the Assistant General Directors of the Bank as "Vice Governors", and their duties shall continue until the end of their respective terms of office.

**Provisional Article 3** - Those who are auditors on the effective date of this Law shall continue to perform their duties as members of the Audit Committee until the end of their terms of office.

**Provisional Article 4** - The duties of other persons employed in the Bank on the effective date of this Law shall continue.

**Provisional Article 5** - Treasury bills held in the portfolio of the Bank on the effective date of this Law shall be liquidated in accordance with the principles and conditions to be determined by the Ministry of Finance and the Bank; and the advance account which has been extended to T. Emlak Kredi Bankası against Treasury guaranteed bonds shall be liquidated in accordance with the principles and conditions to be determined by the Ministry of Finance, the Bank and the institution concerned.

**Provisional Article 6** - The banknotes issued in accordance with the Law No. 1715 and which circulate on the effective date of this Law shall remain in circulation under the provisions of this Law until they are replaced by a new issue.

**Provisional Article 7** - All the decisions taken by the Committee for the Regulation of Bank Credits shall continue to be valid after the effective date of this Law unless otherwise decided by the Bank.

**Provisional Article 8** - The aggregate of the shares corresponding to the TL 10 million increase in the capital which was raised from TL 15 million to TL 25 million in accordance with Article 5 of this Law, shall be allocated to class (A).

The amount corresponding to the TL 10 million shares in question shall be covered all at once from the available provisions with the Bank until the first meeting of the General Assembly after the effective date of this Law.

**Provisional Article 9<sup>4</sup> - (Added by Law No. 3985 of April 21, 1994.)**

The amounts accumulated as to 1994 and the previous periods in the advance account specified in Article 50 and the amounts to be utilized between 1995 and 1998 shall be liquidated in accordance with the principles to be determined between the Prime Ministry and the Bank.

<sup>4</sup> In accordance with Article 6 of Law No. 3985 dated April 21, 1994, the effective date of this Article is set forth as January 1, 1995.

**過渡條文 2** - 自本法生效日起，本行之總經理應被任命為「總裁」，本行之副總經理應被任命為「副總裁」，該等人員之任務應持續至其個別任期結束。

**過渡條文 3** - 於本法生效日擔任審計員者，應作為審計委員會之成員持續履行其任務，直至其任期結束。

**過渡條文 4** - 其他於本法生效日仍受僱於本行之人員，其繼續履行其任務。

**過渡條文 5** - 本行於本法生效日於投資組合中仍持有之國庫券，應依財政部與本行共同決定之原則及條件予以變現；已向 T. Emlak 銀行提供對國庫擔保債券之墊款帳戶，應依財政部、本行與相關機構決定之原則及條件進行清算。

**過渡條文 6** - 依第 1715 號法律發行，且於本法生效日仍流通在外之鈔券，應依本法相關規定持續流通，直至其被新版發行鈔券替換為止。

**過渡條文 7** - 銀行信用管理委員會所做之所有決策，除本行另有決定者外，於本法生效日後持續有效。

**過渡條文 8** - 依本法第 5 條規定，自 1500 萬里拉增資至 2500 萬里拉之 1000 萬股資本，應分配為 (A) 類。

相當於此 1000 萬股份之金額，應於本法生效後之第一次股東大會前，以本行可動用之準備金一次全部支付。

**過渡條文 9<sup>4</sup> - (依 1994 年 4 月 21 日第 3985 號法律增訂)**

於第 50 條所定墊款帳戶累積至 1994 年之數額，及 1995 年至 1998 年被使用之數額，應依總理府及本行共同決定之原則進行清算。

<sup>4</sup> 依「1994 年 4 月 21 日第 3985 號法律」第 6 條之規定，本條文之生效日為 1995 年 1 月 1 日。

**Provisional Article 10 - (Added by Law No. 6111 of February 13, 2011.)**

According to the result of the oral examination-interview held between 25/8/2009 and 28/8/2009, the rights relating to the result of the examination, of the assistant specialists appointed to the Central Bank of the Republic of Türkiye whose employment has been terminated without their request, shall be reserved. The education and the apprenticeship of these nominees shall continue from where they stopped. With a view to benefit from the provisions of this Article, it shall be required to apply to the Bank within ten working days as of the effective date of this Article.

**Provisional Article 11 - (Added by Law No. 6456 of April 3, 2013.)**

Audit Committee members who are on duty on the effective date of this Article shall continue to perform their duties until the end of their terms of office.

**Provisional Article 12 - (Added by Law No. 7186 of July 17, 2019.)**

All of the reserve funds which are set aside until the effective date of this article, and all of the accumulated extraordinary reserve funds excluding its part set aside from the profit of last year, shall be transferred to the Treasury without seeking the decision of the General Assembly.

**Laws repealed**

**Article 69** - Law on the Replacement of Banknotes by Their Reserves No. 1514 of 2.6.1929, and Law on the Central Bank of the Republic of Türkiye No. 1715 of 11.6.1930, together with the Laws, which amend or are annexed to this Law, No. 3133 of 12.2.1937; No. 4431 of 12.6.1943; No. 5167 of 4.2.1948; No. 5256 of 8.7.1948; No. 5377 of 2.5.1949; No. 6544 of 27.4.1955; No. 6571 of 18.5.1955; No. 6758 of 25.6.1956; No. 260 of 24.2.1961; No. 142 of 3.1.1963; No. 583 of 21.4.1965 and Articles 33 and 47 of Banks Act No. 7129; paragraph 2 of Article 9, as amended by Law No. 302, of Law No. 2279 on Loans, are repealed.

**過渡條文 10 - (依 2011 年 2 月 13 日第 6111 號法律增訂)**

依 2009 年 8 月 25 日至 2009 年 8 月 28 日間舉行口試結果，受任至土耳其共和國中央銀行擔任助理專家，惟其職務未經其提出即予終止者，有關該次口試結果之權利，應予保留。此等被提名之訓練及實習計畫，應自當初終止時繼續進行。為享有本條所定之權益，其應自本法生效後之 10 個工作日內，向本行提出申請。

**過渡條文 11 - (依 2013 年 4 月 3 日第 6456 號法律增訂)**

於本條文生效日擔任審計委員會成員者，應履行任務至其任期結束。

**過渡條文 12 - (依 2019 年 7 月 17 日第 7186 號法律增訂)**

至本條文生效日仍提存之準備基金，除自前一年度收益提存者外，所累積之特殊準備基金全數，應逕行移交國庫，無須經股東大會決定。

**廢止之法律**

**第 69 條** - 「1929 年 6 月 2 日第 1514 號以鈔券發行準備替換鈔券法」、「1930 年 6 月 11 日第 1715 號土耳其共和國中央銀行法」，連同修正或附加於該法案之法律：「1937 年 2 月 12 日第 3133 號法律」、「1943 年 6 月 12 日第 4431 號法律」、「1948 年 2 月 4 日第 5167 號法律」、「1948 年 7 月 8 日第 5256 號法律」、「1949 年 5 月 2 日第 5377 號法律」、「1955 年 4 月 27 日第 6544 號法律」、「1955 年 5 月 18 日第 6571 號法律」、「1956 年 6 月 25 日第 6758 號法律」、「1961 年 2 月 24 日第 260 號法律」、「1963 年 1 月 3 日第 142 號法律」、「1965 年 4 月 21 日第 583 號法律」，及「第 7129 號銀行法」之第 33 條與第 47 條；經由「第 302 號法律」修正之「第 2279 號法律」之第 9 條第 2 項，均廢止之。

**(Added by Law No. 6111 of February 13, 2011.)** The provision of sub-paragraph (c) of Article 14 of Law No. 3624 dated 12/4/1990 on the Establishment of the Small and Medium- sized Industry Development Organization shall not apply to the Bank.<sup>5</sup>

The third paragraph of Article 4 of Law No. 468<sup>6</sup> of May 12, 1964 is amended to read as follows:

"The Central Bank of the Republic of Türkiye shall not be deemed as Public Economic Enterprise and shall not be subject to the audit set forth by this Law. Auditing of this Bank by the Grand National Assembly of Türkiye shall be conducted through the examination of the national budget as referenced in Article 94 of the Constitution."

The final paragraph of Article 4 of Law No. 468 dated May 12, 1964 is amended to read as follows:

"The administrations, institutions and public professional organizations stated in paragraphs 1 and 2 shall be deemed as public corporate bodies for the purposes of paragraph 1."

Provisions of current laws in force which do not comply with this Law shall not apply to the Bank.

#### Effective date

**Article 70** - This Law shall become effective on the date of its publication.

#### Enforcement

**Article 71** - The Council of Ministers shall be entrusted with the enforcement of this Law.

<sup>5</sup> In accordance with sub-paragraph (i) of first paragraph of Article 215 of Law No. 6111 dated February 13, 2011, the effective date of this paragraph is set forth as January 1, 2012.

<sup>6</sup> Law No. 468 dated May 12, 1964 is repealed by Law on the Audit of State-Owned Economic Enterprises and Funds by the Turkish Grand National Assembly No. 3346 of April 2, 1987. See Article 2 of Law No. 3346.

(依 2011 年 2 月 13 日第 6111 號法律增訂)「1990 年 4 月 12 日第 3624 號建立中小型工業發展組織法」之第 14 條第 (c) 款規定，不適用於本行。<sup>5</sup>

「1964 年 5 月 12 日第 468 號法律」之第 4 條第 3 項規定<sup>6</sup>，修正如下：

「土耳其共和國中央銀行不應被視為公共經濟企業，且不適用本法所定之審計規定。土耳其大國民議會對此銀行之審計，應透過憲法第 94 條所定對國家預算之審查進行。」

「1964 年 5 月 12 日第 468 號法律」之第 4 條最末項修正如下：

「第 1 項與第 2 項所定之行政機關、機構及公共專業組織，應視為第 1 項之公共法人。」

現行有效法律之條文，與本法規定內容不一致者，不適用於本行。

#### 生效日期

**第 70 條** - 本法定自公布日生效。

#### 施行

**第 71 條** - 本法之施行授權由內閣會議為之。

<sup>5</sup> 依「2011 年 2 月 13 日第 6111 號法律」第 215 條第 1 項第 (1) 款之規定，本項規定之生效日為 2012 年 1 月 1 日。

<sup>6</sup> 「1964 年 5 月 12 日第 468 號法律」，業依 1987 年 4 月 2 日第 3346 號「土耳其大國民議會審查國有經濟企業及基金法」廢止。參見「第 3346 號法律」之第 2 條。

**Articles of Law No. 4651 of April 25, 2001, which may not be inserted to this Law, are as follows:**

**Provisional Article 1** - The provision pertaining to the terms of office stipulated in Article 29 of Law No. 1211 which is amended by Article 5 of this Law shall not be applicable to the Vice Governors who shall be in office on the effective date of this Law.

**Provisional Article 2** - The amounts accumulated at the advance account described in Article 50 of Law No. 1211 which is repealed by Article 16 of this Law shall be liquidated in accordance with the principles determined by the Bank and the Treasury; credits extended to public establishments and institutions pursuant to Article 51 shall be liquidated to be paid back in compliance with the extension procedures.

The Bank may purchase debt instruments issued by the Treasury in the primary market as well for a period of six months beginning from the effective date of this Law.

**The Article of Law No. 6009 of July 23, 2010, which may not be inserted into this Law, is as follows:**

**Provisional Article 2** - The provision of Article 61, as amended by this Law, of Law No. 1211 on the Central Bank of the Republic of Türkiye, shall also apply to the unrealized valuation differences accrued in favor of and against the Bank as the result of valuation made from 5/5/2001 to the effective date of this Law, on the foreign exchange and banknotes, other assets and obligations in terms of foreign currency, and gold which are in the assets and liabilities of the Bank, due to changes in the value of the Turkish currency against foreign currencies and changes in the price of gold in international markets.

2001年4月25日第4651號法律中，未必納入本法之條文如下：

**過渡條文 1** - 本法第5條修正第1211號法律第29條所定任期之規定，不適用於本法生效日在任之副總裁。

**過渡條文 2** - 經本法第16條廢止之第1211號法律第50條所定於墊款帳戶累積之數額，應依本行及國庫共同決定之原則予以清算；依第51條貸放予公共設施與機構之貸款，應遵循貸放程序予以結清收回。

本行自本法生效日起算之6個月內，得於初級市場購買國庫發行之債務工具。

2010年7月23日第6009號法律中，未必納入本法之條文如下：

**過渡條文 2** - 根據本法修正之「第1211號土耳其共和國中央銀行法」第61條規定，自2001年5月5日進行估算價值結果至本法生效日間，因土耳其貨幣兌換外幣之價值變動與國際市場金價之變動，而導致本行資產及負債中之外匯、鈔券、以外幣計價之其他資產與債務及黃金，分別對本行形成之未實現利得或損失，亦應適用。

三、SOUTH AFRICAN  
RESERVE BANK  
ACT, 1989  
南非準備銀行法

**SOUTH AFRICAN RESERVE BANK ACT, 1989****南非準備銀行法**

法務室 歐坤寧 譯

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附表2

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# SOUTH AFRICAN RESERVE BANK ACT, 1989

No. and Year of Law: Act No.90 of 1989

Notice Date: 14 June 1989 [GoN 1203/ GG 11942/19890614]

Commencement Date: 1 August 1989 [Proc.128/GG 12009/19890710]

as amended by:

Transfer of Powers and Duties of the State President Act 51 of 1991 [wef 29 April 1991]

Safe Deposit of Securities Act 85 of 1992 [wef 14 May 1993]

South African Reserve Bank Amendment Act 10 of 1993 [wef 10 March 1993]

General Law Third Amendment Act 129 of 1993 [wef 1 September 1993]

South African Reserve Bank Amendment Act 2 of 1996 [wef 15 March 1996]

South African Reserve Bank Amendment Act 39 of 1997 [wef 3 October 1997]

South African Reserve Bank Amendment Act 57 of 2000 [wef 6 December 2000]

Exchange Control Amnesty and Amendment of Taxation Laws Act 12 of 2003 [wef 31 May 2003]

South African Reserve Bank Amendment Act 4 of 2010 [wef 13 September 2010]

Financial Services Laws General Amendment Act 45 of 2013 [wef 28 February 2014]

Financial Sector Regulation Act 9 of 2017 [wef 1 April 2018]

Financial Sector Laws Amendment Act 23 of 2021 [wef 1 June 2023]

South African Reserve Bank Notice 6289 of 2025 [wef 6 June 2025] (Substitution of Schedule 2 )

## ACT

**To consolidate the laws relating to the South African Reserve Bank and the monetary system of the Republic; and to provide for matters connected therewith.**

(Afrikaans text signed by the State President.)

(Assented to 1 June 1989.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows: —

### Definitions

1. In this Act, unless the context otherwise indicates—  
"associate", in relation to a shareholder—  
(a) if the shareholder is a natural person, means—

# 南非準備銀行法

法律編號及年份：1989 年第 90 號法案

公布日：1989 年 6 月 14 日

[1989 年 6 月 14 日於第 11942 號政府公報以第 1203 號政府公告公布]

生效日：1989 年 8 月 1 日

[1989 年 7 月 10 日於第 12009 號政府公報以第 128 號政府公告指定]

歷經下列法案修正--

1991 年第 51 號國家總統權力及職責移轉法 (自 1991 年 4 月 29 日生效)

1992 年第 85 號證券安全存管法 (自 1993 年 5 月 14 日生效)

1993 年第 10 號南非準備銀行修正法 (自 1993 年 3 月 10 日生效)

1993 年第 129 號普通法第三次修正法 (自 1993 年 9 月 1 日生效)

1996 年第 2 號南非準備銀行修正法 (自 1996 年 3 月 15 日生效)

1997 年第 39 號南非準備銀行修正法 (自 1997 年 10 月 3 日生效)

2000 年第 57 號南非準備銀行修正法 (自 2000 年 12 月 6 日生效)

2003 年第 12 號外匯管制赦免及稅法修正法 (自 2003 年 5 月 31 日生效)

2010 年第 4 號南非準備銀行修正法 (自 2010 年 9 月 13 日生效)

2013 年第 45 號金融服務法律一般修正法 (自 2014 年 2 月 28 日生效)

2017 年第 9 號金融業監管法 (自 2018 年 4 月 1 日生效)

2021 年第 23 號金融業法律修正法 (自 2023 年 6 月 1 日生效)

2025 年第 6289 號南非準備銀行公告 (自 2025 年 6 月 6 日生效) (修正附表 2 )

## 本 法

旨在整併及強化我國南非準備銀行及貨幣體系之法律，並規定與此相關之事項。

(南非語文本由總統簽署。)

(1989 年 6 月 1 日批准。)

經總統及國會制定之具體內容如下:—

### 定義

- 第 1 條 除上下文另有所指外，本法之一  
「關係人」，就股東言—  
(a) 倘股東為自然人，指—

- (i) a close relative of the shareholder; or
  - (ii) any person who has entered into an agreement or arrangement with the shareholder, relating to the acquisition, holding or disposal of, or the exercising of voting rights in respect of, shares of the Bank;
  - (b) if the shareholder is a juristic person—
    - (i) which is a company, means any subsidiary or holding company of that company, any other subsidiary of that holding company and any other company of which that holding company is a subsidiary;
    - (ii) which is a close corporation registered under the Close Corporations Act, 1984 (Act No.69 of 1984), means any member thereof as defined in section 1 of that Act;
    - (iii) which is not a company or a close corporation as contemplated in this paragraph, means another juristic person which would have been a subsidiary of the first-mentioned juristic person—
      - (aa) had such first-mentioned juristic person been a company; or
      - (bb) in the case where that other juristic person, too, is not a company, had both the first-mentioned juristic person and that other juristic person been a company;
    - (iv) means any person in accordance with whose directions or instructions the board of directors of or, in the case where the juristic person is not a company, the governing body of the juristic person is accustomed to act; and
  - (c) in respect of all shareholders, being either natural or legal persons—
    - (i) means any juristic person of which the board of directors or, in the case where such juristic person is not a company, of which the governing body is accustomed to act in accordance with the directions or instructions of the shareholder; and
    - (ii) includes any trust controlled or administered by the shareholder;
- "Bank" means the South African Reserve Bank established by section 9 of the Currency and Banking Act;
- "bank" means a bank as defined in section 1 (1) of the Banks Act, 1990 (Act No.94 of 1990), and, for the purposes of section 10A, includes a mutual bank;

- (i) 其近親；或
- (ii) 與其簽訂有關本行股份之收購、持有、處分或表決權行使協議或合約之人；
- (b) 倘股東為法人—
  - (i) 該法人為公司者，指該公司之附屬公司、控股公司、該控股公司之其他附屬公司及該控股公司所隸屬之其他公司；
  - (ii) 該法人為依「1984年閉鎖性公司法」（1984年第69號法案）登記之閉鎖性公司者，指該法第1條所定之成員；
  - (iii) 該法人現非屬公司或閉鎖性公司者，於下列情形，指原附屬於該法人之其他法人—
    - (aa) 該法人曾為公司；或
    - (bb) 該其他法人現亦非屬公司，惟該法人及該其他法人均曾為公司者；
  - (iv) 指依例遵照其董事會（倘該法人為公司）或管理機構（倘該法人非公司）之指示或指揮辦事之人；及
- (c) 不論股東係自然人或法人—
  - (i) 指任何法人之董事會（倘該法人為公司）或管理機構（倘該法人非公司）依例遵照股東指示或指揮辦事之該法人；及
  - (ii) 包括由股東控制或管理之信託機構；「本行」指依「貨幣銀行法」第9條規定設立之南非準備銀行；「銀行」指依「1990年銀行法」（1990年第94號法案）第1條第(1)項所定之銀行；第10A條所稱銀行，並包括互助銀行；

"banking institution" (Deleted)

"Board" means the board of directors referred to in section 4 (1);

"building society" (Deleted)

"close relative", in relation to a shareholder, means—

(a) a spouse, including a domestic or life partner or a party to any recognised union in terms of custom or the tenets of any religion—  
(i) of the shareholder; or  
(ii) of a person mentioned in paragraph (b) below; and

(b) a child, sibling, step-child, parent or step-parent of the shareholder;

"Currency and Banking Act" means the Currency and Banking Act, 1920 (Act No.31 of 1920);

"Department of Finance" includes the Minister or any officer in the Department of Finance authorized by the Minister to perform any function assigned to that Department in this Act;

"Deputy Governor" means a person appointed under section 4 or 6 (1) (a) as a Deputy Governor of the Bank;

"elected director" means a member of the Board elected by shareholders;

"employee of Government" means any person who is employed by or works for Government and who either receives or is entitled to receive a salary in respect of such employment or work, or derives the major part of his or her income from such employment or work;

"financial instrument" means—

(a) any security as referred to in the definition of "securities" in section 1 of the Stock Exchanges Control Act, 1985 (Act No.1 of 1985);

(b) any financial instrument as defined in section 1 of the Financial Markets Control Act, 1989 (Act No.55 of 1989), irrespective, in the case of such instrument that is an instrument creating or acknowledging indebtedness, of the term for which it has been issued;

(c) any right or other benefit in respect of or accruing to a security referred to in paragraph (a) or a financial instrument referred to in paragraph (b); and

(d) any other instrument, right or benefit declared by the Minister by notice in the Gazette to be a financial instrument for the purposes of section 10 (1) (h);

「銀行業」（刪除）

「理事會」指第 4 條第(1)項規定之理事會；

「住房合作社」（刪除）

「近親」，就股東言，指—

(a) 下列人士之配偶，包括同居或終身伴侶，或依習俗或任何宗教信條公認具結合關係者—

(i) 股東；或

(ii) 以下第(b)目所定之人；及

(b) 股東之子女、兄弟姊妹、繼子女、父母或繼父母；

「貨幣銀行法」指「1920 年貨幣銀行法」(1920 年第 31 號法案)；

「財政部」包括部長或經其授權執行本法所定該部任務之該部官員；

「副總裁」指依第 4 條或第 6 條第(1)項第(a)款規定獲任命為本行副總裁之人；

「選任理事」指由股東選任之理事會成員；

「政府雇員」指受僱於政府或為政府工作，而領取或可領取受僱薪資或工作酬勞，或以此為主要收入來源之人；

「金融工具」指—

(a) 「1985 年證券交易管理法」(1985 年第 1 號法案)第 1 條所定之任何證券；

(b) 「1989 年金融市場管理法」(1989 年第 55 號法案)第 1 條所定之任何金融工具；其中屬創設或承認債務之金融工具者，其期限依發行時所定；

(c) 第(a)目之證券或第(b)目之金融工具所涉或所生之任何權利或利益；及

(d) 經部長於政府公報公告屬第 10 條第(1)項第(h)款所定金融工具之任何其他工具、權利或利益；

"Government" means the national, provincial and local spheres of government in the Republic, as envisaged in section 40 (1) of the Constitution of the Republic of South Africa, 1996;

"Government representative" means a member of the Board appointed under section 4 or 6 (1) (a), but does not include the Governor or a Deputy Governor;

"Governor" means the person appointed under section 4 or 6 (1) (a) as the Governor of the Bank;

"Minister" means the Minister of Finance;

"mutual bank" means a mutual bank as defined in section 1 (1) of the Mutual Banks Act, 1993 (Act No.124 of 1993);

"NEDLAC" means the National Economic, Development and Labour Council, established in terms of section 2 of the National Economic, Development and Labour Council Act, 1994 (Act No.35 of 1994);

"mutual building society" (Deleted)

"Panel" means a panel as referred to in section 4 (1C);

"prescribed" means prescribed by regulation;

"Republic" (Deleted)

"shareholder" means any holder of shares in the Bank;

"shareholders' representative" (Deleted)

"special drawing right" means a unit of an international reserve asset provided for in the Articles of Agreement of the International Monetary Fund;

"territory" (Deleted)

"Treasury" includes the Minister or any officer in the Department of Finance authorized by the Minister to perform any function assigned to the Treasury in this Act.

## South African Reserve Bank a juristic person

2. The Bank shall be a juristic person.

## Primary objectives of Bank

3. (1) The primary objective of the Bank shall be to protect the value of the currency of the Republic in the interest of balanced and sustainable economic growth in the Republic.

「政府」指「1996 年南非共和國憲法」第 40 條第(1)項所定之中央政府、省政府及地方政府；

「政府代表」指依本法第 4 條或第 6 條第(1)項第(a)款規定任命之理事會成員；但不包括總裁、副總裁；

「總裁」指依本法第 4 條或第 6 條第(1)項第(a)款規定任命為本行總裁之人；

「部長」指財政部長；

「互助銀行」指依「1993 年互助銀行法」(1993 年第 124 號法案)第 1 條第(1)項所定之互助銀行；

「國家經濟發展勞動委員會」指依「1994 年國家經濟發展及勞動委員會法」(1994 年第 35 號法案)第 2 條設立之國家經濟發展勞動委員會；

「住房互助合作社」(刪除)

「審核小組」指第 4 條第(1C)項所定之小組；

「規定」指法規所規定者；

「共和國」(刪除)

「股東」指持有本行股份之任何人；

「股東代表」(刪除)

「特別提款權」指「國際貨幣基金協定」條款所定之國際準備資產單位；

「領土」(刪除)

「國庫」包括財政部長或經其授權執行本法所定國庫任務之該部官員。

## 南非準備銀行為法人

第 2 條 本行為法人。

## 本行主要目標

第 3 條 (1) 本行主要目標係維護國幣價值，以促進我國經濟均衡及持續成長。

(2) In addition, the Bank is responsible for protecting and maintaining financial stability as envisaged in the Financial Sector Regulation Act, 2017.

## Board of directors

4. (1) The Bank shall have a board of fifteen directors, consisting of—
- (a) a Governor and three Deputy Governors (of whom one shall be designated by the President of the Republic as Senior Deputy Governor) who shall be appointed by the President of the Republic, after consultation with the Minister and the Board, as well as four other directors appointed by the President, after consultation with the Minister; and
  - (b) seven directors elected by the shareholders from candidates confirmed by the Panel.
- (1A) Any shareholder, current director of the Bank or any member of the general public may nominate persons to serve as elected directors of the Bank in the manner as may be prescribed.
- (1B) Nominations in terms of subsection (1A) must be made in writing to the Panel and shall include a comprehensive curriculum vitae of the person nominated as well as a motivation for his or her nomination, and be submitted at least three calendar months before the ordinary general meeting of shareholders at which directors are due for election.
- (1C) A Panel shall be—
- (a) established by the Governor at least three months before; and
  - (b) convened by the Governor at least two months before, the relevant ordinary general meeting of shareholders at which an election of directors is due to take place.
- (1D) The Panel shall comprise of—
- (a) the Governor as chairperson;
  - (b) a retired judge and one other person, both nominated by the Minister; and
  - (c) three persons nominated by NEDLAC.
- (1E) The members of the Panel referred to in subsection (1D) (b) and (c) shall be appointed by the Governor from time to time.
- (1F) In the performance by the Panel of the functions described under subsection (1G)—
- (a) the Governor shall have a deliberative vote and, in the event of an equality of votes, a casting vote; and

(2) 本行並應依「2017 年金融業監管法」所定之職責，保障與維護金融穩定。

## 理事會

### 第 4 條

- (1) 本行設理事會，置理事 15 人，其組成如下—
- (a) 由總統徵詢部長及理事會後，任命總裁 1 人，副總裁 3 人（並指定其中 1 人為資深副總裁）；並於徵詢部長後，任命其他理事 4 人；及
  - (b) 由股東自審核小組審定之候選人中選任理事 7 人。
- (1A) 股東、本行現任理事或公眾可按法定方式推薦候選理事之人選。
- (1B) 第(1A)項之推薦，應以書面載明被推薦人之完整履歷及推薦理由，於召開股東常會選任理事至少 3 個月前，提出於審核小組。
- (1C) 總裁應於召開股東常會選任理事之一
- (a) 至少 3 個月前設立審核小組；且
  - (b) 至少 2 個月前召集審核小組會議。
- (1D) 審核小組組成如下—
- (a) 由總裁擔任主席；
  - (b) 由部長提名退休法官 1 人及其他人 1 人；及
  - (c) 由國家經濟發展勞動委員會提名 3 人。
- (1E) 第(1D)項第(b)款及第(c)款之審核小組成員，由總裁適時任命之。
- (1F) 審核小組依第(1G)款規定進行審核時—
- (a) 總裁有表決權，且於投票結果可否同數時，取決於總裁；及

- (b) a quorum shall comprise of the Governor and three other members of the Panel.
- (1G) Subject to subsection (1F) (b), the Panel shall consider all nominations duly received in a manner as may be prescribed, and—
  - (a) in respect of each candidate—
    - (i) verify eligibility in terms of this Act and recognised central banking standards; and
    - (ii) determine, in its discretion, whether the candidate is fit and proper to serve as a director of the Bank in terms of this Act;
  - (b) subject to subsection (1H), compile a list of all the candidates confirmed as suitable for possible election to the Board; and
  - (c) cause a copy of the list of candidates to be sent to shareholders no later than 30 days before the date of the relevant ordinary general meeting of shareholders.
- (1H) If, in relation to any vacancy on the Board to be filled, more than three nominees meet the criteria listed in subsection (1G) (a), only the three candidates deemed most suitable by the Panel in relation to the vacancy, shall be confirmed.
- (2) (a) The Governor shall be a person of tested banking experience.
  - (aA) Each director of the Bank shall be a fit and proper person with appropriate skills and experience, who shall at all relevant times—
    - (i) act bona fide for the benefit of and in the interest of the Bank;
    - (ii) avoid any conflict of interest between his or her interests and the interests of the Bank;
    - (iii) possess and maintain the knowledge and skill that may reasonably be expected of a person holding the same appointment and carrying out the same functions as are carried out by the director in question in relation to the Bank; and
    - (iv) exercise such care in the carrying out of his or her functions in relation to the Bank as may be reasonably expected of a diligent person holding the same appointment under similar circumstances and who possesses both the knowledge and skill mentioned in subparagraph (iii), and any such additional knowledge and skill as the director in question may have.

- (b) 法定出席人數應有總裁及其他審核小組成員 3 人。
- (1G) 審核小組於符合第(1F)項第(b)款之法定出席人數後，應審核所有按法定方式提交之推薦人選；且—
  - (a) 對於每位候選人—
    - (i) 依本法及已認可之央行標準確認其資格；及
    - (ii) 依本法審定其是否適合擔任理事；
  - (b) 除第(1H)項另有規定外，編製所有經審定符合資格條件之候選理事名單；及
  - (c) 於召開股東常會選任理事至少 30 日前，將候選理事名單複印本送達股東。
- (1H) 理事會因故缺位待補選時，經審核小組審核符合第(1G)項第(a)款所定標準之候選理事超過 3 人者，僅須審定最適合擔任該職缺之 3 名候選理事。
- (2) (a) 總裁應具備可靠之銀行實務經驗。
  - (aA) 理事應具備適當之技能及經驗，且於任職期間內應—
    - (i) 秉持忠實原則謀求本行權益及利益；
    - (ii) 避免與本行發生任何利益衝突；
    - (iii) 具備並保持與擔任本行理事相同職位及執行相同任務所被合理期待之知識及技能；及
    - (iv) 秉持審慎原則執行理事任務，並應達擔任本行相同職位及具備第(iii)目所定知識及技能之人，於相同情況下所被合理期待之注意程度，以及可能具備之任何額外知識及技能。

- (b) (Deleted)
- (3) Of the directors elected by the shareholders—
  - (a) two shall be persons with knowledge and skill in commerce or finance;
  - (b) one shall be a person with knowledge and skill in agriculture;
  - (c) two shall be persons with knowledge and skill in industry;
  - (d) one shall be a person with knowledge and skill in labour; and
  - (e) one shall be a person with knowledge and skill in mining.
- (4) No person shall be appointed or elected as or remain a director, if that person—
  - (a) is not resident in the Republic; or
  - (b) is a director, officer or employee of a bank, bank controlling company, mutual bank, or cooperative bank; or
  - (bA) is a Minister or a Deputy Minister in the Government of the Republic; or
  - (c) is a member of Parliament, a provincial legislature or a Municipal Council; or
  - (d) is an un-rehabilitated insolvent; or
  - (e) was dismissed from a position of trust as a result of his or her misconduct or has been disqualified or suspended from practising any profession on the grounds of his or her professional misconduct; or
  - (f) was convicted of an offence listed in Part 1 or 2 of Schedule 1 to the Criminal Procedure Act, 1977 (Act No.51 of 1977), an offence under this Act, the Prevention and Combating of Corrupt Activities Act, 2004 (Act No.12 of 2004), the Prevention of Organised Crime Act, 1998 (Act No.121 of 1998), the Prevention of Counterfeiting of Currency Act, 1965 (Act No.16 of 1965), perjury, or any other offence involving an element of dishonesty in respect of which he or she has been sentenced to imprisonment without the option of a fine or to a fine exceeding R1 000; or
  - (g) is mentally or physically incapable of performing the duties of a director; or
  - (h) is contractually incapacitated; or

- (b) (刪除)
- (3) 股東選任之理事，應有一
  - (a) 2人具備商業或金融之知識及技能；
  - (b) 1人具備農業之知識及技能；
  - (c) 2人具備工業之知識及技能；
  - (d) 1人具備勞動力之知識及技能；及
  - (e) 1人具備礦業之知識及技能。
- (4) 任何人有下列情形之一者，不得被任命、選任為理事或繼續擔任理事—
  - (a) 現非我國居住民；
  - (b) 現為銀行、銀行控股公司、互助銀行、合作銀行之董事、官員或雇員；
  - (bA) 現於我國政府擔任部會首長或副首長；
  - (c) 現為國家議會、省議會或市議會之議員；
  - (d) 受破產宣告尚未復權；
  - (e) 曾因本人之不當行為而遭解除涉及誠信之職位，或曾因本人之不當執業行為而遭廢止執業資格或停業；
  - (f) 曾犯「1977年刑事訴訟法」（1977年第51號法案）附表1第1部或第2部、本法、「2004年貪污活動防制及打擊法」（2004年第12號法案）、「1998年組織犯罪防制法」（1998年第121號法案）、「1965年偽造貨幣防制法」（1965年第16號法案）所定之罪、偽證罪或其他任何涉及不誠實之罪，經宣告監禁且不得易科罰金之刑，或超過1,000蘭特罰金之刑確定；
  - (g) 因身心障礙致不能執行理事職務；
  - (h) 喪失契約上之行為能力；或

- (i) is an employee of Government.
- (5) The tenure of a director shall, unless otherwise indicated or agreed by the Board, automatically terminate forthwith—
  - (a) if the director gives notice in writing to the secretary of the Bank of his or her resignation as a director;
  - (b) if the director, without reasonable cause, absents himself or herself from three consecutive meetings of the Board without leave of absence granted by the chairperson: Provided that the chairperson may not grant leave of absence from more than three consecutive meetings of the Board;
  - (c) if the director fails to declare to the Bank any direct or indirect interest in any agreement or proposed agreement with the Bank;
  - (d) if the director unlawfully discloses to any person any information described in section 33 of this Act; or
  - (e) if the director is disqualified on the grounds described in subsection (4).

### Functions and powers of Board

- 4A. (1) The Board shall be responsible for the corporate governance of the Bank by—
- (a) ensuring compliance with principles of good corporate governance;
  - (b) adopting rules and determining policies for the sound accounting, administration and functioning of the Bank;
  - (c) approving the—
    - (i) budget of the Bank;
    - (ii) annual reports and financial statements of the Bank required for submission to the meeting of shareholders, the Minister and Parliament;
    - (iii) appointment or the termination of service of a secretary and an assistant secretary of the Bank;
    - (iv) general remuneration policy of the Bank; and
    - (v) allocation of funds to the retirement fund of the Bank for purposes of making good any actuarial shortfall as well as the appointment of any employees' trustee in respect of such fund;
  - (d) authorising—
    - (i) any actions and procedures by the Bank as contemplated in sections 10 (1) (c) (ii), (d), (u) and 24;

- (i) 現為政府雇員。
- (5) 理事有下列情形之一者，除理事會另有指示或同意者外，其任期應自動終止—
  - (a) 向本行秘書長遞交辭呈；
  - (b) 未經理事會主席准假，連續 3 次無故缺席理事會會議；但主席不得准其連續 3 次以上缺席理事會會議；
  - (c) 未向本行申報與本行契約或草約涉有直接或間接利益；
  - (d) 向任何人非法洩漏本法第 33 條所定之資訊；或
  - (e) 因第(4)項之事由遭解職。

### 理事會之任務及職權

- 第 4A 條 (1) 理事會應按下列方式負責本行之公司治理—
- (a) 確保良好之公司治理原則；
  - (b) 制定規則並決定本行健全之會計、管理及營運政策；
  - (c) 核定—
    - (i) 本行預算；
    - (ii) 本行向股東會議、部長及國會提交之年度報告及財務報表；
    - (iii) 本行秘書長及助理秘書長之任免；
    - (iv) 本行一般薪酬政策；及
    - (v) 本行退休基金之撥補資金，以彌補任何精算缺口，以及任命受雇人員所信託之該基金管理人；
  - (d) 授權—
    - (i) 本行依第 10 條第(1)項第(c)款第(ii)目、第(d)款、第(u)款及第 24 條規定之任何行為及程序；

- (ii) the establishment or closing of any branch of the Bank within or outside the Republic; and
  - (iii) the acquisition of any building or the causing of any building to be erected by the Bank;
  - (e) making recommendations to the Minister in respect of regulations as contemplated under section 36 and in connection with any possible liquidation of the Bank in terms of section 38; and
  - (f) performing any other function specifically assigned to the Board in terms of this Act.
- (2) All other powers and duties of the Bank under this Act shall vest in and be exercised by the Governor and Deputy Governors.

### Tenure and conditions of office of directors

5. (1) The terms of office of directors of the Bank shall be as follows:
- (a) The Governor and Deputy Governors shall hold office for a period of five years: Provided that the President of the Republic may, after consultation with the Minister and the Board, on any re-appointment of a Governor or Deputy Governor at the end of his or her term of office, appoint such officer for a term not exceeding five years.
  - (b) The directors who are Government representatives shall hold office for a period of three years.
  - (c) Elected directors shall hold office for a period commencing on the first day after the date of their election as such at an ordinary general meeting of shareholders held during a specific calendar year and terminating on the date of the ordinary general meeting of the shareholders held during the third calendar year following upon the ordinary general meeting at which the director was elected.
- (1A)(Deleted)
- (1B)(Deleted)
- (2) A director shall be eligible for re-appointment or re-election, as the case may be, after expiration of his or her term of office: Provided that in the case of an elected director, such person has been confirmed by the Panel as a candidate as contemplated in this Act.
- (3) Directors (including the Governor and Deputy Governors) shall hold office upon such conditions as to remuneration (including allowances) as may be determined by the Board, and upon such other conditions as may be prescribed by regulation.

- (ii) 於我國境內外設立或裁撤任何分行；及
  - (iii) 本行任何建築物之購置或建造；
  - (e) 就第 36 條所定法規及依第 38 條可能對本行進行之清算，向部長提出建議；及
  - (f) 執行本法特別授予理事會之任何其他任務。
- (2) 本行依本法授予之所有其他職權及職責，應由總裁及副總裁行使。

### 理事任期及任職條件

#### 第 5 條 (1) 理事任期如下：

- (a) 總裁及副總裁任期均為 5 年；但期滿經總統徵詢部長及理事會後，得續任命之，任期不得逾 5 年。
  - (b) 以政府代表身分出任之理事，任期為 3 年。
  - (c) 股東選任之理事，任期自其於特定曆年召開股東常會當選理事之翌日起算，至第三個曆年舉行股東常會選任理事之日止。
- (1A) (刪除)
- (1B) (刪除)
- (2) 理事任期屆滿後，得依其理事身分連任或連選；但理事之連選，以經審核小組審定為符合本法規定之候選理事為限。
- (3) 理事（包括總裁及副總裁）任職之薪酬（包括津貼），由理事會審定；其他任職條件，於法令另定之。

(4) The Governor and the Deputy Governors shall devote the whole of their time to the business of the Bank: Provided that the provisions of this subsection shall not be construed as prohibiting the Governor or a Deputy Governor from accepting or holding any office to which he may be appointed by or with the approval of the State President or the Minister.

### Casual vacancies

6. (1) A casual vacancy on the Board shall be filled—
- (a) in the case of the Governor or a Deputy Governor through the appointment by the President of the Republic of another person, after consultation with the Minister and the Board, in an acting capacity for a temporary period until such time as the position is filled in accordance with the applicable provisions of section 5;
  - (aA) in the case of a Government representative, through the appointment by the President of the Republic, after consultation with the Minister, of another person; and
  - (b) in the case of an elected director, by the election by the shareholders at an ordinary general meeting of shareholders of a person, confirmed by the Panel as a candidate as contemplated in this Act, in the place of the director whose office has become vacant, or by the appointment by the Board, subject to his or her subsequent election by shareholders at the next ordinary general meeting of the shareholders, of a person confirmed by the Panel as a person suitable for possible election to the Board.
- (2) Any person appointed or elected under subsection (1) shall hold office—
- (a) in the case of a person temporarily acting as Governor or Deputy Governor, for such a term, but not exceeding five years, as the President of the Republic, after consultation with the Minister and the Board, may determine; and
  - (b) in the case of any other director, in accordance with the applicable provisions of section 5: Provided that the term of office of a director appointed by the Board, and who is not subsequently elected by shareholders at the next ordinary general meeting of shareholders, shall expire on the day of such ordinary general meeting.

(4) 總裁及副總裁應為專任；但經總統或部長任命或同意其擔任之其他職位，得兼任之。

### 因故缺位

#### 第 6 條

##### (1) 理事會因故缺位應予補實—

(a) 總裁或副總裁因故缺位，應由總統徵詢部長及理事會後，任命另一人暫代之；其任期以補足原任者未滿之第 5 條所定期限為止；

(aA) 以政府代表身分出任之理事因故缺位，應由總統徵詢部長後，任命另一人出任；及

(b) 股東選任之理事因故缺位，由股東於召開股東常會時，自審核小組依本法審定之候選理事中補選一人，或由理事會自審核小組審定最適候選理事中補派一人，並由股東於下次股東常會中予以補選追認。

##### (2) 依第(1)項規定任命或選出之理事—

(a) 倘為代理總裁或副總裁之人，其代理期間由總統徵詢部長及理事會後決定之；但不得逾 5 年；及

(b) 倘為其他理事，依第 5 條之相關任期規定任職；但由理事會補派之理事，未獲股東於下次股東常會中予以補選追認者，其任期至該股東常會召開之日為止。

## Procedure and quorum

7. (1) The Governor shall preside at the meetings of the Board, and in his absence from any meeting, the Deputy Governor designated by the Governor shall preside: Provided that the Minister may designate any other director to act as chairman of the Board during the Minister's pleasure and that such director shall in that capacity preside at such meetings as he may be present at.
- (2) If the other director who is by virtue of the proviso to subsection (1) required to preside at a meeting of the Board is absent from that meeting, the Governor or, in his absence, a Deputy Governor designated by him, shall preside at that meeting, and if the said other director as well as the Governor and the said designated Deputy Governor are absent from that meeting, the directors who are present may elect one of their number to preside at that meeting.
- (3) The quorum for a meeting of the Board shall be seven directors.
- (4) The decision of the majority of directors present at any meeting shall constitute the decision of the Board.
- (5) The person presiding at any meeting shall have a deliberative vote and, in addition, in the event of an equality of votes, a casting vote.

## Delegation of powers

8. (1) The Board may from time to time delegate to the Governor or any Deputy Governor or any officer of the Bank any of its powers for such period and purposes and subject to such terms, conditions or restrictions as it may deem fit.
- (2) The Governor or any Deputy Governor may delegate the exercise of any power delegated to him or her by the Board under subsection (1) or any of his or her original powers, to a Deputy Governor or an officer of the Bank for a particular period or purpose, and any power the exercise of which has been so delegated, shall be exercised subject to the same terms, conditions or restrictions imposed by the Board when delegating the power to the Governor or Deputy Governor or, in the case of original powers of the Governor or Deputy Governor, on such terms, conditions or restrictions as he or she may determine.

## 會議程序及法定人數

- 第 7 條 (1) 總裁應主持理事會會議，總裁缺席時，應由總裁指派副總裁主持；但遇有部長全權指派其他理事為該會議主席者，應由該理事以理事身分出席主持該會議。
- (2) 部長依第(1)項規定指派擔任主席之其他理事缺席理事會會議時，由總裁主持，總裁亦缺席時，由總裁指派副總裁主持，渠等均缺席者，由當次理事會會議出席理事互選一人主持。
- (3) 理事會會議應有 7 名理事出席。
- (4) 理事會會議之決議，應有出席理事過半數同意行之。
- (5) 理事會會議之決議，主席有表決權；且於可否同數時，取決於主席。

## 授權事項

- 第 8 條 (1) 理事會得適時決定於一定期間、出於若干目的及依其認為適當之期限、條件或限制，將其若干職權委由總裁、副總裁或本行其他官員行使。
- (2) 總裁或副總裁得決定於一定期間、出於若干目的，將其依第(1)項規定取得之授權或其若干固有職權，委由副總裁或本行官員行使；受託行使依第(1)項規定取得之授權時，並應遵循理事會於委託時所定之期限、條件或限制；受託行使固有職權時，應遵循委託人所定之期限、條件或限制。

### Validity of Board's decisions and acts

9. No decision or act of the Board or act performed under the authority of the Board shall be invalid by reason only of the fact that—  
 (a) the Board did not consist of the full number of directors prescribed in section 4 (1); or  
 (b) a disqualified person or a person with respect to whose election as director the provisions of the regulations had not been observed, sat or acted as a director,  
 at the time when the decision was taken or the act was performed or authorized, provided, in the case where such disqualified or invalidly elected person sat or acted as a director, the directors who were present at the time and who were in fact entitled to sit or act as directors constituted a quorum, and a majority of the last-mentioned directors voted in favour of the decision taken or the act performed or authorized.

### Powers and duties of Bank

10. (1) The Bank may, subject to the provisions of section 13—  
 (a) (i) make banknotes or cause banknotes to be made;  
 (ii) coin coins or cause coins to be coined;  
 (iii) issue banknotes and coins, or cause banknotes and coins to be issued, for use in the Republic;  
 (iv) make, or cause to be made, banknotes to be issued for use in another State, and coin, or cause to be coined, coins to be so issued; and  
 (v) destroy banknotes and coins or cause them to be destroyed;  
 (b) with the object of making banknotes or coining coins, and with any object incidental thereto, form companies in accordance with the provisions of the Companies Act, 1973 (Act No.61 of 1973), and take up shares in such companies;  
 (c) (i) perform such functions, implement such rules and procedures and, in general, take such steps as may be necessary to establish, conduct, monitor, regulate and supervise payment, clearing or settlement systems;  
 (ii) form, or take up shares or acquire an interest in, any company or other juristic person that provides—

### 理事會決議及行為之有效性

第 9 條 理事會之決議、行為或經理事會授權之行為，於理事會做成該決議、行為或授權決定時之合格理事達法定出席人數且過半數同意者，其效力不得僅因下列情形而失效—

- (a) 理事總人數未達第 4 條第(1)項規定之人數；或
- (b) 理事不適格或其選任不符合當選或擔任理事之規定。

### 本行之職權及職責

- 第 10 條 (1) 本行於不抵觸第 13 條規定下，得—  
 (a) (i) 印製或安排印製鈔券；  
 (ii) 鑄造或安排鑄造硬幣；  
 (iii) 發行或安排發行於我國流通之鈔券及硬幣；  
 (iv) 為他國印製、鑄造、發行或安排印製、安排鑄造、安排發行於該國流通之鈔券及硬幣；及  
 (v) 銷毀或安排銷毀鈔券及硬幣；  
 (b) 為辦理貨幣之印製或鑄造及其附隨事項，依「1973 年公司法」（1973 年第 61 號法案）有關規定設立公司，並持有其股份；  
 (c) (i) 執行必要任務、施行必要規則及程序，並採取必要步驟，以建立、經營、監視、規範及監督支付、結算或清算系統；  
 (ii) 設立、持股或收購具備下列條件之公司或其他法人—

- (aa) a service for the purpose of or associated with; or
- (bb) any facility for or associated with,  
the utilization of any such payment, clearing or settlement  
systems;
- (iii) perform the functions assigned to the Bank by or under any law  
for the regulation of such payment, clearing or settlement  
systems; and
- (iv) participate in any such payment, clearing or settlement  
systems;
- (d) form a company or acquire shares in a company formed and  
registered in accordance with the provisions of the Companies Act,  
2008—
  - (i) for the purposes of the performance of its resolution functions  
in terms of the Financial Sector Regulation Act, 2017 (Act  
No.9 of 2017); or
  - (ii) if the Board is of the opinion that any such acquisition will be  
conducive to the attainment of any of the objects of this Act;
- (e) accept money on deposit, allow interest on any deposit or on a  
portion of a deposit and collect money for other persons;
- (f) grant loans and advances: Provided that unsecured loans and  
advances may be granted only in the following cases, namely—
  - (i) an unsecured loan to the Government of the Republic or to a  
company referred to in paragraph (b) or, with the approval of  
the Board, to any company in which the Bank has acquired  
shares in accordance with the provisions of paragraph (d);
  - (ii) an unsecured loan or advance, at such rate of interest as the  
Board may from time to time determine, to an officer or  
employee of the Bank—
    - (aa) in order to enable such officer or employee to acquire a  
dwelling for his own use, in a case where, owing to the  
nature of the rights of the officer or employee in respect  
of the property in question, such property cannot in law  
be mortgaged in favour of the Bank; or
    - (bb) for the purposes of the implementation of a motor-car  
scheme which, in terms of the rules made by the Board

- (aa) 與利用支付、結算或清算系統  
有關之任何服務；或
- (bb) 與使用支付、結算或清算系統  
有關之任何設施；
- (iii) 執行法律明定或授權有關支付、結  
算或清算系統之監管任務；及
- (iv) 參加任何此類支付、結算或清算系  
統；
- (d) 設立或收購依「2008 年公司法」有關規  
定成立及登記之公司；但應符合下列條  
件之一—
  - (i) 為履行「2017 年金融業監管法」  
(2017 年第 9 號法案) 之清理任  
務；或
  - (ii) 理事會認為該收購有助於實現本法  
之目標；
- (e) 收受存款，並允許就存款之全部或一部  
給付利息，及代收款項；
- (f) 辦理放款及墊款；但辦理無擔保放款及  
墊款，以下列對象為限—
  - (i) 我國政府、第(b)款所定之公司或第  
(d)款所定由本行收購股份，並經理  
事會同意之公司；
  - (ii) 符合下列條件之本行官員或雇員；  
其無擔保放款及墊款利率由理事會  
決定—
    - (aa) 為使其購得自用住宅，且因其  
持有該住宅之權利性質，依法  
不得抵押予本行；或
    - (bb) 為執行員工購買機動車方案，  
且根據理事會依第 35 條所定之

- under section 35, forms part of the conditions of service of the officer or employee;
- (g) buy, sell, discount or re-discount bills of exchange drawn or promissory notes issued for commercial, industrial or agricultural purposes, or exchequer bills of the Government of the Republic or of the government of any other country, or securities of a local authority in the Republic;
  - (h) buy, sell or deal in financial instruments and, in accordance with the provisions of any law regulating the safe deposit of securities, hold such financial instruments in safe custody, or cause such financial instruments to be held in safe custody, for other persons;
  - (i) issue its own interest-bearing securities for purposes of monetary policy and buy, sell, discount or re-discount, or grant loans or advances against, such securities;
  - (j) subject to the provisions of section 13 (a) and (b), enter into repurchase agreements with any institution in respect of interest-bearing securities or such other securities as the Bank may determine;
  - (k) buy, sell or deal in precious metals and hold in safe custody for other persons gold, securities or other articles of value;
  - (l) buy and sell foreign currencies;
  - (m) buy, sell, accept or deal in special drawing rights;
  - (n) open credits and issue guarantees;
  - (o) effect transfers in accordance with generally accepted banking practice, and sell drafts drawn on its branches and correspondents;
  - (p) establish branches or appoint agents and correspondents in or outside the Republic;
  - (q) open accounts in foreign countries and act as agent or correspondent of any bank carrying on business in or outside the Republic;
  - (r) make arrangements or enter into agreements with any institution in a foreign country to borrow, in such manner, at such rate of interest and subject to such other terms and conditions as the Bank may deem fit, any foreign currency which the Bank may consider it expedient to acquire;

- 規則，該方案構成其任職之部分條件；
- (g) 買賣、貼現或重貼現工商或農業匯票、本票、我國或其他國家政府發行之國庫券或我國地方政府發行之證券；
  - (h) 買賣或經銷金融工具，及依據規範證券安全存放之法律規定，為他人保管或安排保管此類金融工具；
  - (i) 為貨幣政策之目的，發行計息證券，並辦理此類證券之買賣、貼現、重貼現、擔保放款或墊款；
  - (j) 除第 13 條第(a)款及第(b)款之限制規定外，與其他機構簽訂以本行發行之計息證券或本行所定之其他證券為標的之附買回交易協議；
  - (k) 買賣或經銷貴金屬，並為他人保管黃金、證券或其他有價商品；
  - (l) 買賣外國貨幣；
  - (m) 買賣、承兌或交易特別提款權；
  - (n) 提供授信額度及開立保證函；
  - (o) 依公認之銀行實務，執行匯款及出售其分支機構或通匯往來機構所簽發之匯票；
  - (p) 於我國境內外設立分支機構，或指定代理機構或通匯往來機構；
  - (q) 於外國開立帳戶，並擔任於我國境內外營業之銀行之代理行或通匯往來銀行；
  - (r) 以本行認為適當之方式、利率及其他期限或條件，與外國機構做出安排或簽訂協議，借入本行認為適合取得之各種外幣；

- (s) perform such other functions of bankers and financial agents as central banks customarily may perform;
  - (t) lend or advance money on security of a mortgage of immovable property or of a notarial or other bond or a cession thereof, to any officer or employee or former officer or employee of the Bank for the purpose of enabling any such officer or employee to acquire a dwelling for his own use: Provided that—
    - (i) if the Board is of the opinion that the value of any security held against any loan or advance is insufficient, the Bank may accept as additional security a mortgage bond on immovable property or any other security approved by the Board; and
    - (ii) if any immovable property so mortgaged is sold for the purpose of satisfying the mortgage debt and the purchase price obtainable is insufficient to cover the whole of the Bank's claim in connection with the mortgage, the Bank may buy in that property and realize it at such time and in such manner as the Board may determine;
  - (u) acquire immovable property required by the Bank for business purposes or for the purpose of providing a dwelling for any officer of the Bank, and sell, dispose of, donate or otherwise alienate any such immovable property: Provided that a donation of such immovable property may only be made with the approval of the Board;
  - (v) perform the functions assigned to the Bank by the Banks Act, 1990 (Act No. 94 of 1990), the Mutual Banks Act, 1993 (Act No. 124 of 1993), the Financial Sector Regulation Act, 2017 and other financial sector laws as defined in section 1 (1) of the Financial Sector Regulation Act, 2017.
- (2) The rates at which the Bank will discount or re-discount the various classes of bills, promissory notes and other securities, shall be determined and announced by the Bank from time to time.

#### **Maintenance by banks of minimum reserve balances in accounts with Bank**

- 10A.** (1) Subject to the provisions of subsection (3), a bank shall maintain an account with the Bank into which account that bank shall from time to time deposit at least such amounts as may be necessary to comply

- (s) 執行中央銀行身為銀行及政府財務代理人按慣例可履行之其他任務；
  - (t) 以不動產抵押、公證、其他保證或讓與擔保等方式，向本行現任或卸任之官員或雇員提供借款或墊款，協助其購置自用住宅；但—
    - (i) 理事會認為上開擔保品之擔保價值不足時，本行得徵提不動產抵押債券或其他經理事會認可之擔保品加強擔保；及
    - (ii) 抵押不動產之售價不足抵償其所擔保之本行全部債權者，本行得購入該不動產，並依理事會所定之時間及方式售出變現；
  - (u) 將本行為商用或提供住房予本行官員等目的，所取得之不動產，予以出售、處置、捐贈或以其他方式轉讓。但不動產之捐贈，應經理事會同意；
  - (v) 執行「1990 年銀行法」（1990 年第 94 號法案）、「1993 年互助銀行法」（1993 年第 124 號法案）、「2017 年金融業監管法」及該法第 1 條第(1)項所定其他金融業法授予本行之任務。
- (2) 本行對各類匯票、本票或其他證券之貼現率或重貼現率，由本行適時決定並公告之。

#### **銀行準備金帳戶最低餘額之維持**

- 第 10 A 條** (1) 除第(3)款另有規定外，銀行應於本行開立帳戶，適時存入符合第(2)款規定所要求之最低

- with the requirements of subsection (2) and from which it may, subject to that subsection, from time to time withdraw amounts.
- (2) (a) The Governor shall, for the purposes of paragraph (b) and in accordance with subsection (4), determine—
- (i) the percentage of the average daily amount of a bank's Reserve Bank notes and subsidiary coin, calculated according to the total amounts of those assets held by the bank on all the days of the last month in respect of which that bank furnished a return in terms of subsection (11) to the Registrar of Banks designated under section 4 of the Banks Act, 1990 (Act No.94 of 1990); and
  - (ii) percentages of the amounts of such different categories of the bank's liabilities as may be specified by the Governor by notice in the Gazette with reference to the time when such liabilities fall due or with reference to any other aspect pertaining to such liabilities.
- (b) The monthly average credit balance in an account maintained in terms of subsection (1) by a bank, together with the amount representing the percentage referred to in paragraph (a) (i) shall not be less than the total of the amounts representing the percentages referred to in paragraph (a) (ii).
- (3) (a) A bank shall, when required to do so by virtue of a determination contemplated in paragraph (b), in addition to the account referred to in subsection (1) maintain an account with the Bank (hereinafter in this subsection referred to as a special deposit account) into which account that bank shall from time to time deposit at least such amounts as may be necessary to comply with the requirements of paragraph (b).
- (b) For the purposes of the maintenance by a bank of a credit balance in a special deposit account referred to in paragraph (a), the Governor may from time to time determine further percentages, in addition to percentages determined by him in terms of subsection (2), of the bank's liabilities as contemplated in subsection (2).
- (c) When making a determination in terms of paragraph (b), the Governor may at his discretion direct that interest at a rate determined by him shall be payable to a bank on the daily credit balances in a special deposit account maintained by such

- 金額，並於不抵觸該款規定下，得適時自該帳戶提領款項。
- (2) (a) 為達到第(b)款之目標及符合第(4)項規定，總裁應決定—
- (i) 銀行持有本行鈔券及輔幣之日平均額準備率；其係根據銀行依第(11)款規定向「1990年銀行法」（1990年第94號法案）第4條所定之銀行登記官提交之申報表中所載上月份全部日數所持有之該類資產總額計算；及
  - (ii) 銀行各種負債準備率；其係由總裁參考各種負債之到期日或其他有關事項，並於政府公報公告之。
- (b) 銀行依第(1)項規定所持帳戶月平均信用餘額，加計依第(a)款第(i)目所定準備率算得之數額，不得低於依第(a)款第(ii)目所定準備率算得之總額。
- (3) (a) 除第(1)項規定之帳戶外，銀行應根據第(b)款所定之要求，於本行開立另一帳戶（於本項中，以下簡稱特別存款帳戶），適時存入符合第(b)款所定之最低金額。
- (b) 為使銀行維持第(a)款所定特別存款帳戶信用餘額，除第(2)項已訂定之準備率外，總裁得適時就第(2)項所定銀行各種負債另定額外之準備率。
- (c) 總裁依第(b)款另定準備率時，得就銀行依第(a)款規定開立之特別存款帳戶中之每日信用餘額，依其酌定之利率給付利

- bank in terms of paragraph (a): Provided that the provisions of this paragraph shall not derogate from the power conferred by section 10 (1) (e) upon the Bank to allow interest on any deposit or on a portion of a deposit.
- (4) (a) The percentages determined by the Governor in terms of subsection (2) (a) or (3) (b) shall be such percentages as the Governor may, having regard to the national economic interest, deem desirable to determine from time to time.
- (b) Whenever the Governor has made a determination under paragraph (a), he shall in writing inform the Registrar of Banks referred to in subsection (2) of such a determination, and the said Registrar shall as soon as is practicable give written notice of the determination to every bank and cause the determination to be published by notice in the Gazette.
- (c) Any such determination shall take effect on a date mentioned in the notice whereby the determination is published in the Gazette in terms of paragraph (b).
- (5) A bank's liabilities referred to in subsection (2) shall be calculated in such manner and determined at such times as may be determined by the Governor by notice in the Gazette.
- (6) Any person who contravenes or fails to comply with a provision of subsection (1), (2), (3) (a) or (5) shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding six months.
- (7) If a bank fails to comply with a provision of this section, or is unable to comply with any such provision, it shall forthwith in writing report its failure or inability to the Governor, stating the reasons for such failure or inability.
- (8) The Governor may summarily bring a charge in terms of subsection (6) against a bank referred to in subsection (7) or, if in the circumstances he deems it fit to do so, condone the failure or inability and afford the bank concerned an opportunity, subject to such conditions as the Governor may determine, to comply with the relevant provision within a specified period.
- (9) Irrespective of whether criminal proceedings in terms of subsection (6) have been or may be instituted against a bank in respect of any failure or inability referred to in subsection (7), the Governor may, subject to any condonation granted under subsection (8), by way of

息予該銀行。但本款規定並不限制本行依第 10 條第(1)項第(e)款規定得對存款之全部或一部給付利息之權力。

- (4) (a) 總裁依第(2)項第(a)款及第(3)項第(b)款規定所酌定之準備率，得經考量國家經濟利益後，適時調整為其認為合宜之比率。
- (b) 總裁依第(a)款所定之準備率，應以書面通知第(2)項所定之銀行登記官，由其儘速以書面轉知所有銀行，並辦理於政府公報公告之事宜。
- (c) 依第(b)款規定刊登於政府公報之公告，應指明所定準備率之施行日期。
- (5) 第(2)項所定銀行各種負債，其計算方式及確定時間，應由總裁決定，並公告於政府公報。
- (6) 任何人違反或未遵守第(1)項、第(2)項、第(3)項第(a)款或第(5)項規定，應構成犯罪；經定罪者，處 6 月以下有期徒刑或科罰金。
- (7) 銀行未遵守本條任一規定或無法遵守任何此類規定時，應立即以書面向總裁報告並陳明理由。
- (8) 第(7)項之銀行涉犯第(6)項所定之罪者，總裁得提出刑事告發，或於認為適當時予以寬宥，並命其按總裁所定之條件，限期改善至符合相關規定。
- (9) 不論是否已對或可能對第(7)項規定所指未遵守或無法遵守，而涉犯第(6)項所定之罪之銀行提起刑事訴訟，總裁得對依第(8)項規定

a written notice impose upon that bank, in respect of such failure or inability, a fine not exceeding one-tenth of one per cent of the amount of the shortfall for each day on which such failure or inability continues.

- (10) A fine imposed under subsection (9) shall be paid to the Governor within such period as may be specified in the relevant notice, and if the bank concerned fails to pay the fine within the specified period, the Governor may by way of civil action in a competent court recover from that bank the amount of the fine or any portion thereof which he may in the circumstances consider justified.
- (11) A bank shall, in order to enable the Governor to determine whether the bank is complying with the provisions of this section, furnish the Registrar of Banks referred to in subsection (2), subject to the provisions of subsection (12), with a return on the prescribed form and in respect of the prescribed period.
- (12) A return referred to in subsection (11) shall be prepared in conformity with generally accepted accounting practice and shall be furnished to the Registrar of Banks referred to in subsection (2) not later than the fifteenth business day following upon the last business day of the period to which the return relates.

### Appointment of inspectors

11. (1) The Bank may appoint inspectors (in either a permanent or a temporary capacity) to carry out inspections of the affairs, or of any part thereof, of a bank or a mutual bank.
- (2) (a) The provisions of Part 4 of Chapter 9 of the Financial Sector Regulation Act, 2017 except section 134, shall apply with the changes necessary in the context in respect of an inspection carried out in terms of subsection (1).
- (b) Section 130 of the Financial Sector Regulation Act, 2017 does not apply in respect of an inspection carried out in terms of subsection (1).
- (3) Every inspector so appointed shall be furnished with a certificate stating that he has been appointed as an inspector under this Act.

### Inspection of affairs of person, partnership, close corporation, company or other juristic person not registered as bank or mutual bank

12. (1) If the Governor or a Deputy Governor has reason to suspect that any

獲寬宥之銀行，以書面通知裁處不超過每日準備金提存不足數額之 1 % 罰款，並按其持續違規之日數計算。

- (10) 第(9)項之罰款，銀行應於有關通知所定期限內向總裁繳納；逾期未繳納者，總裁可向管轄法院對該銀行提起民事訴訟，酌情追繳該罰款數額之全部或一部。
- (11) 為使總裁認定銀行是否遵守本條規定，銀行應按第(12)項所定之格式及期限，向第(2)項所定之銀行登記官提交申報表。
- (12) 第(11)項之申報表，應按一般公認會計原則編製，並應於其申報期間之最後一個營業日後 15 個營業日內，提交予第(2)項所定之銀行登記官。

### 檢查人員之派任

- 第 11 條 (1) 本行可派任檢查人員（包括常任或臨時職位）辦理對銀行或互助銀行全部或一部事務之檢查。
- (2) (a) 「2017 年金融業監管法」第 9 章第 4 節規定，除第 134 條外，於執行第(1)項檢查時，比照辦理之。
- (b) 「2017 年金融業監管法」第 130 條，於執行第(1)項檢查時，不適用之。
- (3) 每位檢查人員之派任，應發給派任證書，俾證明業經依法派任。

### 對未登記為銀行或互助銀行之個人、合夥、閉鎖性公司、公司或其他法人之檢查事宜

- 第 12 條 (1) 總裁或副總裁有理由懷疑任何未依「1990 年

person, partnership, close corporation, company or other juristic person who or which is not registered in terms of the Banks Act, 1990 (Act No.94 of 1990), as a bank or in terms of the Mutual Banks Act, 1993 (Act No.124 of 1993), as a mutual bank, is carrying on the business of a bank or a mutual bank, he or she may direct the Registrar of Banks referred to in section 4 of the Banks Act, 1990, to cause the affairs or any part of the affairs of such person, partnership, close corporation, company or other juristic person to be inspected by an inspector appointed under section 11 (1), in order to establish whether or not the business of a bank or mutual bank, as the case may be, is being carried on by that person, partnership, close corporation, company or other juristic person.

- (2) The provisions of Part 4 of Chapter 9 of the Financial Sector Regulation Act shall apply with the necessary changes required by the context in respect of an inspection carried out in terms of subsection (1).

### Prohibited business

13. The Bank may not—
- purchase its own shares or grant loans or advances upon the security thereof;
  - without the consent of the Minister, purchase the shares of any bank or grant loans or advances upon the security thereof;
  - (Deleted)
  - buy, discount or re-discount bills of exchange or promissory notes drawn or issued for commercial and industrial purposes, which have a maturity exceeding 120 days;
  - buy, discount or re-discount bills of exchange or promissory notes drawn or issued for agricultural purposes, which have a maturity exceeding six months;
  - hold in stocks of the Government of the Republic which have been acquired directly from the Treasury by subscription to new issues, the conversion of existing issues or otherwise, a sum exceeding its paid-up capital and reserve fund plus one-third of its liabilities to the public in the Republic.

### Issue of banknotes and coins

14. (1) The Bank shall have the sole right to issue or cause to be issued banknotes and coins in the Republic: Provided that all coins which

銀行法」（1990年第94號法案）辦理銀行登記或未依「1993年互助銀行法」（1993年第124號法案）辦理互助銀行登記之個人、合夥、閉鎖性公司、公司或其他法人，正在經營銀行或互助銀行之業務時，得命「1990年銀行法」第4條所定之銀行登記官，促請第11條第(1)項之檢查人員查明該個人、合夥、閉鎖性公司、公司或其他法人有無正在經營銀行或互助銀行業務之情形。

- (2) 「2017年金融業監管法」第9章第4節規定，於執行第(1)項檢查時，比照辦理之。

### 禁止經營之業務

#### 第 13 條 本行不得—

- 購買本行股份或辦理以本行股份為擔保之放款或墊款；
- 非經部長同意，購買銀行股份或辦理以銀行股份為擔保之放款或墊款；
- (刪除)
- 購買、貼現或重貼現期限超過120日之工商匯票或本票；
- 購買、貼現或重貼現期限超過6個月之農業匯票或本票；
- 透過認購國庫新發行、轉換發行或以其他方式發行而直接持有我國政府股份之總額，超過本行實收資本、準備基金及公共債務之三分之一之合計數額。

### 發行鈔券及硬幣

- 第 14 條 (1) 本行享有於我國發行或安排發行鈔券及硬幣之唯一專屬權；但「1989年南非準備銀行

at the commencement of the South African Reserve Bank Amendment Act, 1989, were lawfully in circulation and legal tender in the Republic, shall as such remain in circulation until they are withdrawn from circulation in accordance with the provisions of section 19, or are no longer of the current mass prescribed in Schedule 2 in respect of the denomination in question.

- (2) The Bank shall not issue or cause to be issued any banknote of a denomination, in a form or of a material not approved by the Department of Finance.
- (3) The Bank shall not re-issue or cause to be re-issued any banknote which is torn or wholly or partially defaced or soiled.
- (4) The Bank shall not be obliged to make any payment in respect of a torn banknote or a banknote which, in the opinion of the Bank, is mutilated and which may be tendered to it, but may, in its discretion, make a payment in respect of such banknote.
- (5) The Bank shall not issue or cause to be issued any coin made otherwise than in accordance with the prescriptions of section 16 (1): Provided that the Bank may after the commencement of the South African Reserve Bank Amendment Act, 1989, continue to issue or cause to be issued coins made in accordance with the provisions of the South African Mint and Coinage Act, 1964 (Act No. 78 of 1964), as those provisions existed immediately prior to the repeal thereof by the said Amendment Act, until such time as the Minister may in writing direct the Bank to discontinue such issue.
- (6) The Bank shall not re-issue or cause to be re-issued any coin which is mutilated or worn away.
- (7) The Bank shall not be obliged to make any payment in respect of a coin which, in the opinion of the Bank, is mutilated or worn away and which may be tendered to it, but may, in its discretion, make a payment in respect of such coin.

### Monetary unit

15. (1) Subject to the provisions of section 14 (1), the monetary unit of the Republic shall be the rand (abbreviated as R), and the cent (abbreviated as c), which is one hundredth part of the rand.
- (2) The respective values, in rand and cent, of coins manufactured and issued under other designations than rand and cent and which by virtue of the provisions of section 14 (1) remain in circulation, shall be as set out in the table hereunder:

法修正法」施行時，所有於我國已合法流通並具法償效力之硬幣，於未依第 19 條規定公告收回前，或不再符合附表 2 所定各面額相應之重量前，應繼續流通。

- (2) 本行發行或安排發行之鈔券，其面額、形式或材質應經財政部核准。
- (3) 本行不得重新發行或安排重新發行任何破損或全部或一部遭塗寫或污損之鈔券。
- (4) 本行對於破損或經本行認屬毀壞之鈔券，無收兌義務；但仍可審慎衡量後酌予收兌。
- (5) 本行不得發行或安排發行不符合第 16 條第 (1) 項所定規格之硬幣；但「1989 年南非準備銀行修正法」施行後，業依「1964 年南非造幣廠及硬幣法」（1964 年第 78 號法案）有關規定（該等規定經上述修正法刪除）鑄造之硬幣，於部長以書面指示本行停止前，本行得繼續發行或安排發行。
- (6) 本行不得重新發行或安排重新發行任何毀壞或磨損之硬幣。
- (7) 本行對於經本行認屬毀壞或磨損之硬幣，無收兌義務；但仍可審慎衡量後酌予收兌。

### 貨幣單位

### 第 15 條

- (1) 除第 14 條第(1)項但書規定之情形外，我國貨幣之基本單位為蘭特（縮寫為 R）及分（縮寫為 c），1 蘭特等於 100 分。
- (2) 依第 14 條第(1)項但書規定尚在流通之已製發硬幣，其名稱未使用蘭特或分者，其價值依下表所定標準折合為蘭特或分：

## TABLE

Coin in circulation under the designation of—	Value in rand and cent:
Pound / sovereign .....	Two rand
Half-pound / half-sovereign .....	One rand
Crown .....	Fifty cents
Half-crown .....	Twenty-five cents
Florin .....	Twenty cents
Shilling .....	Ten cents
Sixpence .....	Five cents
Threepence .....	Two-and-a-half cents
Penny .....	Ten-twelfths of a cent
Half-penny .....	Five-twelfths of a cent
Farthing .....	Five twenty-fourths of a cent

**Denominations, material, standard mass and standard fineness of coins**

16. (1) The Bank may make or cause to be made coins of the denominations and with the mass set out in Schedule 2, and which are made of gold, platinum, silver, nickel, copper, tin, zinc or steel, or alloys of those metals, of the standard fineness so set out: Provided that in the making of such coins a remedy (or deviation from the standard mass or standard fineness determined in Schedule 2 in respect of the coin in question) of an amount not exceeding the remedy specified in Schedule 2 shall be allowed.
- (2) The Minister may from time to time amend Schedule 2 by notice in the Gazette.
- (3) A notice issued under subsection (2) shall come into operation on a date specified therein, and the provisions thereof shall have force of law as if they were enacted in Schedule 2.
- (4) The Minister shall within fourteen days after the date of publication in the Gazette of a notice issued under subsection (2), lay a copy thereof upon the Tables in Parliament, if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

## 表

流通硬幣之名稱—	折合蘭特或分之價值：
1 英鎊/主權幣 .....	2 蘭特
0.5 英鎊/0.5 主權幣 .....	1 蘭特
1 克朗 .....	50 分
0.5 克朗 .....	25 分
1 弗羅林 .....	20 分
1 先令 .....	10 分
6 便士 .....	5 分
3 便士 .....	2.5 分
1 便士 .....	10/12 分
0.5 便士 .....	5/12 分
0.25 便士 .....	5/24 分

**硬幣之面額、材質、標準重量及標準成色**

- 第 16 條 (1) 本行可鑄造或安排鑄造各種面額及附表 2 所列標準重量、標準成色之硬幣；其材質為金、鉑、銀、鎳、銅、錫、鋅、鋼或該等金屬之合金；其重量及成色，於不超過附表 2 所定偏差值（指偏離附表 2 所定標準重量或成色之差值）內，應予以容許。
- (2) 部長得適時以公告修正附表 2；該公告應刊登於政府公報。
- (3) 第(2)項之公告並應指定施行日期；施行時即具有等同於訂修附表 2 之法律效力。
- (4) 部長應於第(2)項之公告刊登政府公報後 14 日內，將該公告複本提呈開議中之國會；如遇國會休會時，應於下一會期開議後 14 日內提呈。

**Legal tender**

17. (1) A tender, including a tender by the Bank itself, of a note of the Bank or of an outstanding note of another bank for which the Bank has assumed liability in terms of section 15 (3) (c) of the Currency and Banking Act or in terms of any agreement entered into with another bank before or after the commencement of this Act, shall be a legal tender of payment of an amount equal to the amount specified on the note.
- (2) A tender, including a tender by the Bank itself, of an undefaced and unmutilated coin which is lawfully in circulation in the Republic and of current mass, shall be a legal tender of payment of money—
- (a) in the case of gold coins, in settlement of any amount, and the value of each gold coin so tendered shall be equal to the net amount at which the bank is prepared to purchase that gold coin on the day of such tender thereof; and
  - (b) in the case of other coins, in settlement, per individual transaction, of a total amount not exceeding—
    - (i) fifty rand, where coins of the denomination of one rand or higher are so tendered;
    - (ii) five rand, where coins of denominations of ten cents up to and including fifty cents are so tendered;
    - (iii) fifty cents, where coins of the denomination of five cents or less are so tendered,
- and the value of each coin so tendered shall be equal to the amount specified on that coin.

**References to amounts in terms of coins issued under Coinage Act, 1922**

18. Any reference in any law, deed, instrument, security for money or other document or in any contract or agreement, whether in writing or not, and any reference in any other manner whatsoever to an amount determined on the basis of the coins specified in the Schedule to the Coinage Act, 1922 (Act No.31 of 1922), shall be construed as including a reference to an equivalent amount determined on the basis of the coins specified in subsection (1) of section 16 and in accordance with the respective values of such last-mentioned coins in comparison with the coins specified in that Schedule, as set out in subsection (2) of section 15, and any such

**法償效力****第 17 條**

- (1) 「貨幣銀行法」施行前或後，不論以本行發行之鈔券償付，或以本行依該法第 15 條第(3)項第(c)款規定或依與其他銀行簽訂之協議予以承擔責任之其他銀行所發行之鈔券償付，包括由本行所為之償付，應具有等同於支付該鈔券面額之法償效力。
- (2) 於我國以未污破損之合法流通硬幣償付，包括由本行所為之償付，應具有等同於支付下列金額之法償效力—
- (a) 以金幣清償任何金額，每一金幣之價值應等同於本行於該支付日購買該金幣所願支付之淨額；及
  - (b) 以其他硬幣清償每筆交易之總金額者，限制如下—
    - (i) 以面額 1 蘭特以上之硬幣償付，總金額為 50 蘭特；
    - (ii) 以面額 10 分以上 50 分以下之硬幣償付，總金額為 5 蘭特；
    - (iii) 以面額 5 分以下之硬幣償付，總金額為 50 分。

**引用「1922 年鑄幣法」發行之硬幣表示金額****第 18 條**

- 於任何法律、契據、票據、金錢證券、其他書件、合約或協議（不論書面與否）中，無論是否以書面形式，引用「1992 年鑄幣法」（1922 年第 31 號法案）附表所定硬幣名稱標示之金額，應視為包括引用第 16 條第(1)項所定硬幣名稱；引用第 16 條第(1)項所定硬幣名稱標示之金額，應視為包括引用上述附表所定硬幣名

reference to an amount determined on the basis of the coins specified in subsection (1) of section 16, shall be construed as including a reference to an equivalent amount determined on the basis of the coins specified in that Schedule and in accordance with the said respective values.

### **Powers of Minister in respect of coins**

19. (1) The Minister may from time to time by notice in the Gazette—
  - (a) determine the dimensions of and design for any coin as well as the compilation of any series of coins; and
  - (b) authorize the withdrawal from circulation of—
    - (i) so many coins as he may deem to be in excess of requirements;
    - (ii) coins of a specified date or of specified dates or of a specified denomination or of specified denominations.
- (2) A notice issued under subsection (1) shall come into operation on a date specified therein, and the provisions thereof shall have force of law as if they were enacted in this Act.

### **Bank exempt from tax on banknotes**

20. The Bank shall in respect of banknotes which it manufactures, causes to be manufactured, acquires for issue, issues or causes to be issued, be exempt from any tax or duty.

### **Share capital of Bank**

21. (1) The share capital of the Bank shall be two million rand, and shall be divided into two million ordinary shares of one rand each.
- (2) The liability of a shareholder shall be limited to the amount unpaid on the shares held by him.
- (3) The Bank may, from time to time, with the consent of the Board, increase its share capital by the issue of shares upon such terms as the Board may approve.
- (4) The premium obtained on any issue of shares shall be added to the reserve fund of the Bank.

### **Restriction of right to hold or acquire shares in Bank**

22. (1) Subject to the provisions of subsection (2)—
  - (a) no shareholder shall hold, or hold in aggregate with his, her or its associates, more than 10 000 shares in the Bank; and

稱，並均依第 15 條第(2)項所定之表列標準折合相應之等值金額。

### **部長關於硬幣之職權**

- 第 19 條 (1) 部長得適時於政府公報公告—
  - (a) 決定任何硬幣之尺寸及設計，以及任何系列硬幣之編纂；及
  - (b) 授權收回下列流通硬幣—
    - (i) 經部長認為超過需求之硬幣數量；
    - (ii) 經指定一個或數個日期、一種或數種面額之硬幣。
- (2) 依第(1)項發布之公告應同時指定實施日期，且經公告之規定等同於本法之規定，具有法律效力。

### **本行鈔券免稅**

- 第 20 條 本行鈔券之印製、安排印製、為發行而取得、發行或安排發行等事宜，應免課任何稅捐。

### **本行股本**

- 第 21 條 (1) 本行股本為 2 百萬蘭特，並應分為 2 百萬股普通股，每股面額 1 蘭特。
- (2) 股東之責任應以其認股繳納之股款為限。
- (3) 本行得適時經理事會同意增加股本，並按理事會核准之條款發行新股。
- (4) 凡發行本行股份所得之溢價，應列入本行準備基金。

### **持有或收購本行股份之權利限制**

- 第 22 條 (1) 除第(2)項另有規定外—
  - (a) 股東不得單獨或與其關係人合計持有本行股份數額超過 10,000 股；及

- (b) if it appears that a shareholder holds, or holds in aggregate with his, her or its associates more than 10 000 shares in the Bank in contravention of this section or any other provision of this Act, the Bank may approach a court with jurisdiction for an appropriate order to redress the matter, which order may include, but is not limited to, an order for the disposal of shares in the Bank at a price per share and subject to such terms, conditions and restrictions as the court may determine.
- (2) A shareholder who holds, or holds in aggregate with his, her or its associates, more than 10 000 shares in the Bank at the commencement of the South African Reserve Bank Amendment Act, 2010, shall disclose in a manner as may be prescribed to the Bank the names of all his, her or its associates, as well as the number of shares held by each of them.
- (2A) A shareholder who discloses information as contemplated in subsection (2) may continue to hold, or hold in aggregate with his, her or its associates, those shares: Provided that for as long as such shareholding, or aggregate shareholding, as the case may be, exceeds 10 000 shares, neither the shareholder nor his, her or its associates, as the case may be, shall acquire any further shares in the Bank.
- (3) If at any time the number of shares in the Bank held by a shareholder referred to in subsection (2), or held by that shareholder in aggregate with his, her or its associates, as the case may be, is reduced to 10 000 or less, the restriction laid down in subsection (1) shall apply also to that shareholder.
- (4) No shares in the Bank shall be held in the name of or transferred to a nominee unless that nominee is a central securities depository as defined in section 1 of the Safe Deposit of Securities Act, 1992.
- (5) If at the commencement of the South African Reserve Bank Amendment Act, 1989, shares are registered contrary to the provisions of subsection (4), the Bank shall forthwith take steps to register those shares in the name of the beneficial owner thereof.
- (6) If the number of shares held by a shareholder in the Bank increases to more than 10 000 shares, he or she shall as soon as practicable dispose of the number of shares held by him or her in excess of 10 000.

- (b) 股東違反本條或本法其他規定單獨或與其關係人合計持有本行股份數額超過10,000股時，本行得訴請管轄法院妥予命其按法院所定每股價額、期限、條件、限制或其他事項處分本行股份。
- (2) 股東於「2010年南非準備銀行修正法」生效時，單獨或與其關係人合計持有本行股份數額超過10,000股者，應以本行所定方式向本行揭露其全部關係人之姓名及每人持有之股份數額。
- (2A) 依第(2)項規定揭露資訊之股東，得繼續單獨或與其關係人合計持有該等股份數額。但凡有上述單獨或合計（視實際情況而定）持股超過10,000股之情形者，該股東或其關係人（視實際情況而定）即不得再增購本行股份。
- (3) 當第(2)項所定由股東單獨或與其關係人合計持有之本行股份數額（視實際情況而定），減少至10,000股以下時，第(1)項所定限制亦應適用於該股東。
- (4) 本行股份不得以借名人名義持有或移轉予借名人。但以「1992年證券安全存管法」第1條所定中央證券存管機構為借名人者，不在此限。
- (5) 於「1989年南非準備銀行法」生效時，經登記之本行股份違反第(4)項規定者，本行應立即採取行動將該等股份登記於實質受益人名下。
- (6) 當股東持有本行之股份數額超過10,000股時，該股東應儘速處分其超過部分。

**Votes**

23. (1) Subject to the provisions of subsections (2) and (3), a shareholder shall, at a meeting of shareholders, be entitled to one vote in respect of every 200 shares of which he has been the registered holder for not less than six months prior to the date of the meeting.
- (2) No shareholder, or his, her or its associates, referred to in subsection (2), (6) or (2A) of section 22 shall either directly or indirectly exercise any vote as a shareholder in respect of the number of shares in the Bank held by him, her or it, either alone, or in aggregate with his, her or its associates, in excess of 10 000, and no group of companies with interlocking directorates shall either directly or indirectly exercise any vote as shareholders in respect of the total number of shares in the Bank held by those companies in excess of 10 000.
- (3) A shareholder who is not ordinarily resident in the Republic shall not be entitled to any vote at any meeting of shareholders.

**Allocation of surplus**

24. Of the surplus (if any) remaining at the end of a financial year of the Bank after provision has been made for—
- bad and doubtful debts;
  - depreciation in assets;
  - gratuities or other pension benefits for its officers and employees;
  - all such items as are usually provided for by bankers; and
  - the payment to the shareholders, out of net profits, of a dividend at the rate of ten per cent per annum on the paid-up share capital of the Bank,
- one tenth shall be allocated to the reserve fund of the Bank and nine tenths shall be paid to the Government.

**Statutory price of gold and Gold Price Adjustment Account**

25. (1) All gold of the Bank shall be valued at such price per such mass of fine gold (hereinafter referred to as the statutory price) as may be determined from time to time by the Minister after consultation with the Bank, and that price shall as soon as may be practicable after such determination thereof be published in the Gazette.

**投票**

- 第 23 條 (1) 除第(2)項及第(3)項另有規定外，於股東會開會 6 個月前登記為股東者，其持有每 200 股於股東會上即有一投票權。
- (2) 第 22 條第(2)項、第(6)項或第(2A)項所定之股東或其關係人，單獨或與關係人合計持有本行股份數額超過 10,000 股者，其超過部分，不得直接或間接行使股東投票權；有董事互兼（派）關係之公司集團，合計持有本行股份數額超過 10,000 股者，其超過部分，不得直接或間接行使股東投票權。
- (3) 未經常居住於我國之股東，於股東會上不得享有任何投票權。

**盈餘分配**

- 第 24 條 於本行會計年度終了時，提列下列準備後，尚有盈餘者，其十分之一應撥入本行準備基金，十分之九應繳交政府—
- 壞帳及呆帳；
  - 資產折舊；
  - 本行官員及雇員之離職金或退休金等；
  - 銀行業提列之各種準備；及
  - 按本行實收股本計算，每年支付淨利 10% 予股東之股利。

**黃金法定價格及金價調整帳戶**

- 第 25 條 (1) 本行所有黃金之價值，應由部長洽商本行後，適時按每單位純金價格予以決定（以下簡稱法定價格）；並應儘速將法定價格刊登於政府公報。

- (2) All gold of the Bank shall be traded for the profit or loss of the Government.
- (3) The Bank shall establish a Gold Price Adjustment Account in which it shall account for—
  - (a) any profit or loss relating to gold of the Bank as a result of a change in the statutory price;
  - (b) any difference between the statutory price and the price at which the Bank buys or sells gold after due allowance for handling and realization costs.

### Foreign Exchange Adjustment Account

- 26. (1) All assets of the Bank expressed in currencies other than the currency of the Republic, including special drawing rights but excluding any dividends, discount or interest or the usual exchange margins in connection therewith, shall be for the profit or loss of the Government.
- (2) The Bank shall establish a Foreign Exchange Adjustment Account in which it shall account for—
  - (a) any loss suffered by the Bank on the assets referred to in subsection (1) as a result of the depreciation of the currencies in question in relation to the currency of the Republic;
  - (b) any profit made by the Bank on the assets referred to in subsection (1) as a result of the appreciation of the currencies in question in relation to the currency of the Republic.

### Forward Exchange Contracts Adjustment Account

- 27. (1) Any profit or loss on—
  - (a) any current or future forward exchange contract entered into by the Bank, but excluding the usual exchange margins earned or paid thereon;
  - (b) any amount borrowed by the Bank in any currency other than the currency of the Republic, but excluding any interest, commission or other charges or the usual exchange margins earned or paid thereon;
  - (c) any agreement entered into by the Minister of Economic Affairs and Technology under section 2 of the Export Credit and Foreign Investments Re-insurance Act, 1957 (Act No.78 of 1957), with the Credit Guarantee Insurance Corporation of Africa Limited for the reinsurance of any contract, entered into by the said corporation with a person who exports capital goods or services

- (2) 本行所有黃金之交易，應列入政府損益。
- (3) 本行應設立金價調整帳戶，列計—
  - (a) 本行黃金因法定價格變動所生之損益；
  - (b) 本行買賣黃金扣除處理及變現成本後之價格與法定價格間之差額。

### 外匯調整帳戶

- 第 26 條 (1) 本行以外幣計價之所有資產，包括特別提款權，但不包括與此相關之任何股利、貼水、利息或通常之匯差，應列為政府損益。
- (2) 本行應設立外匯調整帳戶，列計—
  - (a) 第(1)項資產之價值因計價外幣兌國幣貶值所生之本行損失；
  - (b) 第(1)項資產之價值因計價外幣兌國幣升值所生之本行收益。

### 遠期外匯契約調整帳戶

- 第 27 條 (1) 下列事項所生之損益，應歸屬於政府—
  - (a) 本行簽訂之各類遠期外匯契約；但不包括依該等契約已收取或支付之一般交易保證金；
  - (b) 本行借出外國貨幣之數額；但不包括利息、佣金、費用或已收取或支付之一般交易保證金；
  - (c) 經濟事務及科技部長依「1957 年出口信貸及外國投資再保險法」(1957 年第 78 號法案) 第 2 條與非洲信用擔保保險有限公司簽訂之任何協議；該等協議係為該公司與我國從事資本財或勞務出口之人所簽合約提供再保險服務，以承保國幣兌美元之匯率變動風險 (通常不可承

- from the Republic, for insuring against risks (not normally insurable) of monetary loss or monetary detriment attributable to any change in the value of the currency of the Republic in relation to the currency of the United States of America, shall accrue to the Government.
- (2) The Bank shall establish a Forward Exchange Contracts Adjustment Account in which it shall account for—
- any loss suffered by the Bank on a forward exchange contract or loan referred to in subsection (1) (a) or (b);
  - any profit made by the Bank on a forward exchange contract or loan referred to in subsection (1) (a) or (b); and
  - any profit made and loss suffered on an agreement referred to in subsection (1) (c).

### Gold and Foreign Exchange Contingency Reserve Account

28. (1) Any credit or debit balance on the Gold Price Adjustment Account, the Foreign Exchange Adjustment Account and the Forward Exchange Contracts Adjustment Account shall, at the close of each financial year of the Bank or at such other times as the Bank and the Treasury may determine, be transferred to a Gold and Foreign Exchange Contingency Reserve Account established and managed by the Bank on behalf of the Treasury.
- (2) (a) Any credit balance on the Gold and Foreign Exchange Contingency Reserve Account shall accrue to the Government as a profit and shall be for the benefit of the State Revenue Fund.
- (b) Any profit referred to in paragraph (a) shall be carried forward in the Gold and Foreign Exchange Contingency Reserve Account, but any such profit, or any part thereof, may, at such times as the Treasury and the Bank may deem desirable, be credited to the State Revenue Fund.
- (c) The Bank may, at the request of or with the approval of the Treasury, advance any credit balance, or part thereof, on the Gold and Foreign Exchange Contingency Reserve Account to the National Supplies Procurement Fund established by section 12 of the National Supplies Procurement Act, 1970 (Act No.89 of 1970), and the interest, if any, on any money so advanced, shall, at such times as the Treasury may determine, be paid into the State Revenue Fund.

- 保) 所生之損失或損害。
- (2) 本行應設立遠期外匯契約調整帳戶，列計—
- 本行簽訂第(1)項第(a)款遠期外匯契約或第(b)款貸款所生之損失；
  - 本行簽訂第(1)項第(a)款遠期外匯契約或第(b)款貸款所生之收益；及
  - 本行因簽訂第(1)項第(c)款協議所生之損益。

### 黃金及外匯應急準備帳戶

- 第 28 條 (1) 金價調整帳戶、外匯調整帳戶及遠期外匯契約調整帳戶之貸方或借方餘額，應於本行每會計年度終了時或本行及國庫另定之其他適當時間，轉移至本行代表國庫設置及管理之黃金及外匯應急準備帳戶。
- (2) (a) 黃金及外匯應急準備帳戶之任何貸方餘額，應歸屬政府之收益，並納入國家收入基金。
- (b) 第(a)款所定收益，應結轉保留於黃金及外匯應急準備帳戶；但於國庫及本行認為合宜時，得將該收益之全部或一部記入國家收入基金。
- (c) 本行經國庫要求或許可者，得將黃金及外匯應急準備帳戶貸方餘額之全部或一部，預付予依「1970 年國家物資採購法」(1970 年第 89 號法案) 第 12 條設立之國家物資採購基金；如有任何預付款之利息者，應依國庫所定期限，繳入國家收入基金。

- (3) (a) Any debit balance on the Gold and Foreign Exchange Contingency Reserve Account shall be a loss for the Government and shall be a charge against the State Revenue Fund.
- (b) Any loss referred to in paragraph (a) shall be carried forward in the Gold and Foreign Exchange Contingency Reserve Account until the Treasury and the Bank deem it desirable to settle the outstanding balance.
- (c) Any loss referred to in paragraph (a) shall be defrayed from money appropriated by Parliament for such purpose.

#### Returns in connection with and auditing of certain accounts

- 29. (1) The Bank shall, at such times as the Treasury may determine, furnish the Treasury with returns reflecting the operations on the Gold Price Adjustment Account, the Foreign Exchange Adjustment Account and the Forward Exchange Contracts Adjustment Account.
- (2) A report by the auditors of the Bank in which it is stated that any statement to which such report relates is a correct reflection of all transactions, receipts and payments by the Bank in terms of sections 25, 26, 27 and 28, may be accepted as correct by the Auditor-General.

#### Audit and inspection

- 30. (1) For every financial year of the Bank, the shareholders shall at a general meeting elect two firms of public accountants, to act during that year as auditors of the Bank.
- (2) The Minister may at any time cause an investigation to be made into the affairs of the Bank by one or more officers of the Department of Finance authorized thereto by him in writing.

#### Report by Governor

- 31. The Governor shall annually submit to the Minister a report relating to the implementation by the Bank of monetary policy.

#### Furnishing of information to Department of Finance and to Parliament

- 32. (1) The Bank shall—
  - (a) from time to time make up a return in the form set out in Schedule 1, containing a statement of the liabilities and assets of the Bank as at the close of business on the last business day of every month, and shall forthwith transmit the return to the Department of Finance;

- (3) (a) 黃金及外匯準備應急帳戶之任何借方餘額，應歸屬政府之損失，並自國家收入基金扣除。
- (b) 第(a)款所定損失，於國庫及本行認為適宜結清該未償還餘額前，應結轉保留於黃金及外匯應急準備帳戶。
- (c) 第(a)款所定損失，應由國會撥款支應。

#### 相關帳戶之報告及審計

- 第 29 條 (1) 本行應按國庫所定期限，向其提交反映金價調整帳戶、外匯調整帳戶及遠期外匯契約調整帳戶操作情形之報告。
- (2) 本行審計人員製作之審計報告，經聲明與該報告有關之報表均有正確反映本行按第 25 條、第 26 條、第 27 條及第 28 條所為之所有交易及收支情形者，應得審計長認可。

#### 審計及檢查

- 第 30 條 (1) 為辦理本行每會計年度之審計，股東應於股東大會選出兩家公共會計師事務所，擔任該會計年度之本行審計人員。
- (2) 部長得隨時以書面指派該部一位以上之官員，對本行各項事務進行檢查。

#### 總裁之報告

- 第 31 條 總裁每年應向部長提交有關本行貨幣政策之執行報告。

#### 向財政部及國會提供資訊

- 第 32 條 (1) 本行應—
  - (a) 適時按附表 1 所定格式編制報告，載明每月最後一個營業日終了時之資產負債情形，並立即提交財政部；

- (b) within three months after the close of its financial year, transmit to the Department of Finance two copies of its financial statements signed by the Governor or any Deputy Governor and the chief financial officer of the Bank, together with an audit report;
  - (c) within sixty days after the close of its financial year, transmit to the Department of Finance two copies of a list giving the full names and addresses of shareholders and the number of shares held by each; and
  - (d) when called upon to do so by the Department of Finance by notice in writing, furnish that Department, within the period specified in the notice, with such further returns as may be specified in the notice.
- (2) The Department of Finance shall cause every return received in terms of paragraph (a) of subsection (1) to be published in the Gazette as soon as is practicable.
- (3) The Minister shall within fourteen days after receipt thereof lay a copy of the report referred to in section 31 and of every financial statement or list received in terms of paragraph (b) or (c) of subsection (1) upon the Tables in Parliament, if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

#### **Preservation of secrecy**

33. (1) No director, officer or employee of the Bank, and no officer in the Department of Finance, shall disclose to any person, except to the Minister or the Director-General:Finance or for the purpose of the performance of his or her duties or the exercise of his or her functions or when required to do so before a court of law or under any law—
- (a) any information relating to the affairs of—
    - (i) the Bank;
    - (ii) a shareholder of the Bank; or
    - (iii) a client of the Bank,
- acquired in the performance of his or her duties or the exercise of his or her functions; or
- (b) any other information acquired by him or her in the course of his or her participation in the activities of the Bank,
- except, in the case of information referred to in paragraph (a) (iii),

- (b) 於會計年度終了後 3 個月內，向財政部提交經總裁、副總裁及首席財務官簽署之財務報表複本兩份，並隨附一份審計報告；
  - (c) 於會計年度終了後 60 日內，向財政部提交載有每一股東姓名、住址及持股數之股東名冊複本兩份；及
  - (d) 依財政部書面通知之要求，於期限內提交該通知所列明之其他報表。
- (2) 財政部於收受第(1)項第(a)款之報告後，應儘速將該報告刊登於政府公報。
- (3) 部長於收受第 31 條所定之報告及第(1)項第(b)款或第(c)款所定之財務報表或股東名冊複本後 14 日內，應將一份複本提呈國會；如遇國會休會時，應於下一會期開議後 14 日內提呈。

#### **保密**

#### **第 33 條**

- (1) 本行之理事、官員或雇員，及財政部官員，除向部長、財政執行長提供、基於履行職責或執行任務，或依法律或法庭審理之要求外，不得對任何人揭露關於下列事項之任何資訊—
    - (a) 於履行其職責或執行其任務過程中，得知下列人士有關事項之任何資訊—
      - (i) 本行；
      - (ii) 本行股東；或
      - (iii) 本行顧客；或
    - (b) 於參與本行活動過程中，得知之任何其他資訊；
- 但第(a)款第(iii)目所定本行顧客之資訊，經

with the written consent of the Minister and the Governor, after consultation with the client concerned.

- (1A) The provisions of subsection (1) shall not be construed as preventing any director, officer or employee of the Bank who is responsible for exercising any power or performing any function or duty under the Exchange Control Regulations, 1961, issued in terms of section 9 of the Currency and Exchanges Act, 1933 (Act No.9 of 1933), from disclosing to the Commissioner for the South African Revenue Service any information as may be required for purposes of exercising any power or performing any function or duty in terms of any Act administered by the Commissioner.
- (2) No person shall disclose to any other person any information contained in any written communication which is in any manner marked as confidential or secret and which has been addressed by the Bank to any person or which has been addressed by any person to the Bank, except—
  - (a) for the purposes of the performance of his duties or the exercise of his powers in terms of any law or when required to do so before a court of law; or
  - (b) with the written consent of both the sender and the recipient of that communication.

### Offences and penalties

34. (1) Subject to the provisions of section 2 of the Prevention of Counterfeiting of Currency Act, 1965 (Act No.16 of 1965), any person who—
- (a) forges, alters or unlawfully issues a note of the Bank or something purporting to be a note of the Bank, or any coin;
  - (b) utters, tenders or accepts any such note or a coin which has been forged, altered or unlawfully issued, knowing it to be forged, altered or unlawfully issued;
  - (c) without the authority of the Bank, engraves or makes upon any material whatsoever any words, figures, letters, marks, lines or devices the print whereof resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to and used in or upon any note of the Bank or any coin which is legal tender;
  - (d) without the authority of the Bank, uses or knowingly has in his possession any material whatsoever upon which has been engraved or made any such words, figures, letters, marks, lines or devices;

部長及總裁書面同意，並洽徵該顧客同意者，不在此限。

- (1A) 理事、官員或雇員依「1933 年貨幣及兌換法」(1933 年第 9 號法案)第 9 條訂定發布之「1961 年外匯管理辦法」行使或履行其職權、任務或職責時，不得因第(1)項規定而免向南非稅務局局長提供依其主管法律行使或履行其職權、任務或職責所得要求之任何資訊。
- (2) 除下列情形外，任何人不得向其他人洩露任何本行提出或收受之機密或秘密文書中之資訊—
  - (a) 為履行其職責或依任何法律行使其職權，或依法律或法院之要求；或
  - (b) 經寄件人及收件人雙方書面同意。

### 罰則

#### 第 34 條

- (1) 依「1965 年偽造貨幣防制法」(1965 年第 16 號法案)第 2 條規定，任何人有下列情形之一者—
  - (a) 偽造、變造或非法發行本行鈔券、充當本行鈔券之物或任何硬幣；
  - (b) 明知為偽造、變造或非法發行之本行鈔券或硬幣，而仍行使、交付或收受之；
  - (c) 未經本行授權，於任何製版材料上刻印或製作一部或全部近似於本行法償鈔券或硬幣所特有及使用之任何文字、數字、字母、標記、線條或圖案；
  - (d) 未經本行授權，使用或故意持有業經刻印或製作前款所定文字、數字、字母、標記、線條或圖案之製版材料；

- (e) contravenes the provisions of section 33;
- (f) wilfully defaces, soils or damages any note of the Bank, or writes or places any drawing thereon or attaches thereto anything in the nature of an advertisement, or wilfully defaces or damages any coin which is legal tender;
- (g) removes from the premises where coins are manufactured under this Act, without lawful authority or excuse, any matrix, master punch, die, collar, piercing and cutting tool, pattern or mould, or any other tool, machine, engine, instrument or thing used or employed in or in connection with the coining of coins, or any useful part of the several objects aforesaid, or any coin or bullion;
- (h) is found in possession of any blank or defective coin of the size, shape and metal composition of any coin of which the coining is authorized by this Act, and is unable to account satisfactorily for such possession;
- (i) fraudulently inserts or uses in a machine that vends merchandise or services or collects fares or tolls, anything that is intended to pass for the coin or the token of value that the machine is designed to receive in exchange for the merchandise, service, fare or toll, as the case may be;
- (j) sells, exchanges or otherwise disposes of any metal reproduction of any gold coin contemplated in Schedule 2, or uses the word "Krugerrand", "Natura" or "Protea", or any derivative thereof or any combination thereof with any other word, in the furtherance of the sale, exchange or disposal in any other manner of such a reproduction or of any metal article of commerce;
- (k) without the written approval of the Department of Finance, intentionally destroys, melts down, dissolves in any dissolvent, breaks up or damages a coin that has been issued under section 11 of the South African Mint and Coinage Act, 1964 (Act No. 78 of 1964), or under section 14 of this Act, or removes any such coin out of the Republic, or causes or permits it to be so removed, with the purpose of so dealing with it or causing it to be so dealt with outside the Republic; or
- (l) sells or disposes of any coin issued as contemplated in paragraph

- (e) 違反第 33 條規定；
- (f) 故意破損、污損、毀損本行法償鈔券，或故意於本行法償鈔券上書寫、繪畫或附著任何廣告物，或故意破損或毀損本行法償硬幣；
- (g) 無合法權限或理由，從本法所定之造幣廠，移除任何沖床、沖頭、沖模、沖管、沖孔及切割器、印花模、壓模、鑄模、其他鑄幣所使用、採用或相關之工具、機器、引擎、設備或物品、上述各項物品可用之部分，或任何硬幣或金銀條塊；
- (h) 經發現無正當理由持有任何硬幣光餅或瑕疵硬幣，其尺寸、形狀及金屬成分與本法授權鑄造之任何硬幣相同；
- (i) 故意以詐術將冒充硬幣或有價代幣之物投入或使用於自動販售商品、服務、收取票費或通行費之機器設備，以換取商品、服務或完成付費（視情況而定）；
- (j) 販售、兌換或以其他方式處分附表 2 所定金幣之金屬複製品，或為促進該等複製品或任何商用金屬製品之販售、兌換或其他處分，而使用「克魯格」、「自然」或「海神花」等金幣系列名稱或該等名稱之任何衍生詞或組合詞；
- (k) 未經財政部書面許可，故意銷毀、熔燬、溶解、分解、損毀依「1964 年南非造幣廠及硬幣法」（1964 年第 78 號法案）第 11 條或本法第 14 條規定所發行之任何硬幣，或意圖於境外進行上述行為，而將前述硬幣逕行、安排或允許運至我國境外；或
- (l) 明知或可得而知任何依第(k)款所定法律

- (k), knowing or suspecting that such coin is to be dealt with in a manner constituting an offence under paragraph (k), shall be guilty of an offence and liable on conviction—
- (i) in the case of an offence referred to in paragraph (a) or (b), to imprisonment for a period not exceeding fifteen years;
  - (ii) in the case of an offence referred to in paragraph (c) or (d), to imprisonment for a period not exceeding five years;
  - (iii) in the case of an offence referred to in paragraph (e), to a fine not exceeding R4 000 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment;
  - (iv) in the case of an offence referred to in paragraph (f), to a fine not exceeding R250;
  - (v) in the case of an offence referred to in paragraph (g), (h) or (j), to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment;
  - (vi) in the case of an offence referred to in paragraph (i), to a penalty which may in law be imposed for the crime of fraud;
  - (vii) in the case of an offence referred to in paragraph (k), to a fine not exceeding R50 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment; and
  - (viii) in the case of an offence referred to in paragraph (l), to a fine not exceeding R10 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.
- (2) For the purposes of subsection (1)—
- (a) "bullion" means any gold, platinum, silver, nickel, gold alloys, platinum alloys, silver alloys, nickel alloys or bronze or other minting alloys in the form of ingots, bars, strips, sheets, scissel, cuttings, granules, rejected coins, blanks, filings, sweepings, dross, scrap or wire; and
  - (b) a coin shall be regarded as defective if it has been wrongly manufactured, and would accordingly be unfit for issue as a

- 發行之硬幣將被用於第(k)款之犯罪行為，而予以販售或處分，應構成犯罪，並處罰如下—
- (i) 犯第(a)款或第(b)款之罪者，處 15 年以下有期徒刑；
  - (ii) 犯第(c)款或第(d)款之罪者，處 5 年以下有期徒刑；
  - (iii) 犯第(e)款之罪者，處 1 年以下有期徒刑或科或併科 4,000 蘭特以下罰金；
  - (iv) 犯第(f)款之罪者，科 250 蘭特以下罰金；
  - (v) 犯第(g)款、第(h)款或第(j)款之罪者，處 2 年以下有期徒刑或科或併科 8,000 蘭特以下罰金；
  - (vi) 犯第(i)款之罪者，依法律所定詐欺罪論處；
  - (vii) 犯第(k)款之罪者，處 5 年以下有期徒刑或科或併科 50,000 蘭特以下罰金；及
  - (viii) 犯第(l)款之罪者，處 2 年以下有期徒刑或科或併科 10,000 蘭特以下罰金。
- (2) 第(1)項中—
- (a) 「貴金屬條塊」指任何形式之金、鉑、銀、鎳、金合金、鉑合金、銀合金、鎳合金、青銅或其他造幣合金，無論條條塊、棒材、條帶、薄片、碎料、切割物、顆粒、廢幣、光餅、金屬粉末、掃除物、渣滓、廢料或線材；及
  - (b) 硬幣如鑄造錯誤，致不符合本法所定造

proper coin in accordance with the standards of manufacture applied by the institution entrusted with the manufacture of coins for the purposes of this Act.

### Rules by Board

35. The Board may make rules, not inconsistent with the provisions of this Act or of the regulations made under section 36, for the good government of the Bank and the conduct of its business, and the appointment and conditions of service (including remuneration and gratuities or other pension benefits) of officers and employees.

### Regulations

36. The Minister may make regulations relating to—

- (a) the election of directors by shareholders;
- (b) the conditions (other than those relating to remuneration) of appointment of directors, and the circumstances in which a director shall vacate his office;
- (c) meetings of the Board and the procedure thereat, including the minutes to be kept thereof;
- (d) meetings of shareholders, the matters to be dealt with thereat and the procedure thereat, including the quorum necessary therefor and the minutes to be kept thereof;
- (dA) any matter which is required or permitted to be prescribed by regulation under this Act;
- (e) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

### Proceedings by Minister in case of non-compliance with Act or regulations by Bank

37. (1) If at any time the Minister is of the opinion that the Bank has failed to comply with any provision of this Act or of a regulation made thereunder, he may by notice in writing require the Board to make good or remedy the default within a specified time.

(2) If the Board fails to comply with a notice referred to in subsection (1), the Minister may apply to the division of the Supreme Court having jurisdiction for an order compelling the Board to make good or remedy the default, and the Court may make such order thereon as it thinks fit.

幣廠之鑄造標準者，應被視為瑕疪硬幣，不得作為合格之流通硬幣。

### 理事會訂定規章

第 35 條 理事會得為本行之良好治理、業務運作及官員、雇員之任命及服務條件（包括薪酬、獎金或其他退撫福利金）訂定規章；但不得抵觸本法或依第 36 條訂定之法規。

### 法規

第 36 條 部長得訂定法規，規範下列事項—

- (a) 股東選舉理事之程序；
- (b) 理事任命條件（薪酬除外）及應予解職之情形；
- (c) 理事會會議及議事程序，包括議事錄之保存；
- (d) 股東會與其應處理事項及議事程序，包括股東會之法定人數及議事錄之保存；
- (dA) 依本法應訂定法規據以規範或核准之事項；
- (e) 其他經部長認屬達成本法目的所必要或適於訂定法規予以規範之事項。

### 部長對本行違反法令之處理程序

第 37 條 (1) 部長於認為本行違反本法或其授權法規時，得以書面通知理事會限期改善或改正。

(2) 理事會未遵循第(1)項通知時，部長得向管轄之最高法院分院申請要求理事會改善或改正之強制令，該管法院得依其認為適當之方式作成強制令。

**Liquidation**

38. (1) The Bank shall not be placed in liquidation except by an Act of Parliament.
- (2) In the event of liquidation, the reserve fund and surplus assets (if any) of the Bank shall, subject to the provisions of subsection (3), be divided between the Government and shareholders in the proportion of sixty per cent and forty per cent, respectively.
- (3) If the amount payable to a shareholder in terms of subsection (2) exceeds the average market price of his holdings of shares in the Bank over the period of twelve months preceding a day three months prior to the date upon which a Bill providing for such liquidation is introduced in Parliament, so much of that amount as exceeds the said average shall be paid to the Government.
- (4) No writ of execution or attachment or process in the nature thereof shall be issued or proceeded with against the Bank if the Minister has certified that he has introduced or that it is his intention to introduce in Parliament a Bill placing the Bank in liquidation, and has not withdrawn the certificate.

39. (Deleted)

**Repeal of laws, and savings**

40. (1) Subject to the provisions of subsection (2), the laws specified in Schedule 3, are hereby repealed to the extent set out in the third column of that Schedule.
- (2) The Governor and each Deputy Governor and any director of the Bank holding office at the commencement of this Act, shall, for the unexpired portion of the period for which he has been appointed or elected under the South African Reserve Bank Act, 1944 (Act No. 29 of 1944), be deemed to hold office under the applicable provisions of this Act, and any rules and regulations made under sections 22 and 23, respectively, of the said Act, or which are deemed to have been made thereunder, shall be deemed to have been made under the corresponding provisions of this Act.

**Short title and commencement**

41. This Act shall be called the South African Reserve Bank Act, 1989, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

**清算**

- 第 38 條 (1) 非依國會制定之法律，不得對本行進行清算。
- (2) 本行之清算，除第(3)項另有規定外，應將其準備金及盈餘資產（如有者）分別按 60% 及 40% 之比例，分配予政府及股東。
- (3) 第(2)項可分配予股東之金額，按國會提出清算法案之日前 3 個月之前一日回推計算 12 個月之平均市價，股東持有超過該平均市價之金額應分配予政府。
- (4) 經部長證明其業已或有意向國會提出規範本行清算之法案，且未經撤回該證明者，即不得對本行發出或進行任何執行令、扣押令，或類似之法律程序。

## 第 39 條 (刪除)

**法律廢止及保留事項**

- 第 40 條 (1) 除第(2)款所定情形外，附表 3 所列法律，於該附表第三欄所定範圍內予以廢止。
- (2) 本法施行時，原依「1944 年南非準備銀行法」（1944 年第 29 號法案）已任命或選任，且任期尚未屆滿之總裁、副總裁及理事，視為依本法有關規定擔任其職務至原任期屆滿為止；原依據或視同依據該法第 22 條及第 23 條規定分別訂定之法令規章，視為已依本法有關規定予以訂定。

**簡稱及施行**

- 第 41 條 本法即指「1989 年南非準備銀行法」，其施行日期由總統另行指定，並公布於政府公報。

## Schedule 1

## SOUTH AFRICAN RESERVE BANK

Statement of assets and liabilities on the ..... day of ..... 19.....

年 月 日之資產負債表

Liabilities	Assets	負債	資產
R c	R c	蘭特/分	蘭特/分
Share capital	Gold	股本	黃金
Reserve fund	Foreign assets	準備金	外匯資產
Notes in circulation	Total gold and foreign assets	流通鈔券	黃金及外匯資產總計
Deposits:	Domestic assets:	存款	
Government	Discounted bills	政府	國內資產：
Provincial administrations	Loans and advances:	省級行政機構	貼現票據
Banks and building societies	Government	銀行及住房合作社	貸款及墊款：
Other	Other	其他	政府
Other liabilities	Securities:	其他負債	其他
	Government		有價證券：
	Other		政府
	Other assets		其他
			其他資產
***	***	***	***

## Schedule 2

## (a) Precious Metal and Commemorative Coins

DENOMINATION <sup>1</sup> & DESCRIPTION		DIAMETER <sup>2</sup> : (mm)	STANDARD MASS <sup>3</sup> : (g)	STANDARD FINENESS <sup>4</sup>	REMEDY ALLOWABLE <sup>5</sup>	
Mass	Rand & Cents				STANDARD MASS <sup>3</sup> : (g)	STANDARD FINENESS <sup>4</sup>
22 ct. Gold Coins						
50 oz.	Krugerrand	100.00	1696.60	Au 916.67 Cu 83.33	+5.40	+0.4
5 oz.	Krugerrand	50.00	169.66		+0.270	
2 oz.	Krugerrand	40.00	67.86		+0.135	
2 oz.	Piedfort Krugerrand	32.69	67.86		+0.135	
1 oz.	Krugerrand	32.69	33.930		+0.070	
1/2 oz.	Krugerrand	27.00	16.965		+0.035	
1/4 oz.	Krugerrand	22.00	8.482		+0.020	
1/10 oz.	Krugerrand	16.50	3.393		+0.010	
1/20 oz.	Krugerrand	12.00	1.697		+0.003	
1/50 oz.	Krugerrand	8.00	0.679		+0.002	
24 ct. Gold Coins						
1kg	R 50	90.00	1000.00	Au 999.9	+10.00	+0.1
5 oz.	R 200 R 50	50.00	155.535	Au 999.9	+1.30	+0.1
1 oz.	R 500 R 200 R 100 Natura R 50 R 25 Protea	32.69	31.107	Au 999.9	+0.07	+0.1
1/2 oz.	R 100 R 50 Natura	27.00	15.553	Au 999.9	+0.035	+0.1
1/4 oz	R 50 R 20	22.00	7.777	Au 999.9	+0.02	+0.1

附表 2 譯註 1  
(a) 貴金屬及紀念幣

面額 <sup>1</sup> 及規格		直徑 <sup>2</sup> (毫米)	標準 重量 <sup>3</sup> (克)	標準成色 <sup>4</sup>	容許偏差 <sup>4</sup> (譯註 2)	
重量	蘭特及分				標準重量 <sup>3</sup> (克)	標準成色 <sup>4</sup>
22 克拉金幣						
50 盎司	克魯格	100.00	1696.60	金 916.67 銅 83.33	正 5.40	正 0.4
5 盎司	克魯格	50.00	169.66		正 0.270	
2 盎司	克魯格	40.00	67.86		正 0.135	
2 盎司	皮德福特 克魯格	32.69	67.86		正 0.135	
1 盎司	克魯格	32.69	33.930		正 0.070	
0.5 盎司	克魯格	27.00	16.965		正 0.035	
0.25 盎司	克魯格	22.00	8.482		正 0.020	
0.1 盎司	克魯格	16.50	3.393		正 0.010	
0.05 盎司	克魯格	12.00	1.697		正 0.003	
0.02 盎司	克魯格	8.00	0.679		正 0.002	
24 克拉金幣						
1 公斤	50 蘭特	90.00	1000.00	純金 999.9	正 10.00	正 0.1
5 盎司	200 蘭特 50 蘭特	50.00	155.535	純金 999.9	正 1.30	正 0.1
1 盎司	500 蘭特 200 蘭特 100 蘭特 自然 50 蘭特 25 蘭特 海神花	32.69	31.107	純金 999.9	正 0.07	正 0.1
0.5 盎司	100 蘭特 50 蘭特 自然	27.00	15.553	純金 999.9	正 0.035	正 0.1
0.25 盎司	50 蘭特 20 蘭特	22.00	7.777	純金 999.9	正 0.02	正 0.1

譯註 1 本表原文係依 2025 年 6 月 6 日第 6289 號政府公告之最新內容編入本法，並加以翻譯，便於讀者閱覽；本法 1989 年版本之附表 2 歷經 1994 年 5 月 6 日第 911 號、1997 年 3 月 29 日第 500 號、1999 年 12 月 15 日第 1499 號、2004 年 7 月 30 號第 855 號、2011 年 12 月 23 號第 910 號、2019 年 3 月 29 日第 195 號、2021 年 8 月 6 日第 452 號、2023 年 3 月 31 日第 3284 號、2023 年 5 月 2 日第 3357 號及 2024 年 5 月 24 日第 2523 號等政府公告修正、更正或取代。

譯註 2 此處原文「REMEDY ALLOWABLE<sup>5</sup>」誤植註腳編號，應係「REMEDY ALLOWABLE<sup>6</sup>」。

	Natura R 2					
1/10 oz.	R 20 R 10 Natura R 5 Protea R 2 R 1 50 c 20 c 10 c	16.50	3.110	Au 999.9	+0.01	+0.1
1/20 oz.	R 5 Natura	12.00	1.555	Au 999.9	+0.005	+0.1
Platinum Coins						
1 oz.	R 10 Krugerrand	32.69	31.107	Pt 999.9	+0.07	+0.1
1 oz.	R 20	32.69	31.107	Pt 999.5	+0.05	+0.1
Sterling-Silver Coins						
2 oz.	50 c	50.00	67.252	Ag 925 Cu 75	+0.50	+5
1 oz.	R 50 R 15 R 10 R 5 R 2 20 c	38.725	33.626	Ag 925 Cu 75	+0.2	+5
--	R 5	38.725	33.000	Ag 925 Cu 75 Plating Au 999.9	+0.2	+5
1/2 oz.	10c	32.69	16.813	Ag 925 Cu 75	+0.1	+5
--	R1 Protea	32.69	15.000	Ag 925 Cu 75	+0.1	+5
1/4 oz.	5c	27.00	8.406	Ag 925 Cu 75	+0.1	+5
--	2½ c Tickey	16.30	1.414	Ag 925 Cu 75	+0.1	+5

	自然 2 蘭特					
0.1 盎司	20 蘭特 10 蘭特 自然 5 蘭特 海神花 2 蘭特 1 蘭特 50 分 20 分 10 分	16.50	3.110	純金 999.9	正 0.01	正 0.1
0.05 盎司	5 蘭特 自然	12.00	1.555	純金 999.9	正 0.005	正 0.1
鉑金幣						
1 盎司	10 蘭特 克魯格	32.69	31.107	鉑金 999.9	正 0.07	正 0.1
1 盎司	20 蘭特	32.69	31.107	鉑金 999.5	正 0.05	正 0.1
紋銀幣						
2 盎司	50 分	50.00	67.252	銀 925 銅 75	正 0.50	正 5
1 盎司	50 蘭特 15 蘭特 10 蘭特 5 蘭特 2 蘭特 20 分	38.725	33.626	銀 925 銅 75	正 0.2	正 5
--	5 蘭特	38.725	33.000	銀 925 銅 75 鍍金 999.9	正 0.2	正 5
0.5 盎司	10 分	32.69	16.813	銀 925 銅 75	正 0.1	正 5
--	1 蘭特 海神花	32.69	15.000	銀 925 銅 75	正 0.1	正 5
0.25 盎司	5 分	27.00	8.406	銀 925 銅 75	正 0.1	正 5
--	2.5 分 發現者	16.30	1.414	銀 925 銅 75	正 0.1	正 5

Fine-Silver Coins						
1kg	R 50 R 5	100.00	1000.00	Ag 999	+12.00	+0.5
5 oz.	R 20 R 5 Krugerrand	64.00	155.535	Ag 999	+1.50	+0.5
2 oz	R 10 R 2 Krugerrand	50.00	62.214	Ag 999	+0.28	+0.5
1 oz	R 25 Natura R 5 R 2 R 1 Krugerrand 50 c 20 c 10 c	38.725	31.107	Ag 999	+0.07	+0.5
Copper Alloy Coins						
--	R 50	38.725	24.450	Al Cu Ni	±0.73	--

1 The denominations are featured on the coins in an abbreviated format (e.g. 'R1'), written out in full (e.g. 'One Rand') or a combination of a number and rand (e.g. '1 Rand').

2 The Diameter is the average diameter of the coin as issued.

3 The Standard Mass is the minimum mass of the coin or Least Current Mass for precious metal coins and the average mass for copper alloy coins.

4 The Standard Fineness is the precious metal fineness in parts per thousand.

5 The Remedy Allowable is the deviation allowable from the Standard Mass or Standard Fineness.

### (b) Circulation coins<sup>1</sup> issued since 1965

DENOMINATION <sup>2</sup>	ISSUING YEARS	METAL COMPOSITION	DIAMETER <sup>3</sup> (mm)	STANDARD MASS <sup>4</sup> (g)	REMEDY ALLOWABLE <sup>5</sup> (g)
Rand & Cents					
R 5	2004 – 1994 – 2003	Bi-metal alloy Nickel-plated copper	26.00 26.00	9.5 7.0	±0.285 ±0.210
R2	2023 – 1989 – 2022	Nickel-plated steel Nickel-plated copper	23.00 23.00	6.5 5.5	±0.200 ±0.165
R1	2023 – 1990 – 2022 1977 – 1990	Nickel-plated steel Nickel-plated copper Nickel	20.00 20.00 31.00	5.0 4.0 12.0	±0.150 ±0.120 ±0.360
50 c	2023 – 1990 – 2022 1965 – 1990	Bronze-plated steel Bronze-plated steel Nickel	22.00 22.00 27.84	4.5 5.0 9.5	±0.140 ±0.150 ±0.258

精鑄銀幣						
1 公斤	50 蘭特 5 蘭特	100.00	1000.00	純銀 999	正 12.00	正 0.5
5 盎司	20 蘭特 5 蘭特 克魯格	64.00	155.535	純銀 999	正 1.50	正 0.5
2 盎司	10 蘭特 2 蘭特 克魯格	50.00	62.214	純銀 999	正 0.28	正 0.5
1 盎司	25 蘭特 自然 5 蘭特 2 蘭特 1 蘭特 克魯格 50 分 20 分 10 分	38.725	31.107	純銀 999	正 0.07	正 0.5
銅合金幣						
--	50 蘭特	38.725	24.450	鋁 銅 鎳	正負 0.73	--

1 硬幣面額以縮寫 (例如, R1) 、純文字 (例如, 一蘭特) 或數字結合蘭特 (例如, 1 蘭特) 標註。

2 直徑指發行硬幣之平均直徑。

3 標準重量指硬幣之最低重量, 或貴金屬硬幣之最小當量及銅合金硬幣之平均重量。

4 標準成色指所含貴金屬之千分比。

5 容許偏差指與標準重量或標準成色間之容許偏差。

### (b) 自 1965 年以來發行之流通硬幣<sup>1</sup>

面額 <sup>2</sup>	發行年份	材質	標準重量 <sup>4</sup> (克)		
			直徑 <sup>3</sup> (毫米)	標準重量 <sup>4</sup> (克)	容許偏差 <sup>5</sup> (克)
5 蘭特	2004 年起 1994 年至 2003 年	雙金屬合金 銅材鍍鎳	26.00 26.00	9.5 7.0	正負 0.285 正負 0.210
2 蘭特	2023 年起 1989 年至 2022 年	銅材鍍鎳 銅材鍍鎳	23.00 23.00	6.5 5.5	正負 0.200 正負 0.165
1 蘭特	2023 年起 1990 年至 2022 年 1977 年至 1990 年	銅材鍍鎳 銅材鍍鎳 鎳	20.00 20.00 31.00	5.0 4.0 12.0	正負 0.150 正負 0.120 正負 0.360
50 分	2023 年起 1990 年至 2022 年 1965 年至 1990 年	銅材鍍青銅 銅材鍍青銅 鎳	22.00 22.00 27.84	4.5 5.0 9.5	正負 0.140 正負 0.150 正負 0.258

20 c	2023 – 1990 – 2022 1965 – 1990	Bronze-plated steel Bronze-plated steel Nickel	19.00 19.00 24.21	3.0 3.5 6.0	±0.090 ±0.105 ±0.180
10 c	2013 – 1990 – 2012 1965 – 1989	Copper-plated steel Bronze-plated steel Nickel	16.00 16.00 20.70	2.0 2.0 4.0	±0.060 ±0.060 ±0.120
5 c	1990 – 2011 1965 – 1989	Copper-plated steel Nickel	21.00 17.35	4.5 2.5	±0.135 ±0.075
2 c	1990 – 2001 1965 – 1990	Copper-plated steel Bronze	18.00 22.45	3.0 4.0	±0.090 ±0.120
1 c	1990 – 2001 1965 – 1989	Copper-plated steel Bronze	15.00 19.05	1.5 3.0	±0.045 ±0.090
1/2 c	1970 – 1983	Bronze	16.21	2.0	±0.060

1 Circulation coins are also referred to as currency or alloy coins.

2 The denominations are featured on the coins in an abbreviated format (e.g. 'R1'), written out in full (e.g. 'One Rand') or a combination of a number and rand (e.g.'1 Rand').

3 The Diameter is the average diameter of the coin as issued.

4 The Standard Mass is the average mass of the coin as issued.

5 The Remedy Allowable is the deviation allowable from the Standard Mass.

### Schedule 3 LAWS REPEALED

No. and year of law	Short title	Extent of repeal
Act No.29 of 1944	South African Reserve Bank Act, 1944	The whole
Act No.45 of 1956	South African Reserve Bank Amendment Act, 1956	The whole
Act No.24 of 1960	South African Reserve Bank Amendment Act, 1960	The whole
Act No.5 of 1961	South African Reserve Bank Amendment Act, 1961	The whole
Act No.16 of 1965	Prevention of Counterfeiting of Currency Act, 1965	Sections 8 and 9
Act No.70 of 1968	General Law Amendment Act, 1968	Section 25
Act No.87 of 1969	South African Reserve Bank Amendment Act, 1969	The whole
Act No.92 of 1970	General Law Further Amendment Act, 1970	Section 3
Act No.49 of 1973	South African Reserve Bank Amendment Act, 1973	The whole
Act No.92 of 1977	South African Reserve Bank Amendment Act, 1977	The whole
Act No.98 of 1981	South African Reserve Bank Amendment Act, 1981	The whole
Act No.47 of 1984	South African Reserve Bank Amendment Act, 1984	The whole
Act No.6 of 1987	Financial Institutions Amendment Act, 1987	Sections 1 and 2
Act No.88 of 1988	Finance Act, 1988	Section 7
Act No.96 of 1988	South African Reserve Bank, Banking Institutions, Mutual Building Societies and Building Societies Amendment Act, 1988	Section 1
Act No.49 of 1989	South African Reserve Bank Amendment Act, 1989	The whole

20 分	2023 年起 1990 年至 2022 年 1965 年至 1990 年	銅材鍍青銅 銅材鍍青銅 鎳	19.00 19.00 24.21	3.0 3.5 6.0	正負 0.090 正負 0.105 正負 0.180
10 分	2013 年起 1990 年至 2012 年 1965 年至 1989 年	銅材鍍銅 銅材鍍青銅 鎳	16.00 16.00 20.70	2.0 2.0 4.0	正負 0.060 正負 0.060 正負 0.120
5 分	1990 年至 2011 年 1965 年至 1989 年	銅材鍍銅 鎳	21.00 17.35	4.5 2.5	正負 0.135 正負 0.075
2 分	1990 年至 2001 年 1965 年至 1990 年	銅材鍍銅 青銅	18.00 22.45	3.0 4.0	正負 0.090 正負 0.120
1 分	1990 年至 2001 年 1965 年至 1989 年	銅材鍍銅 青銅	15.00 19.05	1.5 3.0	正負 0.045 正負 0.090
0.5 分	1970 年至 1983 年	青銅	16.21	2.0	正負 0.060

1 流通硬幣亦稱為貨幣或合金幣。

2 硬幣面額以縮寫 (例如, R1) 、純文字 (例如, 一蘭特) 或數字結合蘭特 (例如, 1 蘭特) 標註。

3 直徑指發行硬幣之平均直徑。

4 標準重量指發行硬幣之平均重量。

5 容許偏差指與標準重量間之容許偏差。

### 附表 3 廢止之法律案

法律年份及編號	簡稱	廢止範圍
1944 年第 29 號法案	1944 年南非準備銀行法	全部
1956 年第 45 號法案	1956 年南非準備銀行修正法	全部
1960 年第 24 號法案	1960 年南非準備銀行修正法	全部
1961 年第 5 號法案	1961 年南非準備銀行修正法	全部
1965 年第 16 號法案	1965 年偽造貨幣防制法	第 8 條及第 9 條
1968 年第 70 號法案	1968 年普通法修正法	第 25 條
1969 年第 87 號法案	1969 年南非準備銀行修正法	全部
1970 年第 92 號法案	1970 年普通法第二次修正法	第 3 條
1973 年第 49 號法案	1973 年南非準備銀行修正法	全部
1977 年第 92 號法案	1977 年南非準備銀行修正法	全部
1981 年第 98 號法案	1981 年南非準備銀行修正法	全部
1984 年第 47 號法案	1984 年南非準備銀行修正法	全部
1987 年第 6 號法案	1987 年金融機構修正法	第 1 條及第 2 條
1988 年第 88 號法案	1988 年金融法	第 7 條
1988 年第 96 號法案	1988 年南非準備銀行、銀行業、住房互助合作社及住房合作社修正法	第 1 條
1989 年第 49 號法案	1989 年南非準備銀行修正法	全部

四、BANK OF ISRAEL  
LAW, 5770-2010  
以色列銀行法

**BANK OF ISRAEL LAW, 5770-2010****以色列銀行法**

法務室 鄭雅卉 譯

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CHAPTER 2	<i>THE BANK OF ISRAEL, ITS OBJECTIVES, FUNCTIONS, AND AUTONOMY</i>
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**BANK OF ISRAEL LAW, 5770-2010\*****Chapter One : Interpretation****1. Definitions**

In this Law—

"The Bank" —the Bank of Israel

"Financial Entity" —each of the following:

- (1) A Banking Corporation and an Auxiliary Corporation
- (2) A Provident Fund or a Managing Company as defined in the Control of Financial Services (Provident Funds) Law, 5765-2005;
- (3) An Insurer as defined in the Control of Financial Services (Insurance) Law, 5741-1981;
- (4) A Joint Investment Trust Fund as defined in the Joint Investment Trust Law, 5754-1994;
- (5) A Portfolio Manager as defined in the Regulation of Investment Advice, Investment Marketing, and Investment Portfolio Management Law, 5755-1995;
- (6) A Member of a Stock Exchange as defined in the Securities Law;
- (7) A Clearing House as defined in the Securities Law;
- (8) The Postal Company;<sup>1</sup>
- (8a) A Financial Services Provider as defined in the Control of Financial Services (Regulated financial services) Law, 5776-2016;
- (9) Any other entity providing financial services, as determined by an order issued by the Governor, with the approval of the Committee.

"The Committee"—the Monetary Committee within the meaning of this term in Section A of Chapter Four;

\* Enacted by the Knesset on 1 Nissan 5770 (16 March 2010); The Bill and the Explanatory Note were published in Hatsa'ot Chock 485, on 19 Shvat 5770 (3 February 2010), p. 374.

[This translation includes amendments through November 2018.]

<sup>1</sup> Beginning with the Effective Date of Amendment 11 to the Postal Law, in Clause (8) of the definition of "Financial Entity", replace "The Postal Company" with "The Subsidiary".

**以色列銀行法 (5770-2010) <sup>註</sup>****第1章 名詞解釋****第1條 定義**

於本法中—

「本行」—係指以色列銀行。

「金融機構」—係指下列各款之一：

- (1) 銀行及附屬公司；
- (2) 「金融服務（公積金）監理法（5765-2005）」所定義之公積金或管理公司；
- (3) 「金融服務（保險）監理法（5741-1981）」所定義之保險公司；
- (4) 「聯合投資信託法（5754-1994）」所定義之聯合投資信託基金；
- (5) 「投資顧問、投資行銷及投資組合管理法（5755-1995）」所定義之投資組合經理人；
- (6) 「證券法」所定義之證券交易所會員；
- (7) 「證券法」所定義之結算所；
- (8) 郵政公司<sup>1</sup>；
- (8a) 「金融服務監管（受監督之金融服務）法（5776-2016）」所定義之金融服務提供者；
- (9) 依總裁之命令決定，並經貨幣委員會同意之其他提供金融服務之機構。

「委員會」—係指本法第4章第A節所稱之貨幣委員會；

<sup>註</sup> 以色列國會於 1 Nissan 5770 (2010 年 3 月 16 日) 頒布;該法案及解釋性說明發表在 Hatsa'ot Chock 485, 19 Shvat 5770 (2010 年 2 月 3 日)，第 374 頁。[此翻譯包括 2018 年 11 月之修訂。茲併予譯註：以色列銀行法名稱後所標示「(5770-2010)」之意，係指「希伯來曆法年度 (5770) 所對應之西元曆法年度 (2010)」；本法中所述法案名稱後有類此標示者，亦同。]

<sup>1</sup> 自「郵政法」第 11 號修正案生效之日起，其定義「金融機構」之第(8)款所訂「郵政公司」修正為「子公司」。

"The Candidate Search Committee"—the Candidate Search Committee established under Section 33;

"The Appointment Review Committee"—the committee established under Section 18b of the Government Companies Law, amended as set forth in Section 60a(b) of the Government Companies Law;

"The Financial Stability Committee"—the Financial Stability Committee established under Section 57b;

"The Audit Committee"—the audit committee appointed under Section 23;

"The Postal Company"<sup>2</sup>—the company, as defined in the Postal Law, 5746-1986 (hereinafter: the Postal Law), when it provides the financial services as defined in the Postal Law, on behalf of the Subsidiary within the meaning of this term in Section 88k of the Postal Law;

"The Internal Audit Law"—the Internal Audit Law, 5752-1992;

"The Banking (Licensing) Law"— the Banking (Licensing) Law, 5741-1981;

"The Companies Law"—The Companies Law, 5759-1999;

"The Government Companies Law"—the Government Companies Law, 5735-1975;

"The State Comptroller Law"—the State Comptroller Law, 5718-1958 (Consolidated Version);

"The Securities Law"—the Securities Law, 5728-1968;

"The Control of Insurance Law"—the Control of Financial Services (Insurance) Law, 5741-1981;

"The Banking Laws"—the Banking (Licensing) Law, the Banking Ordinance, 1941, and the Banking (Service to Customer) Law, 5741-1981;

"The Index"—the Consumer Price Index, published by the Central Bureau of Statistics;

"The Council"—the Administrative Council within the meaning of this term in Section B of Chapter Four;

"Currency"—as set forth in Section 1 of the New Sheqel Currency Law, 5745-1985;

"Foreign Currency"—banknotes or coins which are legal tender in a foreign country and are not legal tender in Israel;

<sup>2</sup> Beginning with the Effective Date of Amendment 11 to the Postal Law, replace the definition of "The Postal Company" with "The Subsidiary"—as defined in the Postal Law, 5746-1986".

「候選人遴選委員會」—係指依本法第 33 條設置之候選人遴選委員會；

「任命審查委員會」—係指依「政府公司法」第 18b 條設置，嗣依同法第 60a 條第(b)項修正之委員會；

「金融穩定委員會」—係指依本法第 57b 條設置之金融穩定委員會；

「監事會」—係指依本法第 23 條設置之監事會；

「郵政公司<sup>2</sup>」—係指依「郵政法 (5746-1986)」(以下稱「郵政法」)之定義，提供金融服務之公司，亦即「郵政法」第 88k 條所定之子公司；

「內部稽核法」—係指「內部稽核法 (5752-1992)」；

「銀行(許可)法」—係指「銀行(許可)法 (5741-1981)」；

「公司法」—係指「公司法 (5759-1999)」；

「政府公司法」—係指「政府公司法 (5735-1975)」；

「國家審計法」—係指「國家審計法 (5718-1958)」(合併版)；

「證券法」—係指「證券法 (5728-1968)」；

「保險監管法」—係指「金融服務(保險)監管法 (5741-1981)」；

「銀行法規」—係指「銀行(許可)法」、「1941 年銀行業條例」及「銀行(客戶服務)法 (5741-1981)」；

「指數」—係指中央統計局公布之消費者物價指數；

「理事會」—係指本法第 4 章第 B 節之理事會；

「貨幣」—係指「新謝克爾貨幣法 (5745-1985)」第 1 條所稱者；

「外幣」—係指在其他國家具有法償效力，但在以色列不具法償效力之鈔券或硬幣；

<sup>2</sup> 自「郵政法」第 11 號修正案生效之日起，「郵政法」(5746-1986) 中所定義之「郵政公司」修正為「子公司」。

"The Financial System"—a system incorporating the financial entities, financial markets, financial services and financial products, as well as the infrastructure for their activities, including payment and settlement systems, and the interrelationships among them;

"The Supervisor of Banks"—within the meaning of this term in the Banking Ordinance, 1941;

"The Supervisor of Financial Services Providers"—within the meaning of this term in the Control of Financial Services (Regulated financial services) Law, 5776-2016;

"The Deputy Governor"—the Deputy Governor appointed under Section 8;

"The Governor"—the Governor of the Bank appointed under Section 6;

"The Israel Securities Authority"—within the meaning of this term in Section 2 of the Securities Law;

"Supervisory Authority"—each of the following, regarding the Financial Entities supervised thereby:

- (1) The Capital Market, Insurance, and Savings Authority;
- (2) The Israel Securities Authority;
- (3) The Minister of Communication, in respect of the Postal Company;<sup>3</sup>

"Capital Market, Insurance, and Savings Authority"—within the meaning of this term in the Control of Insurance Law;

"Banking Corporation" and "Auxiliary Corporation"—as defined in the Banking (Licensing) Law.

## Chapter Two : The Bank of Israel, Its Objectives, Functions, and Autonomy

### 2. The Bank of Israel, its Organs, and its Seat

- (a) The Bank of Israel is a corporation.
- (b) The Bank shall have a Monetary Committee, an Administrative Council, and a Governor.
- (c) The Bank shall be seated in Jerusalem and may open branches and representative offices in any other location.

### 3. Objectives of the Bank

- (a) The objectives of the Bank are:

<sup>3</sup> Beginning with the Effective Date of Amendment 11 to the Postal Law, in Clause (3) of the definition of "Supervisory Authority", replace "The Postal Company" with "The Subsidiary".

「金融體系」—係指包括金融機構、金融市場、金融服務、金融產品及該等業務之基礎設施，包括支付與清算機制及各該機制間相互依存所組成之體系；

「銀行監理機構」—係指依「1941 年銀行業條例」相關規定所定義者；

「金融服務提供者監理機構」—係指依「金融服務監管（受監督之金融服務）法（5776-2016）」所定義者；

「副總裁」—係指依本法第 8 條任命之副總裁；

「總裁」—係指依本法第 6 條任命之本行總裁；

「以色列證券主管當局」—係指依「證券法」第 2 條所定義者；

「監理當局」—係指有關監理金融機構之下列機關：

- (1) 資本市場、保險及存款主管當局；
- (2) 以色列證券主管當局；
- (3) 通訊部長，即郵政公司<sup>3</sup>之權責主管。

「資本市場、保險及存款主管當局」—係指依「保險監管法」所定義者；

「銀行」及「附屬公司」—係指依「銀行（許可）法」所定義者。

## 第 2 章 本行之經營目標、任務及自主權

### 第 2 條 本行之組織及所在地

- (a) 本行為公司。
- (b) 本行應設貨幣委員會、理事會及總裁。
- (c) 本行應設於耶路撒冷，並得於任何其他地點開設分支機構及代表辦事處。

### 第 3 條 本行之經營目標

- (a) 本行之經營目標為：

<sup>3</sup> 自「郵政法」第 11 號修正案生效之日起，將有關「監理當局」定義之第（三）款中「郵政公司」修改為「子公司」。

- (1) to maintain price stability as its central goal;
- (2) to support other objectives of the Government's economic policy, especially growth, employment and reducing social gaps, provided that, in the Committee's opinion, this support shall not prejudice the attainment of Price Stability over the Course of Time; for this purpose, "Price Stability over the Course of Time" means a situation in which the Committee, on the basis of the monetary policy that it has established, expects the inflation rate to be within the price-stability range determined per Subsection (b) within no more than two years.
- (3) to support the stability and orderly activity of the financial system.
- (b) The Government, in consultation with the Governor, shall determine the price-stability range for the purposes of Subsection (a)(1).

#### 4. Functions of the Bank

The Bank's functions are:

- (1) Managing monetary policy;
- (2) Holding and managing the Foreign Currency reserves of the State;
- (3) Supporting the orderly activity of the Foreign Currency market in Israel;
- (4) Acting as banker of the Government;
- (5) Regulating the economy's payment and settlement systems so as to ensure their efficiency and stability, including their conformity with the Payment Systems Law, 5768-2008;
- (6) Issuing Currency and regulating and guiding the cash system of the economy;
- (7) Supervising and regulating the banking system in accordance with its powers under the banking laws and under any other law.

#### 5. Autonomy of the Bank

To attain its objectives and discharge its functions, the Bank shall be autonomous in choosing its actions and exercising its powers.

### Chapter Three : The Governor and the Deputy Governor

- (1) 以維持物價穩定為主要目標；
- (2) 協助政府其他經濟政策目標，尤指經濟成長、就業及縮小社會差距，但以委員會認為此協助未妨礙實現物價之長期穩定者為限；「物價之長期穩定」一詞係指委員會依其制定之貨幣政策所預期之通貨膨脹率，於 2 年內保持在依第(b)項所定之物價穩定範圍內；
- (3) 維持金融體系之穩定及有秩序地運作。
- (b) 政府經徵詢總裁後，基於第(a)項第(1)款之目的，應訂定物價穩定之範圍。

#### 第 4 條 本行之任務

本行之任務為：

- (1) 執行貨幣政策；
- (2) 持有及管理國家外匯存底；
- (3) 維持以色列外匯市場有秩序地運作；
- (4) 擔任政府之銀行；
- (5) 規範經濟體之支付與清算體系，確保其效率及穩定性，包括遵守「支付體系法（5768-2008）」相關規定；
- (6) 發行貨幣，並規範及指導經濟體之現金制度；
- (7) 依銀行法規及其他法律賦予之權限，監理及規範銀行業制度。

#### 第 5 條 本行之自主權

為實現經營目標及履行任務，本行應自主採取行政措施及行使權力。

### 第 3 章 總裁及副總裁

## 6. The Governor

The Governor shall be appointed by the President of the State per recommendation of the Government.

## 7. Functions of the Governor

- (a) The Governor shall manage the Bank and shall also serve as the chairperson of the Committee and member of the Council.
- (b) The Governor shall serve as advisor to the Government on economic matters, including with regard to reducing social gaps and reducing inequality in income distribution.

## 8. The Deputy Governor and His Functions

- (a) The Government shall, per recommendation of the Governor, appoint a Deputy Governor.
- (b) The Governor shall determine the Deputy Governor's functions.
- (c) The Deputy Governor shall be a member of the Committee and the Council.

## 9. Taking the Governor's Place

In case the Governor is unable to carry out his functions or has ceased to serve, the Deputy Governor shall take the place of the Governor and shall be authorized to exercise the Governor's powers until the state of incapacity ends or a new Governor is appointed, as the case may be.

## 10. Term in Office

- (a) The Governor shall be appointed to a five-year term and may be reappointed to one term only.
- (b) The Deputy Governor shall be appointed to a five-year term and may be reappointed to one term only. This notwithstanding, the Deputy Governor's term in office shall be terminated at the end of one year after the beginning of a new Governor's term in office, unless his term in office ends at an earlier date; however, the Government may decide, per recommendation of the Governor, that the Deputy Governor shall continue his term in office to its conclusion.

## 11. Designated Position and Prohibition of Additional Occupation

- (a) During any and all of their terms in office the Governor and the Deputy Governor shall not be members of the Knesset, members of a municipal authority council, or candidates for either of the foregoing;

## 第 6 條 總裁

總裁應由總統依政府之建議任命之。

## 第 7 條 總裁之職責

- (a) 總裁應負責管理本行，並擔任委員會之主席及理事會之成員。
- (b) 總裁應就包括有關縮小社會差距及減少所得分配不公等經濟事務，擔任政府之諮詢顧問。

## 第 8 條 副總裁及其職責

- (a) 政府應依總裁之建議，任命副總裁。
- (b) 總裁應決定副總裁之職責。
- (c) 副總裁應為委員會及理事會之成員。

## 第 9 條 總裁之代理

總裁因故無法履行職責或遭受停職時，於其事由消滅或新總裁就任前，副總裁應視情形代理總裁職位並行使總裁職權。

## 第 10 條 任期

- (a) 總裁任期為 5 年，期滿得續派連任 1 次。
- (b) 副總裁任期為 5 年，期滿得續派連任 1 次。但副總裁之任期除已屆至者外，應於新任總裁就任滿 1 年時終止；惟政府得依總裁之建議，決定副總裁續任至其任期屆滿為止。

## 第 11 條 特定職位及兼職之禁止

- (a) 總裁及副總裁於所有任期中，均不得擔任以色列國會議員、市政當局政務委員會成員或前述職位之候選人。

- (b) During any and all of their terms in office the Governor and the Deputy Governor may not -
- (1) be members in the management body of a group of individuals managing a business for profit;
  - (2) be members in the management body of a group of individuals managing a nonprofit business, if this creates a conflict of interests with the discharge of their duties under this Law;
  - (3) hold any other post or engage, directly or indirectly, in any business or in any other occupation;
  - (4) own shares or any similar right in a Banking Corporation or in another corporation that is subject to supervision or regulation by the Bank under the Banking Laws;
  - (5) hold securities of a corporation registered in Israel and hold in Israel cash and securities in contravention of rules set forth by the Government to prevent conflict of interests on the part of ministers and deputy ministers, *mutatis mutandis*; the Audit Committee may approve exceptions to this provision for reasons which shall be recorded.
- (c) The provisions of Subsection (b) notwithstanding, the Governor or the Deputy Governor may hold any of the posts hereunder, provided that no prejudice is caused thereby to their ability to discharge their duties under this Law or to the Bank's autonomy, objectives, and functions:
- (1) member of a commission appointed by the Government or the Knesset and, regarding the Deputy Governor — the Bank's representative to the Israel Securities Authority;
  - (2) an academic teaching post;
  - (3) with the consent of the Government, a member of an international commission and an international institution;
- and provided the function, except under Paragraph (2), is without any remuneration or other reward; in respect of a paid academic teaching post, the rules applicable to State employees who are employed under senior-official contracts in respect to private employment, *mutatis mutandis*.

## 12. Salary and Terms of Service

- (a) The Government shall determine the Governor's salary and terms of service.
- (b) The Deputy Governor's salary shall equal 90% of that of the Governor

- (b) 總裁及副總裁於任期中，均不得—
- (1) 擔任營利團體之管理階層成員；
  - (2) 擔任可能與履行本法所定職責產生利益衝突之其他職務，或擔任非營利團體之管理階層成員；
  - (3) 擔任或直接或間接涉入其他事業或相關職務；
  - (4) 持有銀行或受銀行法規監理或規範之其他公司之股份或其他類似權利；
  - (5) 持有於以色列註冊公司之證券，並比照防止部會首長、副首長與政府發生利益衝突之規定，於特定情形禁止於以色列持有現金及證券；惟監事會得以書面記載之理由，核可本規定之例外情形。
- (c) 即使有第(b)項規定，總裁及副總裁於不影響依本法賦予之職責及不損害本行自主權、經營目標與任務前提下，仍得擔任下列職務：
- (1) 由政府或以色列國會所任命之其他委員會成員，及副總裁得作為以色列證券主管當局之本行代表；
  - (2) 學術單位之教職；
  - (3) 經政府同意，擔任國際委員會或國際組織之成員；
- 且除第(2)款規定外，上開職務均不得支領任何薪酬或其他酬勞；至有償之學術教職，應比照依高階官員合約聘僱之國家職員擔任私立機構職務之相關規定。

## 第 12 條 薪酬及服務條件

- (a) 政府應決定總裁之薪酬及服務條件。
- (b) 副總裁之薪酬應相當於總裁薪酬之 90%，其服務條件

and his terms of service shall be determined by the Government.

### 13. Termination of the Governor's Term in Office

- (a) The President of the State may, per motion of the Government, terminate the term in office of the Governor if he deems the Governor unfit to continue his term in office for one of the following reasons:
  - (1) committing an act unbefitting his status as Governor;
  - (2) violating the provisions of Section 11;
  - (3) permanent incapacity.
- (b) A motion of the Government to the President as per Subsection (a) shall be notified to the Knesset Finance Committee when it is submitted to the President.

### 14. Termination of the Deputy Governor's Term in Office

The Government may, either per motion of the Governor or after consultation with him, terminate the term in office of the Deputy Governor if it deems him unfit to continue his term in office for one of the following reasons:

- (1) the Governor is of the opinion that he is not discharging his duties appropriately;
- (2) commission of an act unbefitting his status as Deputy Governor;
- (3) violation of the provisions of Section 11;
- (4) permanent incapacity.

## Chapter Four : Monetary Committee and Administrative Council

### Subchapter A : Monetary Committee

#### 15. The Monetary Committee and Its Functions

The Bank shall have a Monetary Committee whose functions are:

- (1) determining policies for the attainment of the Bank's objectives, including monetary policy;
- (2) monitoring the implementation of the policies determined, reviewing from time to time monetary and economic developments and progress toward the attainment of the policy targets, and discussing other matters related thereto;
- (3) deciding actions under this Law that the Bank should take for the

應由政府決定。

### 第 13 條 總裁任期之終止

- (a) 總統因總裁具下列情形之一而認其不適繼續任職者，得依政府之提議，終止其任期：
  - (1) 行止與其擔任總裁之職務不相稱；
  - (2) 違反第 11 條規定；
  - (3) 永久喪失行為能力。
- (b) 政府向總統為第(a)項之提議時，應通知以色列國會之財政委員會。

### 第 14 條 副總裁任期之終止

政府因副總裁有下列情形之一而認其不適繼續任職者，得依總裁之提議或經徵詢總裁後，終止其任期：

- (1) 總裁認其未妥適履行職責；
- (2) 行止與其擔任副總裁之職務不相稱；
- (3) 違反第 11 條規定；
- (4) 永久喪失行為能力。

## 第 4 章 貨幣委員會及理事會

### 第 A 節：貨幣委員會

#### 第 15 條 貨幣委員會及其任務

本行應設貨幣委員會，其任務為：

- (1) 決定達成本行經營目標之政策，包括貨幣政策；
- (2) 監控上述政策之執行，不定期審視貨幣及經濟發展等政策目標之進展，並討論與此相關之事項；
- (3) 決定本行應依本法採取實現經營目標之措施；委員會

- attainment of its objectives; the Committee's decision on the interest rate that is set for the purposes of monetary policy (hereinafter: the Interest Rate) shall be for a specified period of time, at the end of which the Committee shall decide whether to change the Interest Rate or leave it in effect for an additional specified period of time. This provision shall not derogate from the Committee's power to also change the Interest Rate within the period of time specified in a previous decision;
- (4) Any other function assigned to it by this Law, including functions relating to the following: acceptance of deposits and grant of credit as set forth in Section 36(3) - (5); issuing directives concerning the holding of Liquid Assets as set forth in Section 38; managing Foreign Currency reserves as set forth in Section 40; and intervening in trading in the Foreign Currency market as set forth in Section 53.

## 16. Composition of the Committee

- (a) The Committee shall be composed of six members, amongst them the Governor, who shall serve as chairperson, the Deputy Governor, a Bank employee appointed by the Governor, and three additional members from amongst the public; if no Deputy Governor is serving at a given time, the Governor shall appoint an additional Bank employee as a member of the Committee until a Deputy Governor begins to serve.
- (b) A member from amongst the public shall be qualified for appointment if he is a resident of Israel, is twenty-five years old or older, and fulfills one of the following:
- (1) holds a Doctoral degree in Economics or Business Administration and has at least five years of experience in the monetary, financial, or macroeconomic field;
  - (2) holds a Master's degree in Economics or Business Administration and has at least eight years of experience in the monetary, financial, or macroeconomic field;
  - (3) has knowledge, expertise and at least ten years of proven professional experience in the monetary, financial, or macroeconomic field, provided that not more than one member is appointed under the provisions of this Paragraph.
- (c) Members from amongst the public shall be appointed by the Government, per recommendation of the Candidate Search Committee

對為達成貨幣政策目標而設定政策利率（以下稱利率）之決定，應持續一段特定期間，並於該期間屆滿時，由委員會作成該利率是否變更、維持或另行指定延長期間之決定。本項規定不影響委員會於上述指定延長期間，仍有變更利率之權限；

- (4) 依本法賦予委員會之其他任務，包括與下列事項有關者：第 36 條第(3)款至第(5)款規定之收受存款及貸款授信；發布第 38 條規定有關持有流動資產之指令；依第 40 條規定管理外匯存底；及依第 53 條規定干預外匯市場之交易活動。

## 第 16 條 委員會之組成

- (a) 委員會由 6 名成員組成，其中包括總裁並擔任主席、副總裁、1 名由總裁任命之本行職員，及 3 名來自公眾之其他成員；如屆特定時點尚無副總裁任職者，總裁應任命另 1 名本行職員為委員會之成員，至副總裁就任時為止。
- (b) 來自公眾之其他成員須為以色列居民，年滿 25 歲以上，並符合下列條件之一，即具有獲得任命之資格：
- (1) 獲有經濟學或工商管理博士學位，且在貨幣、金融或總體經濟領域具有至少 5 年之經歷；
  - (2) 獲有經濟學或工商管理碩士學位，且在貨幣、金融或總體經濟領域擁有至少 8 年之經歷；
  - (3) 在貨幣、金融或總體經濟領域具有知識、專業及至少 10 年經認證之專業經歷，惟依本款規定任命之成員，不得超過 1 名。
- (c) 來自公眾之成員應由政府依第 34 條所定候選人遴選委員會提出之建議，並依第 35 條規定徵詢任命審查委員

as set forth in Section 34 and after consultation with the Appointment Review Committee as per Section 35.

## 17. Management of Investments

The rules applicable to the Governor and Deputy Governor under Section 11 (b)(5) shall apply to Committee members.

## 18. The Committee's Work Procedure

- (a) The chairperson of the Committee shall convene the Committee at least eight times annually; he shall convene a special meeting of the Committee at the request of at least two members, provided the number of special meetings does not exceed twelve annually.
- (b) The lawful quorum at Committee meetings and for resolutions shall be a majority of its members, including the Governor, or, in the Governor's absence from the meeting and with his consent, the Deputy Governor.
- (c) The Committee's resolutions shall be passed by a majority of its members participating in the voting; in the event of a tied vote, the chairperson shall have an additional vote.
- (d) The Committee may, in special cases, hold meetings by use of any means of communication, provided a reasonable attempt was made to locate all Committee members in order to obtain their consent to such meeting, and provided all participating members of the Committee can hear each other simultaneously.
- (e) The Committee shall determine its working procedures insofar as they are not prescribed by this Law.

## 19. Publication and Reporting to the Government

- (a) The Committee shall publish and report to the Government (in this Section—Publicize) a summary of its deliberations and resolutions, the reasoning behind the resolutions, and the numerical results of voting on the resolutions; said Publication shall take place on the web site of the Bank or in some other manner the Committee deems fit.
- (b) Publication shall take place within two weeks of the date of deliberations; this notwithstanding, Publication of the Committee's resolution regarding the Interest Rate or the use of other monetary tools, as well as a condensed presentation of its reasoning, shall take place on the day of the resolution.

會後予以任命。

## 第 17 條 投資行為之管理

第 11 條第(b)項第(5)款所定適用於總裁及副總裁之規定，亦適用於委員會之成員。

## 第 18 條 委員會之運作程序

- (a) 委員會主席每年至少應召開 8 次會議；並應依至少 2 名成員之請求，召開委員會特別會議，但特別會議每年召開次數，不得超過 12 次。
- (b) 召開委員會會議之法定出席人數及決議人數，應經過半數成員表決通過，並應包括總裁；於總裁缺席且經其同意時，應包括副總裁。
- (c) 委員會之決議，須經出席委員過半數之投票始可通過；於可否同數時，主席有額外之投票權。
- (d) 於特殊情形下，委員會得使用任何通訊方式舉行會議，但應運用合理方式聯繫全體成員，以取得對該會議之同意，並使所有與會成員均可同時聽取其他成員之意見。
- (e) 委員會應決定本法未規定之運作程序。

## 第 19 條 資訊公開及向政府報告

- (a) 委員會應公布並向政府報告其審議內容及決議之摘要、作成決議之理由及議案投票之票數結果（以下稱資訊公開）；上述資訊公開應於本行官方網站揭露，或以委員會認為適當之其他方式為之。
- (b) 資訊公開之內容應自委員會審議之日起 2 週內揭露；至委員會就有關利率、採取其他貨幣政策工具之決議，及作成決議之簡要聲明，均應於決議通過之日公布之。

- (c) The Committee may decide to postpone, for a period of up to six months, the Publication of a summary of a given deliberation, in whole or in part, or the Publication of a condensed presentation of the reasoning behind a resolution concerning the Interest Rate or the Publication of a resolution on the use of other monetary tools, if it deems that said Publication, at that time, may prejudice the results of the monetary policy; the Committee may prolong the non-publication period for additional periods of up to six months each.
- (d) Upon the postponed Publication of the summary of a deliberation, a condensed presentation of reasoning, or a resolution, the Committee shall also Publish the reasons for the postponement.
- (e) The Committee is entitled not to Publish as per Subsection (a) if it believes that this may prejudice the status of the Bank or of the State abroad or their relations with Financial Entities Abroad; in this Section, a "Financial Entity Abroad" is an entity that resembles the entities listed in the definition of "Financial Entity" in Section 1 and is incorporated abroad.
- (f) Where the Committee postpones Publishing or does not carry it out at all as per Subsections (c) or (e), the Governor shall report to the Minister of Finance in writing, soon after the postponement or non-publication, the details of the deliberation or the resolution to which the decision pertains and shall explain its reasons.

## Subchapter B : Administrative Council

### 20. The Administrative Council and Its Duties

- (a) The Bank shall have an Administrative Council whose duties are:
  - (1) supervising the orderly and efficient management of the Bank;
  - (2) discussing the Bank's annual work plan;
  - (3) approving the annual budget for the Bank's administrative activity (in this Section - the "Annual Budget");
  - (4) approving the annual financial statements of the Bank as set forth in Section 75;
  - (5) approving the salary terms of Bank employees and changes thereto, including accompanying terms, and the Bank's salary structure;
  - (6) appointing an internal auditor for the Bank, per proposal of the Audit Committee; the Council is authorized to terminate the term

- (c) 委員會得決定延後公布特定審議內容之全部或一部，至多達 6 個月；至涉及利率之決策，或採取其他貨幣工具等決議理由或聲明之摘要，如認當時予以公開，有妨害貨幣政策效果之虞者，委員會得延長不公開上述資料之期限，每次至多達 6 個月。
- (d) 審議內容摘要、作成決議之理由及決議內容經延後公布者，委員會並應揭示該延後公布之理由。
- (e) 委員會如認資訊公開有損害本行或國家之國際地位，或有影響其與境外金融機構往來關係之虞者，有權不予以公布第(a)項所定資料；本條所稱之「境外金融機構」，係指於境外其他國家註冊登記且相當於第 1 條定義之「金融機構」。
- (f) 委員會如依第(c)項或第(e)項規定，決定延後公布或完全不採取資訊公開者，總裁於作成延後或不公開決定後，應即向財政部長以書面報告與該決定有關之審議內容或決議事項之詳細情形，並應說明其理由。

## 第 B 節：理事會

### 第 20 條 理事會及其任務

- (a) 本行應設理事會，其任務為：
  - (1) 監督本行有秩序及有效率之營運；
  - (2) 審議本行年度工作計畫；
  - (3) 核可本行政務之年度預算（以下稱「年度預算」）；
  - (4) 核可第 75 條規定之本行年度財務報表；
  - (5) 核可及調整本行職員之薪酬條件，包括附隨條件及本行之薪酬結構；
  - (6) 依監事會之建議任命 1 名內部稽核員；理事會有

- in office of the internal auditor under Section 12(a)(3) of the Internal Audit Law;
- (7) discussing and deciding on recommendations of the Audit Committee in the matters listed in Section 24(2) and (3);
- (8) appointing a Rectification Team within the meaning of Section 21a (b) of the State Comptroller Law; notwithstanding the provisions of said Section, the Rectification Team shall be headed by the Governor.
- (9) appointing an accountant-auditor for the Bank and terminating his services;
- (10) discharging any other function imposed upon it by law.
- (b) The Council shall publish the main provisions of the Bank's annual work plan and its main resolutions, the minutes of its meetings, but it may decide not to publish the minutes of a particular meeting or part thereof, giving the reasons for its decision in writing.
- (c) The Council, within fourteen days of approving the Annual Budget, shall submit it to the Knesset Finance Committee, divided into fields of activity and programs; the Knesset Finance Committee shall hold a discussion on the Annual Budget; soon after the discussion in the Knesset Finance Committee, the Council shall publish the annual budget, divided into fields of activity and programs, in *Reshumot*.
- (d) In respect of Subsection (a)(7)—
- (1) The provisions of Section 6a of the Internal Audit Law concerning the management of a public entity and its members shall apply to the Council after the recommendations of the Audit Committee are received, and to the members of the Council, and the provisions of Subsection (b) in said Law in respect of the Superordinate shall apply to the chair of the Council;
  - (2) The provisions of Section 7(a) of the Internal Audit Law in respect of the Superordinate shall apply to the Council after the recommendations of the Audit Committee are received;
  - (3) Section 7(b) of the Internal Audit Law shall be read as if "The Minister in Charge of the Government Ministry, the chairperson of the board of directors, or the chairperson of an entity that discharges a duty parallel to that of a board of directors, and also the Superordinate," is replaced by "the Governor, the chairperson

- 權依「內部稽核法」第 12 條第(a)項第(3)款終止該內部稽核員之任期；
- (7) 討論並決定監事會對第 24 條第(2)款及第(3)款所定事項所提之建議；
- (8) 任命「國家審計法」第 21a 條第(b)項所定重整小組；即使有該條規定，重整小組應由總裁領導之；
- (9) 為本行任命 1 名會計師兼稽核員，並有權終止其服務；
- (10) 執行法律賦予之其他任務。
- (b) 理事會應公布本行年度工作計畫之主要措施、重要決議及會議紀錄，但得決定不公布特定或部分會議之會議紀錄，並應以書面說明該決定之理由。
- (c) 理事會於核可年度預算後 14 天內，應將年度預算依活動範圍及項目為劃分標準，提交予以色列國會之財政委員會；以色列國會之財政委員會應就該年度預算進行討論；理事會並應於以色列國會之財政委員會討論後，依活動範圍及項目為劃分標準，於以色列政府公報登載該年度預算。
- (d) 關於第(a)項第(7)款—
- (1) 「內部稽核法」第 6a 條有關公共機構及其成員管理之規定，應在收到監事會之建議後，適用於理事會及其成員；「內部稽核法」第 6a 條第(b)項有關高階主管之規定，適用於理事會主席；
  - (2) 「內部稽核法」第 7 條第(a)項有關高階主管之規定，應於收到監事會之建議後，適用於理事會；
  - (3) 「內部稽核法」第 7 條第(b)項所定之「政府部會首長、董事會主席或履行與董事會主席同等職責之法人機構之領導人員及其高階主管」，在此係

- of the Council, and the chairperson of the Audit Committee".
- (4) Without derogating from the contents of Section 6 of the Internal Audit Law, the internal auditor shall also present a report about his findings to the chairperson of the Council and the chairperson of the Audit Committee.

## 21. Composition of the Council

- (a) The Council shall consist of seven members: the Governor, the Deputy Governor, and five members from amongst the public. If no Deputy Governor is serving at a given time, the Governor shall appoint an additional Bank employee as a member of the Committee until a Deputy Governor begins to serve.
- (b) A Council member from amongst the public shall be a person who fulfills the provisions of Section 16a of the Government Companies Law, *mutatis mutandis*, provided he fulfills the condition of Paragraph (1) of said Section and also one of the conditions of Paragraph (2) of said Section and is a person of stature in the fields relating to the Council's work and has experience in senior positions in those fields.
- (c) The members from amongst the public shall be appointed by the Government per recommendation of the Candidate Search Committee as set forth in Section 34 and after consultation with the Appointment Review Committee as set forth in Section 35.
- (d) The Government shall determine, in consultation with the Governor, the member of the Council from amongst the public who shall serve as chairperson.

## 22. Working Procedure of the Council

- (a) The chairperson of the Council or, in his absence, his substitute, shall convene the Council at least six times annually; he shall convene a special meeting of the Council at the request of at least two members.
- (b) The lawful quorum at Council meetings and resolutions shall be a majority of its members including the chairperson—or, in his absence, his substitute—and the Governor or the Deputy Governor.
- (c) Resolutions of the Council shall be passed by majority vote of members participating in the voting; in the event of a tied vote, the chairperson shall have an additional vote.

- 指「總裁、理事會主席及監事會主席」；
- (4) 於不違反「內部稽核法」第 6 條所定情形下，內部稽核員亦應向理事會主席及監事會主席提交其調查結果之報告。

## 第 21 條 理事會之組成

- (a) 理事會由 7 名成員組成：總裁、副總裁及 5 名來自公眾之其他成員。如於特定時點尚無副總裁任職者，總裁應任命另 1 名本行職員為理事會之成員，至副總裁就任時為止。
- (b) 來自公眾之理事會成員應比照「政府公司法」第 16a 條第(1)款及第(2)款所定資格，並就所擔任理事會職務之相關工作領域具有相當影響力，且於該領域具備擔任高階職位之資歷。
- (c) 理事會中來自公眾之成員，應由政府參酌第 34 條所定候選人遴選委員會提出之建議，依第 35 條規定徵詢任命審查委員會後任命之。
- (d) 政府應徵詢總裁後，決定由其中 1 名來自公眾之成員擔任理事會主席。

## 第 22 條 理事會之運作程序

- (a) 理事會主席每年至少應召開 6 次理事會會議，主席缺席時，由其代理人擔任召集人及主席；並應依至少 2 名成員之請求，召開理事會特別會議。
- (b) 召開理事會會議之法定出席人數及決議人數，應經過半數成員表決通過，並應包括主席及總裁或副總裁；主席缺席時，應包括其代理人。
- (c) 理事會之決議，須經出席委員過半數之投票始可通過；於可否同數時，主席有額外之投票權。

- (d) The members of the Council from amongst the public shall determine which of them shall be the substitute chairperson of the Council for the purposes of Subsections (a) and (b).
- (e) The Council may, in special cases, hold meetings by use of any means of communication, provided a reasonable attempt was made to locate all Council members in order to obtain their consent to such meeting, and provided all participating members can hear each other simultaneously.
- (f) The Council shall determine its working procedures so far as they are not prescribed in this Law.

### Subchapter C : Audit Committee

#### 23. The Audit Committee

- (a) The Council shall appoint from its members from amongst the public an Audit Committee; the number of members in said committee shall not be fewer than three; the chairperson of the Council shall not be a member of the Audit Committee.
- (b) The Audit Committee shall appoint one of its members as chairperson.
- (c) The decisions of the Audit Committee shall not be prejudiced by the vacancy of a member of the committee or by a defect in his appointment or in his continued tenure.

#### 24. Duties of the Audit Committee

The Audit Committee shall—

- (1) recommend to the Council, after consultation with the Governor, a candidate for the position of Internal Auditor of the Bank;
- (2) discuss the annual work plan of the Internal Auditor and recommend to the Council the appropriate budget and personnel standard for its implementation;
- (3) identify defects in the administration of the Bank and suggest to the Council ways to rectify them; to exercise said duty, the Committee shall discuss, among other topics, the audit reports of the State Comptroller and of the Internal Auditor of the Bank and the reports of the Accountant-Auditor; it shall also monitor the implementation of the Internal Auditor's work plan and shall discuss such matters as are brought before it by the Council or by the Governor; said discussion shall take place in consultation with, *inter alia*, the Internal Auditor or the Accountant-Auditor, as the case may be.

- (d) 為符合第(a)項及第(b)項規定之目的，來自公眾之理事會成員，應決定其中一名成員充當主席之代理人。
- (e) 於特殊情形下，理事會得使用任何通訊方式舉行會議，但應運用合理方式聯繫全體成員，以取得對該會議之同意，並使所有與會成員均可同時聽取其他成員之意見。
- (f) 理事會應決定本法未規定之運作程序。

### 第 C 節：監事會

#### 第 23 條 監事會

- (a) 理事會應任命來自公眾之成員組成監事會；該委員會之成員不得少於 3 人；理事會主席不得擔任監事會成員。
- (b) 監事會應任命其中 1 名成員為主席。
- (c) 監事會之決定，不應因其成員有缺位或任命、續任程序之瑕疵而影響其效力。

#### 第 24 條 監事會之職責

監事會應：

- (1) 經徵詢總裁後，向理事會建議本行內部稽核職務之候選人；
- (2) 就內部稽核員之年度工作計畫進行討論，並向理事會建議實施該計畫之適當預算及用人標準；
- (3) 稽核本行辦理行政事務之缺失，並向理事會提出改善該等缺失之方式；為履行上述職責，除其他議題外，監事會應就國家審計長所提之稽查報告、本行內部稽核員之報告，及會計師兼稽核員所提之報告加以討論；且應監控內部稽核員工作計畫之辦理情形，及討論理事會或總裁交辦事項之辦理情形；上述討論並應視情況與內部稽核員或會計師兼稽核員商議後進行。

## 25. Working Procedures of the Audit Committee

- (a) The lawful quorum at the meetings and for the resolutions of the Audit Committee shall be a majority of its members, including the chairperson.
- (b) The resolutions of the Audit Committee shall be passed by majority vote of those participating in the voting; in the event of a tied vote, the chairperson shall have an additional vote.
- (c) The Audit Committee may, in special cases, hold meetings by any means of communication, provided that a reasonable attempt was made to locate all members of the Committee in order to obtain their consent to the holding of such meeting, and provided that all participating members of the Committee can hear each other simultaneously.
- (d) The Internal Auditor shall receive notices of the Audit Committee's meetings and may attend them; the Internal Auditor shall attend Committee discussions of reports that he prepared.
- (e) The Internal Auditor may ask the chairperson of the Audit Committee to convene the Committee for discussion of an issue specified in his request, and the chairperson of the Audit Committee shall convene it within a reasonable time of the date of the request.
- (f) Notice about an Audit Committee meeting, at which an issue related to an audit of the Financial Reports will be raised, shall be presented to the Accountant-Auditor of the Bank, who may then participate in the meeting.

## Subchapter D : Joint Provisions for the Monetary Committee and the Administrative Council

### 26. Restrictions of Service

- (a) No person shall be appointed as or serve as a member from amongst the public of the Committee or the Council if he is a member of the Knesset, a member of a municipal authority council, or a candidate for either of the foregoing ;
- (b) No person shall be appointed as or serve as a member from amongst the public of the Committee or the Council (hereinafter: the Position) if he is-
  - (1) an employee of the Bank, a person employed in the service of the

## 第 25 條 監事會之運作程序

- (a) 召開監事會會議之法定出席人數及決議人數，應經過半數成員表決通過，並應包括主席。
- (b) 監事會之決議，須經出席委員過半數之投票始可通過；於可否同數時，主席有額外之投票權。
- (c) 於特殊情形下，監事會得使用任何通訊方式舉行會議，但應運用合理方式聯繫全體成員，以取得對該會議之同意，並使所有與會成員均可同時聽取其他成員之意見。
- (d) 內部稽核員於收受監事會之會議通知後，得出席會議；惟就其所提出報告之討論時，應出席監事會會議。
- (e) 內部稽核員得要求監事會主席召開會議，並就特別指定之議題予以討論；監事會主席應於該要求提出後之合理期間內召開會議。
- (f) 召開監事會會議之通知，應載明與財務稽查報告內容相關之議題，該通知並應提交予得參與該會議之本行會計師兼稽核員。

## 第 D 節：貨幣委員會及理事會之共通條款

### 第 26 條 服務資格之限制

- (a) 任何人具有以色列國會議員、市政當局之各委員會成員或前述任一職位之候選人身分者，不得受任命或擔任委員會或理事會之公眾成員。
- (b) 任何人具有下列身分之一者，不得受任命或擔任委員會或理事會之公眾成員（以下稱職位）：
  - (1) 本行之職員、受本行僱用之人員、國家之雇用人員、法定公司之雇用人員，及依「政府公司法」

Bank, an employee of the State, an employee of a statutory corporation, and an employee or director of a government company or government subsidiary as they are defined in the Government Companies Law;

- (2) an employee or an officer of a financial entity or a principal in a financial entity; for this purpose, the expressions "officer" and "principal" shall be as defined in the Companies Law;
- (3) a person whose business or occupation may create a conflict of interest with the Position;
- (4) a person who has a personal, business, or political relationship with any minister in the Government;
- (5) a person who has been convicted of a crime that, due to its material or circumstantial gravity, renders him unfit to serve in the Position;
- (6) a person who is disqualified from serving as a director of a corporation under the Companies Law or any other law;
- (7) a person who cannot devote the necessary time to the performance of the Position's duties.

## 27. Preserving the Effect of Resolutions

The resolutions of the Committee and the Council shall not be prejudiced by the vacancy of a member's Position or by a defect in the member's appointment or continued term in office.

## 28. Term in Office and Termination of Term in Office

- (a) Each member of the Committee and the Council from amongst the public shall be appointed for a term in office of four years and may be reappointed to one term only.
- (b) The Government may terminate the term in office of a member of the Committee and the Council from amongst the public if it deems the member unfit to continue serving for one of the following reasons:
  - (1) commission of an act unbefitting his status as the holder of the Position;
  - (2) violation of the provisions of Section 29 or breach of a restriction set forth in Section 26;
  - (3) permanent incapacity.
- (c) The Government may decide on the termination of term in office under Subsection (b) only after consultation with the Governor in respect of a member of the Committee and in respect of the chairperson of the Council, and after consultation with the chairperson

所稱隸屬於政府公司或政府子公司之雇用人員或董事；

- (2) 金融機構之雇用人員、高級職員或負責人；本款所稱「高級職員」及「負責人」，其定義應與「公司法」所指者相同；
- (3) 其業務或職業可能與該職位產生利益衝突之人；
- (4) 與任何政府部會首長具有個人、商業或政治關係之人；
- (5) 因刑事犯罪經確定判決等直接或間接因素而不適於擔任該職位之人；
- (6) 依「公司法」或其他相關法律規定被取消擔任公司董事資格之人；
- (7) 無法投入必要時間履行該職位職責之人。

## 第 27 條 決議之存續效力

委員會及理事會之決議，不應因其成員有缺位或任命、續任程序之瑕疵而影響其效力。

## 第 28 條 任期及任期之終止

- (a) 委員會及理事會之公眾成員，任期為 4 年，僅得連任 1 次。
- (b) 政府認為委員會及理事會之公眾成員，有下列情形之一而不適繼續任職者，得終止其任期：
  - (1) 行止與其擔任職位之身分不相稱；
  - (2) 違反第 29 條規定或第 26 條所定之限制；
  - (3) 永久喪失行為能力。
- (c) 政府依第(b)項規定決定終止委員會成員任期前，應先徵詢總裁；決定終止理事會成員任期前，應先徵詢理事會主席。

- of the Council in respect of a member of the Council.
- (d) The term in office of a Committee or Council member from amongst the public who is absent from four consecutive meetings of the Committee or Council or from six meetings of the Committee or Council within twelve consecutive months, shall be terminated unless the chairperson of the Committee or the chairperson of the Council, as the case may be, finds the absence justified.

## 29. Conflict of Interest

A member of the Committee or the Council who may have a conflict of interest regarding an issue to be discussed in the Committee or Council shall so advise either body, as the case may be, and shall not participate in the discussion and in the voting concerning that topic.

## 30. Receipt of Information

A member of the Committee and a member of the Council shall receive information available at the Bank that he needs for the discharge of his function; a request for the receipt of said information shall be presented to an employee of the Bank whom the Governor has authorized for said purpose.

## 31. Remuneration and Expenses

The Government, per motion of the Minister of Finance and in consultation with the Governor, shall determine the remuneration and expenses that members from amongst the public on the Committee and Council shall be paid; said remuneration and expenses shall be included in the Bank's budget.

## 32. Applicability of Laws

Members from amongst the public of the Committee and the Council shall be subject to law as if they were employees of the Bank in respect of the following statutes:

- (1) The Public Service (Gifts) Law, 5740-1979;
- (2) The Penal Law, 5737-1977—in respect of the provisions pertaining to public employees;
- (3) The Civil Service Law (Restriction of Political-Party Activity and Fund-Raising), 5719-1959;
- (4) The Evidence (Determining Public Employees) Order, 5743-1982;
- (5) Elections to the Knesset (Consolidated Version) Law, 5729-1969.

- (d) 委員會或理事會之公眾成員，連續缺席 4 次或於連續 12 個月內缺席 6 次委員會或理事會會議，除經委員會主席或理事會主席個案審認其缺席具正當理由外，應終止其任期。

## 第 29 條 利益衝突

委員會或理事會成員對於委員會或理事會之議案存在利益衝突者，應將相關利害關係告知委員會或理事會，且不得參與該議案之討論及表決。

## 第 30 條 資訊收集

委員會及理事會之成員應收集本行提供其執行任務所需之相關資訊；該等成員收集上述資訊之要求，應向總裁依此目的所指定之本行職員提出。

## 第 31 條 報酬及費用

政府應依財政部長之提議及徵詢總裁後，訂定委員會及理事會公眾成員之報酬及各項費用；該報酬及費用應列入本行之預算。

## 第 32 條 法律之適用

委員會及理事會之公眾成員，應比照本行職員，適用下列法律規定：

- (1) 「公共服務（贈與）法（5740-1979）」；
- (2) 「刑法（5737-1977）」—有關公職人員相關條款；
- (3) 「公務人員服務法（限制政黨活動及籌募資金）（5719-1959）」；
- (4) 「證據命令（認定公職人員）（5743-1982）」；
- (5) 「以色列國會選舉法（合併版）（5729-1969）」。

## Subchapter E : Candidate Search Committee

### 33. Committee for the Search of Candidates from Amongst the Public for Membership in the Committee and the Council

- (a) A committee for the search of candidates from amongst the public for membership in the Committee and the Council shall be established, comprised of the following:
  - (1) the chairperson of the Committee, to be appointed by the Attorney General and qualified to serve as a District Court judge; said member may be a person who has served as a judge or has retired from a position in the State Service or in the public service;
  - (2) two representatives of the public, to be appointed by the Government per motion of the Minister of Finance, in consultation with the chairperson of the Candidate Search Committee, who are either experts on the economy or hold or have held senior academic posts at institutions for higher education.
- (b) In addition to the conditions of eligibility set forth in Subsection (a), a person is eligible to be appointed as a member of the Candidate Search Committee if he satisfies the provisions of Section 24(c) of the Government Companies Law, *mutatis mutandis*, and if no restriction as set forth in Section 26 applies to him, *mutatis mutandis*.
- (c) A member of the Candidate Search Committee shall be appointed to a five-year term in office and may be appointed to additional terms; when the term in office of a member of the Candidate Search Committee ends, said member shall continue to serve until another member is appointed in his stead.
- (d) The Government may terminate the service of a member of the Candidate Search Committee if it finds that said member is unfit to continue serving as set forth in Paragraphs (1) – (3) of Section 28(b); the Government may make such a decision in respect of the chairperson of the Committee only after consultation with the Attorney General.
- (e) The provisions of Section 27 shall apply to resolutions of the Candidate Search Committee and the provisions of Section 29 shall apply to its members, *mutatis mutandis*.

### 34. Duties of the Candidate Search Committee

- (a) The Candidate Search Committee shall recommend to the Government,

## 第 E 節：候選人遴選委員會

### 第 33 條 遴選委員會及理事會公眾成員候選人之委員會

- (a) 遴選委員會及理事會公眾成員候選人之委員會，由下列人員組成：
  - (1) 本委員會主席，須由檢察總長任命並具備擔任地方法院法官資格；其成員須曾任法官或已自為國家服務或公共服務職位退休之人員；
  - (2) 2 名公眾代表，由政府依財政部長之提議，徵詢本委員會主席後任命之；且須為經濟領域專家，或高等教育院校現任或曾任高級學術職位之人員。
- (b) 除第(a)項所定資格條件外，任何人符合準用之「政府公司法」第 24 條第(c)項規定，且無第 26 條所定限制之情形者，亦具有受任為本委員會成員之資格。
- (c) 本委員會之成員自受任時起，任期為 5 年，得連任 1 次；任期屆滿時，該名成員應續任至接替其職位之成員就任時為止。
- (d) 政府發現本委員會之成員具有依第 28 條第(b)項第(1)款至第(3)款所定不適任之事由者，得終止其任期；如該不適任者係本委員會之主席者，應先徵詢檢察總長，始得終止其任期。
- (e) 本法第 27 條關於委員會及理事會決議效力之規定，於本委員會準用之；第 29 條規定，於其成員亦準用之。

### 第 34 條 候選人遴選委員會之職責

- (a) 本委員會應於徵詢總裁後，視具體情形向政府推薦符

after consultation with the Governor, candidates for service as members from amongst the public on the Committee or the Council, as set forth in Section 16(c) or Section 21(c), as the case may be, after reviewing their eligibility in accordance with the provisions of Section 16(b) or Section 21(b), as the case may be, and in accordance with Section 26, and their suitability for the position, with attention devoted, among other matters, to the special needs of the Committee or the Council, as the case may be.

- (b) The Candidate Search Committee shall determine its working procedures, including methods of candidate-search and submission of candidacy for service in the Position.
- (c) The lawful quorum for meetings of the Candidate Search Committee shall be the chairperson and one additional member.
- (d) Resolutions of the Candidate Search Committee shall be passed by majority vote of committee members participating in the voting; in the event of a tied vote, the chairperson shall have an additional vote.
- (e) The Government, per motion of the Minister of Finance, shall establish provisions relating to remuneration and expenses for members of the Candidate Search Committee, to be paid from the State Treasury.

### 35. Consultation with the Appointment Review Committee

- (a) A member from amongst the public of the Committee or the Council shall be appointed after consultation with the Appointment Review Committee concerning the satisfaction of the conditions of eligibility under Sections 16(b) or 21(b), as the case may be, and the restrictions in Section 26; the Appointment Review Committee shall consult with the Governor.
- (b) A member of the Candidate Search Committee shall be appointed after consultation with the Appointment Review Committee.
- (c) If the Appointment Review Committee decides not to recommend a candidate for service in any of the positions stated in Subsections (a) and (b) because a restriction set forth in Section 26 applies to him, said candidate shall not be appointed to the position.

## Chapter Five : Actions for the Discharge of the Bank's Functions

合第 16 條第(c)項或第 21 條第(c)項所定資格之委員會或理事會公眾成員候選人人選；並依第 16 條第(b)項或第 21 條第(b)項規定具體審查其資格後，依第 26 條規定審查其是否適任該職務，且須視個案情形配合委員會或理事會之特殊需要。

- (b) 本委員會應決定其運作程序，包括候選人遴選方式及各該職位候選資格之申請方式。
- (c) 召開本委員會會議之法定出席人數，應包括主席及 1 名其他成員。
- (d) 本委員會之決議，須經出席委員過半數之投票始可通過；於可否同數時，主席有額外之投票權。
- (e) 政府應依財政部長之提議，訂定有關本委員會成員之報酬及費用等相關規定，並由國庫支付。

### 第 35 條 徵詢任命審查委員會

- (a) 委員會或理事會之公眾成員，應於徵詢任命審查委員會後，依第 16 條第(b)項或第 21 條第(b)項審查具體情形符合所定資格，並依第 26 條規定檢視關於服務資格之限制後任命之；任命審查委員會應於上述程序徵詢總裁。
- (b) 任命候選人遴選委員會之成員，應徵詢任命審查委員會後為之。
- (c) 任命審查委員會依第 26 條所定服務資格之限制，決定不推薦候選人擔任第(a)項及第(b)項所定職位者，該候選人即不得擔任該職位。

## 第 5 章 履行本行任務之措施

### 36. Actions for the Discharge of Functions

To attain its objectives and discharge its functions, the Bank may:

- (1) issue securities of the Bank, provided that the issue of securities of a new type for a term not exceeding thirteen months shall entail consultation with the Minister of Finance, and issuing securities of any type for a term exceeding thirteen months shall entail his consent;
- (2) Perform, on the stock exchange or in another regulated market or off-market, an action or transaction of any kind that is customary in the capital, money, and Foreign Currency markets, including in the derivatives' markets, all of which apply to securities, currency, gold, or any other asset or instrument as are customary in said markets; provided the purchase or sale of Government of Israel debentures whose maturity date exceeds thirteen months from the purchase or sale date, as the case may be, with the exception of repurchase transactions in such debentures, shall be executed in consultation with the Minister of Finance and in such manner that it does not materially prejudice the ability to raise local debt to finance the Government's activity;
- (3) receive deposits from Banking Corporations under conditions set forth by the Committee;
- (4) grant credit to Banking Corporations, under conditions determined by the Committee in this matter, including conditions regarding the type and extent of collateral required against said grant of credit and including conditions imposed upon Banking Corporations regarding their activities related to the said granting of credit, including interest rates and other payments they may charge their customers; The aforementioned notwithstanding, under exceptional circumstances, when the Committee is of the opinion that there exists a genuine threat to the stability or orderly activity of the financial system, the Committee may establish conditions that differ from those it established regarding regular circumstances; such conditions will apply so long as the credit has not been repaid in full, and may be established even prior to the granting of the credit;
- (5) under exceptional circumstances, when the Committee is of the opinion that there exists a genuine threat to the stability or orderly activity of the financial system - grant credit to Financial Entities that are not Banking Corporations, under conditions the Committee determines with regard to the said granting of credit, including those stated in Paragraph (4),

### 第 36 條 履行任務之措施

為達成本行經營目標並履行任務，本行得：

- (1) 發行本行有價證券。發行期限未逾 13 個月者，應徵詢財政部長；發行期限逾 13 個月者，應徵得財政部長同意；
- (2) 於證券交易所、其他受監督之市場或場外，進行任何資本、金融及外匯市場（包括衍生性金融商品市場）之常規交易。上述交易得以證券、貨幣、黃金或其他於上述市場中符合常規之資產或工具為標的；但購買或出售以色列政府債券，其到期日超過自購買或出售日期起算 13 個月（附買回交易除外）者，須徵詢財政部長後始得為之，並應以該等交易行為未實質影響地方債券籌集資金資助政府活動之能力為限；
- (3) 符合委員會所訂條件者，得收受銀行之存款；
- (4) 符合委員會所訂條件者，得對銀行授信；該條件包括上述授信事宜所涉擔保品之類型及範圍，及對銀行業務所附加之其他條款、銀行向客戶所收取利率、各項費用之計收標準及收取條件等。但於特殊情形下，委員會認為上述授信條件對維持金融體系之穩定及有秩序地運作有損害之虞者，得另訂其他有別於一般情形所適用之條件，該條件於授信貸款全額清償前均有其效力；
- (5) 於委員會認有特殊情形，對維持金融體系之穩定及有秩序地運作序確有威脅時，依委員會所訂包括準用第(4)款之條件，向非銀行之金融機構提供授信；該授信

- mutatis mutandis*, which shall apply so long as the credit has not been repaid in full, and may be established even prior to the granting of the credit and subject to receipt of all information the Bank requires at such dates and in such manner as it establishes; where said Financial Entity is supervised by a Supervisory Authority, the Committee shall consult with the head of the Supervisory Authority;
- (6) take any other action the Bank deems necessary, provided it obtains the approval of the Committee for the type of action at issue; if the Governor believes there are grounds for said action under circumstances of special urgency, he may issue instructions to take the action and shall report to the Committee thereof immediately after the action is performed.

### 37. Pledging of Securities or Funds as Collateral for Credit

- (a) Where securities or funds are pledged as collateral for a liability vis-à-vis the Bank, the pledge shall be valid against other creditors of the pledgor and it shall be regarded as a first fixed pledge, provided one of the following exists:
- (1) The securities or funds are registered or deposited for the benefit of the Bank with a financial intermediary, including with the Bank itself, or the securities are registered or deposited for the benefit of the Bank, as noted, with a nominee company;
  - (2) The securities or funds are listed or deposited for the benefit of the debtor with a financial intermediary that is not the Bank, and the financial intermediary has undertaken vis-à-vis the Bank as per the following:
    - (a) To act in accordance with the Bank's instructions without requiring the consent of the debtor, and provided that consent of the debtor for that was received in advance;
    - (b) Not to enable a debtor to act regarding the securities or the funds without the consent of the Bank;
  - (3) Regarding the pledge of funds—the funds are registered or deposited for the benefit of the debtor to the Bank.
- (b) Realization of the lien on the securities or funds serving as a pledge as per the provisions of Subsection (a) may be carried out by the Bank even without an order from a court or from the Head of the Execution

條件並應適用至授信貸款全額清償為止，並得於同意授信前即予以訂定，且應以本行所定期日及方式，收取本行要求之所有資訊為準；如上述金融機構受監理當局列管，委員會並應徵詢監理當局負責人；

- (6) 經委員會核可後，採取本行認為必要之其他措施；但於特殊緊急情形下，總裁認為有相當理由採取上述措施者，得下令逕予採取後立即向委員會報告。

### 第 37 條 以證券或基金設質作為信用擔保品

- (a) 以證券或基金作為對本行債務之擔保品設質予本行者，該質權應具有對抗債務人之其他債權人之效力，且有下列情形之一者，本行應為第一順位優先受償：
- (1) 該證券或基金已為本行之利益登錄或存放於金融中介機構或本行；或該證券已為本行之利益登錄或存放於被指定之託管公司；
  - (2) 該證券或基金已為債務人之利益登錄或存放於本行以外之金融中介機構，且該金融中介機構已對本行承諾下列事項：
    - (a) 依本行指示操作，且事先取得債務人同意者，免再徵得其同意；
    - (b) 非經本行同意，即不允許債務人對該證券或基金進行任何操作；
  - (3) 關於基金之設質一係指該基金為債務人之利益，登錄或存放於本行者。
- (b) 依第(a)項規定設質予本行之證券或基金等擔保品，本行於實行質權時，無須取得法院執行命令或由執行署

- Office as per Section 17 of the Pledges Law, 5727-1967, by selling the securities on the stock exchange, receiving ownership of the securities or receiving the funds from the financial intermediary, including from the Bank itself, as relevant, or through another plausible commercial method.
- (c) The Bank may realize such pledge according to the provisions of Subsection (b) without serving prior notice to the debtor of its intention to realize the pledge; the Bank is to give the pledge holder notice of the realization soon after it occurs.
  - (d) The provisions of this Section shall also apply to a right in a security or funds, and, in respect of a securities account, to such securities as are therein from time to time, and in respect of funds, including the right to receive funds deposited in an account with a financial intermediary, including with the Bank itself, or the yield or any other right deriving from said funds, as are therein from time to time.
  - (e) The provisions of this Section shall apply notwithstanding the provisions of any other law, including the Companies (New Version) Ordinance, 5743-1983, the Pledges Law, the Companies Law, and the Insolvency and Economic Rehabilitation Law, 5778- 2018 (in this Chapter, the Insolvency and Economic Rehabilitation Law); however, this Section shall not derogate from the Bank's right to act regarding a pledge of securities or funds and the realization thereof under the provisions of any other law.
  - (f) In this Section,
    - "Nominee Company"—as defined in Section 1 of the Securities Law;
    - "Financial Broker"—as defined in Section 50a of the Securities Law, including a financial broker that is the debtor or the provider of the pledge.

### 37a. Restrictions regarding the Application of the Insolvency and Economic Rehabilitation Law, 5778-2018

- (a) Where a pledge is created as collateral for a liability vis-à-vis the Bank with regard to the utilization of its powers under law or if the Bank had a right of lien or right of offset with regard to said liability, and insolvency proceedings were launched under the Insolvency and Economic Rehabilitation Law, the provisions of said Law shall not apply to the Bank

- 辦公室依「質押法（5727-1967）」第 17 條規定執行，即可於證券交易所出售該證券、自金融中介機構（包括本行）受讓該證券或基金之所有權，或以其他合理商業方式實行質權。
- (c) 本行得依第(b)項規定逕予實行質權，無需事先將實行質權之意思通知債務人；本行應於實行質權後儘速通知擔保品之所有權人。
  - (d) 本條規定亦適用於對證券或基金之權利。就證券帳戶而言，係指隨時登錄於該帳戶者；就基金而言，包括隨時收取存放於金融中介機構（包括本行）所開帳戶之基金、收益，及衍生自上述基金之其他權利。
  - (e) 即使有其他法令規定，包括「公司（新版）條例（5743-1983）」、「質押法」、「公司法」及「破產及經濟復甦法（5778-2018）」（以下稱「破產及經濟復甦法」），本條規定仍應適用；惟本條規定之適用，不應妨礙本行依其他法令得對上述證券或基金行使或實行質權之權利。
  - (f) 於本條中，  
 「被指定之託管公司」—係指「證券法」第 1 條定義者；  
 「金融中介機構」—係指「證券法」第 50a 條所定義者，並包括債務人本身或擔保品提供者即為金融仲介機構。

### 第 37a 條 關於適用「破產及經濟復甦法（5778-2018）」之限制

- (a) 本行享有之質權係為擔保對本行依法行使職權所生之債務，或本行對於該債務享有擔保品留置權或抵銷權者，縱已依「破產及經濟復甦法」進行破產程序，該法對於受保障之債權人及享有留置權或抵銷權債權人

with regard to an insured creditor, creditor with a right of lien or right of offset, and it will be permitted to collect its debt as well as to realize the collateral, the right of lien or right of offset, in the manner in which it would have been able to realize them if said insolvency proceedings had not been conducted regarding said corporation.

- (b) The provisions of Part 8a of the Companies Law or Part J of the Insolvency and Economic Rehabilitation Law, shall not apply with regard to the debt of a corporation vis-à-vis the Bank or with regard to pledging an asset as collateral for a liability provided as noted, the right of lien or right of offset, and it will not be possible to change the terms of their redemption or to adversely impact their presentation for immediate redemption, including within the framework of negotiations to formulate a debt restructuring arrangement.

### 38. Liquid Assets of Banking Corporations

- (a) In this Section—  
"Liquidity Directives"— directives issued under Subsection (b);  
"Liquid Assets"— assets that the Governor, with the approval of the Committee, has determined in the Liquidity Directives.
- (b) The Governor, with the approval of the Committee, may instruct all or any kind of Banking Corporations to hold Liquid Assets at a rate and in a composition that he determines, and he may determine such a rate either as a percentage of all deposit liabilities of the Banking Corporation or of all its assets, or both, or in any other manner, and he may also set different rates for kinds of deposits or assets defined for this purpose.
- (c) The Liquidity Directives shall be published in *Reshumot* and on the Bank's web site, and they shall include their commencement date, provided that the said commencement date is at least three days from the date of the publication on the web site; the version published in *Reshumot* shall be the binding version; a notice regarding the issue of the directives shall be sent to the Banking Corporations to which they apply on the day they appear on the web site.
- (d) The Governor may instruct that a certain liability of a Banking Corporation be considered a deposit for the purpose of the Liquidity Directives.
- (e) Banking Corporations shall not be paid interest on the Liquid Assets, in whole or in part, held at the Bank, unless the Liquidity Directives determine otherwise, and at a rate so determined.

之有關規定，仍不適用於本行；本行得按破產程序進行前之原定方式，向破產公司追收債務、實行質權、行使留置權或抵銷權。

- (b) 「公司法」第 8a 部分或「破產及經濟復甦法」第 J 部分等規定，不適用於公司對本行之債務，或為擔保該債務所設定之質權及所生之留置權或抵銷權；亦不得變更其贖回條件，或對其提出立即贖回產生不利影響，縱於債務重整安排之協商架構中，亦同。

### 第 38 條 銀行之流動資產

- (a) 於本條中—  
「流動性指令」—係指依第(b)項發布之指令；  
「流動資產」—係指總裁經委員會核可後，於流動性指令所指定之資產。
- (b) 總裁經委員會核可後，得指示所有或任一類銀行依其所定比率及組成項目持有流動資產；該比率得依銀行所有存款負債、所有資產或涵蓋二者之百分比，或以其他適當方式定之；總裁並得對各種存款或資產設定不同比率。
- (c) 流動性指令應發布於政府公報及本行網站，並載明生效日期，且該生效日期應自刊載於本行網站之發布日起算至少 3 日以上；發布於政府公報之版本，應具有拘束力；並應於本行網站刊載當日，將發布該指令之通知分送至適用銀行。
- (d) 為達成流動性指令之目的，總裁得指示將銀行之特定負債視為存款。
- (e) 銀行不得就其於本行所持有之全部或部分流動資產受領利息；但流動性指令另有明定以特定利率支付利息者，不在此限。

- (f) A Banking Corporation shall, at the demand of the Governor and on dates that he determines, present the Bank with a report on its liabilities and assets as is necessary for calculating the amount of Liquid Assets that it must hold and particulars of the Liquid Assets that said Banking Corporation actually holds.
- (g) If a Banking Corporation fails to hold Liquid Assets in accordance with the Liquidity Directives, it shall pay interest to the Bank at a rate determined in the Liquidity Directives, on the difference between the total amount in Liquid Assets that it has been required to hold and the total amount in Liquid Assets that it held in respect of any period during which such difference existed.
- (h) The Governor may, with the approval of the Committee, instruct a Banking Corporation as set forth in Subsection (g), that during a period specified in such instruction and in the manner specified therein, such Banking Corporation discontinue or limit the grant of credit, the performance of investments, or the distribution of profits to its shareholders, or that such actions be executed under restrictions; If the Governor so instructed, such instruction shall be published, if the Governor deems it necessary, in a manner he shall determine.

### 39. Information and Reports to the Bank

- (a) The Governor, or a Bank employee whom the Governor authorized for this purpose, may issue an order that requests from a Regulatory Authority supervising a Financial Entity any information regarding such classes of transactions or of persons as the Governor determines, with the approval of the Committee, needed to attain the Bank's objectives and discharge its functions; if the Regulatory Authority does not provide the Governor or the Bank employee with the information within a reasonable time, or if the Financial Entity is not supervised by a Regulatory Authority, the Governor or a Bank employee whom the Governor authorized for this purpose may demand the said information from the Financial Entity, at such time as he may determine.
- (b) To attain the Bank's objectives and discharge its functions, the Governor, with the approval of the Committee, may issue an order requiring any class of persons, as determined in the order, to provide the Bank with information, as detailed in the order, necessary for following developments in the Foreign Currency market in Israel, including information relating to the following:
  - (1) transactions carried out by an Israeli resident in Foreign Currency, in a foreign security, and in real estate abroad;

- (f) 銀行應依總裁之要求及指定日期，向本行提交 1 份關於其負債與資產之報告，以掌握其所應持有之流動資產總額及實際持有流動資產之詳情。
- (g) 銀行如未能依流動性指令持有流動資產，應依流動性指令所定利率，按其應持有之流動資產總額與其實際持有之流動資產總額間存有差額之期間內，向本行支付利息。
- (h) 總裁經委員會核可後，得指示第(g)項所稱之銀行於指定期間內依所定方式，停止或限制向其股東提供授信、進行投資或分配利潤，或要求上開行為應於特定限制下為之；該項指示如經總裁作成並認有必要公布者，應以其所定方式公布之。

### 第 39 條 向本行提供資料及報告

- (a) 為達成本行經營目標及履行任務，經委員會核可，總裁或經總裁授權之本行職員得發布行政命令，要求監理金融機構之監理當局提供關於特定交易類別或個人交易之資料；監理當局未於合理期間內向總裁或經總裁授權之本行職員提供上述資料，或該金融機構非屬監理當局之監理對象時，總裁或經授權之本行職員得指定期間，逕行要求相關金融機構提供資料。
- (b) 為達成本行經營目標及履行任務，總裁得經委員會核可後發布命令，要求各該層級人員向本行提供詳如該命令所載以色列外匯市場後續發展所需資料，包括涉及下列事項者：
  - (1) 以色列居民以外幣、外國證券及國外不動產為標的所進行之交易；

- (2) transactions between an Israeli resident and a nonresident, in Israel or abroad, and transactions by an Israeli resident abroad;
- (3) transactions carried out in Israel by a nonresident, excluding transactions that are ordinarily made by tourists, or in regard to an asset in Israel, including transactions in Israeli Currency;
- (4) the possession by a resident of Israel of Foreign Currency and of a foreign security and of real estate abroad;
- (5) the removal of any asset from Israel and the bringing to Israel of Israeli Currency or a right to Israeli Currency.
- (c) An order as per Subsection (b) shall establish the following, *inter alia*:
  - (1) definitions of the terms "foreign security," "transaction," "nonresident," and "Israeli resident" for the purposes of the order;
  - (2) methods and dates for providing the information.
- (d) To attain the Bank's objectives and discharge its functions, the Governor, or a Bank employee whom the Governor authorizes for this purpose, may request from a Regulatory Authority information set forth in Subsection (a), and he may instruct any person to provide any additional information regarding transactions set forth in Subsection (b) if the information is required for understanding of a process or transaction of material importance for the economy; if the Regulatory Authority does not provide the Governor or the Bank employee with the information as per Subsection (a) within a reasonable time, or if the Financial Entity is not supervised by a Regulatory Authority, the Governor or a Bank employee whom the Governor authorized for this purpose may demand the said information from the Financial Entity, at such time as he may determine.

## Chapter Six : Management of Foreign Currency Reserves

### 40. Management of the Foreign Currency Reserves of the State

- (a) The Committee, with the approval of the Minister of Finance, may revise the principles by which the Governor shall determine the desired level of Foreign Currency reserves over the long term.
- (b) The Committee, in consultation with the Minister of Finance, shall establish guidelines for the investment policy of the Foreign Currency reserves.

- (2) 以色列居民與非以色列居民間於以色列或國外所進行之交易，及以色列居民於國外所進行之交易；
- (3) 非以色列居民於以色列所進行之交易（不含通常由遊客進行之交易），或與以色列境內資產有關之交易（包括以以色列貨幣進行之交易）；
- (4) 以色列居民持有外幣、外國證券及國外不動產；
- (5) 由以色列境內攜出之任何資產，及將以色列貨幣攜入以色列境內或與此相關之權利。
- (c) 第(b)項所指之命令，應記載下列事項：
  - (1) 關於「外國證券」、「交易」、「非居民」及依該命令目的所涉「以色列居民」之用詞定義；
  - (2) 要求提供資料之方式及期限。
- (d) 於達成本行經營目標及履行任務之目的範圍內，總裁及經總裁授權之本行職員得向監理當局要求提供第(a)項所定之相關資料；且為瞭解對經濟具實質重要性之過程或交易，亦得指示任何人提供涉及第(b)項所定交易之任何額外資訊。監理當局未於合理期間向總裁或經總裁授權之本行職員提供上述資料，或該等金融機構非屬監理當局之監理對象，總裁或經授權之本行職員得另定期間，逕要求相關金融機構提供資料。

## 第 6 章 外匯存底之管理

### 第 40 條 國家外匯存底之管理

- (a) 委員會經財政部長核可，得修改總裁所訂外匯存底長期水平之原則。
- (b) 委員會應於徵詢財政部長後，訂定外匯存底投資政策之指引。

- (c) The Committee shall report to the Minister of Finance, within three months following the end of each half-year, details about the management of the Foreign Currency reserves during the half-year ended, in a format that they shall determine by consent.
- (d) The Committee shall publish, within three months following the end of each year, a report about the principal kinds of currency and securities of which the Foreign Currency reserves were composed at the end of said year, in a manner that shall not prejudice the orderly management of the Foreign Currency reserves; said report shall be posted at the website of the Bank or in such manner as the Committee deems fit.

## Chapter Seven : Banknotes and Coins

### 41. Issuing Legal Tender

- (a) The Bank may issue and re-issue Currency.
- (b) Currency issued by the Bank shall be legal tender in Israel in the amount of its face value.

### 42. Power to Determine Particulars of Banknotes and Coins

- (a) The Governor, with the approval of the Council and the Government, shall determine the face value, form, content, and other particulars of banknotes to be issued; said notes shall bear the facsimile signature of the Governor.
- (b) The Governor, with the approval of the Council and the Government, shall determine the face value, composition, weight, design, and other particulars of coins to be issued.

### 43. Commemorative Coins and Special Coins and Numismatic Items

- (a) A coin issued by the Bank that has been declared by the Governor, with the approval of the Council and the Government, to be a commemorative coin or a special coin, or numismatic items issued to the public by the Bank that are legal tender in Israel, shall be delivered by the Bank, for their sale, only to a company appointed therefor by the Minister of Finance with the consent of the Governor.
- (b) The provisions in Section 42(b) shall apply to coins and numismatic items as set forth in Subsection (a).

- (c) 委員會應於每半年度屆滿後 3 個月內，向財政部長報告該半年度外匯存底管理之詳細情形；報告格式，由雙方合意定之。
- (d) 委員會應於每年度終了後 3 個月內，以不影響外匯存底有秩序管理之方式，發布報告揭露當年度終了時外匯存底所組成之主要幣別及證券類型；該報告應於本行網站或以委員會認為合適之方式發布之。

## 第 7 章 鈔券及硬幣

### 第 41 條 發行具法償效力之貨幣

- (a) 本行得發行及再版發行貨幣。
- (b) 本行發行之貨幣，其面額於以色列境內應具有法償效力。

### 第 42 條 決定鈔券及硬幣規格之權限

- (a) 總裁應於報請理事會及政府核定後，決定本行發行鈔券之面額、形式、內容及其他規格；發行之鈔券應印有總裁之簽名樣式。
- (b) 總裁應於報請理事會及政府核定後，決定本行發行硬幣之面額、成分、重量、設計及其他規格。

### 第 43 條 紀念幣、特殊幣及收藏性錢幣

- (a) 本行由總裁宣布並經理事會及政府核定，向公眾發行且於以色列境內具有法償效力之紀念幣、特殊幣及收藏性錢幣，由本行委託交付予經財政部長與總裁同意而指定之公司辦理經銷事宜。
- (b) 第 42 條第(b)項規定，於第(a)項所述之紀念幣、特殊幣及收藏性錢幣，準用之。

- (c) The provisions in Subsection (a) shall not preclude the Bank from keeping commemorative coins, special coins or numismatic items, or from presenting them as gifts to whomever it deems fit.

#### 44. Prohibition against Issuing Currency

- (a) No person other than the Bank shall issue or circulate banknotes, coins, a document, or any other object, that the Governor has determined may be used as a substitute for Currency.
- (b) If a person issues a substitute for Currency in contravention of Subsection (a), the Governor may confiscate it.

#### 45. Canceling and Replacing Banknotes and Coins

- (a) The Governor may issue an order, with the approval of the Knesset Finance Committee, determining that banknotes and coins specified in the order shall cease to be legal tender in Israel (in this Section—Cancellation Order).
- (b) A person who, during the period set forth in the Cancellation Order, delivers to the Bank, or to whomever the Governor designates in said Order, banknotes or coins that have ceased to be legal tender according to the Order, is entitled to receive legal tender of equal value in exchange therefor; the Governor may establish in the Cancellation Order a fee that shall be charged in this regard.
- (c) A Cancellation Order shall not derogate from any statute that determines the unit of Currency or any division thereof.
- (d) Once a Cancellation Order has been issued, wherever any amount is payable in cash and said payment can be made only by using a cancelled banknote or coin, such amount shall be rounded to the nearest amount that can be paid in legal tender, and where it can be rounded either upwards or downwards, it shall be rounded upwards.
- (e) A Cancellation Order may determine that the provisions of Subsection (d) shall apply also to a non-cash payment and an entry into a book of accounts, either compulsorily or at the option of the person making said payment or entry.
- (f) The Governor may determine, in rules, provisions for the withdrawal from circulation of Currency damaged through use or destroyed and for its replacement under conditions determined in the rules; rules regarding a fee for such replacement that the Bank shall charge therefor shall be determined with the approval of the Knesset Finance Committee.

- (c) 第(a)項規定應不影響本行得保留紀念幣、特殊幣及收藏性錢幣，或將其作為禮品贈與本行認為之合適對象。

#### 第 44 條 發行貨幣之禁止

- (a) 除本行外，任何人不得發行經總裁認定得以作為替代貨幣之鈔券、硬幣、文件或其他物品，或使其流通。
- (b) 違反第(a)項規定發行貨幣之替代物品者，總裁得沒收之。

#### 第 45 條 鈔券、硬幣之作廢及兌換

- (a) 經以色列國會之財政委員會同意，總裁得發布命令，指定特定鈔券及硬幣於以色列境內不再具有法償效力（以下稱作廢命令）。
- (b) 於作廢命令所定期間內，持有人得以經該命令指定喪失法償效力之鈔券及硬幣，向本行或總裁於該命令所指定之機構或人員，兌換等值之法定貨幣；總裁並得於該作廢命令明定辦理收兌所應收取之手續費。
- (c) 作廢命令不得違反任何決定貨幣或其輔幣單位之法令。
- (d) 作廢命令發布後，任何以現金支付之金額，如僅得以經公告作廢之鈔券或硬幣支付，則該金額應取整數至法定貨幣支付之最接近數額；如得向上或向下取整數者，均應向上進位取整。
- (e) 作廢命令得明定第(d)項規定亦可適用於非現金支付及帳簿登錄，無論該等支付方式係屬強制性質或可由付款人選擇者。
- (f) 總裁得對因使用或毀損而損壞之流通貨幣，訂定有關收回及兌換標準之規範；其規範涉及本行應就相關兌換事宜收費者，應經以色列國會財政委員會之同意。

## 46. Currency Services

The Governor, with the approval of the Council, may determine, in rules, the services the Bank shall provide regarding Currency, the entities to which said services shall be provided, and the conditions under which this shall be done; he may also prescribe the fees that may be charged for said services.

## 47. Rules for Orderly Operation of the Currency System

The Governor, with the approval of the Council, may establish rules necessary for the orderly operation of the Currency system, including rules—

- (1) allowing the continual, orderly supply of Currency of adequate quality;
- (2) requiring Banking Corporations and the Postal Company<sup>4</sup> to take actions as shall be determined in the rules for the replacement of banknotes or coins in circulation so as to prevent or cease the use of counterfeit currency in circulation, to replace the aforesaid with new legal tender issued, or for other purpose related to the Currency system, including assurance of the adequate quality of banknotes or coins.

# Chapter Eight : Banking Activities of the Bank

## 48. The Bank as the Government's Banker

- (a) The Bank shall be the sole banker of the Government in its Banking Activity in Israeli Currency. In this regard, "Banking Activity"— any kind of activity in which a Banking Corporation may engage under the Banking (Licensing) Law.
- (b) The provision of Subsection (a) notwithstanding, the Government may, per agreement between it and the Bank, obtain certain services from Banking Corporations or Financial Entities, provided this be done only in order to manage the Government's debt and fiscal activity.
- (c) Payments made by the Government to the Bank for services rendered to it under Subsection (a), the interest rate that the Bank shall pay the Government for its deposits at the Bank, and the interest rate that the Government shall pay the Bank for overdraft balances, shall be agreed upon by the Bank and the Government.

<sup>4</sup> Beginning with the Effective Date of Amendment 11 to the Postal Law, in Subsection 47(2), replace "The Postal Company" with "The Subsidiary".

## 第 46 條 貨幣之相關服務

總裁經理事會核可，得訂定有關本行應提供之貨幣服務、該服務之對象及條件等事項之規範；並得規定上述服務之收費情形。

## 第 47 條 貨幣體系有秩序運作之規範

總裁經理事會核可，得訂定有關貨幣體系有秩序運作之必要規範，包括：

- (1) 要求不間斷、有秩序地供應品質允當之貨幣；
- (2) 要求銀行及郵政公司<sup>4</sup>辦理流通鈔券或硬幣之兌換，應依相關規定採取措施，俾以防制偽幣之使用、將公告收回之流通貨幣兌換為新發行具有法償效力之貨幣，或為其他與貨幣體系相關之目的，包括確保鈔券或硬幣之品質允當。

# 第 8 章 本行之銀行業務

## 第 48 條 本行為政府之銀行

- (a) 本行係為政府辦理以色列貨幣銀行業務之唯一銀行。本項所稱「銀行業務」係指依「銀行（許可）法」規定得由銀行從事之任一類營業項目。
- (b) 即使有第(a)項規定，為管理政府債務及財政活動，政府仍得與本行協議，由銀行或金融機構提供某類服務。
- (c) 政府依第(a)項所定本行為其提供之服務，向本行支付之費用、本行就政府於本行之存款，應向政府付息之利率，及政府就本行為其提供透支額度，應向本行付息之利率，均應由本行及政府商定之。

<sup>4</sup> 從「郵政法」第 11 修正案之生效日起，本法第 47 條第(2) 款所稱之「郵政公司」修正為「子公司」。

- (d) The Government's policy regarding receiving loans and issuing securities shall be determined in consultation with the Governor or with a person whom he authorizes for said purpose; said consultation shall be conducted at least once every quarter.
- (e) The administration of State Loans issued in Israel by a law enacted prior to the publication of this law shall be carried out by the Bank, if no other provision exists in a law regarding a specific loan.

#### 49. Loans to the Government

- (a) The Bank shall not provide the Government with a loan to finance its expenditures, including via direct purchase of Government debentures at issuance.
- (b) The provision of Subsection (a) notwithstanding, the Bank may provide the Government, at its request, with a temporary advance to bridge a gap in the Government's cash flow in executing its budget, provided the total temporary advance shall not exceed, at any time, NIS 10 billion, and shall not be extended for more than 150 days per year; this amount shall be updated on January 1 of each year starting January 1, 2013, based on the rate of change between the Index published in December of the year before the date of the adjustment and the Index published in December of the preceding year.

#### 50. Management of Accounts

- (a) The Bank may manage accounts for Banking Corporations and other Financial Entities and, per decision of the Governor with approval of the Committee, for foreign central banks, monetary authorities, and foreign banks, all of which under conditions that the Governor determines, including the charging of management fees or other fees.
- (b) An account with the Bank may be managed in either Israeli or Foreign Currency, as the Governor determines.

### Chapter Nine : The Economy's Foreign Currency Activity

#### 51. Prohibition of Transactions

- (a) The Government, per proposal of the Minister of Finance and in consultation with the Governor, may determine by order that transactions under Section 39(b)(1) - (5), in whole or in part, shall be prohibited.

- (d) 政府作成涉及貸款取得及證券發行之政策，應徵詢總裁或其為達成此目的所授權之人員；徵詢頻率應至少每季進行1次。
- (e) 除法律就特定貸款另有規定外，依本法公布前制定之法律在以色列發行之國債，其管理事宜應由本行主政。

#### 第 49 條 向政府提供貸款

- (a) 本行不得向政府提供貸款以資助其支出，包括不得直接承購政府發行之債券。
- (b) 即使有第(a)項規定，本行仍可依政府之要求提供其臨時預支款，以彌補政府執行施政預算計畫現金流缺口；惟該臨時預支款總數額，於任何時期均不得超過 100 億新謝克爾，其還款期限得延長之，該期間每年不應超過 150 日；其總數額自 2013 年 1 月 1 日起，按每年 1 月 1 日依調整日前當年度 12 月所發布之指數，與上一年度 12 月所發布之指數間之變化率，予以更新。

#### 第 50 條 帳戶管理

- (a) 本行得管理銀行及其他金融機構之帳戶，並依總裁徵詢委員會同意所為之決定，管理外國中央銀行、貨幣管理當局及外國銀行之帳戶；此類管理事宜均應依總裁所定條件辦理，包括收取管理費或其他費用。
- (b) 本行管理之帳戶，得由總裁決定以以色列貨幣或外幣管理之。

### 第 9 章 涉及經濟之外幣業務

#### 第 51 條 交易之禁止

- (a) 政府依財政部長提議，並徵詢總裁後，得以命令決定禁止第 39 條第(b)項第(1)款至第(5)款規定之全部或部分交易。

- (b) The provision in Subsection (a) notwithstanding, the Minister of Finance, with the consent of the Prime Minister and in consultation with the Governor, may determine as per Subsection (a), if he believes that circumstances arise justifying the issuance of the order not by the Government, but such order shall expire, if not ratified by the Government, within 14 days.
- (c) An order under Subsections (a) and (b) may be either general or related to a class of matters, a specific matter, or a class of persons, and various definitions therein may differ from those determined under Section 39(c)(1).
- (d) An order under Subsection (a) and an order under Subsection (b) that has been ratified by the Government, shall expire at the end of six months after it takes effect, unless a shorter period is stipulated in the order; the Government, per proposal of the Minister of Finance and in consultation with the Governor, and with the approval of the Knesset Finance Committee, may extend the effect of the order for additional periods of six months each.

## 52. Supervisory Powers

- (a) The Governor may authorize an employee of the Bank to supervise the fulfillment of the provisions of an order of the type described in Section 51 (in this Section—Supervisor), provided that all the following terms are met:
  - (1) The Israel Police states, no later than three months from the date on which it receives the employee's particulars, that they do not object to the authorization of said employee on grounds of public security, including grounds of criminal record;
  - (2) said employee received appropriate training as instructed by the Governor with the consent of the Minister of Internal Security;
  - (3) he meets additional terms of eligibility insofar as such are established by the Governor, with the consent of the Minister of Internal Security.
- (b) To supervise the performance of the Order as per Section 51, the Supervisor may—
  - (1) Demand that any person allegedly concerned identify himself by name and address and present him with an ID card or other official document that establishes his identity;

- (b) 即使有第(a)項規定，財政部長經取得總理同意並徵詢總裁後，得依第(a)項規定，於認有正當理由時逕行決定發布命令；惟該命令事後未經政府追認者，則於屆滿 14 日時失其效力。
- (c) 第(a)項及第(b)項所定命令，其內容得規範一般性事項，或涉及部分事項、特定事項或部分人員；該命令所涉各種用詞之定義，並得與第 39 條第(c)項第(1)款之定義不同。
- (d) 依第(a)項及經政府追認依第(b)項發布之命令，除該命令定有較短期限者外，於生效後 6 個月內屆期；政府依財政部長提議，並經徵詢總裁及以色列國會之財政委員會審議通過後，得延長該命令之效力；其延長期間，以每次 6 個月為限。

## 第 52 條 監理權限

- (a) 總裁得授權本行職員監理（以下稱監理員）第 51 條所定命令之執行，並須符合下列各款規定：
  - (1) 以色列警方收到上述經授權之本行職員資料之日起，至遲不超過 3 個月，應以公共安全為由評估對該職員之授權，包含有無刑事紀錄等節，並於確認後對該授權表示無異議；
  - (2) 該職員依總裁指示並經內部安全單位主管之同意，已接受適當訓練；
  - (3) 該職員應符合總裁所定其他附加資格條件，並徵得內部安全單位主管之同意。
- (b) 為監理上述命令之執行，監理員得依第 51 條規定—
  - (1) 要求任何涉嫌之有關人員提供其姓名及地址，並向其出示身分證明文件或其他得確認其身分之官方文件；

- (2) Demand that any person concerned furnish him with any information or document that may assure or facilitate the performance of the provisions of an order under Section 51; in this Paragraph, the term "document" includes output as defined in the Computers Law, 5755-1995;
- (3) Enter any place that needs to be entered for the enforcement of an order under Section 51, provided that a place used as residence is entered only by court order.
- (c) A Supervisor shall not make use of the powers vested in him under this Section, except for the discharge of his duties and unless he satisfies the following two conditions:
  - (1) wearing, in a visible place on his person, a tag identifying him and his function;
  - (2) carrying a supervisor's certificate that attests to his function and powers, which he shall produce upon request.

## Chapter Ten : The Exchange Rate

### 53. The Exchange Rate

- (a) The rate of exchange of the Currency into Foreign Currency shall be determined by the Foreign Currency market, unless the Government, in consultation with the Governor, determines another method.
- (b) If the Committee believes it necessary for the attainment of the Bank's objectives and the discharge of its functions, it may decide that the Bank shall intervene in trading in the Foreign Currency market even if by doing so it causes a temporary deviation from the desired level of Foreign Currency reserves as per Section 40; immediately following this intervention, the Committee shall report it to the Minister of Finance.
- (c) If the Governor believes there is reason for intervention of the sort set forth in Subsection (b) and, due to the urgency of the matter, the approval of the Committee cannot be obtained before the intervention, the Governor may intervene in trading and report his actions and the reasons for the urgency of the matter to the Committee and the Minister of Finance immediately after the intervention.
- (d) The provision of Subsection (b) notwithstanding, where the Committee

- (2) 要求任何有關人員向其提供任何可確保或符合第 51 條所指命令之執行所需之資訊或文件；本項中所稱之「文件」，包括依「電腦法（5755-1995）」所定義之檔案輸出；
- (3) 依第 51 條所指命令之執行需要，得進入任何場所；惟住居所僅可依法院命令始得進入。
- (c) 監理員除執行職務目的外，不得使用本條賦予之權力，並應符合下列條件：
  - (1) 於身上顯著處佩戴辨識其本人及任務之標誌；
  - (2) 攜帶證明其任務權限之監理員識別證，以備依要求而出示之。

## 第 10 章 匯率

### 第 53 條 匯率

- (a) 除政府經徵詢總裁後所決定之其他方式外，本國貨幣兌換外幣之匯率，應由外匯市場決定。
- (b) 委員會認有為達成本行經營目標及履行任務之必要，得決議由本行對外匯市場交易進行干預，即使其結果將導致暫時性偏離第 40 條所定外匯存底預期水平；委員會應於本行採取此項干預措施後，立即向財政部長報告。
- (c) 總裁於認有採取第(b)項所定干預措施之理由時，且因該事項具相當緊急性，致該干預措施未能事先獲得委員會核可，總裁得逕行採取干預交易之措施，並於採取該干預措施後立即向委員會及財政部長報告所採取之內容及該事項係屬緊急之理由。
- (d) 委員會縱依第(b)項規定，認本行應採取干預外匯市場

believes the Bank should intervene in trading in the Foreign Currency market as provided in Subsection (b), neither for administering the monetary policy nor to support the stability of the financial system, said decision is subject to the approval of the Minister of Finance; however, if the approval of the Minister of Finance cannot be obtained before said intervention due to the urgency of the required action, the Committee may intervene in said trading and it shall report its actions and the reasons for the urgency of the matter to the Minister of Finance immediately afterwards.

## Chapter Eleven : Reports to the Public

### 54. Annual Report about the State of the Economy

Within three months of the end of each year, the Governor, in his capacity as advisor to the Government as per Section 7(b), shall present the Government and the Knesset Finance Committee with a report that contains a survey and analysis of the state of the economy and the economic policy in the previous year.

### 55. Periodic Report on Monetary Policy

- (a) No less than twice annually, the Committee shall present the Government and the Knesset Finance Committee with a report containing a survey of developments in the field of price stability and economic developments in the time period covered by the report, and the policy that the Committee believes necessary for the maintenance of price stability within the range determined by the Government as per Section 3(b), and for the attainment of the other objectives in Section 3.
- (b) If the inflation rate deviates, during six consecutive months, from the range determined by the Government as per Section 3(b), said periodic report shall include details about the reasons for the deviation, the policy that the Committee has adopted to readjust the inflation rate to the determined range, and the Committee's estimate of the period of time required for the attainment of this result; for this purpose, "deviation of the inflation rate" is the change between the Index most recently published before the date of the calculation and the Index published in the same month of the preceding year.

交易之措施，惟該干預措施如非屬貨幣政策目的或維持金融穩定所必要者，須經財政部長核可始得為之。如採取該干預措施之情形係屬緊急而未能及時取得財政部長之核可，委員會得逕予干預該交易，之後並應立即向財政部長報告其採取之措施及認定事屬緊急之理由。

## 第 11 章 資訊公開

### 第 54 條 國家經濟情勢之年度報告

每年年度終了後 3 個月內，總裁應依第 7 條第(b)項規定，以政府諮詢顧問身分，向政府及以色列國會之財政委員會提交包括對國家狀況之觀察及分析前一年度之經濟情勢及經濟政策之報告。

### 第 55 條 貨幣政策之定期報告

- (a) 委員會每年應至少 2 次向政府及以色列國會之財政委員會提交報告，其中應包括有關物價穩定及該報告涵蓋期間範圍內經濟發展情勢之調查，及委員會認為係達成政府依第 3 條第(b)項所定維護物價穩定之目標範圍，及第 3 條所定其他經營目標所必要之政策。
- (b) 當通貨膨脹率連續 6 個月偏離政府依第 3 條第(b)項所定目標範圍時，應於本條之定期報告就其偏離情形詳細說明原因、委員會為重新調整通貨膨脹率至特定範圍所採取之政策，及該委員會評估達成該目標結果所需之時間；「通貨膨脹率之偏離」係指計算日期前最近發布之指數，相較於前一年同月發布之指數，二者間之變化值。

(c) The Knesset Finance Committee shall discuss the report presented under this Section, with the participation of the Governor, immediately after the report is presented; if a report as per Subsection (b) is submitted, the discussion shall take place with the participation of the Minister of Finance as well.

## 56. Annual Report about the Foreign Currency Reserves

Within three months after the end of each year, the Committee shall present the Government and the Knesset Finance Committee with a report that shall include the principles by which the desired level of Foreign Currency reserves over the long term was determined and the guidelines by which the Bank's Foreign Currency reserve investment policy for the year ended was determined.

## 57. Other Reports

The Government and the Knesset Finance Committee may, at any time, demand that the Bank present them with a report on any matter relating to the activities of the Bank in discharging its functions.

# Chapter Eleven-1 : Financial Stability Committee

## 57a. The Financial Stability Committee Definitions—

In this Chapter:

"Stabilizing Function"—Each of the following:

- (1) The Ministry of Finance
- (2) The Bank of Israel

"Systemic Risk"—Risk of a defect or disruption in all or part of the financial system, the realization of which is liable to cause significant negative impacts to the economy;

"Financial Supervisory Authority"—Each of the following:

- (1) The Supervisor of Banks;
- (2) The Capital Market, Insurance, and Saving Authority;
- (3) The Supervisor of Financial Services Providers;
- (4) The Head of Payment Systems Oversight at the Bank;
- (5) The Israel Securities Authority.

## 57b. The establishment of the Financial Stability Committee

- (a) The Financial Stability Committee is hereby established, the members of which shall be:

(c) 以色列國會之財政委員會應於定期報告提交後，立即與總裁進行討論；如有依第(b)項規定所提交之報告，則相關討論並應於財政部長參與下進行。

## 第 56 條 外匯存底之年度報告

每年年度終了後 3 個月內，委員會應向政府及以色列國會之財政委員會提交報告，其中應包括外匯存底長期期望水平之原則，及本行該年度外匯存底投資政策之指引。

## 第 57 條 其他報告

政府及以色列國會之財政委員會得隨時要求本行提交涉及本行履行任務之業務報告。

# 第 11 章之 1 金融穩定委員會

## 第 57a 條 本章相關定義

於本章中：

「擔任穩定任務者」係指下列任一者：

- (1) 財政部；
- (2) 本行。

「系統風險」—係指全部或部分金融體系出現缺陷或破壞性風險，且該風險之實現可能對經濟造成重大負面影響；

「金融監理當局」係指下列任一者：

- (1) 銀行監理機構；
- (2) 資本市場、保險及存款主管當局；
- (3) 金融服務提供者之監理機構；
- (4) 監理本行支付體系之主管；
- (5) 以色列證券主管當局。

## 第 57b 條 金融穩定委員會之設置

- (a) 金融穩定委員會之設置，其成員應為：

- (1) The Governor;
  - (2) The Deputy Governor;
  - (3) The Director General of the Ministry of Finance;
  - (4) The Accountant General at the Ministry of Finance;
  - (5) The Supervisor of Banks;
  - (6) The Capital Market, Insurance, and Saving Commissioner within the meaning of this term in the Control of Insurance Law, including in his role as the Supervisor of Financial Services Providers;
  - (7) The Head of Payment Systems Oversight at the Bank;
  - (8) The Chairperson of the Israel Securities Authority.
- (b) The Chairperson of the Financial Stability Committee shall be the Governor; the Deputy Chairperson shall be the Director General of the Ministry of Finance.
- (c) The Head of the National Economic Council which operates by decision of the government shall serve as an observer on the Financial Stability Committee and shall be invited to participate in its discussions.
- (d) The decisions of the Financial Stability Committee shall not be prejudiced by the vacancy of a member or observer of the Committee or by a defect in his appointment or continued tenure.

### 57c. Functions of the Financial Stability Committee

The Financial Stability Committee shall act with the objective of supporting the stability and orderly functioning of the financial system, and to that end:

- (1) Shall promote coordination and collaboration among the financial supervisory authorities, and between them and the stabilizing functions, among other things for the following ends:
  - a. Definition, analysis, identification, assessment and monitoring of systemic risks, including advancing the carrying out of examinations by the financial supervisory authorities;
  - b. Examination, development and operation of the tools and methods for preventing or reducing systemic risks;
- (2) Shall issue alerts on concrete systemic risks, as noted in Section 57f, and shall recommend, as per the provisions of said section, the adoption of means to prevent or reduce said risk;

- (1) 總裁；
  - (2) 副總裁；
  - (3) 財政部秘書長；
  - (4) 財政部會計主管；
  - (5) 銀行監理機構代表；
  - (6) 依「保險監管法」所稱之資本市場、保險及存款委員會委員，包括具有金融服務提供者監理機構之身分者；
  - (7) 監理本行支付體系之主管；
  - (8) 以色列證券主管當局主席。
- (b) 金融穩定委員會主席由總裁擔任；副主席由財政部秘書長擔任。
- (c) 依政府決策運作之國家經濟委員會主席，應擔任金融穩定委員會之觀察員，並應受邀參與決策之討論。
- (d) 金融穩定委員會之決策，不應因委員或觀察員有缺位或任命、續任程序之瑕疵而影響其效力。

### 第 57c 條 金融穩定委員會之任務

金融穩定委員會應維持金融體系之穩定及有秩序地運作。爰此：

- (1) 應促進金融監理當局間之協調及合作，並在前二者及固有任務間尤應達成下列事項：
  - a. 系統風險之定義、分析、識別、評估及監控，包括推動金融監理當局進行檢查業務；
  - b. 為預防或減少系統風險之工具、方法，其檢驗、開發及運作等相關事宜；
- (2) 依第 57f 條規定，應就具體系統風險發布警示，並應建議採取措施，以預防或降低該風險；

- (3) Shall monitor the activities taken due to the alert noted in paragraph (2) and the implementation of the recommendations noted in the same paragraph;
- (4) Shall report to the Prime Minister and the Minister of Finance on concrete systemic risk, the handling of which involves the use of public funds, as noted in Section 57g.

#### 57d. The Financial Stability Committee's work procedures

- (a) The Chairperson of the Financial Stability Committee shall convene the Committee twice yearly, at least, and shall be permitted to convene a special meeting of the Committee, at the request of any member, if the Chairperson is convinced that there is a reason to do so; the Chairperson of the Committee shall also convene the Committee at the request of three of its members.
- (b) A majority of the members of the Financial Stability Committee, including the Chairperson, or in his absence from the meetings—the Deputy Chairperson, shall constitute a legal quorum for its meetings and decisions.
- (c) The Financial Stability Committee's decisions shall be reached by majority vote of its members participating in the voting; if the vote was tied, the Chairperson shall have an additional vote.
- (d) The Financial Stability Committee may, in special cases, hold meetings via the use of any means of communication, provided that a reasonable attempt is made to locate all the members in order to receive their consent to hold a meeting in such a manner, and that all the members and the observer participating in it can hear each other simultaneously.
- (e) The Financial Stability Committee's meetings and any information provided to it for its discussions shall be classified; however, the Financial Stability Committee may decide to publish a summary of a specific discussion, in whole or in part, provided that it finds that doing so will not impair its ability or the ability of a Financial Supervisory Authority to carry out its function.
- (f) The Financial Stability Committee shall determine its working procedures so far as they are not prescribed in this Law.

#### 57e. Information sharing

- (a) Notwithstanding the provisions of any law, the Financial Supervisory Authorities shall provide to the Financial Stability Committee any information in their possession that can assist the Committee in

- (3) 應持續監控依第(2)款警示所採取之措施，並追蹤該建議之辦理情形；
- (4) 應向總理及財政部長報告具體之系統風險，及所涉依第 57g 條所述公共資金之處理情形。

#### 第 57d 條 金融穩定委員會之運作程序

- (a) 金融穩定委員會主席每年應至少召開 2 次委員會議，並應依成員所提召開會議之要求，於主席確認有必要時，召開金融穩定委員會之特別會議；或經 3 名以上成員提出要求時，主席亦應召開委員會議。
- (b) 金融穩定委員會會議及決議之法定通過比例，應為包括主席之過半數成員；於主席缺席時，應包括副主席。
- (c) 金融穩定委員會之決議，須經出席委員過半數之投票始可通過；於可否同數時，主席有額外之投票權。
- (d) 於特殊情形下，金融穩定委員會得使用任何通訊方式舉行會議，但應運用合理方式聯繫全體委員，以取得對該會議之同意，並使所有與會成員均可同時聽取其他成員之意見。
- (e) 金融穩定委員會會議及因相關討論所提供之任何資料，均應予保密；惟金融穩定委員會如認為公開不損及該會或金融監理當局執行相關任務者，得決定公布特定討論摘要之全部或一部。
- (f) 金融穩定委員會應決定本法未規定之運作程序。

#### 第 57e 條 資料共享

- (a) 即使有其他法律規定，金融監理當局應向金融穩定委員會提供其所持有任何有助於該會依本章執行相關任務之資料；但該資料屬國安情資，或係因刑事調查或

- carrying out its functions according to this chapter, excluding intelligence information or information the source of which is a criminal investigation or administrative inquiry.
- (b) Without derogating from the provisions of Subsection (a) and notwithstanding the provisions of any law, the Financial Stability Committee may require from the Financial Supervisory Authorities any information necessary for it to carry out its functions under this chapter, excluding intelligence information or information the source of which is a criminal investigation or administrative inquiry.
- (c) The information that will be transferred in accordance with this section to the Financial Stability Committee is to be aggregate information, which prevent the identification of a specific person.
- (d) Notwithstanding the provisions of Subsection (c), the Financial Stability Committee may require from a Financial Supervisory Authority, in accordance with the provisions of Subsection (b), particular information in its possession, as detailed below, which prevent the identification of a specific person, if in the Committee's view, after hearing the position of the Financial Supervisory Authority regarding it, the said information has systemic importance and is crucial, in the specific circumstances prevailing in the economy at the time, to fulfill the functions of the Committee:
- (1) Particular information regarding a specific corporation;
  - (2) Particular information regarding the activity of a financial entity that is not a corporation, whose scope of activity exceeds the amount set by the Minister of Finance, in an order, with the consent of the Governor and with the approval of the Knesset's Finance Committee; attached to the demand for information in accordance with this paragraph shall be written reasons.

#### 57f. Alert about concrete systemic risk and recommendations for the measures to handle it

- (a) If the Financial Stability Committee finds that there is a concrete systemic risk and that adopting measures by the relevant Financial Supervisory Authorities are likely to prevent or reduce the risk, it is to send the said Financial Supervisory Authorities a written alert about said risk and about the need to adopt measures to prevent or reduce it.
- (b) If the Financial Stability Committee sent an alert in accordance with Subsection (a), it may recommend to the Financial Supervisory Authorities to whom it sent the alert the measures required to prevent

- 行政調查所獲悉者，不適用之。
- (b) 於不限縮第(a)項之規範效力下，即使有其他法律規定，金融穩定委員會均可要求金融監理當局提供有助於其執行本章所訂任務所需之任何資料；但該資料屬國安情資，或係因刑事調查或行政調查所獲悉者，不適用之。
- (c) 依本條規定向金融穩定委員會提供之資料應經加密及去識別化。
- (d) 即使有第(c)項規定，金融穩定委員會於聽取金融監理當局之陳述意見後，如認為其持有下列特定資料具系統之重要性，且依當時經濟情勢之具體情形認對該委員會執行任務至關重要者，仍得依第(b)項規定要求金融監理當局提供之，並應予去識別化：
- (1) 有關某公司之特定資料；
  - (2) 有關非屬公司組織之金融機構營業活動特定資料，但以其業務範圍超出財政部長在徵得總裁同意及以色列國會財政委員會核可下之命令所定金額者為限；依本條之要求提供資料者，應附有書面理由。

#### 第 57f 條 對具體系統風險之警示及因應措施之建議

- (a) 金融穩定委員會如發現存在具體系統風險，且相關金融監理當局採取之措施足以防範或降低該風險，則應向該金融監理當局發出書面警示，並說明有關該風險及所需採取防範或降低風險之因應措施。
- (b) 金融穩定委員會依第(a)項規定發出警示，並得向接收警示之金融監理當局建議採取防範或降低該具體系統風險所需之因應措施；如其建議係指推動修法之方

- or reduce said actual systemic risk; if the recommendation was to promote legislation, the recommendation is to be forwarded as well to the minister that the legislation is in the area of his responsibility.
- (c) In the recommendation, a date is to be established for a response by the Financial Supervisory Authority or the minister to whom the recommendation was sent (in this section—the recipient); the recipient is to notify the Financial Stability Committee by the date determined, if it has adopted the recommendation, and if not—the reasons thereof.
- (d) If the Financial Stability Committee finds that the recipient's response is insufficient, or that the recommendation has not been implemented, it shall notify the recipient of such.
- (e) The Financial Stability Committee may, based on a decision reached by an 80- percent majority of the participants in the vote, and after it has heard the recipient, to publish an alert or recommendation that it provided in accordance with this section, provided it does not include in said publication particular information that can be used to identify the activity of a financial entity or customer that are not corporations; if the Financial Stability Committee decided to publish an alert or recommendation that it provided, the publication is to include the stance of the recipient.

#### 57g. Report on concrete systemic risk, the handling of which requires public funds

- (a) If the Financial Stability Committee finds that an actual systemic risk exists, and that preventing or reducing it will require adopting measures that involve the use of public funds, it shall report so to the Prime Minister and to the Minister of Finance; if the Minister of Finance is of the opinion that such action is required under the circumstances, the Minister of Finance may update the Chairperson of the Knesset's Finance Committee on the details of said report and to notify the Chairperson of the Financial Stability Committee that said update was submitted.
- (b) If the Financial Stability Committee finds that the risk noted in subsection (a) has been removed, it shall report so to the Prime Minister and the Minister of Finance.

#### 57h. Assisting the work of the Financial Stability Committee

- (a) the Financial Stability Committee shall have a Steering Committee consisting of the following eight members:

- 式，該建議亦應轉達予主管該法令之部會首長。
- (c) 上述建議應訂明金融監理當局或第(b)項接收建議之部會首長（即本條之接收方）對該建議採取之因應措施及應予回應之期限；接收方並應於所定期日前向金融穩定委員會說明是否採納建議，如不採納則應說明其理由。
- (d) 金融穩定委員會如認接收方之說明未盡充分或其建議未經落實，應通知接收方補正。
- (e) 金融穩定委員會得依投票參與者 80% 之多數決，及聽取接收方之意見後，依本條規定發布警示或提供建議。惟所發布者，不應包括得以識別非屬公司組織之金融機構或客戶行為之特定資訊；金融穩定委員會如決定發布其提供之警示或建議，則該發布內容應包括接收方之意見。

#### 第 57g 條 有關具體系統風險及處理所需公共資金之報告

- (a) 金融穩定委員會如發現系統風險實際存在，並需要採取涉及使用公共資金之因應措施以防範或降低該風險，應向總理及財政部長報告；如財政部長認為當前情況有採取因應措施之必要者，其得向以色列國會之財政委員會主席更新上述報告之詳細情形，並就其更新情形通知金融穩定委員會主席。
- (b) 金融穩定委員會如發現第(a)項所述系統風險已消除，應向總理及財政部長報告其情形。

#### 第 57h 條 協助金融穩定委員會之運作

- (a) 金融穩定委員會應設程序委員會，由下列 8 名成員組成之：

- (1) Two senior employees of the Bank, to be appointed by the Governor; one of those employees, at the Governor's decision, shall serve as Chairperson of the Steering Committee;
- (2) A senior employee of each Financial Supervisory Authority, to be appointed by the head of that Authority;
- (3) A senior employee of the Ministry of Finance, to be appointed by the Minister of Finance.
- (b) The Steering Committee shall be subordinate to the Chairperson of the Financial Stability Committee.
- (c) The Steering Committee shall be responsible for preparing the discussions of the Financial Stability Committee and for monitoring the implementation of the Committee's recommendations.
- (d) The Chairperson of the Steering Committee shall convene the Committee a reasonable period of time prior to each meeting of the Financial Stability Committee, and the Chairperson may convene additional meetings of the Steering Committee as needed.
- (e) The Financial Stability Committee shall determine the working procedures of the Steering Committee; the Steering Committee shall determine its working procedures so far as they are not determined by the Financial Stability Committee.
- (f) The members of the Steering Committee may, pursuant to the decision of the Financial Stability Committee, be present at meetings of the Financial Stability Committee and view the information provided to it pursuant to the provisions of this Chapter.
- (g) The Bank shall provide clerical services and administrative support to the Financial Stability Committee and the Steering Committee.

### 57i. Confidentiality requirement and limitation of use

- (a) A person who received information due to his function in accordance with this Chapter shall not disclose it to any other person and shall not make any use of it, other than to fulfill the said function.
- (b) Notwithstanding the provisions of Subsection (a), the Bank may make use of information received by the Financial Stability Committee as part of its functions under this Chapter if doing so is required to achieve the Bank's objectives and to carry out the Bank's functions, provided that the Bank was permitted to require the said information under its authority in accordance with Section 39; if the Bank requests to make use of such information in accordance with this subsection, it shall notify the Supervisory Authority of its intention to do so.

- (1) 2名本行資深職員，由總裁任命；其中1名職員並依總裁決定擔任程序委員會主席；
- (2) 各金融監理當局指派1名資深人員，由該當局負責人任命；
- (3) 財政部資深職員1名，由財政部長任命。
- (b) 程序委員會隸屬於金融穩定委員會主席。
- (c) 程序委員會負責準備金融穩定委員會提案及討論事項，並控管金融穩定委員會所提建議之執行情形。
- (d) 程序委員會主席應於金融穩定委員會每次會議前之合理期間內召開程序委員會會議；主席並得依需要召開臨時程序委員會會議。
- (e) 金融穩定委員會應決定程序委員會之運作程序；其未規定之運作程序，由程序委員會決定之。
- (f) 程序委員會成員得依金融穩定委員會之決定，出席金融穩定委員會會議，及閱覽依本章所定應向金融穩定委員會提供之資料。
- (g) 本行應對金融穩定委員會及程序委員會提供所需之文書服務及行政支援。

### 第 57i 條 保密要求及使用限制

- (a) 依本章規定，因執行任務而知悉資料者，不得向任何第三人揭露該資料之全部或一部，亦不得將其用於執行任務外之任何用途。
- (b) 即使有第(a)項規定，本行為達成本行經營目標及履行任務之必要，得使用金融穩定委員會依本章規定所取得之資料，但以本行可依第 39 條規定要求提供者為限；本行依本項規定要求使用相關資料者，應將使用目的通知提供之監理當局。

## 57j. Maintaining the powers of the Financial Supervisory Authorities and the Stabilizing Functions

The provisions of this chapter do not derogate from the powers of the Financial Supervisory Authorities and the Stabilizing Functions.

## Chapter Twelve : Financial Sanctions

### 58. Financial Sanction

- (a) If a person violates any of the provisions of this Law as specified below, the Governor may impose a financial sanction under this Chapter in the amount of NIS 5 million:
  - (1) failure to fulfill a condition imposed with regard to receipt of credit from the Bank under Sections 36(4) or (5);
  - (2) failure to submit a report at the request of the Governor under Section 38(f) or presentation of an inaccurate or incomplete report;
  - (3) failure to terminate or limit the grant of credit, investments or distribution of profits in accordance with the Governor's directives under Section 38(h);
- (b) If a Banking Corporation is required to hold Liquid Assets at a rate or in a composition that the Governor determines in Liquidity Directives under Section 38(b) and fails to do so, the Governor may impose upon said Banking Corporation a financial sanction under the provisions of this Chapter, in the amount of NIS 2 million.
- (c) If a Financial Entity is asked to provide information under Section 39 (a) and fails to do so, or if it provides information that is inaccurate or incomplete, the Governor may impose upon said Financial Entity a financial sanction under the provisions of this Chapter, in the amount of NIS 500,000.
- (d) If a person performs a transaction that is defined as prohibited in an order under Section 51, the Governor may impose upon said person a financial sanction under the provisions of this Chapter, in the amount of NIS 100,000; if said person is a corporation—in the amount of NIS 750,000, and if said person is a Banking Corporation—in the amount of NIS 1,500,000.

## 第 57j 條 維持金融監理當局及擔任穩定任務者之權限

本章規定不限縮金融監理當局及擔任穩定任務者之權限。

## 第 12 章 違規罰鍰

### 第 58 條 違規罰鍰

- (a) 違反本法下列規定者，總裁得依本章規定處以 500 萬新謝克爾罰鍰：
  - (1) 未履行本行依第 36 條第(4)款或第(5)款規定，就授信事宜所訂之條件；
  - (2) 未提交總裁依第 38 條第(f)項要求之報告，或提交內容不正確或不完整之報告；
  - (3) 未按總裁依第 38 條第(h)項所為指令，停止或限制提供授信、進行投資或分配利潤。
- (b) 銀行應依第 38 條第(b)項所定流動性指令中由總裁決定有關其持有流動資產比率或組合之要求；未能履行者，總裁得依本章規定對該銀行處以 200 萬新謝克爾罰鍰。
- (c) 金融機構應依第 39 條第(a)項所定要求提供資料，未能履行或提供不正確或不完整之資料者，總裁得依本章規定對該金融機構處以 50 萬新謝克爾罰鍰。
- (d) 違反第 51 條有關禁止全部或部分交易之命令，總裁得依本章規定對違規行為人處以 10 萬新謝克爾罰鍰；如違反者為公司法人，處以 75 萬新謝克爾罰鍰；如該法人係銀行，處以 150 萬新謝克爾罰鍰。

- (e) If a person is required to provide information under Section 39(b) or (d) and fails to do so, or if he provides information that is inaccurate or incomplete, the Governor may impose upon said person a financial sanction under the provisions of this Chapter, in the amount of NIS 50,000; and if he is a corporation—in the amount of NIS 100,000.

## 59. Notice of Intent to Impose Sanction

- (a) If the Governor has reasonable grounds to assume that a person has violated any of the provisions of this Law as set forth in Section 58 (in this Chapter—the Violator) and intends to impose upon the Violator a financial sanction in the amount set forth in said Section, he shall serve the Violator with a notice of intent to impose a financial sanction upon him (in this Chapter—Notice of Intent to Impose Sanction).
- (b) In the Notice of Intent to Impose Sanction, the Governor shall note the following, *inter alia*,
- (1) the action or inaction (in this chapter—the Action) that constitutes the violation;
  - (2) the amount of the financial sanction and the period for payment thereof;
  - (3) the Violator's right to present his arguments under the provisions of Section 60;
  - (4) the rate of the increase to the financial sanction for a continuous or recurrent violation under the provisions of Section 62.

## 60. Rights to Present Arguments

Once a Violator is served with a Notice of Intent to Impose Sanction, he is entitled to present his arguments before the Governor, orally or in writing, as the Governor may decide, in respect of the intent to impose a financial sanction upon him and in respect to its amount, within 30 days of the date on which said notice is served.

## 61. The Governor's Decision and the Demand for Payment

- (a) The Governor shall decide, after considering the arguments presented under the provisions of Section 60, whether to impose a financial sanction upon the Violator; the Governor may reduce the amount of the financial sanction in accordance with the provisions of Section 63.

- (e) 違反第 39 條第(b)項或第(d)項所定應向本行提供相關資料規定，或提供不正確或不完整之資料者，總裁得依本章規定對違規行為人處以 5 萬新謝克爾罰鍰；如違反者為公司法人，處以 10 萬新謝克爾罰鍰。

## 第 59 條 違規裁處意向通知

- (a) 總裁如有相當理由認某人違反本法第 58 條各項規定（以下稱違規者），並擬依本條規定對違規者予以裁處時，應向其送達違規裁處意向通知（以下稱違規裁處意向通知）。
- (b) 總裁應於違規裁處意向通知載明下列事項，但不以此為限：
- (1) 構成違規之作為或不作為（以下稱行為）；
  - (2) 裁處金額及繳納期限；
  - (3) 違規者依第 60 條規定陳述意見之權利；
  - (4) 有關持續性或重複違規行為，得依第 62 條規定提高裁處之比率。

## 第 60 條 陳述意見之權利

違規者收受違規裁處意向通知後，有向總裁陳述意見之權利，其方式係以口頭或書面為之，由總裁視情形決定；違規者得於上述通知送達之日起 30 日內，就該裁處之意向及額度陳述意見。

## 第 61 條 總裁之決定及繳納罰款之要求

- (a) 違規者依第 60 條規定陳述意見後，總裁應斟酌其意見後決定是否予以裁處；並得依第 63 條規定降低裁處額度。

- (b) If the Governor decides, under the provisions of Subsection (a), to impose a financial sanction upon the Violator, the Governor shall serve the Violator with a demand for payment of the financial sanction (hereinafter—Demand for Payment); in the Demand for Payment, the Governor shall note, *inter alia*, the adjusted amount of the financial sanction and the period for the payment thereof; if the Governor decides not to impose a financial sanction upon the Violator, he shall serve the Violator with notice to this effect.
- (c) If the Violator fails to present his arguments in accordance with the provisions of Section 60 within thirty days of being served with a Notice of Intent to Impose a Sanction, such notice, at the end of the said thirty days, shall constitute a Demand for Payment served on the Violator at the said time.

## 62. Continuous Violation and Recurrent Violation

- (a) In the event of a continuous violation, the financial sanction set forth for the violation at issue shall be increased by a financial sanction at the rate of one-fiftieth thereof for each day on which the violation continues.
- (b) In the event of a Recurrent Violation, the financial sanction that may be imposed for said violation if it were a first violation shall be increased by an amount equal to one-half of said financial sanction; for this purpose, a "Recurrent Violation" is a violation of one of the provisions listed in Section 58, within two years of a previous violation of the provision due to which a financial sanction was imposed upon the Violator.

## 63. Reduced Amounts

- (a) The Governor may not impose a financial sanction in a lower amount than that set forth in this Chapter, except in accordance with the provisions of Subsection (b).
- (b) The Governor, in consultation with the Minister of Justice, may determine, in an Order, cases, circumstances, and considerations allowing the reduction of the financial sanctions established in this Chapter, and maximum rates of reduction.

## 64. Adjusted Amount of Financial Sanction

- (a) The financial sanction shall be set at the adjusted amount as of the date of serving of demand for payment and, in regard to a Violator who has not presented the Governor with his arguments as set forth in Section

- (b) 總裁依第(a)項規定決定對違規者予以裁處者，應向違規者發出要求繳納罰鍰之通知（以下稱繳納通知書）。總裁應於繳納通知書載明裁處金額及繳納期限，但不以此為限；如決定不對違規者予以裁處，亦應告知其處理結果。
- (c) 違規者如未於違規裁處意向通知送達後 30 日內依第 60 條規定陳述意見，於 30 日屆滿後視為繳納通知書已向違規者送達。

## 第 62 條 持續性及重複違規行為

- (a) 違規行為持續發生者，就該違規行為之裁處，於其違規持續期間，每日提高裁處額度比率之五十分之一。
- (b) 違規行為重複發生，得加重對該違規行為之裁處金額額度至二分之一；本項所稱「違規行為重複發生」係指前次違反第 58 條規定之違規者受裁處後，2 年內再次違反該規定。

## 第 63 條 降低裁處額度

- (a) 除第(b)項規定外，總裁不得裁處低於本章所定之罰鍰額度。
- (b) 總裁經徵詢司法部長後，得按案件類型、違規情狀及其他因素，以命令核定降低依本章所為裁處之額度及最大降幅。

## 第 64 條 裁處額度之調整

- (a) 違規行為之裁處額度，應按繳納通知書送達日所調整後之金額；對於未依第 61 條第(c)項向總裁陳述意見之違規者，應按違規裁處意向通知送達日所調整後之金

- 61(c)—as of the date of serving of Notice of Intent to Impose Financial Sanction; if a court appeal is filed under Section 68 and the court allows a stay of payment of said financial sanction—the financial sanction shall be set at the adjusted amount on the day the appeal decision is rendered.
- (b) The Governor, with the approval of the Knesset Finance Committee, may adjust the amounts set forth in Sections 58 and 70; notice about the adjusted financial sanction amounts shall be published in *Reshumot*.

## 65. Deadline for Payment of Financial Sanction

A financial sanction shall be paid within thirty days of the day on which the Demand for Payment specified in Section 61 is served.

## 66. Indexation Differentials and Interest

If a financial sanction is not paid on time, it shall be increased on account of the period of arrears by indexation differentials and interest under the Interest and Indexation Ruling Law, 5721-1961 (in this Chapter—Indexation Differentials and Interest) until it is paid.

## 67. Collection

A financial sanction shall be paid to the State Treasury and the Tax (Collection) Ordinance shall apply thereto.

## 68. Appeal

- (a) A Demand for Payment may be appealed in Jerusalem Magistrate's Court within thirty days of the serving of the demand;
- (b) The filing of an appeal shall not delay the payment of a financial sanction, unless the Governor assents thereto or if the court so orders;
- (c) If the appeal is upheld, the financial sanction shall be refunded, plus Indexation Differentials and Interest from the date it was paid to the date of the refund.

## 69. Publication

If a financial sanction is imposed under the provisions of this Chapter, the Governor may publish, in a newspaper or in any other way, the fact of the imposition of the financial sanction and its amount, the name of the Violator, the essence of the violation for which the financial sanction was imposed, and the circumstances of the violation, and the Governor may order the Violator to

額；違規者如依第 68 條向法院提起訴訟，並獲法院裁定暫緩支付罰鍰者，其裁處額度應按該訴訟裁判日所調整後之金額。

- (b) 總裁得經以色列國會之財政委員會核可，調整第 58 條及第 70 條所定裁處額度；調整後之金額應登載於以色列政府公報。

## 第 65 條 繳納違規罰鍰之期限

違規罰鍰應於依第 61 條規定發出繳納通知書之日起 30 日內完成繳納。

## 第 66 條 指數化差額及利息

違規罰鍰未能按時繳納者，視其遲延期間依「利息及指數化標準法（5721-1961）」所定之指數化差額及利息（以下稱指數化差額及利息）加收罰鍰，至其支付為止。

## 第 67 條 繳庫

違規罰鍰應解繳國庫，並適用「國家財政稅賦（徵收）條例」。

## 第 68 條 訴請裁決

- (a) 繳納通知書送達之日起 30 日內，如有不服，得就該繳納通知書向耶路撒冷地方法院訴請裁決；
- (b) 前項訴請裁決，除經總裁同意或法院裁判外，不生停止繳納違規罰鍰之效力。
- (c) 訴請裁決為有理由者，違規罰鍰繳納之款項應予退還，並包括自繳納時起至退款日之期間，適用指數化差額及利息所應支付之金額。

## 第 69 條 違規公告

依本章規定對違規者予以裁處，總裁得於報紙或以其他方式公布裁罰事實、金額、違規者名稱、施以裁處之違規要件及

make such publication.

## 70. Responsibilities of General Manager of a Corporation to Prevent Violations

- (a) The General Manager of a Corporation is responsible for supervision and for taking all reasonable measures for the prevention of violations under Section 58 by the Corporation or by any of its employees.
- (b) If the Corporation commits a violation as specified in Section 58, the General Manager of the Corporation shall be presumed to be in breach of his duty under Subsection (a), unless he proves that he took all reasonable measures to discharge his obligation.
- (c) If the General Manager is in breach of his supervisory duty under Subsection (a), the Governor may—
  - (1) impose upon him; a financial sanction in the sum of NIS 100,000 in accordance with the provisions of this Chapter;
  - (2) order the termination of service of the General Manager that violated the provisions of Subsections 58(a) and (b); if the Financial Entity is supervised by a Supervisory Authority, the Governor may issue said order only after consultation with the head of the Supervisory Authority; the provisions of this Chapter shall apply in respect to the termination of service, *mutatis mutandis*.

## 71. Delegation of Powers

The Governor may delegate his powers under this Chapter, with the exception of those under Section 70, to the Deputy Governor.

## Chapter Thirteen : Penalties

### 72. Penalties

- (a) Any person who issues or circulates banknotes, coins, a document, or any other object that the Governor has determined that any of them may be used as a substitute for Currency, in contravention of the provisions of Section 44, is liable to imprisonment for a term of five years.
- (b) Any person who commits any of the following is liable to imprisonment for a term of one year:
  - (1) performs a transaction which is defined as prohibited by an order under Section 51;
  - (2) Breaches the confidentiality duty or makes use of information, in contravention of Section 57i or 80(a) or (c).

違規情形。總裁並得命違規者自行公布之。

## 第 70 條 公司總經理預防違規行為之責任

- (a) 公司總經理負責監理並採取一切合理措施，防止公司或其任何員工違反第 58 條規定。
- (b) 違反第 58 條規定之公司，除該公司總經理可證明已採取一切合理措施履行其職責外，應推定其未盡第(a)項所定職務義務。
- (c) 公司總經理違反第(a)項規定監理職責者，總裁得：
  - (1) 依本章規定對其處以 10 萬新謝克爾罰鍰；
  - (2) 命令違反第 58 條第(a)項及第(b)項規定之總經理停止職務；但如該金融機構係受監理當局監理者，總裁僅得於徵詢該監理當局負責人後，始發布停止其職務之命令，並準用本章規定。

## 第 71 條 授權

總裁得將本章所定權限，除第 70 條規定者外，授權予副總裁。

## 第 13 章 刑罰

### 第 72 條 刑罰

- (a) 違反第 44 條規定發行經總裁認定得以作為替代貨幣之鈔券、硬幣、文件或其他物品，或使其流通者，處 5 年有期徒刑。
- (b) 從事下列行為者，處 1 年有期徒刑：
  - (1) 進行第 51 條所定命令禁止之交易；
  - (2) 違反第 57i 條或第 80 條第(a)項或第(c)項之保密義務，或不當使用相關資料。

### 73. Responsibility of an Officer in a Corporation to Prevent Offenses

- (a) An Officer in a Corporation must supervise and do all that is possible to prevent offenses under Section 72(b)(1) by the Corporation or by any of its employees; any person violating this provision is liable to a fine in the amount of NIS 50,000.
- (b) Where an offense under Section 72(b)(1) is committed by a Corporation or by any of its employees, a presumption exists that the Officer in the Corporation has breached his duty under Subsection (a), unless he proves he has done everything possible to fulfill his duty.
- (c) In this Section, an "Officer in a Corporation" is a director, an active executive in the Corporation, a partner, except for a limited partner, or another officer responsible on behalf of the Corporation for the area of activity in which the offense was committed.

## Chapter Fourteen : Salaries of Bank Employees

### 74. Salaries of Bank Employees

- (a) Without derogating from the provisions of Sections 29, 29A, and 29B of the Foundations of the Budget Law, 5745-1985 (hereinafter—Foundations of the Budget Law), concerning changes in salaries and terms of service, examination of deviant agreements, and terms for the nullification thereof as set forth in said Sections, the following provisions, in respect of the Bank, shall also apply:
  - (1) If the Minister of Finance has not made a decision concerning changes in salary, terms of retirement, pensions, or other work-related financial benefits as set forth in Section 29(a) of the Foundations of the Budget Law within sixty days from the day on which the Bank approaches him with a request for the approval of an agreement or an arrangement on such a topic, the request shall be presented to the Prime Minister for his decision; the Prime Minister shall present the Minister of Finance and the Governor with his decision about the request within forty-five days from the day on which the request is presented to him.
  - (2) If the Bank disputes decisions of the Minister of Finance under Sections 29, 29A, and 29B of the Foundations of the Budget Law,

### 第 73 條 公司高階主管防止犯罪之責任

- (a) 公司高階主管須監理並盡力防止公司或其任何員工違反第 72 條第(b)項第(1)款規定；任何違反該規定者，處 5 萬新謝克爾罰金。
- (b) 公司或其任何員工違反第 72 條第(b)項第(1)款規定者，除該公司高階主管可證明已採取一切合理措施履行其職責外，應推定其未盡第(a)項規定之職務義務。
- (c) 本條所稱「公司高階主管」，係指董事、經常執行業務之主管、合夥人（除有限合夥人外）或其他就該犯罪行為所涉業務領域有權代表公司之其他人員。

## 第 14 章 本行員工薪酬

### 第 74 條 本行員工薪酬

- (a) 本行除應適用「預算原則法（5745-1985）」（以下稱「預算原則法」）第 29 條、第 29A 條及第 29B 條關於變更服務之薪酬及條件、對異常協議之檢視及失效條件等規定外，並應適用下列規定：
  - (1) 財政部長於本行依「預算原則法」第 29 條第(a)項規定提出有關薪酬調整、退休條款、退休金或其他與工作相關財務福利規劃之請求後 60 日內未作出決定時，該請求將提交由總理作出決定；總理應於收受該請求提交之日起 45 日內，向財政部長及總裁提出其對該請求所作成之決定。
  - (2) 本行對財政部長依「預算原則法」第 29 條、第 29A 條及第 29B 條所為決定如有爭議，該爭議應

the dispute shall be presented to the Prime Minister for resolution; the Prime Minister, after giving the parties to the agreement or the arrangement an opportunity to express their stance, shall present the Minister of Finance and the Governor with his decision on the matter within forty-five days from the day on which the dispute is presented to him.

- (3) If the dispute referenced in Paragraph (2) concerns a decision by the Minister of Finance to issue an instruction about the level of payment allowed under Section 29A(b)(2) of the Foundations of the Budget Law and the Prime Minister sustains the Minister of Finance's decision, the Prime Minister shall specify in his decision the period of time in which the Bank shall not make payments beyond the permissible payment.
- (4) If the Bank disputes decisions of the Minister of Finance under Section 29B of the Foundations of the Budget Law, it shall not begin to implement said decisions until the day on which the Prime Minister is required to resolve the dispute in accordance with Paragraph (2) or by the day on which the Prime Minister has handed down his decision, whichever comes first.
- (5) In decisions of the Minister of Finance under Sections 29, 29A, and 29B of the Foundations of the Budget Law, and in decisions of the Prime Minister under the provisions of this Section, the Minister of Finance and the Prime Minister shall bear in mind, *inter alia*, the special needs of the Bank and labor relations at the Bank.

## Chapter Fifteen : Miscellaneous Provisions

### 75. Financial Report

- (a) Within three months as of the end of each year, the Bank shall prepare an annual financial report, reflecting the composition and value of the Bank's assets and liabilities as at the last business day of the year, the outcomes of its operations in said year, and changes in its capital; said report shall be prepared in accordance with generally accepted accounting Principles as adjusted to the special activity of a central bank and shall be audited by the Accountant-Auditor.
- (b) Reports as set forth in this Section shall be approved by the Council,

提交由總理裁決；總理應給予雙方就該協議或規劃內容表達立場之機會後，於爭議提交之日起 45 日內，向財政部長及總裁提出其就該爭議所作成之裁決。

- (3) 第(2)款所稱爭議涉及財政部長就「預算原則法」第 29A 條第(b)項第(2)款規定所允許之付款等級作成指示，並經總理裁決維持財政部長之決定者，應於裁決中指定於一定期間內，本行不得支付超過允許範圍之數額。
- (4) 本行對財政部長依「預算原則法」第 29B 條作成之決定如有爭議，應暫不執行，以俟總理依第(2)款規定就該爭議作成裁決，如總理實際作成裁決之日早於上述期限之屆至，則以先發生者為準。
- (5) 財政部長依「預算原則法」第 29 條、第 29A 條及第 29B 條作成之決定，及總理依本條規定作成之決定，財政部長及總理均應將本行之特殊需求、本行勞資關係及其他因素，納入作成決定之考量。

## 第 15 章 附則

### 第 75 條 財務報告

- (a) 每年年度終了後 3 個月內，本行應編製年度財務報告，呈現當年度至最後一個工作日止，本行資產及負債之組成及其價值、當年度業務營運成果及資本變動情形；該報告應依普遍公認之會計原則辦理，且依中央銀行之特殊性質進行調整，其內容並應送交會計師兼稽核員核閱。
- (b) 依本條編製之報告應經理事會核定，提交予政府及以

shall be submitted to the Government and to the Knesset Finance Committee, and shall be published in such manner as the Council determines.

## 76. Transfer of Profits

- (a) In this Section—
  - "Annual Financial Report"—the annual financial report of the Bank, prepared in accordance with the provisions of Section 75(a);
  - "Capital"—the capital of the Bank at the year end, including surplus balances, as shown in the Annual Financial Report, less Net Profits;
  - "Total Assets"—the total of the Bank's assets at the year end, as shown in the Annual Financial Report;
  - "Surplus Balance"—the balance of accumulated profits and losses from previous years, as shown in the Annual Financial Report;
  - "Net Profits"—the net profits of the Bank for the year ended, as shown in the Annual Financial Report; Net Profits shall not include profits not yet realized as set forth in the Annual Financial Report;
- (b) At the end of three months from the end of each year, the Bank shall actually transfer profits to the Government in accordance with the following instructions:
  - (1) If Capital is 2.5 percent or more of Total Assets, an amount equal to Net Profits, less the Surplus Balance if it is negative, shall be transferred to the Government.
  - (2) If Capital exceeds 1 percent of Total Assets but is less than 2.5 percent of Total Assets, an amount equal to 50 percent of Net Profits, less the Surplus Balance if it is negative, shall be transferred to the Government.
  - (3) If Capital is 1 percent or less of Total Assets—profits shall not be transferred.
- (c) The Bank may record capital funds originating in accounting rules, provided the balance of Net Profits not transferred to the Government as set forth in Subsection (b) is added in the Annual Financial Report to the "Surplus Balance" line and is not recognized as some other capital item, unless the Governor and the Minister of Finance agree otherwise.

以色列國會之財政委員會，並依理事會決議之方式公布之。

## 第 76 條 盈餘之撥轉

- (a) 於本條中—
  - 「年度財務報告」一係指依第 75 條第(a)項規定編製之本行年度財務報告；
  - 「資本」一係指本行當年度年底之資本，包括累積餘額（依年度財務報告顯示扣除淨利後之餘額）；
  - 「資產總額」一係指依年度財務報告顯示本行當年度終了時之全部資產；
  - 「累積餘額」一係指依年度財務報告顯示過去數年度所累積利潤及虧損之餘額；
  - 「淨利」一係指依年度財務報告顯示，本行於當年度終了時之營運淨利。淨利不包括年度財務報告所列未實現之損益。
- (b) 每年年度終了後 3 個月內，本行應依下列原則將盈餘撥轉予政府：
  - (1) 資本佔總資產 2.5% 以上，淨利減去累積餘額為負數者，應撥轉予政府；
  - (2) 資本超過總資產 1%，但低於總資產 2.5%，淨利 50% 減去累積餘額為負數者，應撥轉予政府；
  - (3) 資本佔總資產 1% 以下者，無須撥轉予政府。
- (c) 除總裁及財政部長另有協議外，本行得依會計原則記錄資本基金依第(b)項規定未撥轉予政府之淨利餘額，並列計為當年度財務報告之「累積餘額」項目，而非將其列計為其他資本項目。

## 77. Audit by the State Comptroller

- (a) The Bank is an Audited Body as this term is defined in Section 9(6) of the State Comptroller Law.
- (b) The provisions of the following sections of the State Comptroller Law shall not apply to the Comptroller's audit of the Bank:
  - (1) Section 10(b), in respect of a proposal by the Government;
  - (2) in Section 14(a), the passage from "if he deems it necessary" to the end of Subsection (a);
  - (3) Section 20(c), in respect of submitting the report to the Prime Minister and to the Minister concerned;
  - (4) Section 21(a), in respect of the Government's request.
- (c) The provisions of this Section shall apply to the Bank and its employees in respect of their activity under any other law, as well.

## 78. Payment of Fees to the Bank

The Governor, with the approval of the Council, consent of the Minister of Finance and approval of the Knesset Finance Committee, may determine, by order, provisions regarding fees to be paid to the Bank for services it provides under this Law, or under any other law, to Banking Corporations or to any other person.

## 79. Exemption from Taxes

Regarding payment of taxes, municipal property taxes, fees, and other compulsory payments, the Bank is of the same status as the State.

## 80. Secrecy

- (a) No person shall disclose information supplied or present a document submitted to him under this Law; however, he may do so if the Governor deems this necessary for the purpose of a criminal proceeding, including a criminal investigation.
- (b) The provisions of Subsection (a) notwithstanding, the Governor may disclose information or present a document to a Supervisory Authority, provided he is apprised that the information or document is requested for the discharge of the Supervisory Authority's duties.
- (c) No person shall disclose information supplied or present a document submitted to him under the provisions of Subsection (b).
- (d) The provisions of this section shall not apply to information that

## 第 77 條 受國家審計稽核

- (a) 本行係屬依「國家審計法」第 9 條第(6)款規定定義之受稽核之機構。
- (b) 「國家審計法」下列各規定，不適用於審計長對本行之稽核：
  - (1) 第 10 條第(b)項所定政府提案；
  - (2) 第 14 條第(a)項後段自「如其認有必要」至該項結束之部分；
  - (3) 第 20 條第(c)項所定關於向總理及相關部會首長提交報告；
  - (4) 第 21 條第(a)項所定政府之要求。
- (c) 本條規定亦適用於本行及其職員依其他法律執行業務之相關活動。

## 第 78 條 向本行支付費用

總裁經理事會核可、財政部長同意及以色列國會之財政委員會核可，得以命令明定本行依本法或其他法律向銀行或其他人所提供之服務收取費用。

## 第 79 條 稅務豁免

關於繳納稅款、地方財產稅、費用及其他依強制規定之付款事宜，本行享有與國家同等之地位。

## 第 80 條 保密

- (a) 依本法所提供之資料或文件，除總裁認因刑事訴訟之進行或刑事調查之目的所必要者外，不得對外揭露。
- (b) 即使有第(a)項規定，於總裁受告知該資料或文件之提供為監理當局履行職責所必要時，亦得向其揭露資料或提交文件。
- (c) 因第(b)項規定取得之資料或文件，不得對外揭露。
- (d) 本條規定不適用於依第 11 章之 1 規定因其職位而獲悉

became available to a person by virtue of his position in accordance with the provisions of Chapter Eleven—1, and shall apply with regard to information as noted in the provisions of Section 57i.

### 81. Restrictions after Retirement

The provisions of the Public Service (Restrictions after Retirement) Law, 5729-1969, shall apply to persons who retire from the Bank, including members of the Committee and the Council, *mutatis mutandis*; Section 3 of the said Law shall apply to the Governor, to the Deputy Governor, to an employee whom the Governor has appointed as a member of the Bank's management, and to an employee who, immediately prior to his retirement, was ranked at one of the top five grades of the Bank's employees.

### 82. Representing the State vis-à-vis International Financial Institutions

- (a) The Bank shall represent the State in any matter relating to the membership of the State in the International Monetary Fund, the Bank for International Settlements, and any other international financial institution per decision of the Government.
- (b) The Bank may perform any act required for the purpose of said representation, including investing in shares of an international financial institution.

### 83. Provisions regarding Bills of Exchange Ordinance

For the purpose of the Bills of Exchange Ordinance, the Bank shall be deemed to be a banker as said term is defined in said Ordinance.

### 84. Evidence as to Currency

A certificate purporting to have been issued by the Governor or by a person authorized by him in writing, attesting that the attached thereto is Currency or counterfeit currency, shall be evidence of said fact so long as the contrary is not proved.

### 85. Implementation

The Government is charged with the implementation of this Law.

### 86. Amendment to the Banking Ordinance - No. 26

In the Banking Ordinance, 1941—

- (1) In Section 8(B1), the word "realization" shall be deleted and the words "Section 44A of the Bank of Israel Law, 5714-1954" shall be replaced by "Section 37 of the Bank of Israel Law, 5770-2010."

之資料；但應適用於依第 57i 條規定所述之資料。

### 第 81 條 退休後之限制

本行退休人員、委員會及理事會成員應比照適用「公共服務（退休後限制）法（5729-1969）」規定；該法第 3 條並應適用於總裁、副總裁、由總裁任命為本行管理階層之職員，及退休前列屬本行前五評級之職員。

### 第 82 條 代表國家參與國際金融機構

- (a) 本行應依政府之決定，就有關國際貨幣基金、國際清算銀行及其他國際金融機構之會員資格及其他相關事務，代表國家參與之。
- (b) 本行得採取為達成上述代表職責所需之任何行為，包括投資國際金融機構之股權。

### 第 83 條 關於票據法之規定

依「票據法」立法目的，本行應視為該法定義之銀行業。

### 第 84 條 貨幣之證據能力

案件涉及貨幣真偽之疑義者，如無反證，由總裁或經其書面授權之人所簽發之證書，得作為推定事實之證據。

### 第 85 條 執行

本法之執行，由政府職掌並落實之。

### 第 86 條 銀行業條例之修正條款—第 26 號

於「1941 年銀行業條例」中—

- (1) 刪除第 8(B1)條所定「實現」一詞，並將「『以色列銀行法（5714-1954）』第 44A 條規定」修正為「『以色列銀行（5770-2010）』第 37 條規定」；

- (2) In the initial portion of Section 8D(a), the words "with the approval of the Government" shall be replaced by "with the approval of the Committee as defined in the Bank of Israel Law, 5770-2010";
- (3) In Section 14I(b), the words "at rates that he shall determine" shall be replaced by "and at maximum rates of reduction";
- (4) In Section 15(A2)(a), the words "to show a document," shall be followed by "to an employee of the Bank of Israel for the discharge of his duties".

## 87. Amendment to the Securities Law—No. 40

In Section 1 of the Securities Law, 5728-1968, in the definition of "securities," the expression "in the possession of the Government," shall be followed by the expression "or in the possession of the Bank of Israel".

## 88. Amendment to the Government Companies Law—No. 26

In the Government Companies Law, 5735-1975, in the Second Appendix, instead of Item 18, the following shall appear:

"18. The Monetary Committee and the Administrative Council—under the Bank of Israel Law, 5770-2010."

## 89. Amendment to the Banking (Licensing) Law—No. 16

In the Banking (Licensing) Law, 5741-1981, in Section 50B(c), the words "at rates that he shall determine" shall be replaced by "and at maximum rates of reduction".

## 90. Amendment to the Banking (Service to Customer) Law—No. 13

In the Banking (Service to Customer) Law, 5741-1981, in Section 11A(e) the words "at rates that he shall determine" shall be replaced by "and at maximum rates of reduction".

## 91. Amendment to the Control of Financial Services (Insurance) Law—No. 21

In Section 50b(a) of the Control of Financial Services (Insurance) Law, 5741-1981, the expression "within its meaning in Section 2 of the Securities Law, 5728-1968," shall be followed by the expression "to the Bank of Israel."

## 92. Amendment to the Short Term Loan Law—No. 10

- (2) 第 8D 條第(a)項序文部分之「經政府核可」一詞，修正為「經『以色列銀行法（5770-2010）』所定義之『委員會』核可」；
- (3) 第 14I 條第(b)項所定「由其決定之比率」修正為「最大調降之比率」；
- (4) 第 15(A2)條第(a)項所定「提交文件」等語後，接以「向執行職責之以色列銀行職員」（提交文件）。

## 第 87 條 證券法之修正條款—第 40 號

「證券法（5728-1968）」第 1 條所定「證券」定義中，所稱「由政府持有」等語後，接以「或由以色列銀行持有」等語。

## 第 88 條 政府公司法之修正條款—第 26 號

「政府公司法（5735-1975）」附表二第 18 項修正為以下內容：  
「18. 依『以色列銀行法（5770-2010）』設置貨幣委員會及理事會。」

## 第 89 條 銀行（許可）法之修正條款—第 16 號

「銀行（許可）法（5741-1981）」第 50B 條第(c)項所定「由其決定比率」修正為「最大比率之減輕」。

## 第 90 條 銀行（客戶服務）法之修正條款—第 13 號

「銀行（客戶服務）法（5741-1981）」第 11A 條第(e)項所定「由其決定比率」修正為「最大比率之減輕」。

## 第 91 條 金融服務（保險）監管法之修正條款—第 21 號

「金融服務（保險）監管法（5741-1981）」第 50b 條第(a)項所稱「依『證券法』第 2 條規定者」等語後接以「向以色列銀行」等語。

## 第 92 條 短期貸款法之修正條款—第 10 號

In Section 6 of the Short Term Loan Law, 5744-1984, the ending that begins with the expression "for the increase or decrease of the means of payment" shall be replaced by the expression "in order to attain the goals of the Bank of Israel and to discharge its duties as set forth in Sections 3 and 4 of the Bank of Israel Law, 5770-2010."

### 93. Amendment to the Internal Audit Law—No. 4

In the Internal Audit Law, 5752-1992:

- (1) In Section 1, at the end of the definition of a "public entity", the following shall appear:
  - "(6) the Bank of Israel";
- (2) In Section 12(a), Paragraph (2) shall be deleted.

### 94. Amendment to the Payment Systems Law

In Section 16(c) of the Payment Systems Law, 5768-2008, the word "realization" shall be deleted, and the expression "Section 44A of the Bank of Israel Law, 5714-1954" shall be replaced by the expression "Section 37 of the Bank of Israel Law, 5770-2010."

### 95. Repeal of Statutes

- (a) The Bank of Israel Law, 5714-1954, is repealed.
- (b) The Currency Control Law, 5738-1978, is repealed.

### 96. Commencement

This Law shall commence on Sivan 19, 5770 (June 1, 2010) (hereinafter—the Commencement Date).

### 97. Transitional Provisions

- (a) The Governor who was serving before the Commencement Date shall continue to serve in this post until the end of his appointed term.
- (b) The Deputy Governor who was serving before the Commencement Date shall continue to serve in this post until the end of five years from the day on which he began to serve, subject to the provisions at the end of Section 10(b).
- (c) The salary and terms of service determined for the Governor and the Deputy Governor before the commencement of this Law shall remain in effect after the commencement of this Law regarding the Governor and the Deputy Governor who were appointed before the

「短期貸款法（5744-1984）」第6條末段所定「為增加或減少支付方式」應修正為「為達成以色列銀行目標，並履行其依『以色列銀行法（5770-2010）』第3條及第4條所列經營目標」。

### 第 93 條 內部稽核法之修正條款—第 4 號

於「內部稽核法（5752-1992）」中—

- (1) 第1條末段有關「公共實體」之定義，應增列下列一  
款：  
「(6) 以色列銀行」；
- (2) 第12條第(a)項第(2)款應予刪除。

### 第 94 條 支付系統法之修正條款

刪除「支付系統法（5768-2008）」第16條第(c)項所定「實現」一詞，並將「『以色列銀行法（5714-1954）』第44A條」修改為「『以色列銀行法（5770-2010）』第37條」。

### 第 95 條 法規廢止

- (a) 「以色列銀行法（5714-1954）」業經廢止。
- (b) 「貨幣監管法（5738-1978）」業經廢止。

### 第 96 條 施行日期

本法自西元2010年6月1日起施行（以下稱施行日期）。

### 第 97 條 過渡條款

- (a) 施行日期前就任之總裁，續任至其任期屆滿為止。
- (b) 施行日期前就任之副總裁，除有第10條第(b)項後段所定情形外，續任至其任期屆滿為止。
- (c) 本法施行前所訂定關於總裁及副總裁之薪酬及服務條件，對於本法生效前已任命之總裁及副總裁，於本法

- commencement of the Law.
- (d) Upon the commencement of this Law, the members of the Committee from amongst the public appointed for the first time shall be appointed to the following terms: one shall be appointed for two years, one for three years, and one for four years. The member who is appointed for two years shall not count this term as a term of service for the purposes of Section 28(a).
  - (e) Upon the commencement of this Law, the members of the Council from amongst the public appointed for the first time shall be appointed to the following terms: one shall be appointed for one year, two shall be appointed for two years, one shall be appointed for three years, and one shall be appointed for four years. Members who are appointed for one year or two years shall not count this term as a term of service for the purposes of Section 28(a).
  - (f) Where no Committee or Council is appointed, the powers vested in this Law in the Committee or the Council, as the case may be, shall be vested in the Governor until the appointment of either as aforesaid.
  - (g) The arrangements between the Bank and the Government, which were customary before the commencement of this Law, shall continue to apply in respect of the payments and interest rates set forth in Section 48(c), until agreed otherwise.

- 施行後仍為有效。
- (d) 本法施行後，首次任命之來自公眾之委員會成員受任命之任期為：其中 1 人任期為 2 年、1 人任期為 3 年，另 1 人之任期為 4 年。任期為 2 年之成員，其任期不得計入第 28 條第(a)項所稱服務期限。
  - (e) 本法施行後，首次任命之來自公眾之理事會成員受任命之任期為：其中 1 人任期為 1 年、2 人任期為 2 年、1 人任期為 3 年，另 1 人任期為 4 年。任期為 1 年或 2 年之成員，其任期不得計入第 28 條第(a)項所稱之服務期限。
  - (f) 於任命委員會或理事會成員前，本法所授與委員會或理事會之權限，視具體情形由總裁行使，至委員會或理事會組成為止。
  - (g) 本法施行前，本行與政府間就第 48 條第(c)項所定利息及支付之行政慣例，除雙方另有協議外，應予繼續沿用。

附錄 The Central Bank of  
the Republic of China  
(Taiwan) Act  
中華民國中央銀行法

The Central Bank of the Republic  
of China (Taiwan) Act

- Chapter I General Provisions
- Chapter II Organization
- Chapter III Business
- Chapter IV Budget and Financial Statement
- Chapter V Supplementary Provisions

中華民國中央銀行法

- 第一章 總則
- 第二章 組織
- 第三章 業務
- 第四章 預算及決算
- 第五章 附則

## The Central Bank of the Republic of China (Taiwan) Act

Promulgated on May 23, 1935

Amended on November 8, 1979

Articles 23 and 44 amended on May 21, 1997

(Article 23 amendment effected on July 7, 1999)

Articles 18-1, 18-2 and 18-3 added, Articles 32 and 35 amended on June 5, 2002

Article 11-1 added, Articles 3, 6, 9, 11 and 38 amended on April 27, 2011

Article 25 amended on January 8, 2014

### Chapter I General Provisions

#### (Status of the Bank)

##### Article 1

The Central Bank of the Republic of China (Taiwan) (hereafter called the Bank) shall be a government bank and an agency under the Executive Yuan.

#### (Objectives of the Bank's Operations)

##### Article 2

The objectives of the Bank's operations shall be:

1. To promote financial stability;
2. To guide sound banking operations;
3. To maintain the stability of the internal and external value of the currency;
4. To foster economic development within the scope of the above objectives.

## 中華民國中央銀行法

中華民國 24 年 5 月 23 日國民政府制定公布全文 36 條

中華民國 68 年 11 月 8 日總統臺統 (一) 義字第 5573 號令修正公布全文 44 條

中華民國 86 年 5 月 21 日總統華總 (一) 義字第 8600115460 號令修正公布第 23 條及第 44 條條文 (中華民國 88 年 6 月 22 日行政院臺 88 財字第 24060 號令定第 23 條於 88 年 7 月 7 日施行)

中華民國 91 年 6 月 5 日總統華總 (一) 義字第 09100113090 號令公布增訂第 18 條之 1 至第 18 條之 3 條文；並修正第 32 條及第 35 條條文

中華民國 100 年 4 月 27 日總統華總一義字第 10000079371 號令公布增訂第 11 條之 1 條文；並修正第 3 條、第 6 條、第 9 條、第 11 條及第 38 條條文

中華民國 103 年 1 月 8 日總統華總一義字第 10300000611 號令修正公布第 25 條條文

### 第一章 總則

#### (本行定位)

第一 條 中央銀行（以下簡稱本行）為國家銀行，隸屬行政院。

#### (經營目標)

第二 條 本行經營之目標如左：

- 一、促進金融穩定。
- 二、健全銀行業務。
- 三、維護對內及對外幣值之穩定。
- 四、於上列目標範圍內，協助經濟之發展。

**(Head Office, Branch Offices and Representative Offices)****Article 3**

The Bank shall have its Head Office at the seat of the Central Government and may establish domestic branch offices and representative offices; and, if necessary, may establish representative offices overseas. The establishment and dissolution of branch offices and representative offices shall be authorized by the Board of Directors and reported to the Executive Yuan for approval.

**(Capital of the Bank)****Article 4**

The capital of the Bank shall be appropriated from the National Treasury. It shall be fully owned by the Central Government and nontransferable.

**Chapter II Organization****(Board of Directors)****Article 5**

The Bank shall have a Board of Directors consisting of eleven to fifteen directors to be nominated by the Executive Yuan and appointed by the President. A Board of Executive Directors composed of five to seven executive directors shall be designated among the directors.

The Governor of the Bank, the Minister of Finance and the Minister of Economic Affairs shall be ex officio directors and executive directors. Among the directors, there shall be at least one each from the agricultural, the industrial and commercial, and the banking sectors.

Except for the ex officio directors, the directors shall be appointed for a term of five years, and may be reappointed upon the expiration of such term.

**(Powers and Functions of the Board of Directors)****Article 6**

The powers and functions of the Board of Directors shall be as follows:

1. To examine and approve policies concerning money, credit and foreign exchange;
2. To examine the adjustment of the Bank's capital;
3. To approve the operation plans of the Bank;

**(總行及分支機構)**

**第三條** 本行設總行於中央政府所在地，並得於國內設立分行及辦事處；必要時得於國外設立辦事處。分行及辦事處之設立、裁撤，須經理事會決議，報請行政院核准。

**(本行資本)**

**第四條** 本行資本，由國庫撥給之。其資本全部為中央政府所有，不得轉讓。

**第二章 組織****(理事會)**

**第五條** 本行設理事會，置理事十一人至十五人，由行政院報請總統派充之，並指定其中五人至七人為常務理事，組織常務理事會。

前項理事，除本行總裁、財政部長及經濟部長為當然理事，並為常務理事外，應有實際經營農業、工商業及銀行業者至少各一人。

除當然理事外，理事任期為五年，期滿得續派連任。

**(理事會職權)**

**第六條** 理事會之職權如下：

- 一、有關貨幣、信用及外匯政策事項之審議及核定。
- 二、本行資本額調整之審議。
- 三、本行業務計畫之核定。

4. To examine the budget estimate and financial statements of the Bank;
5. To examine and approve major by-laws and regulations of the Bank;
6. To examine or approve the establishment, adjustment and dissolution of the Bank's administrative units, branch offices, representative offices and subsidiary institutions;
7. To approve the appointment and the removal of the heads of the Bank's administrative units, branch offices, representative offices and subsidiary institutions;
8. To examine matters proposed by the Directors.

The Board of Directors may delegate all or part of the above powers and functions to the Board of Executive Directors. The resolution of the Board of Executive Directors shall be reported to the Board of Directors for record and approval.

The Board of Directors shall establish rules and regulations of board meetings. Such rules and regulations shall be reported to the Executive Yuan for record.

#### (Board of Supervisors)

##### Article 7

The Bank shall have a Board of Supervisors, composed of five to seven supervisors to be nominated by the Executive Yuan and appointed by the President. The Minister of Directorate-General of Budget, Accounting and Statistics of the Executive Yuan shall be an ex officio supervisor.

Except for the ex officio supervisor, the supervisors shall be appointed for a term of three years and may be re-appointed upon the expirations of such term. The Board of Supervisors shall have a chairman to be elected from among the supervisors.

#### (Powers and Functions of the Board of Supervisors)

##### Article 8

The powers and functions of the Board of Supervisors shall be as follows:

1. To examine the Bank's assets and liabilities;
2. To audit the Bank's accounts;
3. To examine the reserves for the issuance of currency by the Bank;
4. To examine the amount of currency issued by the Bank;
5. To examine and approve the Bank's financial statements;
6. To investigate any case involving violation of this Act and the by-laws and regulations of the Bank. The result of such investigation shall be referred to the Board of Directors for corrective action.

四、本行預算及決算之審議。

五、本行重要規章之審議及核定。

六、本行內部單位、分行、辦事處及附屬機構  
設立、調整及裁撤之審議或核定。

七、本行內部單位、分行、辦事處及附屬機構  
主管任免之核定。

八、理事提議事項之審議。

前項各款職權，理事會得以一部或全部授權常務理事會。常務理事會之決議，應報請理事會追認。

理事會應訂定會議規則，並報請行政院備查。

#### (監事會)

##### 第七條

本行設監事會，置監事五人至七人，由行政院報請總統派充之。行政院主計長為當然監事。除當然監事外，監事任期為三年，期滿得續派連任。

監事會置主席一人，由監事互推之。

#### (監事會職權)

##### 第八條 監事會之職權如左：

- 一、本行資產、負債之檢查。
- 二、本行帳目之稽核。
- 三、本行貨幣發行準備之檢查。
- 四、本行貨幣發行數額之查核。
- 五、本行決算之審核。
- 六、違反本法及本行章則情事之調查，並提請  
理事會予以糾正。

**(Governor and Deputy Governors)****Article 9**

The Bank shall have a Governor with the rank of special appointment and two Deputy Governors with the rank equivalent to Grade 14; all of whom shall be appointed for a term of five years and may be reappointed upon the expiration of such term.

The provision of the preceding paragraph that the rank of Deputy Governor is equivalent to Grade 14 shall apply to Deputy Governors appointed after the revision of this Act, amended on 8 April 2011, has come into force.

**(Duties of Governor and Deputy Governors)****Article 10**

The Governor shall be the chief executive in directing and supervising the operations of the Bank, shall carry out resolutions of the Board of Directors, and shall represent the Bank on all occasions. The Deputy Governors shall assist the Governor in the execution of the above duties.

The Governor shall be the chairman of the Board of Directors and the Board of Executive Directors. Whenever the Governor is unable to attend in person, the Deputy Governor designated to act for the Governor shall be the chairman.

**(Administrative Units and the Grades and Quotas of the Bank's Personnel)****Article 11**

Administrative units established in the Head Office of the Bank shall be named as Department or Office.

The grades and quotas of the Bank's personnel shall be tabulated separately.

**(Personnel Management)****Article 11-1**

Except for the appointment, removal, remuneration, retirement and indemnity of the Governor and Deputy Governors as specified in this Act and other laws, the regulations for the appointment, dismissal, remuneration, bonus, welfare, performance rating, incentives and discipline, retirement, indemnity, severance and other personnel management matters related to the Bank's personnel shall be proposed by the Bank, authorized by the Board of Directors and reported to the Executive Yuan for approval.

**(總裁、副總裁)**

**第九條** 本行置總裁一人，特任；副總裁二人，職務比照簡任第十四職等，任期均為五年；期滿得續任命之。

前項副總裁職務比照簡任第十四職等之規定，於本法中華民國一百年四月八日修正之條文施行後任命之副總裁適用之。

**(總裁、副總裁職務)**

**第十條** 總裁綜理行務，執行理事會之決議，對外代表本行；副總裁輔佐總裁處理行務。

總裁為理事會及常務理事會之主席，總裁缺席時，由代理總裁職務之副總裁代理之。

**(內部單位及編制)**

**第十一條** 本行總行所設內部單位定名為局、處、室。本行各職稱之職等及員額，另以編制表定之。

**(人事管理)**

**第十一條之一** 除本法及其他法律就總裁、副總裁之任免、俸給、退職及撫卹有特別規定者外，本行人員之任（派）免、薪給、獎金、福利、考核、獎懲、退休、撫卹、資遣及其他人事管理事項之準則，由本行擬訂，經理事會決議後，報請行政院核定。

### Chapter III Business

#### (Business Counterparties)

##### Article 12

Unless otherwise provided by law or regulations, the Bank's operations shall be circumscribed to business with the following organizations:

1. Government agencies.
2. Banks and other financial institutions.
3. International and foreign financial institutions.

#### (Issuance of National Currency)

##### Article 13

The currency of the Republic of China (Taiwan) shall be issued by the Bank. The currency issued by the Bank shall be the national currency, and shall be legal tender for all payments within the territory of the Republic of China (Taiwan).

The Bank shall establish plants under its management to carry out the printing and minting of the currency.

#### (Delegation of Issuance of National Currency)

##### Article 14

The Bank may, whenever necessary, delegate other government-owned banks to issue currency in designated regions on its behalf, to be regarded as national currency. The assets and liabilities pertaining to the issuance of such currency shall be for the account of the Bank.

#### (Specifications of Notes and Coins)

##### Article 15

The basic monetary unit of the national currency is Yuan and the subsidiary currencies are Chiou and Fen. Ten Fens equal to one Chiou and ten Chious equal to one Yuan.

The denomination, composition, form, and pattern of the notes and coins issued by the Bank shall be proposed by the Bank, for approval by the Executive Yuan.

The Bank shall make public the specifications of notes and coins prior to issuance.

### 第三章 業務

#### (業務對象)

**第十二條** 本行業務，除法令另有規定外，其範圍如左：

- 一、政府機關。
- 二、銀行及其他金融機構。
- 三、國際及國外金融機構。

#### (發行國幣)

**第十三條** 中華民國貨幣，由本行發行之。  
本行發行之貨幣為國幣，對於中華民國境內之一切支付，具有法償效力。  
貨幣之印製及鑄造，由本行設廠專營並管理之。

#### (委託發行國幣)

**第十四條** 本行於必要時得分區委託公營銀行代理發行貨幣，視同國幣；其有關發行之資產與負債，均屬於本行。

#### (券幣規格)

**第十五條** 國幣之基本單位為圓，輔幣為角、分，拾分為壹角，拾角為壹圓。  
本行所發行紙幣及硬幣之面額、成分、形式及圖案，由本行擬定，報請行政院核定之。  
本行應將紙幣及硬幣之規格於發行前公告之。

**(Reserves against Currency Issuance)****Article 16**

Against currency issued by the Bank and its delegated banks, reserves in full equivalent value shall be maintained in gold, silver, foreign exchange, and eligible bills and securities.

The issuance of coins shall be exempt from reserves.

**(Publication of the Amount and Reserve Status of National Currency)****Article 17**

The amount and reserve status of currency issued by the Bank and its delegated banks shall be made public in regular intervals.

**(Exchange and Redemption of National Currency)****Article 18**

The Bank shall exchange stained or damaged notes and coins deemed to be unfit for circulation in accordance with certain standards, and destroy them according to law.

The Bank may redeem currency issued. Currency redeemed shall no longer be legal tender. However, the redemption period shall not be less than one year, during which time holders may exchange redeemed currency with the Bank.

**(Maximum Amount of National Currency Carried into or out of the Territory of the ROC)****Article 18-1**

The maximum amount of national currency that may be carried or mailed into or out of the territory of the Republic of China (Taiwan) shall be prescribed by the Bank.

Currency in excess of the aforesaid maximum cannot be transported into or out of the territory.

**(Handling of Counterfeit or Altered Currency)****Article 18-2**

When financial institutions or other enterprises which are authorized to engage in foreign exchange business receive counterfeit or altered national currency or foreign currency, they shall retain, void and destroy those currencies, save that suspicion of criminal involvement shall be reported to the judicial authority. Regulations on handling counterfeit or altered currency shall be prescribed by the Bank.

**(發行準備)**

**第十六條** 本行發行及委託發行之貨幣，應以金銀、外匯、合格票據及有價證券，折值十足準備。硬幣免提發行準備。

**(公告國幣數額及準備狀況)**

**第十七條** 本行發行及委託發行之貨幣數額及準備狀況，應定期公告之。

**(國幣之收兌)**

**第十八條** 本行對污損或破損而不適流通之紙幣及硬幣，應按所定標準予以收兌，並依法銷燬之。本行對已發行之貨幣，得公告予以收回。經公告收回之貨幣，依公告規定失其法償效力。但公告收回期間不得少於一年，期內持有人得向本行兌換等值之貨幣。

**(國幣出入境限額)**

**第十八條之一** 攜帶或寄送國幣出入境之限額，由本行定之。攜帶或寄送國幣出入境超過本行依前項規定所定限額者，其超過部分，應予退運。

**(偽變造貨幣之處理)**

**第十八條之二** 金融機構及經本行指定辦理外匯業務之其他事業經收之國幣或外國貨幣有偽造或變造者，除有犯罪嫌疑，應報請司法機關偵辦外，應予截留、作廢並銷燬；其處理辦法，由本行定之。

**(Issuance of Gold and Silver Coins and Commemorative Notes and Coins)****Article 18-3**

The Bank may issue gold and silver coins and commemorative notes and coins. Regulations governing the issuance of gold and silver coins and commemorative notes and coins shall be prescribed by the Bank.

The sale or resale price of aforesaid notes and coins may be higher than their denomination.

**(Accommodations)****Article 19**

The Bank may provide the following accommodations to banks:

1. Rediscounts of eligible bills, with maturity not exceeding 90 days for industrial and commercial bills, and 180 days for agricultural bills.
2. Temporary accommodations not exceeding 10 days.
3. Refinancing of secured loans not exceeding 360 days.

The Bank may impose limits on rediscounts or other accommodations to banks.

**(Establishment of Funds)****Article 20**

The Bank, in order to assist economic development, may establish various funds, using savings deposits re-deposited by financial institutions and other special funds to refinance medium and long-term loans disbursed by banks.

**(Publication of the Discount Rate and the Rates on other Accommodations)****Article 21**

The discount rate and the rates on other accommodations shall be determined by the Bank in the light of prevailing financial and economic conditions, and made public. However, a branch office of the Bank may establish its own discount rate and the rates on other accommodations according to special local financial conditions, with prior approval by the Head Office, and make them public.

**(發行金銀幣及紀念券幣)**

**第十八條之三** 本行得發行金銀幣及紀念性券幣；其發行辦法，由本行定之。

前項券幣，得高於面額另定價格發售或轉售。

**(融通)**

**第十九條** 本行得對銀行辦理左列各項融通：

一、合格票據之重貼現，其期限：工商票據不得超過九十天；農業票據不得超過一百八十天。

二、短期融通，其期限不得超過十天。

三、擔保放款之再融通，其期限不得超過三百六十天。

本行對銀行之重貼現及其他融通，得分別訂定最高限額。

**(設立基金)**

**第二十條** 本行為協助經濟建設，得設立各種基金，運用金融機構轉存之儲蓄存款及其他專款，辦理對銀行中、長期放款之再融通。

**(公告重貼現率及融通利率)**

**第二十一條** 本行之重貼現率及其他融通利率，由本行就金融及經濟狀況決定公告之。但各地區分行得因所在地特殊金融狀況，酌定其重貼現率及其他融通利率，報經總行核定公告之。

**(Exception Management on the Interest Rates of Banks' Deposits and Loans)****Article 22**

The Bank may, at its discretion and in the light of financial and economic conditions, prescribe an upper limit for the interest rates of bank deposits, and approve the range of interest rates on bank loans as proposed by the Bankers Association.

**(Deposit Reserve Ratios)****Article 23**

The Bank shall receive and keep reserves against deposits and other liabilities of financial institutions which are regulated by the Banking Act, and may, at its discretion, adjust various deposit and other liability reserve ratios under the following maximum limits in accordance with the regulation governing adjustment and audit thereof, which shall be prescribed by the Bank:

1. Checking deposits: 25%
2. Demand deposits: 25%
3. Savings deposits: 15%
4. Time deposits: 15%
5. Other liabilities: 25%

The scope of aforesaid other liabilities shall be prescribed by the Bank.

The Bank may, whenever necessary and from a specific date, impose on the increment of the checking deposits, demand deposits and other liabilities, a marginal reserve ratio which shall not be bound by the maximum limits on paragraph 1 of this Article.

The Bank may charge the financial institutions having insufficient reserves, on the portion of the shortfall, a penalty interest rate not higher than two times of that prescribed in Article 21 on unsecured temporary advances as stated in subparagraph 2, paragraph 1 of Article 19.

**(Reserves for Indemnity Deposited by Investment and Trust Companies)****Article 24**

The Bank shall, in conformity with law, receive and keep reserves for indemnity deposited by investment and trust companies.

**(Minimum Ratio of Banks' Liquid Assets to Liabilities)****Article 25**

The Bank, after consulting with the Financial Supervisory Commission, may at its discretion, prescribe for banks a minimum ratio of their liquid assets to various liabilities.

**(存放款利率之例外管理)****第二十二條**

本行得視金融及經濟狀況，隨時訂定銀行各種存款之最高利率，並核定銀行公會建議之各種放款利率之幅度。

**(存款準備率)****第二十三條**

本行收管應適用銀行法規定之金融機構存款及其他各種負債準備金，並得於左列最高比率範圍內隨時調整各種存款及其他負債準備金比率，其調整及查核辦法，由本行定之：

- 一、支票存款，百分之二十五。
- 二、活期存款，百分之二十五。
- 三、儲蓄存款，百分之十五。
- 四、定期存款，百分之十五。
- 五、其他各種負債，百分之二十五。

前項其他各種負債之範圍，由本行另定之。

本行於必要時對自一定期日起之支票存款、活期存款及其他各種負債增加額，得另訂額外準備金比率，不受前項所列最高比率之限制。

本行對繳存準備金不足之金融機構，得就其不足部分按第十九條第一項第二款無擔保短期融通，依第二十一條所定之利率加收一倍以下之利息。

**(信託賠償準備)****第二十四條**

本行依法收管信託投資公司繳存之賠償準備。

**(銀行最低流動準備比率)****第二十五條**

本行經洽商金融監督管理委員會後，得隨時就銀行流動資產與各項負債之比率，規定其最低標準。

**(Open Market Operations – Purchasing and Selling Bonds)**

**Article 26**

The Bank may, in the light of financial conditions, purchase and sell in the open market the bonds issued or guaranteed by the government, financial bonds issued by banks and bills accepted or guaranteed by banks.

**(Open Market Operations - Issuing Certificates of Deposits and Savings Bonds)**

**Article 27**

The Bank may, for the purpose of regulating monetary conditions, issue certificates of deposits, savings bonds and short-term bonds, and may purchase and sell them in the open market.

**(Credit Control - Maximum Loanable Ratios of Secured Loans)**

**Article 28**

The Bank may, whenever necessary, prescribe maximum loanable ratios selectively on the items used as collateral or mortgage of secured loans extended by banks.

**(Credit Control - Amount of Down-payment and Term of Credit)**

**Article 29**

The Bank may, whenever necessary, prescribe and regulate the amount of down-payment and the term of credit extended by banks for the purchase or construction of buildings and the purchase of durable consumer goods.

**(Administration of Accommodations Extended by Banks to Securities Dealers or Securities Finance Companies)**

**Article 30**

The Bank shall prescribe and regulate the accommodations extended by banks to securities dealers or securities finance companies.

**(Credit Control - Limit on Credit Lines)**

**Article 31**

The Bank may, whenever it deems that the monetary and credit conditions so warrant, prescribe a limit on various kinds of credit extended by all, or any category of, financial institutions.

**(公開市場操作—買賣債券)**

**第二十六條** 本行得視金融狀況，於公開市場買賣由政府發行或保證債券及由銀行發行之金融債券與承兌或保證之票據。

**(公開市場操作—發行定存單及儲蓄券)**

**第二十七條** 本行為調節金融，得發行定期存單、儲蓄券及短期債券，並得於公開市場買賣之。

**(信用管制—擔保放款最高貸放率)**

**第二十八條** 本行於必要時，得就銀行辦理擔保放款之質物或抵押物，選擇若干種類，規定其最高貸放率。

**(信用管制—付現條件及信用期限)**

**第二十九條** 本行於必要時，得就銀行辦理購建房屋及購置耐久消費品貸款之付現條件及信用期限，予以規定，並管理之。

**(銀行對證券商或證金公司融通之管理)**

**第三十條** 本行就銀行辦理對證券商或證券金融公司之融通，訂定辦法管理之。

**(信用管制—最高貸放限額)**

**第三十一條** 本行認為貨幣及信用情況有必要時，得對全體或任何一類金融機構，就其各類信用規定最高貸放限額。

**(Exchange of Negotiable Instruments and Clearance of Accounts among Banks)**

**Article 32**

The Bank shall establish clearing houses for negotiable instruments exchange and clearance of accounts among banks at the sites of Head Office or branch offices. The Bank may delegate government-owned banks to carry out this function in places where the Bank has no branch office. Regulations governing the business of negotiable instruments exchange and clearance of accounts among banks shall be prescribed by the Bank.

**(International Reserves and its Management)**

**Article 33**

The Bank shall hold international reserves, and undertake the overall management of foreign exchange.

**(Adjustment of the Demand for and Supply of Foreign Exchange)**

**Article 34**

The Bank may, in the light of the balance of payments situation, take measures to adjust the demand for and supply of foreign exchange with a view to maintaining an orderly foreign exchange market.

**(Foreign Exchange Business)**

**Article 35**

The Bank shall undertake the following foreign exchange business:

1. To draw up plans for foreign exchange management and on anticipated receipts and payments;
2. To authorize and supervise banking and other enterprises engaged in foreign exchange business;
3. To settle the purchase and sale of foreign exchange;
4. To examine and approve private outward and inward remittances;
5. To supervise private enterprises' foreign borrowings guaranteed by authorized banks, with reference to their management and their repayment schedule;
6. To purchase and sell foreign currencies, bills of exchange and securities;
7. To calculate, compile, analyse and report the receipts and payments of foreign exchange;
8. Other operations relating to foreign exchange.

Regulations governing requirements of application, the examination procedure, approval of authorization, the scope of operations, withdrawal of authorization, and other matters which banking and other enterprises applying to engage in foreign exchange business must comply with, shall be prescribed by the Bank.

**(票據交換及劃撥結算)**

**第三十二條** 本行得於總行及分行所在地設立票據交換所，辦理票據交換及各銀行間之劃撥結算。在未設分行地點，並得委託其他公營銀行辦理；票據交換及各銀行間劃撥結算業務管理之辦法，由本行定之。

**(國際貨幣準備及調度)**

**第三十三條** 本行持有國際貨幣準備，並統籌調度外匯。

**(調節外匯供需)**

**第三十四條** 本行得視對外收支情況，調節外匯供需，以維持有秩序之外匯市場。

**(外匯業務)**

**第三十五條** 本行辦理左列外匯業務：

- 一、外匯調度及收支計畫之擬訂。
- 二、指定銀行及其他事業辦理外匯業務，並督導之。
- 三、外匯之結購與結售。
- 四、民間對外匯出、匯入款項之審核。
- 五、民營事業國外借款經指定銀行之保證、管理及其清償、稽催之監督。
- 六、外國貨幣、票據及有價證券之買賣。
- 七、外匯收支之核算、統計、分析與報告。
- 八、其他有關外匯業務事項。

銀行及其他事業申請辦理外匯業務應具備之條件、審查程序、核准指定、業務範圍、廢止指定及其他應遵行事項之辦法，由本行定之。

**(Fiscal Agency and Depository Services for National Treasury)****Article 36**

The Bank shall effect the operations of the National Treasury and manage the National Treasury's as well as the Central Governmental agencies' cash accounts, bills, securities, including receipts and payments, safekeeping and transfers, and the safekeeping of their other asset documents.

The Bank may delegate, whenever necessary, the operations mentioned above to other financial institutions in places where the Bank has no branch office.

**(Floatation, Redemption and Interest Payment of Government Bonds and Treasury Bills)****Article 37**

The Bank shall undertake the floatation, redemption and interest payment of central government bonds and treasury bills issued domestically or abroad. The Bank may delegate the above-mentioned operations to other financial institutions, whenever necessary.

**(Financial Examination)****Article 38**

In conformity with the powers and functions authorized by this Act, the Bank, if necessary, may undertake the inspection of the operations of financial institutions and the targeted examination of such operations as outlined in Chapter 3 of this Act; and may direct financial institutions to prepare and submit, within a prescribed period of time, accurate financial reports, property inventories or other relevant documents and reports.

If the responsible person(s) or staff member(s) of a financial institution or its branch office commits any of the following acts when the Bank dispatches officials to inspect or examine its operations, or directs the financial institution to prepare and submit accurate financial reports, property inventories or other relevant documents and reports in accordance with the preceding paragraph, the financial institution or its branch office shall be liable to a fine of not less than Two Million New Taiwan Dollars (NT\$2,000,000) but not more than Ten Million New Taiwan Dollars (NT\$10,000,000), imposed by the Bank:

1. Refusing to be inspected or examined;
2. Concealing or damaging account books and documents related to business or financial conditions;

**(經理國庫)**

**第三十六條** 本行經理國庫業務，經管國庫及中央政府各機關現金、票據、證券之出納、保管、移轉及財產契據之保管事務。  
前項業務，在本行未設分支機構地點，必要時得委託其他金融機構辦理。

**(公債與國庫券之發售及還本付息)**

**第三十七條** 本行經理中央政府國內外公債與國庫券之發售及還本付息業務；必要時得委託其他金融機構辦理。

**(金融檢查)**

**第三十八條** 本行依本法賦與之職責，於必要時，得辦理金融機構業務之查核及各該機構與本章規定有關業務之專案檢查；並得要求其於限期內據實提報財務報告、財產目錄或其他有關資料及報告。

金融機構或其分支機構之負責人或職員於本行依前項規定派員查核或檢查有關事項，或要求其於限期內據實提報財務報告、財產目錄或其他有關資料及報告時，有下列情形之一者，由本行處金融機構或其分支機構新臺幣二百萬元以上一千萬元以下罰鍰：

- 一、拒絕接受查核或檢查。
- 二、隱匿或毀損有關業務或財務狀況之帳冊文件。

3. Refusing to reply or providing false information to inquiries made by the examiner without justifiable reasons;
4. Failure to provide accurate and complete financial reports, property inventories or other relevant documents or reports in a timely manner.

The financial institution or its branch office shall seek recourse from the responsible person after paying such administrative fines.

**(Economic Research)**

**Article 39**

The Bank shall, to facilitate the formulation of financial policies and the execution of its operations, regularly collect economic information, compile financial statistics and conduct financial and economic research.

**Chapter IV Budget and Financial Statement**

**(Budget)**

**Article 40**

Before the beginning of each fiscal year, the Bank shall prepare a budget estimate. The budget estimate shall be examined by the Board of Directors and processed in accordance with the Budget Act.

**(Financial Statement)**

**Article 41**

After the close of each fiscal year, the Bank shall settle all accounts and prepare financial statements. The financial statements shall be examined by the Board of Directors, examined and approved by the Board of Supervisors, and processed in accordance with the Financial Statement Act.

**(Legal Reserve)**

**Article 42**

At the close of each fiscal year, the Bank shall set aside fifty per cent of its net profit as legal reserve. In case the amount of the accumulated legal reserve equals or exceeds the Bank's current capital, the percentage herein prescribed may, subject to the resolution of the Board of Directors and the concurrence of the Board of Supervisors, be reduced to a level no lower than twenty per cent.

**三、對檢查人員詢問無正當理由不為答復或答復不實。**

**四、屆期未提報財務報告、財產目錄或其他有關資料、報告，或提報不實、不全。**

**金融機構或其分支機構經受罰後，對應負責之人應予求償。**

**(經濟研究)**

**第三十九條**

**本行為配合金融政策之訂定及其業務之執行，應經常蒐集資料，編製金融統計，辦理金融及經濟研究工作。**

**第四章 預算及決算**

**(預算)**

**第四十條**

**本行應於會計年度開始前，擬編預算，提經理事會議決後，依預算法規定辦理。**

**(決算)**

**第四十一條**

**本行應於會計年度終了後，辦理決算，提經理事會議決，監事會審核，依決算法規定辦理。**

**(法定盈餘公積)**

**第四十二條**

**本行每屆決算，於純益項下提百分之五十為法定盈餘公積。法定盈餘公積達當年度資本額時，經理事會議決，監事會同意，得將定率減低。但不得低於百分之二十。**

(Accounting for the Gain or Loss from the Change of Exchange Rate)

Article 43

The gain or loss from the Bank's assets or liabilities denominated in gold, silver, foreign currencies and other forms of international reserve, resulted from changes in parity of the national currency, or changes in the value, parity or exchange rate of these assets and liabilities relative to the national currency, shall not be listed in the Bank's annual income statement.

Any gain from the above changes shall be posted in the Exchange Reserve Account, and any loss shall be offset in the balance of that Account.

Chapter V Supplementary Provisions

(Effective Date)

Article 44

This Act shall become effective on the date of promulgation.

The effective date of the Article 23 amendment shall be prescribed by the Executive Yuan.

(Remarks : This Act is made in Chinese which shall prevail in case of any discrepancy between the English translation and the Chinese original.)

(匯兌損益之會計處理)

第四十三條 本行以黃金、白銀、外幣及其他國際準備計算之資產或負債，如其價值因國幣平價之改變，或此類資產、負債對國幣之價值、平價或匯率改變而發生利得或損失，均不得列為本行年度損益。

前項變動所生之利得，應列入兌換準備帳戶；其損失應由兌換準備帳戶餘額抵沖。

第五章 附 則

(施行日期)

第四十四條 本法自公布日施行。

本法修正條文第二十三條施行日期，由行政院定之。

## 本行出版各國中央銀行法選譯明細

年度	名稱	選譯國家(國家數)
64	美國聯邦準備法	美國(含聯準法及相關法規)(1國)
65	各國中央銀行法選譯	加拿大、英國、法國、義大利、日本、印尼、印度、約旦、韓國、泰國(10國)
81	各國中央銀行法選譯(第一輯)	英國、德國、法國、瑞士、瑞典、丹麥、比利時、日本、韓國、新加坡、泰國、澳洲、紐西蘭(13國)(附我國央行法)
82	各國中央銀行法選譯(第二輯)	美國(含聯準法及相關法規)、加拿大(2國)
92	各國中央銀行法選譯(九十二年版)	歐盟、德國、英國、法國、瑞士、瑞典、芬蘭、日本、韓國、新加坡、馬來西亞、澳洲、加拿大、墨西哥(14國)(附我國央行法、日本及韓國央行法原文)
93	各國中央銀行法選輯(2003年版)《中英對照本》 Collections of Central Bank Acts of Selected Countries (2003 Edition)	同上
98	各國中央銀行法選譯(續編)	義大利、荷蘭、比利時、盧森堡、葡萄牙、捷克、巴西、俄羅斯、印度、菲律賓(10國)(附我國央行法)
98	各國中央銀行法選輯(續編) 《中英對照本》 Collections of Central Bank Acts of Selected Countries (Volume II)	同上

年度	名稱	選譯國家(國家數)
102	各國中央銀行法選輯 (2013 年版) (上冊) 《中英對照本》 Collections of Central Bank Acts of Selected Countries (2013 Edition) (Volume 1)	美國、英國 (2 國)
102	各國中央銀行法選輯 (2013 年版) (下冊) 《中英對照本》 Collections of Central Bank Acts of Selected Countries (2013 Edition) (Volume 2)	德國、法國、瑞士、丹麥、瑞典、韓國、泰國 (7 國) (附我國央行法)
108	各國中央銀行法選輯 (2019 年版) (上冊) 《中英對照本》 Collections of Central Bank Acts of Selected Countries (2019 Edition) (Volume 1)	歐盟、英國、日本、澳大利亞、馬來西亞 (5 國) (附我國央行法)
108	各國中央銀行法選輯 (2019 年版) (中冊) 《中英對照本》 Collections of Central Bank Acts of Selected Countries (2019 Edition) (Volume 2)	加拿大、新加坡 (2 國)
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114	各國中央銀行法選輯 (2025 年版) (上冊) 《中英對照本》 Collections of Central Bank Acts of Selected Countries (2025 Edition) (Volume 1)	西班牙、土耳其、南非、以色列 (4 國) (附我國央行法)

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114	各國中央銀行法選輯 (2025 年版) (下冊) 《中英對照本》 Collections of Central Bank Acts of Selected Countries (2025 Edition) (Volume 2)	挪威、阿拉伯聯合大公國、印尼、巴哈馬 (4 國)

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