

中央銀行專著選譯叢書 NO. 11

各國中央銀行法選輯 (2025 年版)

(下冊)

Collections of Central Bank

Acts of Selected Countries

(2025 Edition) (Volume 2)

《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

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一、ACT RELATING TO
NORGES BANK AND
THE MONETARY
SYSTEM, ETC.
(CENTRAL BANK
ACT)

挪威銀行及貨幣制度法
（中央銀行法）

**ACT RELATING TO NORGES BANK
AND THE MONETARY SYSTEM, ETC.
(CENTRAL BANK ACT)**

<i>Chapter 1</i>	<i>General provisions</i>
<i>Chapter 2</i>	<i>Organisation of Norges Bank</i>
<i>Chapter 3</i>	<i>Duties and policy instruments of Norges Bank</i>
<i>Chapter 4</i>	<i>Supervision and control</i>
<i>Chapter 5</i>	<i>Relationship to other legislation, duty of confidentiality, sanctions, etc.</i>
<i>Chapter 6</i>	<i>Entry into force and transitional provisions. Amendments to other statutes</i>

挪威銀行及貨幣制度法（中央銀行法）

法務室 鄭靜馨 譯

第 1 章	總則
第 2 章	本行之組織
第 3 章	本行之職責及政策工具
第 4 章	監督及控制
第 5 章	與其他法律之關係、保密義務及罰則等
第 6 章	生效、過渡條款及其他法律之修正

ACT RELATING TO NORGES BANK AND THE MONETARY SYSTEM, ETC. (CENTRAL BANK ACT)

In force from 1 January 2020 pursuant to Resolution of 21 June 2019 No. 804.
Amended by Act of 20 November 2020 No. 128 (in force on 1 January 2021 pursuant to Resolution of 20 November 2020 No. 2420), Act of 18 December 2020 No. 146 (in force 1 January 2023 pursuant to Resolution of 2 September 2022 No. 1528) and Act of 18 June 2021 No. 127 (in force from 1 July 2021 pursuant to Resolution of 18 June 2021 No. 2026).

Chapter 1 General provisions

Section 1-1. The central bank of Norway

- (1) Norges Bank is the central bank of Norway.
- (2) Norges Bank is a separate legal entity with the capacity to be a party to legal proceedings, and is owned by the central government.

Section 1-2. Purpose of the central banking activities

- (1) The purpose of the central banking activities is to maintain monetary stability and to promote the stability of the financial system and an efficient and secure payment system.
- (2) The central bank shall contribute to high and stable output and employment.

Section 1-3. The central banking activities

- (1) Norges Bank shall be the executive and advisory monetary policy authority.
- (2) Norges Bank shall be an executive and advisory financial stability authority.
- (3) Norges Bank shall issue banknotes and coins, facilitate the central settlement system and oversee the payment system.
- (4) Norges Bank may accept deposits from, and extend credit to, banks and other financial undertakings. The Bank may trade in financial markets and provide all forms of financial services.

挪威銀行及貨幣制度法（中央銀行法）

依 2019 年 6 月 21 日第 804 號決議，自 2020 年 1 月 1 日生效。
依 2020 年 11 月 20 日第 128 號法案（依 2020 年 11 月 20 日第 2420 號決議，自 2021 年 1 月 1 日生效）、2020 年 12 月 18 日第 146 號法案（依 2022 年 9 月 2 日第 1528 號決議，自 2023 年 1 月 1 日生效）及 2021 年 6 月 18 日第 127 號法案（依 2021 年 6 月 18 日第 2026 號決議，自 2021 年 7 月 1 日生效）修正之。

第 1 章 總 則

第 1-1 條 挪威之中央銀行

- (1) 挪威銀行（以下簡稱本行^{譯註}）為挪威之中央銀行。
- (2) 本行為獨立之法人，具有訴訟當事人能力，並由政府所有。

第 1-2 條 中央銀行業務之目標

- (1) 中央銀行業務之目標為維持幣值穩定，促進金融體系之穩定及安全有效率之支付系統。
- (2) 中央銀行應致力於高而穩定之經濟產出及就業。

第 1-3 條 中央銀行業務

- (1) 本行掌理貨幣政策之執行及諮詢。
- (2) 本行掌理金融穩定之執行及諮詢。
- (3) 本行發行鈔券及硬幣，確保中央清算系統順利運作並監管支付系統。
- (4) 本行得向銀行與其他金融機構收受存款及辦理授信。本行得於金融市場進行交易，並提供各類金融服務。

^{譯註} 為便於閱讀，本篇譯文後續之「挪威銀行」均譯為「本行」。

- (5) Norges Bank owns the official foreign exchange reserves of Norway, and shall ensure the efficient and sound management of such reserves.
- (6) Norges Bank may also take such measures as are customary or appropriate for a central bank.

Section 1-4. Independence of the central bank

- (1) The King in Council may adopt resolutions on the objectives of Norges Bank, cf. Section 1-2 and Section 1-3. The Bank shall be invited to offer its opinion prior to the adoption of any such resolution. The Storting shall be notified of such resolutions.
- (2) Norges Bank shall not be instructed in the performance of its activities under the Act, cf. Section 1-3, except in extraordinary circumstances. Any resolution instructing the Bank shall be adopted by the King in Council. The Bank shall be given the opportunity to express its opinion prior to the adoption of any such resolution. The Storting shall be notified of such resolutions as soon as possible.

Section 1-5. Advisory role of Norges Bank

- (1) Norges Bank shall offer its opinion on issues presented to it by the Ministry.
- (2) Norges Bank shall advise the Ministry when measures need to be taken by any other party than the Bank to fulfil the purpose of the central banking activities.

Section 1-6. Duty to inform the Ministry

Norges Bank shall inform the Ministry of any matters of importance.

Section 1-7. Information to the public

- (1) Norges Bank shall inform the public of the basis for its decisions and of the activities falling within the scope of its purpose under Section 1-2.
- (2) Norges Bank shall ensure that indicative Norwegian krone exchange rates are available to the public.

Section 1-8. Reporting to the Storting

- (1) The Ministry shall at least once a year report to the Storting on the activities of Norges Bank. The Supervisory Council shall report to the Storting on the supervision of the Bank pursuant to Section 4-1, Sub-section 4.

- (5) 本行擁有挪威官方外匯準備，並應確保對其進行有效率且健全之管理。
- (6) 本行亦得採行其他慣例上或適於中央銀行之措施。

第 1-4 條 中央銀行獨立性

- (1) 國王會同國務委員會得就第 1-2 條及第 1-3 條所定關於本行之事項，作成決議。決議前，應徵詢本行意見；決議後並應通知國會。
- (2) 本行辦理第 1-3 條所定業務，不得接受任何指示，但特殊情況不在此限。指示本行之決議應由國王會同國務委員會作成；決議前應徵詢本行意見，決議後並應儘速通知國會。

第 1-5 條 本行之諮詢角色

- (1) 本行應就財政部提出之議題提供意見。
- (2) 為達成中央銀行業務之目標，需由本行以外之第三者採取措施時，本行應向財政部提出建議。

第 1-6 條 通知財政部之義務

本行應將重要事項通知財政部。

第 1-7 條 公開資訊

- (1) 本行決策之依據及屬第 1-2 條所定目標範圍內之業務，應使公眾知悉。
- (2) 本行應確保公眾能取得挪威克朗之參考匯率。

第 1-8 條 向國會報告

- (1) 財政部每年至少應向國會報告本行業務一次。監事會應依第 4-1 條第 4 項規定，向國會報告對本行之監督情形。

- (2) The Office of the Auditor General of Norway shall pursuant to Act of 7 May 2004 No. 21 relating to the Office of the Auditor General and instructions laid down by the Storting, monitor the Minister's exercise of powers.

Section 1-9. Monetary unit

The Norwegian monetary unit is the krone. The krone is divided into one hundred øre.

Section 1-10. Other duties

The King in Council may assign to Norges Bank specific duties that are in conformity with the purpose of the central banking activities under Section 1-2, Sub-section 1.

The Bank shall be invited to offer its opinion prior to the adoption of any such resolution. The Storting shall be notified of such resolutions.

Section 1-11. Management of the Government Pension Fund Global

Norges Bank shall manage the Government Pension Fund Global, cf. Section 3, Sub-section 2, and Section 10 of Act of 21 December 2005 No. 123 relating to the Government Pension Fund.

Amended by Act of 20 November 2020 No. 128 (in force on 1 January 2021 pursuant to Resolution of 20 November 2020 No. 2420).

Section 1-12. Scope of the Act

- (1) The Act governs the activities of Norges Bank in and outside Norway.
- (2) The provisions in Sections 3-5 and 3-6 shall apply in Svalbard, cf. Section 3 of Act of 17 July 1925 No. 11 relating to Svalbard.
- (3) The King shall determine the extent to which the Act shall otherwise apply in the Norwegian economic zone, as well as in Svalbard, Jan Mayen and the Norwegian dependencies.

Chapter 2 Organisation of Norges Bank

I . Introductory provisions

Section 2-1. Governing bodies of Norges Bank

Norges Bank shall have an Executive Board, a Monetary Policy and Financial Stability Committee and a Supervisory Council.

- (2) 挪威審計總署應依 2004 年 5 月 7 日第 21 號「挪威審計總署法」及國會制定之指導規定，監督財政部長行使權力。

第 1-9 條 貨幣單位

挪威之貨幣單位為克朗。一克朗為一百歐爾。

第 1-10 條 其他任務

國王會同國務委員會得指派本行辦理符合第 1-2 條第 1 項所定中央銀行業務目標之特定任務。作成此類決議前，應徵詢本行意見。此類決議並應通知國會。

第 1-11 條 政府全球退休基金之管理

本行應依 2005 年 12 月 21 日第 123 號「政府退休基金法」第 3 條第 2 項及第 10 條規定，管理政府全球退休基金。

2020 年 11 月 20 日第 128 號法案修正本條（依 2020 年 11 月 20 日第 2420 號決議，自 2021 年 1 月 1 日生效）

第 1-12 條 本法之範圍

- (1) 本法對本行在挪威國內外之業務均有拘束力。
- (2) 依 1925 年 7 月 17 日第 11 號「斯瓦巴法」第 3 條規定，第 3-5 條及第 3-6 條規定適用於斯瓦巴。
- (3) 國王應決定本法在挪威經濟區、斯瓦巴、揚馬延及挪威屬地之適用範圍。

第 2 章 本行之組織

I 序 文

第 2-1 條 本行治理單位

本行應設執行理事會、貨幣政策及金融穩定委員會與監事會。

Section 2-2. Governor and Deputy Governors

- (1) Norges Bank shall have a Governor and two Deputy Governors.
- (2) The Governor is the chair of the Executive Board, the chair of the Monetary Policy and Financial Stability Committee and the general manager of Norges Bank.

II. Executive Board

Section 2-3. Composition of the Executive Board

- (1) The Executive Board shall consist of the Governor, the two Deputy Governors and six external board members. The external board members shall be appointed by the King in Council for a term of four years. They may be reappointed for a total period of twelve years. If an external member resigns from the Executive Board during the appointment period, a new member may be appointed for the remainder of such period.
- (2) In addition, two board members shall be appointed by and from the employees to participate in the deliberation of administrative matters. The method of appointment of these representatives shall be agreed between the Executive Board and the employees. The Supervisory Council shall determine the method of appointment in the absence of agreement.
- (3) The Governor is the chair of the Executive Board. The King in Council shall appoint the Deputy Governors as first deputy chair and second deputy chair, respectively, of the Board.
- (4) The following persons shall not serve as members of the Executive Board:
 - a) members of the Monetary Policy and Financial Stability Committee, with the exception of the Governor and the Deputy Governors;
 - b) Norges Bank staff, with the exception of the employee representatives;
 - c) government ministers;
 - d) political ministry staff;
 - e) ministry staff;
 - f) staff of the Office of the Prime Minister and the Ministry of Finance;
 - g) members of the Storting;
 - h) political staff of the Storting;
 - i) committee secretaries of the Storting;

第 2-2 條 總裁及副總裁

- (1) 本行置總裁 1 人及副總裁 2 人。
- (2) 總裁為執行理事會與貨幣政策及金融穩定委員會之主席，並綜理本行行務。

II 執行理事會

第 2-3 條 執行理事會之成員

- (1) 執行理事會由總裁、副總裁 2 人及外部成員 6 人組成。外部成員由國王會同國務委員會任命，任期 4 年，期滿得連任，總任期最長為 12 年；其於任期中辭職時，得任命新成員補足原任期。
- (2) 執行理事會並應包括由員工當中自行選任之成員 2 人，代表員工參與行政事務之審議；其選任方式，由執行理事會及員工合意定之。無法達成合意時，由監事會決定之。
- (3) 總裁為執行理事會主席。國王會同國務委員會應自副總裁中分別任命第一副主席及第二副主席。
- (4) 下列之人，不得為執行理事會成員：
 - a) 貨幣政策及金融穩定委員會成員。但總裁及副總裁不在此限；
 - b) 本行員工。但員工代表不在此限；
 - c) 政府部會首長；
 - d) 各部會政治幕僚；
 - e) 各部會職員；
 - f) 總理辦公室及財政部之職員；
 - g) 國會議員；
 - h) 國會之政治幕僚；
 - i) 國會之委員會秘書；

- j) close associates of persons listed in a, b, c, d, f, g, h and i. Relatives in an ascending or descending line, spouses, registered partners and persons with whom any listed person co-habits in a marriage-like relationship shall be considered close associates. The children, stepchildren and parents of persons listed in the preceding sentence shall also be considered close associates.
- (5) The Ministry may lay down provisions on members' relationship with other undertakings.
- (6) The Ministry shall determine the remuneration of the external board members.

Section 2-4. Duties of the Executive Board

- (1) The management and operation of Norges Bank are vested in the Executive Board, with the exception of matters that are assigned to the Monetary Policy and Financial Stability Committee in or pursuant to the Act. The Executive Board is responsible for Norges Bank's management of the Government Pension Fund Global. The Executive Board shall ensure sound, effective and efficient organisation of the Bank.
- (2) The Executive Board shall adopt plans and guidelines for the activities of Norges Bank. The Executive Board shall each year prepare a budget proposal for the next financial year, cf. Section 4-2.
- (3) The Executive Board shall ensure that the activities, financial reporting and asset management of Norges Bank are properly managed and monitored, and shall supervise day-to-day management and the activities in general. The Executive Board shall not supervise the Committee's exercise of its discretionary powers.
- (4) The Executive Board shall lay down instructions on the day-to-day management of central banking activities and Norges Bank's management of the Government Pension Fund Global.
- (5) The Executive Board shall have an audit committee. The members of the audit committee shall be appointed by and from among the external members of the Executive Board. The Ministry may lay down provisions relating to the audit committee.
- (6) The Executive Board may appoint preparatory committees from among the members of the Executive Board. When a preparatory committee discusses administrative matters, the employees shall be represented on such a committee, cf. Section 2-3, Sub-section 2.

- j) 與第 a 款、第 b 款、第 c 款、第 d 款、第 f 款、第 g 款、第 h 款及第 i 款所定人員有密切關係之人。各該款所定人員之直系尊親屬或直系卑親屬、配偶、登記伴侶及以類似婚姻關係同居之人，視為與其有密切關係之人。前句所列人員之子女、繼子女及父母亦視為有密切關係之人。

- (5) 財政部得對執行理事會成員與其他事業之關係訂定規範。
- (6) 執行理事會外部成員之薪酬由財政部定之。

第 2-4 條 執行理事會之職責

- (1) 本行之管理及營運由執行理事會為之；但依本法規定屬貨幣政策及金融穩定委員會職責之事項，不在此限。執行理事會負責本行對政府全球退休基金之管理。執行理事會應確保本行組織之健全且有效益及效率。
- (2) 執行理事會應通過本行業務之計畫及綱要，每年並應依第 4-2 條規定，編製下一財政年度預算提案。
- (3) 執行理事會應確保本行之業務、財務報告及資產管理受到妥適管理及控制，並監督日常管理及業務；但不得監督貨幣政策及金融穩定委員會行使其裁量權。
- (4) 執行理事會應就中央銀行業務之日常管理及本行對政府全球退休基金之管理，訂定指導原則。
- (5) 執行理事會應設立審計委員會。審計委員會之成員應自執行理事會外部成員中任命。財政部得訂定有關審計委員會之規定。
- (6) 執行理事會得任命其成員組成籌備委員會。籌備委員會審議行政事務時，應有員工代表依第 2-3 條第 2 項參與。

- (7) The Executive Board may decide that commercial activities falling within the scope of the Act and activities forming part of the management of the Government Pension Fund Global shall be carried out by companies that are fully or partly owned by Norges Bank. The Executive Board represents the Bank as owner of such companies.
- (8) The Executive Board is responsible for the contingency plans of Norges Bank. The Monetary Policy and Financial Stability Committee shall be invited to offer its opinion prior to the adoption of financial crisis contingency plans.

Section 2-5. Proceedings of the Executive Board

- (1) The proceedings of the Executive Board shall be conducted at meetings. The Governor, as chair of the Executive Board, may nonetheless decide that a matter may be deliberated in writing or in another adequate manner, unless any board member requires such matter to be deliberated at a meeting. Annual financial statements and annual reports shall always be deliberated at a meeting. The chair of the Executive Board shall arrange for the deliberation of relevant matters within the remit of the Executive Board. Any board member or the general manager of Norges Bank's management of the Government Pension Fund Global may require the Executive Board to deliberate a matter.
- (2) The Executive Board is quorate when no less than five board members participate in the proceedings of the Board. A decision by the Executive Board shall require more than half of the board members who participated in the deliberation of the matter to have voted in favour of the decision.
- (3) The Executive Board shall keep minutes.
- (4) The Governor shall prepare matters for the Executive Board. The general manager of Norges Bank's management of the Government Pension Fund Global shall prepare matters pertaining to the management of the Government Pension Fund Global, and shall be entitled and obliged to attend the Executive Board's deliberation of matters pertaining to such management and to speak thereon. This shall not apply if otherwise decided by the Executive Board in special cases or in case of the excused absence of the general manager of Norges Bank's management of the Government Pension Fund Global.
- (5) The Monetary Policy and Financial Stability Committee shall be invited to offer its opinion prior to the Executive Board's deliberation of matters pertaining to the duties and responsibilities of the Committee.

- (7) 就本法規定之商業活動及屬管理政府全球退休基金之業務，執行理事會得決定應由本行全部或部分所有之公司辦理。執行理事會代表本行為該等公司之所有人。
- (8) 執行理事會負責本行之緊急應變計畫。通過金融危機緊急應變計畫前，應徵詢貨幣政策及金融穩定委員會意見。

第 2-5 條 執行理事會之進行

- (1) 執行理事會之進行應以會議行之。除經任一成員要求召開會議審議之事項外，執行理事會主席即總裁，仍得決定以書面或其他適當方式審議。年度財務報表及年度報告僅得以會議方式審議。執行理事會主席負責安排審議該會職權範圍內之相關事項。執行理事會任一成員或本行管理政府全球退休基金之總經理得要求執行理事會審議其所提議案。
- (2) 執行理事會之審議，應有其成員 5 人以上參與，並經參與審議成員過半數之同意作成決議。
- (3) 執行理事會應保存會議紀錄。
- (4) 總裁應為執行理事會準備相關事項。本行管理政府全球退休基金之總經理應準備與政府全球退休基金管理有關事項；於執行理事會審議該等基金管理有關事項時，有出席及發言之權利與義務。但情況特殊經執行理事會另有決定或總經理因故缺席者，不在此限。
- (5) 涉及貨幣政策及金融穩定委員會任務與職責之事項，執行理事會應於審議前徵詢該委員會意見。

III. Monetary Policy and Financial Stability Committee

Section 2-6. Composition of the Monetary Policy and Financial Stability Committee

- (1) The Monetary Policy and Financial Stability Committee shall consist of the Governor, the two Deputy Governors and two external members. The external committee members shall be appointed by the King in Council for a term of four years. These may be reappointed for a total period of eight years. If an external member resigns from the Committee during the appointment period, a new member may be appointed for the remainder of such period. A new member may be appointed on an interim basis in case of long-term absence.
- (2) The Governor is the chair of the Committee. The King in Council shall appoint the Deputy Governors as first deputy chair and second deputy chair, respectively, of the Committee.
- (3) The following persons shall not serve as committee members:
 - a) members of the Executive Board, with the exception of the Governor and the Deputy Governors;
 - b) Norges Bank staff;
 - c) government ministers;
 - d) political ministry staff;
 - e) ministry staff;
 - f) staff of the Office of the Prime Minister and the Ministry of Finance;
 - g) members of the Storting;
 - h) political staff of the Storting;
 - i) committee secretaries of the Storting;
 - j) close associates of persons listed in a, b, c, d, f, g, h and i. Relatives in an ascending or descending line, spouses, registered partners and persons with whom any listed person co-habits in a marriage-like relationship shall be considered close associates. The children, stepchildren and parents of persons listed in the preceding sentence shall also be considered close associates.
- (4) The Ministry may lay down provisions on members' relationship with other undertakings.
- (5) The Ministry shall determine remuneration for the two external committee members.

III 貨幣政策及金融穩定委員會

第 2-6 條 貨幣政策及金融穩定委員會之組成

- (1) 貨幣政策及金融穩定委員會由總裁、副總裁 2 人及外部成員 2 人組成。外部成員由國王會同國務委員會任命，任期 4 年，期滿得連任，總任期最長 8 年。外部成員於任期中辭職，得任命新成員補足原任期；如有長期缺席之情形，得臨時任命新成員。
- (2) 總裁為委員會主席。國王會同國務委員會應自副總裁中分別任命第一副主席及第二副主席。
- (3) 下列之人，不得為委員會成員：
 - a) 執行理事會之成員。但總裁及副總裁不在此限；
 - b) 本行員工；
 - c) 政府部會首長；
 - d) 各部會政治幕僚；
 - e) 各部會職員；
 - f) 總理辦公室及財政部之職員；
 - g) 國會議員；
 - h) 國會之政治幕僚；
 - i) 國會之委員會秘書；
 - j) 與第 a 款、第 b 款、第 c 款、第 d 款、第 f 款、第 g 款、第 h 款及第 i 款所定人員有密切關係之人。各該款所定人員之直系尊親屬或直系卑親屬、配偶、登記伴侶及以類似婚姻關係同居之人，視為與其有密切關係之人。前句所列人員之子女、繼子女及父母亦視為有密切關係之人。
- (4) 財政部得對委員會成員與其他事業之關係訂定規範。
- (5) 2 名外部成員之薪酬由財政部定之。

Section 2-7. Duties of the Monetary Policy and Financial Stability Committee

- (1) The Committee is responsible for Norges Bank's role as the executive and advisory monetary policy authority and is responsible for the use of policy instruments to attain the monetary policy objectives.
- (2) The Committee shall contribute to the promotion of financial stability by providing advice and using the policy instruments at its disposal.
- (3) The Committee may in order to execute its duties under Sub-sections 1 and 2 in special cases deviate from decisions of, or guidelines laid down by, the Executive Board. The Executive Board shall to the extent possible be invited to offer its opinion before such decisions are made.
- (4) The Committee shall inform the public of decisions made by the Committee and the basis for such decisions.
- (5) Norges Bank shall inform the Ministry of the delineation of the Committee's responsibilities and duties. The Ministry may lay down supplementary provisions on such delineation.

Section 2-8. Proceedings of the Monetary Policy and Financial Stability Committee

- (1) The proceedings of the Committee shall be conducted at meetings. The Governor may nonetheless in special cases decide that a matter may be deliberated in writing or in another adequate manner, unless a member requires such matter to be deliberated at a meeting.
- (2) The Committee is quorate when no less than three committee members participate in the proceedings of the Committee. A decision by the Committee shall require more than half of the committee members who participated in the deliberation of the matter to have voted in favour of the decision.
- (3) The Committee may specifically authorise the Governor to decide matters within the remit of the Committee. The Governor may also decide a matter when it is necessary for a decision to be made swiftly, and it would be impracticable or too time-consuming to convene the Committee. The Governor shall inform the Committee in writing of the decision as soon as possible.
- (4) The Committee shall keep minutes.
- (5) The Governor shall prepare matters for the Committee.

第 2-7 條 貨幣政策及金融穩定委員會之任務

- (1) 本行關於貨幣政策之執行及諮詢之任務，由貨幣政策及金融穩定委員會負責，該會並負責運用政策工具達成貨幣政策目標。
- (2) 委員會應藉由提供意見及運用其所有之政策工具，為促進金融穩定做出貢獻。
- (3) 為執行前兩項所定任務，於特殊情況下，委員會得脫逸執行理事會之決定或其訂定之準則。做成此類決定前，應儘可能徵詢執行理事會意見。
- (4) 委員會應使公眾知悉所作成之決定及其依據。
- (5) 委員會職責及任務之劃分，本行應通知財政部，財政部並得訂定補充規定。

第 2-8 條 貨幣政策及金融穩定委員會之進行

- (1) 委員會之進行應以會議行之。除經任一成員要求召開會議審議之事項外，總裁仍得決定以書面或其他適當方式進行審議。
- (2) 委員會之審議，應有其成員 3 人以上之參與，並經參與審議成員過半數之同意作成決議。
- (3) 屬委員會職權範圍內之事項，委員會得特別授權總裁決定之。有迅速做成決定之必要，且召開會議不切實際或過於耗時者，亦得逕由總裁決定之。總裁應儘快將其決定以書面通知委員會。
- (4) 委員會應保存會議紀錄。
- (5) 總裁應為委員會準備相關事項。

IV. Management and employees

Section 2-9. Appointment of the Governor and the Deputy Governors

The Governor and the Deputy Governors shall be appointed by the King in Council for a fixed term of six years. The fixed-term appointment may be extended for a further term of up to six years.

Section 2-10. Salary and pension

The Ministry shall determine the salary and pension arrangements of the Governor and the Deputy Governors.

Section 2-11. Duties of the Governor as general manager

- (1) The Governor is responsible for the day-to-day management of Norges Bank's activities and shall adhere to guidelines and instructions from the Executive Board. Day-to-day management shall not include matters that are of an unusual nature or major importance in the context of the activities of the central bank. Nor shall day-to-day management include matters relating exclusively to the day-to-day management of Norges Bank's management of the Government Pension Fund Global. The Executive Board shall determine the detailed delineation of the responsibilities referred to in the third sentence.
- (2) The Governor may also decide a matter by the authority of the Executive Board, or when it is necessary for a decision to be made swiftly, and time and opportunity do not allow the matter to be presented to the Executive Board. The Governor shall inform the Executive Board in writing of the decision as soon as possible.

Section 2-12. Conditions for dismissal, etc.

The Governor, the Deputy Governors and the external members of the Monetary Policy and Financial Stability Committee may only be dismissed or deselected if the person in question:

- a) is permanently unable to properly perform his or her duties because of illness;
- b) has shown gross misjudgement in the performance of duties;
- c) has acted in gross dereliction of duties;
- d) has repeatedly acted in dereliction of duties despite written warning;
- e) has through improper conduct in or outside the performance of duties proven to be unfit for office or unworthy of the respect or trust necessary to hold such office.

IV 管理及員工

第 2-9 條 總裁及副總裁之任命

總裁及副總裁由國王會同國務委員會任命，固定任期 6 年，得再任一次 6 年之任期。

第 2-10 條 薪資與退休金

總裁及副總裁之薪資與退休金由財政部定之。

第 2-11 條 總裁綜理行務之職責

- (1) 總裁負責本行業務之日常管理，並應遵守執行理事會之指導方針及指示。日常管理不包括非經常性或對中央銀行業務具相當重要性之事項，亦不包括專屬於政府全球退休基金之日常管理事務。上開專屬事務之詳細職責範圍，由執行理事會定之。
- (2) 經執行理事會授權，或有迅速做出決定之必要，而時間及時機不及提交執行理事會之事項，得逕由總裁決定之。總裁應儘快將其決定以書面通知執行理事會。

第 2-12 條 解任之條件

總裁、副總裁與貨幣政策及金融穩定委員會外部成員非有下列情形之一者，不得解任：

- a) 因罹病致永久無法執行職務；
- b) 執行職務出現重大判斷錯誤；
- c) 嚴重失職；
- d) 經書面警告仍屢次失職；
- e) 因執行職務或非執行職務之不當行為，證明其不適任或未具擔任該職務所需之尊重或信任。

Section 2-13. Day-to-day management of Norges Bank's management of the Government Pension Fund Global

- (1) The Executive Board shall appoint a general manager of Norges Bank's management of the Government Pension Fund Global for a fixed term of five years. The fixed-term appointment may be extended for a further term of up to five years.
- (2) The general manager is responsible for the day-to-day management of Norges Bank's management of the Government Pension Fund Global and shall adhere to guidelines and instructions from the Executive Board. Day-to-day management shall not include matters that are of an unusual nature or major importance in the context of Norges Bank's management of the Government Pension Fund Global.
- (3) The general manager may also decide a matter by the authority of the Executive Board, or when it is necessary for a decision to be made swiftly, and time and opportunity do not allow the matter to be presented to the Executive Board. The general manager shall inform the Executive Board in writing of the decision as soon as possible.

Section 2-14. External representation, etc.

- (1) The Executive Board represents Norges Bank externally and is authorised to sign on its behalf.
- (2) The Executive Board may authorise board members and named employees to sign on behalf of Norges Bank. The authority to sign on behalf of the Bank may be revoked at any given time.
- (3) The Governor represents Norges Bank externally in matters falling within the scope of the Governor's powers under Section 2-11.
- (4) The general manager of Norges Bank's management of the Government Pension Fund Global represents Norges Bank externally in matters falling within the scope of his or her powers under Section 2-13.
- (5) If anyone representing Norges Bank externally has in acting on behalf of Norges Bank exceeded his or her powers, the act shall not be binding on Norges Bank if the other contracting party realised or ought to have realised that such powers had been exceeded and it would therefore be contrary to honesty and good faith to invoke a right on the basis of such act.

第 2-13 條 本行對政府全球退休基金之日常管理

- (1) 執行理事會應任命本行管理政府全球退休基金之總經理，固定任期 5 年，得續任一次。
- (2) 總經理負責本行對政府全球退休基金之日常管理，並應遵守執行理事會之指導方針及指示。日常管理不包括非經常性或對政府全球退休基金之管理具相當重要性之事項。
- (3) 經執行理事會授權，或有迅速做出決定必要，而時間及時機不及提交執行理事會之事項，得逕由總經理決定之。總經理應儘快將其決定以書面通知執行理事會。

第 2-14 條 對外之代表等

- (1) 執行理事會對外代表本行，並得代表本行簽名。
- (2) 執行理事會得授權其成員及指定之員工代表本行簽名。代表本行簽名之授權，得隨時撤回。
- (3) 依第 2-11 條屬總裁權限之事項，總裁對外代表本行。
- (4) 依第 2-13 條屬本行管理政府全球退休基金總經理權限之事項，總經理對外代表本行。
- (5) 對外代表本行之人行為逾越其授權時，如相對人知悉或得知悉其行為逾越授權，且行使因該行為取得之權利違反誠實信用原則時，代表人之行為不得拘束本行。

Section 2-15. Norges Bank's employees, etc.

- (1) The Executive Board may decide that Norges Bank shall join an employers' association that may, within its mandate, make decisions that will be binding on the Bank.
- (2) The Executive Board may lay down provisions on employees' relations with other financial institutions and undertakings.
- (3) The Executive Board may decide that anyone who shall perform work or services for Norges Bank, or perform work for any provider of services to the Bank or otherwise have unaccompanied access to any buildings of the Bank, shall submit a full criminal record certificate pursuant to Section 41, No. 1, of the Police Records Act, or a corresponding non-Norwegian criminal record certificate, if justified by security considerations. The same applies upon any subsequent changes to the position or duties of an employee. The Ministry may lay down regulations on the application of the provisions in the first and second sentence, including on which offences shall be recorded on the criminal record certificate and on the processing of criminal record certificates submitted to the Bank.
- (4) The Executive Board may decide that credit details shall be gathered on anyone who shall perform work or services for Norges Bank, or perform work for any provider of services to the Bank or otherwise have unaccompanied access to any buildings of the Bank, if justified by security considerations. The Ministry may in regulations stipulate that the Bank shall have the right to gather data in connection with the vetting of individuals if justified by security considerations.

V. Supervisory Council

Section 2-16. Appointment and composition of the Supervisory Council

- (1) The Supervisory Council shall consist of fifteen members to be appointed by the Storting for a term of four years. If a member resigns during the appointment period, the Storting may appoint a new member for the remainder of such appointment period.
- (2) Seven-alternately eight-members shall resign from the Supervisory Council every other year. The Storting shall from the members appoint the chair and the deputy chair for a term of two years. Reappointment of members may take place for a total period of eight years.

第 2-15 條 本行之員工等

- (1) 執行理事會得決定本行應加入雇主協會，該協會得在其職權範圍內做出對本行具有約束力之決定。
- (2) 執行理事會得就員工與其他金融機構及事業之關係訂定規定。
- (3) 執行理事會得基於安全考量，決定為本行工作或提供服務之人、為本行之服務供應商工作之人或其他未經陪同進入本行建築物之人，應提交「警察紀錄法」第 41 條第 1 項所定之完整犯罪紀錄證明文件，或同等之外國犯罪紀錄證明文件。員工職務或職位變更時，亦適用之。財政部得訂定第一句及第二句規定之施行細則，包括犯罪紀錄證明文件應記載之犯罪行為，以及提交本行之犯罪紀錄證明文件之處理。
- (4) 執行理事會得基於安全考量，對於為本行工作或提供服務之人、為本行服務供應商工作之人或其他未經陪同進入本行建築物之人，蒐集其詳細信用資料。財政部得在法規中規定，本行得基於安全考量，蒐集與查核個人有關之資料。

V 監事會

第 2-16 條 監事會之任命及組成

- (1) 監事會由國會任命之成員 15 人組成，任期 4 年。成員於任期中辭職時，國會得任命新成員補足原任期。
- (2) 監事會每隔一年應有成員 7 人或 8 人卸任。國會從監事會成員中任命主席及副主席，任期 2 年。成員期滿得連任，總任期最長 8 年。

- (3) Persons listed in Section 2-3, Sub-section 4, and members of the Executive Board or their close associates shall not be appointed members of the Supervisory Council.
- (4) The remuneration of members shall be determined by the Storting.
- (5) The Supervisory Council shall have a secretariat. In matters pertaining to the employees of the secretariat, the Supervisory Council shall represent Norges Bank as employer.
- (6) The Supervisory Council may delegate decision-making in matters within the remit of the Supervisory Council to the chair of the Supervisory Council when desirable because of special considerations. The Supervisory Council may from its members appoint committees to prepare matters for deliberation by the Supervisory Council.

Section 2-17. Duties of the Supervisory Council

The Supervisory Council shall supervise in accordance with Section 4-1, approve budgets pursuant to Section 4-2, adopt financial statements pursuant to Section 4-3, appoint the auditor pursuant to Section 4-4 and determine the method of appointment, if applicable, of employee representatives on the Executive Board pursuant to Section 2-3, Sub-section 2, third sentence.

Section 2-18. Proceedings of the Supervisory Council

- (1) The chair of the Supervisory Council shall convene meetings of the Supervisory Council as often as deemed desirable, or when requested by no less than five members or the Executive Board. A valid decision shall require more than half of those entitled to cast votes to have voted in favour of the decision. Minutes of the proceedings shall be kept.
- (2) Unless otherwise decided by the Supervisory Council in each case, the members of the Executive Board may attend and speak in meetings of the Supervisory Council. The employees' representatives on the Executive Board may attend and speak in meetings during the deliberation of administrative matters. The Governor and the Deputy Governors shall attend, unless otherwise decided by the Supervisory Council or in case of excused absence.

Chapter 3 Duties and policy instruments of Norges Bank

Section 3-1. Credit to and deposits from banks, etc.

- (3) 第 2-3 條第 4 項所定之人及執行理事會成員，或與前述人員有密切關係者，不得任命為監事會成員。
- (4) 監事會成員之報酬由國會定之。
- (5) 監事會設秘書處。涉及秘書處員工之事務，監事會應代表本行作為雇主。
- (6) 監事會因特別考量，得將職權範圍內事項委託監事會主席決定。監事會得任命其成員組成委員會，準備監事會之審議事項。

第 2-17 條 監事會之職責

監事會依第 4-1 條規定進行監督，依第 4-2 條規定核准預算，依第 4-3 條規定通過財務報表，依第 4-4 條規定任命審計師，並依第 2-3 條第 2 項第三句規定，決定執行理事會員工代表之任命方式。

第 2-18 條 監事會之進行

- (1) 監事會主席應依需要，或依 5 名以上成員或執行理事會之請求，召開監事會會議。決議應經有投票權成員過半數之同意。會議紀錄應予保存。
- (2) 除監事會於個案另有決定外，執行理事會成員得出席監事會會議並發言。執行理事會之員工代表成員得出席審議行政事務之監事會會議並發言。除監事會另有決定或因故缺席外，總裁及副總裁應出席。

第 3 章 本行之職責及政策工具

第 3-1 條 向銀行授信及收受存款等

- (1) Norges Bank may in order to attain the purpose of the central banking activities:
 - a) accept deposits from and extend credit to banks and other financial sector undertakings;
 - b) purchase, sell and distribute foreign exchange and financial instruments;
 - c) issue and deal in own financial instruments.
- (2) The deposit and credit terms shall be stipulated by Norges Bank.
- (3) Norges Bank may in order to attain the purpose of the central banking activities make deposits from undertakings that hold accounts with the Bank subject to minimum requirements.
- (4) Norges Bank may extend credit on special terms when merited by special circumstances.
- (5) Norges Bank shall require adequate collateral to be pledged in respect of any credit. The Bank may lay down regulations on the pledging collateral.
- (6) The requirement for specific consent from the borrower pursuant to Section 2-13 of the Financial Contracts Act shall not apply upon the assignment or granting of a security interest in loan receivables to Norges Bank upon the extension of credit or other measures under this section, or upon the Bank's subsequent assignment of such loan receivables.

Amended by Act of 18 December 2020 No. 146 (in force 1 January 2023 pursuant to Resolution of 2 September 2022 No. 1528).

Section 3-2. The official foreign exchange reserves

Norges Bank shall determine the amount of the official foreign exchange reserves, and how these shall be invested. The reserves shall be available for fulfilling the purpose of the central banking activities and for meeting international obligations.

Section 3-3. Payment and settlement

- (1) Norges Bank shall facilitate a stable and efficient system for payment, clearing and settlement between undertakings that hold accounts with the Bank.
- (2) Norges Bank shall oversee the payment system and other financial infrastructure and contribute to contingency arrangements.
- (3) Norges Bank may lay down regulations to implement Sub-section 1.

Section 3-4. Issuance of banknotes and coins

- (1) 為達成中央銀行業務之目標，本行得：
 - a) 向銀行及其他金融機構收受存款及辦理授信；
 - b) 購買、出售及配發外匯與金融工具；
 - c) 發行及交易自有金融工具。
- (2) 存款及授信之條件由本行訂定。
- (3) 為達成中央銀行業務之目標，本行得對於本行開立帳戶機構之存款，訂定最低標準。
- (4) 在特殊情況時，本行得以特殊條件提供授信。
- (5) 本行辦理授信應有合格擔保品。本行得訂定擔保品之規定。
- (6) 本行依本條辦理授信或其他業務，受讓或被授予應收帳款擔保權益，或本行後續再為轉讓時，不適用「金融契約法」第 2-13 條須取得借款人具體同意之規定。

2020 年 12 月 18 日第 146 號法案修正本條（依 2022 年 9 月 2 日第 1528 號決議，自 2023 年 1 月 1 日生效）

第 3-2 條 官方外匯準備

本行應決定官方外匯準備之金額，以及如何投資。官方外匯準備應用於達成中央銀行業務之目標及履行國際義務。

第 3-3 條 支付及清算

- (1) 在本行開設帳戶之金融機構間之支付、結算及清算系統，本行應促進其穩定及效率。
- (2) 本行應監管支付系統及其他金融基礎設施，並協助緊急應變安排。
- (3) 為落實第 1 項規定，本行得訂定法規。

第 3-4 條 發行鈔券及硬幣

- (1) Norges Bank has the sole right to issue Norwegian banknotes and coins. The Bank shall determine the denomination and design of the banknotes and coins.
- (2) Norges Bank may outsource the production of banknotes and coins.

Section 3-5. Legal tender

- (1) Norges Bank's notes and coins are legal tender in Norway. No one is obliged to accept more than 25 coins of each denomination in any one payment.
- (2) Severely damaged banknotes and coins are not legal tender. Norges Bank may lay down regulations on the delineation of what constitutes legal tender and on the replacement of lost, burnt or damaged banknotes and coins, including on charges.

Section 3-6. Withdrawal of banknotes and coins

Norges Bank may in regulations stipulate that banknotes of a specific series and denomination or a specific coin design shall cease to be legal tender from a specific date. Such regulations shall be announced no less than one year prior to the withdrawal date. The Bank may redeem banknotes and coins that are no longer legal tender. The Bank may lay down regulations on how redemption shall be implemented, including redemption charges.

Section 3-7. Banker to the central government

Norges Bank shall provide services relating to sovereign debt issuance and debt management, and the treasury single account system. The Bank shall also, to the extent stipulated by the Ministry, provide financial services to the central government as well as to separate legal entities that are wholly owned by the central government.

Section 3-8. Credit to the central government

Norges Bank shall not extend credit directly to the central government. The Bank may nonetheless extend credit to the central government that falls due for payment within one calendar day.

Section 3-9. Protective measures

The Ministry may in the form of individual decisions or regulations introduce special measures if capital flows to and from other countries may cause major balance of payment problems or material financial system disturbances. Norges Bank shall be invited to offer its opinion prior to the introduction of any such measure.

- (1) 本行專有挪威鈔券及硬幣之發行權。本行應決定鈔券及硬幣之面額及設計。
- (2) 本行得委外製作鈔券及硬幣。

第 3-5 條 法償效力

- (1) 本行鈔券及硬幣於挪威境內具有法償效力。單次支付同一面額硬幣逾 25 枚，任何人無收受義務。
- (2) 嚴重受損之鈔券及硬幣不具法償效力。本行得訂定法規，規範具備法償效力之情形，以及遺失、燒燬及受損鈔券與硬幣之收兌及收費。

第 3-6 條 鈔券及硬幣之收回

本行得於法規規定特定系列、面額之鈔券或特定設計之硬幣自指定日起不具法償效力。此種法規應於收回截止日前一年以上發布。收兌之執行，包括費用等，本行得以法規規定之。

第 3-7 條 中央政府之銀行

本行應提供與主權債務之發行、債務之管理及國庫單一帳戶系統相關之服務。本行亦應在財政部規定範圍內向中央政府及中央政府獨資所有之獨立法人實體提供金融服務。

第 3-8 條 對中央政府之授信

本行不得直接對中央政府授信。但期限在 1 個日曆天以內之授信，不在此限。

第 3-9 條 保護措施

資本流入及流出其他國家可能導致重大國際收支問題或重大金融體系混亂時，財政部得以個別決定或法規，採取特別措施。財政部採取此類措施之前，應徵詢本行意見。

Section 3-10. International agreements

- (1) Norges Bank shall administer the rights and obligations incumbent on Norway as a consequence of its membership of the International Monetary Fund.
- (2) Norges Bank may in order to fulfil the purpose of the central banking activities conclude agreements on deposit, credit and guarantee arrangements with foreign central banks and with international organisations and institutions, provided that the claims are satisfactorily secured. Such agreements shall require the approval of the Ministry.
- (3) The King in Council may in extraordinary circumstances order Norges Bank to participate in credit agreements with other states and international organisations.

Section 3-11. Norges Bank's equity and allocation of profit

- (1) Norges Bank shall have sufficient equity to fulfil the Bank's purpose.
- (2) The King in Council shall lay down guidelines on reserves and on the allocation of Norges Bank's profit. The Bank shall be invited to offer its opinion prior to the adoption of such guidelines. The guidelines shall be communicated to the Storting.

Chapter 4 Supervision and control

Section 4-1. Supervision, etc.

- (1) The Supervisory Council shall supervise the operation of Norges Bank and monitor its compliance with the provisions governing its activities. The Supervisory Council shall ensure that the Executive Board's governance and control of the Bank's management and activities are adequate, and that appropriate procedures have been established to ensure that the Bank's activities are conducted in accordance with statutes, agreements, decisions and other regulatory provisions. Its supervision shall not extend to the exercise of discretionary powers by the Executive Board or the Monetary Policy and Financial Stability Committee.
- (2) The Supervisory Council shall be entitled to access all information relating to the affairs of Norges Bank and may conduct such enquiries as it deems necessary for the performance of its duties under the Act.

第 3-10 條 國際協議

- (1) 挪威作為國際貨幣基金組織成員所生之權利及義務，由本行管理之。
- (2) 為達成中央銀行業務之目標，於債權充分擔保之前提下，本行得與外國中央銀行及國際組織與機構簽訂存款、信用及擔保安排協議。此類協議須經財政部核准。
- (3) 在特殊情況下，國王會同國務委員會得命令本行參與與其他國家及國際組織之信用協議。

第 3-11 條 本行之股本及盈餘分配

- (1) 本行應有充足的股本以達成本行目標。
- (2) 國王會同國務委員會應制定準備金及本行利潤分配之指導方針。該指導方針通過前，應徵詢本行意見。該指導方針應通知國會。

第 4 章 監督及控制

第 4-1 條 監督

- (1) 監事會應監督本行之運作，並監控本行是否遵守規範本行業務之規定。監事會應確保執行理事會充分治理及控制本行之管理與業務，並建立適當之程序，以確保本行業務之運作符合法律、協議、決定及其他規範。執行理事會或貨幣政策及金融穩定委員會行使裁量權，不在監事會之監督範圍。
- (2) 監事會有權取得與本行事務相關之所有資訊，並得進行其認為履行本法所定職責所需之調查。

- (3) The Supervisory Council shall supervise companies that are fully or partly owned by Norges Bank. The Supervisory Council shall be entitled to request such information from the general manager of the company, the Executive Board and the appointed auditor as is necessary for its supervision. To the extent necessary, the Supervisory Council may conduct its own enquiries into the company.
- (4) The Supervisory Council shall at least once a year submit to the Storting its statement on the supervision of Norges Bank. A copy of said statement shall be sent to the Ministry. The statement on the supervision of the Bank shall include, at a minimum, the following:
- a) an account of how the supervision of the Bank has been organised;
 - b) an account of completed supervisory activities and the Supervisory Council's priorities for its upcoming supervisory activities;
 - c) an account of the supervision of the Bank's investment management activities;
 - d) the Supervisory Council's assessment of the Executive Board's governance and control of the Bank's management and activities;
 - e) an account of the Supervisory Council's efforts in relation to approval of the Bank's budget and adoption of its financial statements;
 - f) any particular comments merited by its supervision.

Amended by Act of 20 November 2020 No. 128 (in force on 1 January 2021 pursuant to Resolution of 20 November 2020 No. 2420).

Section 4-2. Budget

The Supervisory Council shall adopt Norges Bank's budget on the basis of a proposal from the Executive Board. The approved budget shall be communicated to the Ministry.

Section 4-3. Annual reports, annual financial statements and minutes

- (1) Norges Bank is a reporting entity within the meaning of the Accounting Act and a bookkeeping entity within the meaning of the Bookkeeping Act. The Ministry may lay down special provisions on annual financial statements, annual reports and book-keeping for the Bank to supplement or derogate from the provisions applicable under or pursuant to the Accounting Act and the Bookkeeping Act.

- (3) 監事會應監督由本行全部或部分所有之公司。監事會有權要求該等公司總經理、常務董事會及委任審計師提供其監督所需資訊。必要時，監事會得自行對該等公司進行調查。
- (4) 監事會每年至少應向國會提交一次對本行之監督報告。該報告之副本應送交財政部。監督報告至少應包括下列內容：
- a) 對本行之監督如何進行之說明；
 - b) 已完成之監督活動，以及監事會對即將進行監督活動之優先性說明；
 - c) 對本行投資管理業務監督之說明；
 - d) 監事會就執行理事會對本行管理及業務之治理與控制之評估；
 - e) 監事會對於核准本行預算及通過財務報表相關工作之說明；
 - f) 監督過程中值得提出之具體意見。

2020 年 11 月 20 日第 128 號法案修正本條（依 2020 年 11 月 20 日第 2420 號決議，自 2021 年 1 月 1 日生效）

第 4-2 條 預算

本行預算由執行理事會提案，監事會決議通過。通過之預算應通知財政部。

第 4-3 條 年度報告、年度財務報表及議事錄

- (1) 本行屬「會計法」所定之通報事業，亦屬「記帳法」所定記帳事業。財政部得就本行訂定有關年度財務報表、年度報告和記帳之特別規定，以補充「會計法」及「記帳法」規定，或與該等法為不同之規定。

- (2) The Executive Board shall each year prepare annual reports and annual financial statements. Adoption of the annual financial statements shall require the approval of the Supervisory Council, and shall together with annual reports and auditor's reports be sent to the Ministry and communicated to the Storting.
- (3) The minutes of the Executive Board and the Committee shall be sent to the Supervisory Council and the Ministry.

Section 4-4. Audit

- (1) Norges Bank's annual financial statements shall be audited by an auditor approved under the provisions of the Auditors Act. The Supervisory Council shall appoint the auditor and determine the auditor's remuneration.
- (2) The Ministry may lay down special provisions on auditing of Norges Bank to supplement or derogate from the provisions of the Auditors Act.

Section 4-5. Internal audit unit

- (1) Norges Bank shall have an internal audit unit, which shall report to the Executive Board.
- (2) The internal audit unit shall assess Norges Bank's internal controls, procedures and other factors of significance to the Bank's activities.
- (3) The Ministry may lay down provisions on the Bank's internal controls.

Chapter 5 Relationship to other legislation, duty of confidentiality, sanctions, etc.

Section 5-1. Relationship to the Public Administration Act and the Freedom of Information Act

- (1) Norges Bank's decisions in matters under Section 3-1 and in dismissal matters shall not be subject to administrative appeal.
- (2) Preparatory documents exchanged between Norges Bank and the Ministry of Finance and Norges Bank and Finanstilsynet, respectively, may be exempted from access under the Freedom of Information Act when necessary to ensure sound internal decision-making processes.
- (3) The King may in regulations lay down provisions to supplement the provisions in Sub-sections 1 and 2.

- (2) 執行理事會應每年編製年度報告及年度財務報表。年度財務報表之通過須經監事會核可，並應連同年度報告和查核報告一併送交財政部，並通知國會。
- (3) 執行理事會與貨幣政策及金融穩定委員會之議事錄應送交監事會及財政部。

第 4-4 條 稽核

- (1) 本行之年度財務報表應由依「審計師法」許可之審計師進行稽核。監事會應任命審計師並決定審計師之報酬。
- (2) 財政部得訂定有關稽核本行之特別規定，以補充「審計師法」或為與該法不同之規定。

第 4-5 條 內部稽核單位

- (1) 本行應設內部稽核單位，該單位隸屬於執行理事會。
- (2) 內部稽核單位應評估本行之內部控制、程序及其他對本行業務具有重要性之事項。
- (3) 財政部得訂定有關本行內部控制之規定。

第 5 章 與其他法律之關係、保密義務及罰則等

第 5-1 條 與公共行政法及資訊自由法之關係

- (1) 本行就第 3-1 條所定事務及解僱事項所為之決定，不得為行政救濟之標的。
- (2) 為確保健全之內部決策程序，必要時，本行與財政部及本行與金融監理局間交換之準備文件，得不依「資訊自由法」公開。
- (3) 國王得訂定法規補充第 1 項及第 2 項規定。

Section 5-2. Duty of confidentiality

- (1) Anyone performing services or work for Norges Bank shall be obliged to prevent unauthorised persons from gaining access to or knowledge of any information that comes to his or her knowledge in the performance of his or her duties with regard to the business affairs of the Bank or others or the personal affairs of anyone.
- (2) The duty of confidentiality under Sub-section 1 shall also apply to anyone performing services or work for the Ministry of Finance, the Council on Ethics for the Government Pension Fund Global and Finanstilsynet whenever the Ministry of Finance, the Council on Ethics or Finanstilsynet holds any information as referred to in Sub-section 1.
- (3) The Executive Board, or anyone authorised to do so by the Executive Board, may irrespective of the duty of confidentiality disclose information on the business affairs of Norges Bank. This shall apply correspondingly to the Monetary Policy and Financial Stability Committee within its mandate and to the Supervisory Council in those matters under the remit of the Supervisory Council that do not pertain to the responsibilities of the Executive Board or the Committee.
- (4) The duty of confidentiality under Sub-sections 1 and 2 and the provisions of the Public Administration Act shall not apply in relation to:
 - a) the Ministry of Finance;
 - b) the Council on Ethics for the Government Pension Fund Global;
 - c) Finanstilsynet;
 - d) international organisations of which Norges Bank is a member, or with which it collaborates, provided that the information is subjected to a corresponding duty of confidentiality on the part of the organisation to which such information is disclosed;
 - e) the central banks or financial supervisory authorities of other EEA states, including the European Central Bank, the European Banking Authority, the European Securities and Markets Authority, the European Insurance and Occupational Pensions Authority, the European Systemic Risk Board and the EFTA Surveillance Authority;
 - f) the National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim) upon the reporting of information pursuant to Section 26 of the Anti-Money Laundering Act;

第 5-2 條 保密義務

- (1) 為本行提供服務或工作之人，對其於執行職務過程中，所知悉本行或其他人之業務資訊，或個人事務之資訊，有義務防止未經授權之人獲取或知悉該等資訊。
- (2) 財政部、政府全球退休基金道德委員會或金融監理局持有第 1 項所定資訊時，第 1 項所定保密義務亦適用於為該等組織提供服務或工作之人。
- (3) 執行理事會或該會授權之人，得不受保密義務限制，揭露有關本行業務事務之資訊。貨幣政策及金融穩定委員會對其職權範圍內事項，以及監事會對其職權範圍內且不屬於執行理事會或該委員會職責之事項，亦同。
- (4) 第 1 項、第 2 項及「公共行政法」規定之保密義務不適用於：
 - a) 財政部；
 - b) 政府全球退休基金道德委員會；
 - c) 金融監理局；
 - d) 本行所屬或與之合作之國際組織，如該等組織對向其揭露之資訊有相應之保密義務；
 - e) 其他歐洲經濟區國家之中央銀行或金融監理機構，包括歐洲中央銀行、歐洲銀行監理局、歐洲證券及市場監理局、歐洲保險及職業退休金監理局、歐洲系統性風險委員會和歐洲自由貿易聯盟監察機構；
 - f) 國家經濟及環境犯罪調查與檢控局，對於依「洗錢防制法」第 26 條通報之資訊；

- g) the tax authorities upon the reporting of information pursuant to Section 10-5, Sub-section 1, of the Tax Administration Act;
 - h) government bodies upon information exchange (coordination) as intended under the Act relating to the Register of Reporting Obligations of Enterprises;
 - i) the Norwegian Banks' Guarantee Fund.
- (5) Section 13, Sub-sections 2 and 3, and Section 13 a to Section 13 e of the Public Administration Act shall supplement the provisions of this section.

Amended by Act of 18 June 2021 No. 127 (in force 1 July 2021 pursuant to Resolution of 18 June 2021 No. 2026).

Section 5-3. Duty of disclosure

- (1) The Ministry may in the form of regulations or individual decisions order financial sector undertakings to disclose to Norges Bank information which is necessary to attain the purpose of the central banking activities, or for the performance of duties assigned to the Bank under other statutes, or to comply with Norway's obligations to another state or an international organisation. A corresponding duty of disclosure may also be imposed on other institutions, undertakings and individuals that are involved in securities markets or engaged in payment services or that provide services to the financial sector. The Ministry may also impose such a duty of disclosure on other undertakings registered in the Register of Business Enterprises. No compensation may be claimed for costs incurred in complying with the duty of disclosure under this sub-section.
- (2) The Ministry may in the form of regulations or individual decisions grant Norges Bank the right to require the disclosure of information from:
- a) the Tax Administration;
 - b) the Register of Company Accounts and the Register of Bankruptcies;
 - c) the Labour and Welfare Administration (NAV);
- when necessary to fulfil the purpose of the central banking activities, or for the performance of duties assigned to the Bank under other statutes, or to comply with Norway's obligations to another state or an international organisation. Information from the Labour and Welfare

- g) 稅務主管機關依「稅務管理法」第 10-5 條第 1 項通報之資訊；
- h) 依「企業通報義務登記法」進行資訊交換（協調）之政府機構；
- i) 挪威銀行業保證基金。

- (5) 「公共行政法」第 13 條第 2 項及第 3 項，以及第 13a 條至第 13e 條之規定應補充本條規定適用之。

2021 年 6 月 18 日第 127 號法案修正本條（依 2021 年 6 月 18 日第 2026 號決議，自 2021 年 7 月 1 日生效）

第 5-3 條 揭露義務

- (1) 本行為達成中央銀行業務之目標，履行其他法令賦予本行之職責，或遵守挪威對其他國家或國際組織之義務所需資訊，財政部得以法規或個別決定，要求金融機構向本行揭露之。對參與證券市場或從事支付服務之其他機構、事業及個人，或為金融業提供服務之機構、事業或個人，財政部亦得課予相應之揭露義務。財政部亦得對在商業企業登記處登記之其他事業課予此揭露義務。為遵循本項揭露義務所產生之費用，不得請求補償。
- (2) 當為達成中央銀行業務之目標，或履行其他法令賦予本行之職責，或遵守挪威對其他國家或國際組織之義務而需要時，財政部得以法規或個別決定，容認本行有權要求下列機構揭露資訊：
- a) 稅務管理局；
 - b) 公司帳務登記處及破產登記處；
 - c) 勞動及福利管理局；
- 來自勞動及福利管理局之資訊，應限於雇主及員工

Administration shall be limited to information from the Register of Employers and Employees and information on registered unemployment.

- (3) Information requested pursuant to Sub-sections 1 and 2 may be disclosed irrespective of any statutory duty of confidentiality under the Financial Institutions Act, the Estate Agency Act, Act of 17 December 1999 No. 95 relating to Payment Systems, etc., the Securities Trading Act, the Central Securities Depository Act, the Tax Administration Act, the Accounting Act, the Bankruptcy Act and the Labour and Welfare Administration Act. Such information may only be used for the purposes stipulated in Sub-section 1 or 2.
- (4) The Ministry may in regulations lay down provisions to supplement this section, including provisions stipulating how the information shall be disclosed and what documentation it shall be accompanied by.

Section 5-4. Coercive fines

- (1) In order to ensure compliance with the duty of disclosure, Norges Bank may in the form of an individual decision impose a coercive fine upon contravention of the duty of disclosure under Section 5-3, Sub-section 1.
- (2) The King may in regulations lay down provisions on coercive fines in accordance with this section.

Section 5-5. Criminal penalties

A fine may be imposed on anyone who intentionally or negligently violates any provisions or decisions made pursuant to Section 3-9 or Section 5-3.

Chapter 6 Entry into force and transitional provisions. Amendments to other statutes

Section 6-1. Entry into force and transitional provisions

The Act shall enter into force on the date decided by the King. The King may bring into force the various provisions of the Act on different dates. The King may lay down transitional provisions.

The Act enters into force on 1 January 2020, except for Section 6-2, No. 3, with regard to the section renumbering of Section 7 to Section 9 and the amendment to Section 10, new Sub-section 2, of the Act relating to the Government Pension Fund, which enters into force on 1 July 2019, pursuant to Resolution of 21 June 2019 No. 804

登記簿中之資訊與失業登記之資訊。

- (3) 依第 1 項及第 2 項所蒐集之資訊得予揭露，不受「金融機構法」、「不動產經紀法」、1999 年 12 月 17 日第 95 號「支付系統法」、「證券交易法」、「證券集中保管法」、「稅務管理法」、「會計法」、「破產法」與「勞動及福利管理法」所定保密義務之限制。該等資訊僅得用於第 1 項或第 2 項所定目的。
- (4) 財政部得訂定法規補充本條規定，包括資訊揭露之方式及應檢附之文件。

第 5-4 條 強制罰鍰

- (1) 為確保揭露義務之遵循，本行得以個別決定對違反第 5-3 條第 1 項揭露義務之行為處以強制罰鍰。
- (2) 本條之強制罰鍰，國王得訂定法規規定有關事項。

第 5-5 條 刑事處罰

故意或過失違反依第 3-9 條或第 5-3 條作成之決定，得處罰金。

第 6 章 生效、過渡條款及其他法律之修正

第 6-1 條 生效及過渡條款

本法生效日期由國王定之。國王得使本法之各條文於不同日期生效，並得訂定過渡條款。

本法自 2020 年 1 月 1 日生效。但涉及「政府退休基金法」條次變更後之第 7 條至第 9 條，及該法第 10 條第 2 項修正規定之第 6-2 條第 3 號規定，依 2019 年 6 月 21 日第 804 號決議，自 2019 年 7 月 1 日生效。

Section 6-2. Repeal of and amendments to other Acts

From the date this Act enters into force the following amendments shall be made to other Acts:

1. Act of 24 May 1985 No. 28 relating to Norges Bank and the monetary system, etc. shall be repealed.

第 6-2 條 廢止及修正其他法律

自本法生效之日起，其他法律修正如下：

1. 廢止 1985 年 5 月 24 日第 28 號關於挪威銀行及貨幣制度等之法律。

二、CENTRAL BANK AND ORGANIZATION OF FINANCIAL INSTITUTIONS AND ACTIVITIES LAW

阿拉伯聯合大公國
中央銀行及金融機構
組織與業務法

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Chapter 3 Management of the Central Bank

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Section 3 Investment of Central Bank's Foreign Reserves and Own Funds

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法務室 謝淑芬 譯

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第三節：本行外匯準備及自有資金之投資

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*Chapter 1 General Provisions**Chapter 2 Licensing**Section 1 Licensed Financial Activities**Section 2 Licensing of Financial Institutions**Section 3 Provisions for Islamic Licensed Financial Institutions**Section 4 Provisions Relating to Undertaking Designated Functions Subject to Central Bank Authorization**Chapter 3 Responsibilities of Deposit-Taking Licensed Financial Institutions**Chapter 4 Prohibitions**Chapter 5 Supervision and Oversight of Licensed Financial Institutions**Section 1 Provisions relating to Supervision and Oversight**Section 2 Financial Accounts**Section 3 Resolution and Liquidation of Licensed Financial Institutions**Chapter 6 Customers' Protection**Part IV Financial Infrastructure**Chapter 1 Funds Transfer and Settlement of Securities**Chapter 2 Powers and Functions of the Central Bank Pertaining to Financial Infrastructure Systems**Chapter 3 Finality of Transactions and Proceedings**Part V Grievances and Appeals**Part VI Administrative and Financial Sanctions and Penalties**Chapter 1 Administrative and Financial Sanctions**Chapter 2 Penalties**Part VII General Provisions*

第一章：一般規定

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第三章：特許存款金融機構之責任

第四章：禁止規定

第五章：特許金融機構之監理及監督

第一節：監理及監督相關規定

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第一章：資金移轉及證券清算

第二章：本行有關金融基礎設施系統之職權及任務

第三章：交易及程序之最終性

第V部分 申訴及上訴

第VI部分 行政管理及財務懲處與處罰

第一章：行政管理及財務懲處

第二章：處罰

第VII部分 一般規定

Decretal Federal Law No. (14) of 2018 Regarding

CENTRAL BANK AND ORGANIZATION OF FINANCIAL INSTITUTIONS AND ACTIVITIES LAW

This law has been amended by The Decretal Federal Law No. (1) of 2020 Decretal Federal Law No.(25) of 2020, Decretal Federal law No. (2) of 2021, Decretal Federal Law No. (9) of 2021, Decretal Federal Law (23) of 2022 and Decretal Federal Law (54) of 2023 respectively.

And based on the the proposal of the Finance Minister and approval of the Cabinet.

Promulgated the following Decretal Law:

Article (1) Definitions

In the implementation of provisions of this Decretal Law, and unless the context otherwise requires, the following words and expressions shall have the meanings cited against each:

The State: The United Arab Emirates.

The Government: The UAE Federal Government.

The Ministry: The Ministry of Finance.

The Minister: The Minister of Finance.

The Central Bank: The Central Bank of the United Arab Emirates.

The Regulatory Authorities in the State: The Central Bank, the Securities and Commodities Authority.

The Board of Directors: Board of directors of the Central Bank.

The Governor: The Governor of the Central Bank.

The Public Sector: The Federal Government, governments of Union member emirates, and their fully owned agencies and public institutions and companies, which provide public services and do not, primarily, carry on any activities relating to money and financial markets.

Government Related Entities: A Juridical person wherein the Government, any of the governments of the Union member emirates, or any of their respective subsidiaries, owns more than fifty percent (50%) of its capital.

2018 年第(14)號聯邦法

阿拉伯聯合大公國 中央銀行及金融機構組織與業務法

本法分別經 2020 年第(1)號聯邦法、2020 年第(25)號聯邦法、2021 年第(2)號聯邦法、2021 年第(9)號聯邦法、2022 年第(23)號聯邦法及 2023 年第(54)號聯邦法修正之*

依據財政部長提案並經內閣核准制定以下法律：

第(1)條 定義

實施本法之條文時，除另有規定外，下列文字及用語應具有各自對應之意義：

本國：阿拉伯聯合大公國。

政府：阿拉伯聯合大公國聯邦政府。

本部：財政部。

部長：財政部長。

本行：阿拉伯聯合大公國中央銀行。

本國監管機關：本行、證券暨期貨主管機關。

理事會：本行理事會。

總裁：本行總裁。

公部門：聯邦政府、聯盟會員酋長國政府，以及負責提供公共服務但並非主要從事與金錢及金融市場相關業務之政府獨資代理機構及公營事業與公司。

政府相關機構：由政府、聯盟會員酋長國政府、或其各自附屬機構持有超過百分之五十（50%）資本之法人。

* 此次翻譯內容為 2023 年 1 月 11 日彙整版本。

Financial Free Zones: Financial free zones subject to the provisions of Federal Law No (8) of 2004, Regarding Financial Free Zones, and amending laws.

Licensed Financial Institutions: Banks and Other Financial Institutions licensed in accordance with the provisions of this Decretal Law, to carry on a Licensed Financial Activity or more, including those which carry on the whole or a part of their business in compliance with the provisions of Islamic Shari'ah, and are either incorporated inside the State or in other jurisdictions, or have branches, subsidiaries or Representative Offices inside the State.

Banks: Any juridical person licensed in accordance with the provisions of this Decretal Law, to primarily carry on the activity of taking deposits, and any other Licensed Financial Activities.

Other Financial Institutions: Any juridical person, other than Banks, licensed, in accordance with the provisions of this Decretal Law, to carry on a financial activity or more, of the Licensed Financial Activities.

Higher Shari'ah Authority: The Authority referred to in Article (17) of this Decretal Law.

Exchange House: A juridical person licensed in accordance with the provisions of this Decretal Law to carry on money exchange activity, and conduct funds transfers within and outside the State, and any other businesses determined by the Central Bank.

Representative Office: An office licensed in accordance with the provisions of this Decretal Law, to carry on representation of a financial institution incorporated in other jurisdictions.

Licensed Financial Activities: The financial activities subject to Central Bank licensing and supervision, which are specified in Article (65) of this Decretal Law.

Authorized Individual: Any natural person authorized in accordance with the provisions of this Decretal Law, to carry on any of the Designated Functions.

Designated Functions: Functions of the Authorized Individual at, or for the benefit of, a Licensed Financial Institution of influential nature on the institution's activities.

Own Funds: Central Bank's capital and reserves referred to in Article (5) of this Decretal Law.

Foreign Reserves: Foreign assets held by the Central Bank denominated in any reserve currency and deployed to back its liabilities.

金融自由區：金融自由區受 2004 年有關金融自由區之第(8)號聯邦法及其修正規定規範。

特許金融機構：依本法之規定，特許其從事特許金融業務之銀行或其他金融機構，包括遵循伊斯蘭沙里亞律法之規定從事其全部或部分業務，且在本國境內及其他管轄區域設立，或在本國境內有分支機構、附屬機構或代表辦事處。

銀行：依本法之規定，特許其主要執行收受存款業務及其他金融業務之法人。

其他金融機構：依本法之規定，特許其執行特許金融業務中之一項以上金融業務之非銀行法人。

高等沙里亞律法當局：本法第(17)條所稱當局。

交換所：依本法之規定，特許執行金錢交換業務、在本國境內外進行資金移轉、以及本行所定其他業務之法人。

代表辦事處：依本法之規定，特許在其他管轄區域設立，並代表某家金融機構之辦事處。

特許金融業務：經本行特許並受本行監督，且明定於本法第(65)條之金融業務。

授權個人：依本法之規定，授權執行任何指定任務之自然人。

指定任務：授權個人在特許金融機構或為該機構利益之任務，且對該機構之業務具有影響性質者。

自有資金：本法第(5)條所稱本行資本及準備。

外匯準備：本行持有以任何準備貨幣計價，並用以支持其負債之外國資產。

Primary Dealers: Any bank which, acting as a principal or on behalf of another Person, purchases, sells or redeems any securities issued inside the State by the Public Sector, in accordance with the terms and conditions set by the Central Bank.

Standing Facilities: Monetary Policy tools made available to deposit-taking Licensed Financial Institution, to enable management of its liquidity in accordance with the controls and instructions issued by the Central Bank, in accordance with the provisions of this Decretal Law.

Financial Infrastructure System: Means either (1) a Clearing and Settlement System or (2) a Retail Payment System, established, operated, licensed, or overseen by any of the Regulatory Authorities in the State.

Designated System: Any Financial Infrastructure System designated by the Central Bank as systemically important, in accordance with the provisions of this Decretal Law.

Clearing and Settlement System: Any system established for the following purposes: (1) Clearing or settlement of payment obligations or (2) Clearing or settlement of obligations to transfer specific book-entry securities, or transfer of such securities.

Retail Payment System: Any fund transfer system and related instruments, mechanisms, and arrangements that typically handles a large volume of relatively low-value payments in such forms as cheques, credit transfers, direct debit, or card payment transactions.

Stored Value Facilities: A non-cash facility, in electronic or magnetic form, which is purchased by a user to be used as means of making a payment for goods and services.

Participant Person: In respect of a Financial Infrastructure System, shall mean any Person who is party to the arrangements for which the system has been established.

Settlement Institution: In respect of a Financial Infrastructure System, shall mean a Person (1) providing settlement accounts to the Participant Persons and to any Central Counterparty, in a Clearing and Settlement System, in order to settle Transfer Orders through the system, and provide credit facilities for settlement purposes, if necessary or (2) providing settlement services for any Retail Payment System.

Default Arrangements: In respect of a Financial Infrastructure System, means the arrangements in place within the system for limiting systemic and other types of risk in the event of a participant appearing to be, or likely to

主要交易商：依據本行所定條款及條件，以本人身分或代表其他人購買、銷售或贖回由公部門在本國境內發行任何有價證券之任何銀行。

常設機制：依本法之規定，按本行發布之控管規範與指示，供特許存款金融機構用以管理其流動性之貨幣政策工具。

金融基礎設施系統：係指由任何監管機關在本國設立、營運、特許或監督之(1)結算暨清算系統，或(2)零售支付系統。

指定系統：本行依本法規定指定為具系統重要性之任何金融基礎設施系統。

結算暨清算系統：為下列目的而設立之任何系統：(1)支付債務之結算或清算，或(2)移轉特定登錄有價證券或該等有價證券移轉義務之結算或清算。

零售支付系統：通常處理大量如支票、信用移轉、直接扣款或卡片支付交易等形式之相對低價值支付之任何資金移轉系統及相關工具、機制及安排。

儲值支付工具：使用者購買作為貨品與服務付款方式之電子或磁條形式非現金工具。

參加人：就金融基礎設施系統而言，係指參與建立該系統之當事人。

清算機構：就金融基礎設施系統而言，係指(1)在結算暨清算系統為參加人與任何中央交易對手提供清算帳戶，以便透過該系統處理轉帳指令，並於必要時，為清算目的提供信用工具之人；或(2)為任何零售支付系統提供清算服務之人。

違約處理機制：就金融基礎設施系統而言，係指參加人似乎或可能無法履行其有關轉帳指令之義務時，在該系統內已準備就緒可限制系統性風險及其他類型風險之安排，並可能包

become, unable to meet his obligations in respect of a Transfer Order; and would include any arrangements that have been enforced by the system's operator or its Settlement Institution for the following: (1) the Netting of obligations owed to or by a Participant Person; (2) the closing out of open financial position of a Participant Person, or (3) the realization of collateral securities to secure payment of obligations owed by the Participant Person.

Transfer Order: In respect of a Financial Infrastructure System, shall mean any of the following instructions: (1) instructions by a Participant Person to make funds available to another Participant Person, to be transferred, on a book-entry basis, in the accounts of the Settlement Institution for a Clearing and Settlement System; (2) or otherwise put funds within the control of a Participant Person in accordance with the rules and procedures of the Financial Infrastructure System, or (3) instructions for discharge from obligation to pay, for the purposes of the operational rules of a Clearing and Settlement System; or (4) instructions by a Participant Person to either settle an obligation by transferring a book-entry security, or transferring those securities; or (5) instructions by a Participant Person that result in the assumption or discharge of retail operations payment obligation.

Netting: In respect of a Clearing and Settlement System, means the conversion of the various obligations owed to or by a Participant Person towards all the other Participant Persons in the system, into one net obligation owed to or by the Participant Person.

Reserve Requirements: The percentage of deposits held by deposit-taking financial institutions, which the Board of Directors may decide to keep with the Central Bank, as per the terms and conditions it may determine.

Eligible Securities: Securities approved by the Central Bank, which Licensed Financial Institution may present as collateral for drawing from the Central Bank funds in accordance with the controls and instructions issued by the Central Bank, in accordance with the provisions of this Decretal Law.

Currency: The State's official national currency notes, coins and digital form, units of which are referred to as the "Dirham".

Monetary Base: It includes the following: (1) Issued Currency; (2) Aggregate balances of current accounts of Licensed Financial Institutions with the Central Bank, including the Reserve Requirements, in addition to any other funds deposited with the Central Bank for the purpose of clearing and settlement operations; and (3) the outstanding balance of securities and financial instruments issued by the Central Bank.

Grievances and Appeals Committee: The committee referred to in Article (136) of this Decretal Law.

括該系統營運者或其清算機構已經實施之下列任何安排：(1)將某位參加人之債權或債務進行互抵；(2)關閉某位參加人之公開財務部位；或(3)變賣擔保證券以確保給付參加人所負之債務。

轉帳指令：就金融基礎設施系統而言，係指下列任一指示：(1)結算暨清算系統之某位參加人將其可用資金登錄移轉至另一參加人在清算機構帳戶之指示；(2)或者依金融基礎設施之規則及程序，由某位參加人控制資金；(3)為結算暨清算系統之營運規則目的，免除支付義務之指示；或(4)參加人以移轉登錄證券、或移轉該等證券之方式結算債務之指示；或(5)將導致參加人承擔或免除零售營運支付債務結果之指示。

互抵：就結算暨清算系統而言，係指將該系統之所有其他參加人積欠某位參加人之各種債務、或將該參加人積欠所有其他參加人之各種債務，轉換為該參加人積欠之淨債務或積欠該參加人之淨債務。

法定準備金：理事會依其所定期間及條件，決定存款金融機構就其所持有存款提存於本行之比率。

合格證券：依本法之規定，經本行核准之有價證券，得作為特許金融機構依本行所發布控管措施及指示，獲取本行資金之擔保。

國幣：本國之官方國家貨幣，包括鈔券、硬幣及數位形式，其貨幣單位名稱為「迪拉姆」。

貨幣基礎：包括：(1)已發行國幣；(2)特許金融機構在本行之流動帳戶總餘額，即除為結算與清算操作目的而存放於本行之任何其他資金外，尚包括法定準備金；以及(3)本行已發行有價證券及金融工具之未清償餘額。

申訴及上訴委員會：本法第(136)條所稱委員會。

Person: A natural or juridical person, as the case may be.

Year: The Gregorian calendar year.

Part I The Central Bank

Chapter One : Organization of the Central Bank and its Objectives

Article (2) Independence of the Central Bank

- 1) The Central Bank shall be considered a Federal public institution having legal personality, enjoying financial and managerial independence, and the required juridical capacity to conduct all businesses and activities, which ensure attainment of its objectives.
- 2) The Central Bank shall not be subject to the provisions of laws relating to public finance, tenders and auctions, public accounts and civil service, and its own regulations in these respects, shall apply.
- 3) The functions of State Audit Institution as per Federal Law No. (8) of 2011, Regarding Re-organization of the State Audit Institution, shall be confined to post-audit, and it shall have no right to interfere in the running of the Central Bank business, or challenge its policies.

Article (3) The Central Bank Headquarters

Headquarters of the Central Bank and its official address, along with its main branch shall be located in the State's capital and may, upon Board of Directors approval, establish affiliated entities and open branches, offices and agencies inside and outside the State, and appoint agents and correspondents inside and outside the State.

Article (4) Principal Objectives and Functions of the Central Bank

- 1) Maintain stability of the national Currency within the framework of the monetary system.
- 2) Contribute to the promotion and protection of the stability of the financial system in the State.
- 3) Ensure prudent management of the Central Bank's Foreign Reserves.
- 4) Provide appropriate environment to develop and enhance the role of the insurance industry in insuring people, property and liabilities against risks

人：自然人或法人（視情況而定）。

年：西曆年。

第 I 部分 中央銀行

第一章：本行之組織及其目標

第(2)條 本行之獨立性

- 1) 本行應被視為聯邦公共機構，具有法人格，享有財務與管理之獨立性，以及從事所有業務與活動所必要之司法能力，以確保達成其目標。
- 2) 本行不應受有關公共財務、投標與拍賣、公共帳戶及公務員體系法律規定之拘束，並應適用其自身有關此方面之規範。
- 3) 2011 年有關國家審計機關重整之第(8)號聯邦法規定，國家審計機關之任務應限於事後查核，且無權干預本行業務經營或對本行政策提出異議。

第(3)條 本行總部

本行總部及其官方地址併同其主要分行，應位於本國首都，且經理事會之核准，得於本國境內外設立附屬實體及開設分行、辦事處與代理機構，並指定本國境內外之代理行及往來銀行。

第(4)條 本行之主要目標及任務

- 1) 維持國幣於貨幣體系架構內之穩定。
- 2) 致力於促進及保護本國金融體系之穩定。
- 3) 確保審慎管理本行外匯準備。
- 4) 提供適當環境以發展並提升保險產業在人身、財產及責

to protect the national economy, encourage fair and effective competition, provide the best insurance services at competitive prices and coverage, and localize jobs in the insurance market.

For the purpose of achieving its objectives, the Central Bank shall undertake the following functions and jurisdictions:

- a. Establish and implement monetary policy while considering the State's general strategy.
- b. Exercise the privilege of Currency issuance.
- c. Organize Licensed Financial Activities, establish the foundations for carrying them on, and determine the standards required for developing and promoting prudential practices in accordance with the provisions of this Decretal Law and international standards.
- d. Issuance appropriate regulations and standards for protection of customers of Licensed Financial institutions.
- e. Monitor the credit condition in the State, in order to contribute to the achievement of balanced growth in the national economy.
- f. Manage foreign reserves to maintain, at all times, sufficient foreign currency assets to cover the Monetary Base as per the provisions of this Decretal Law.
- g. Regulate, develop, oversee and maintain soundness of the Financial Infrastructure Systems in the State, including electronic payment systems, digital currency, and Stored Value Facilities.
- h. Regulate, develop and oversee the insurance sector and business, and propose and implement regulating legislation in this regard.
- i. Receive requests for establishing and opening branches and representative offices for insurance and reinsurance companies, insurance agents and the professions associated therewith, and issuing the necessary licenses for them in accordance with the regulating legislation in this regard.
- j. Protect the rights of the insured and the beneficiaries of the insurance business and monitor the financial solvency of insurance companies to provide adequate insurance coverage to protect these rights.
- k. Work to raise the performance and efficiency of insurance companies and oblige them to the rules and ethics of the profession to increase their ability to provide better services to the beneficiaries of insurance, and to achieve positive competition among them.

Chapter Two : Capital, Reserves and Accounts of the Central Bank

任保險之角色，俾保護國家經濟，鼓勵公平有效率之競爭，以具競爭性之價格與承保範圍提供最佳保險服務，及在地化保險市場之工作。

為達成目標，本行應從事下列任務及權限：

- a. 在考量本國總體政策之前提下，建立及執行貨幣政策。
- b. 行使貨幣發行之特權。
- c. 依本法之規定及國際標準，規劃特許金融業務，建立該等業務之執行基礎，並決定為發展及促進審慎運作所需之標準。
- d. 發布有關保護特許金融機構客戶之適當規範及標準。
- e. 監督本國信用狀況，俾致力於達成國家經濟之平衡成長。
- f. 依本法之規定管理外匯準備，隨時維持充足的外幣資產以支應貨幣基礎。
- g. 規範、發展、監督及維護本國金融基礎設施系統之健全，包括電子支付系統、數位貨幣及儲值支付工具。
- h. 規範、發展及監督保險機構與業務，並提案及執行此方面的監管立法。
- i. 受理保險與再保險公司、保險代理人與相關專業設立及開設保險分行與代表辦事處之要求，並依據此方面之監管立法，核發必要之特許。
- j. 保障保險業務之被保險人及受益人權利，並監督保險公司之財務償付能力，俾提供適足保險保障，以保護其權利。
- k. 致力於提升保險公司之績效及效率，並責成其遵守專業規則及道德，以增強其為保險受益人提供更佳服務之能力，並達成保險公司間之正向競爭。

第二章：本行之資本額、準備金及帳目

Article (5) Capital and Reserves

- 1) The capital of the Central Bank shall be Twenty Billion (20,000,000,000) Dirhams.
- 2) A sum of Seventeen Billion Five Hundred Million (17,500,000,000) Dirhams shall be transferred from the General Reserve Account, to increase the capital to the amount referred to in item (1) of this article.
- 3) The capital may be increased by a federal decree based on a proposal of the Board of Directors, presented by the Minister, and approved by the Cabinet. Such increase shall be paid either by transfer from the General Reserve Account or directly by the Government.
- 4) The capital of the Central Bank may only be reduced by a law.
- 5) The Central Bank shall establish a General Reserve Account that should not exceed four (4) times the paid up capital referred to in item (1) of this article. All net profit shall, after that, automatically devolve to the Government.
- 6) The Board of Directors shall, at the end of each financial year, determine the Central Bank's annual net profits after deducting administrative and operational expenses, and allocating necessary funds for depreciation of assets and reserves, provisions for bad and doubtful debts and end of service indemnity for the staff of the Central Bank, along with the contingencies and/or other purposes the Board of Directors may determine, and in general, all other financial expenses normally deducted from net profits by banks, and the resulting net profits for each financial year shall be posted to the General Reserve Account.
- 7) The Cabinet shall issue a resolution specifying the percentage of profits to be retained by the Central Bank until the total balance of the General Reserve Account reaches the four (4) times limit referred to in item (5) hereof.
- 8) Should the balance of the General Reserve Account, as at end of any financial year, be insufficient to cover the losses of the Central Bank; the deficit shall be met by the Government.

Article (6) Financial Year

The financial year for the Central Bank shall commence on the first day of January and end on the thirty-first day of December of each Year.

Article (7) Organization of Operations and Accounts**第(5)條 資本額及準備金**

- 1) 本行資本額為二百億(20,000,000,000)迪拉姆。
- 2) 一百七十五億(17,500,000,000)迪拉姆由總準備帳戶轉帳，將資本額增至本條第(1)項所定金額。
- 3) 依據理事會之提案，由財政部長提出並經內閣核准，得以聯邦令增加資本額。該增加之資本額，由總準備帳戶轉帳支付或由政府直接支付。
- 4) 本行資本額之減少，僅得以法律為之。
- 5) 本行應設立總準備帳戶，其金額不得超過依本條第(1)項所定資本額之四(4)倍。其後，所有淨收益應自動移歸政府。
- 6) 理事會應於每一會計年度結束時，扣除行政與營運費用、為資產之準備與準備之減值及呆帳準備、本行員工服務終止補償金與理事會可能決定之或有事項及/或其他目的，所提撥之必要資金，以及銀行通常自淨收益扣除之所有其他財務費用後，決定本行之年度淨收益，且每一會計年度所產生之淨收益，均應帳列總準備帳戶。
- 7) 內閣應發布決議明訂本行得保留收益之比例，直到總準備帳戶總餘額達到依本條第(5)項所定之四(4)倍限額為止。
- 8) 當會計年度結束時之總準備帳戶餘額不足以支應本行損失時，應由政府填補不足之額。

第(6)條 會計年度

本行會計年度始於每年1月1日，並於12月31日結束。

第(7)條 營運及帳目之組織

Operations of the Central Bank shall be conducted, and its balance sheet and accounts shall be organized in accordance with international standards and banking rules and customs. The Central Bank's operations with third parties shall be considered commercial.

Article (8) Accounts Auditing

The accounts of the Central Bank shall be audited by an auditor or more, selected, periodically, by the Board of Directors. The Board of Directors shall determine the auditors' annual remunerations.

Article (9) Required Statements and Accounts Reports

- 1) Within three (3) months from end of the financial year, the Central Bank shall submit to the President of the State an annual report on the following:
 - a. The Central Bank's final accounts of the year, certified by the auditors. Such accounts shall be published in the Official Gazette.
 - b. Central Bank's activities and businesses during the financial year.
 - c. An overview of monetary, banking and financial developments in the State.
- 2) The Central Bank shall submit the following to the Minister:
 - a. Copy of the annual report referred to in item (1) of this article.
 - b. The information the Minister may request on monetary, banking and financial developments in the State, along with semi-annual reports covering all aspects related to such developments.
 - c. A quarterly statement on the Central Bank's assets and liabilities, which shall be published in the Official Gazette.

Chapter Three : Management of the Central Bank

Section One : The Board of Directors

Article (10) Members of the Board of Directors

The Central Bank shall be managed by a Board of Directors of seven (7) members, including the Chairman and the Governor.

Article (11) Members Appointment

- 1) Members of the Board of Directors shall be appointed by a Federal Decree based on recommendation of the Cabinet, and shall serve for a four (4) year term renewable to similar periods. The Decree designates from among the members of the board of directors one or more deputy chairman.

本行營運之進行及其資產負債表與帳目之管理，應依國際標準及銀行規則及慣例。本行與第三人間之往來，應被視為具商業性質。

第(8)條 帳目查核

本行帳目，應由理事會定期選任一名以上之審計人員查核之；並由理事會決定審計人員之年薪。

第(9)條 法定報表及帳目報告

- 1) 會計年度結束時起三(3)個月內，本行應就下列事項向總統提交年報：
 - a. 經審計人員簽證之本行年度決算；該等帳目應刊登於政府公報。
 - b. 本行會計年度期間之業務及活動。
 - c. 國幣、銀行及金融發展之綜覽。
- 2) 本行應向部長提交：
 - a. 依本條第(1)項所提年度報告之副本。
 - b. 部長得要求有關本國之國幣、銀行及金融發展資訊，以及涵蓋該等發展所有面向之半年報。
 - c. 本行資產負債季報表，並應刊登於政府公報。

第三章：本行之管理

第一節：理事會

第(10)條 理事會成員

本行由包括主席及總裁在內共七(7)名成員之理事會管理之。

第(11)條 成員之任命

- 1) 理事會成員應依據內閣之推薦，以聯邦令任命之；任期四(4)年，得再任命相同期間。聯邦令指定一名以上之理事會成員為代理主席。

- 2) The Chairman, his Deputies and the Governor, shall each have the rank of Minister.
- 3) The Chairman issues a decision defining the powers of his Deputies.
- 4) Subject to item three (3) of this article, Should the Chairman be absent or his post became vacant, the Deputy Chairman shall replace him; and should both the Chairman and his Deputies be absent or their posts became vacant, the Governor shall replace them both.

Article (12) Membership Conditions

- 1) Be of UAE nationality.
- 2) Have experience in economic, financial or banking affairs.
- 3) Not have been declared bankrupt or failed to repay his debts.
- 4) Not have been convicted, of a felony or a misdemeanor involving moral turpitude or dishonesty, unless rehabilitated.
- 5) Not an active minister, excluding the Chairman of the Board of Directors.
- 6) Not a member of the Federal National Council.
- 7) Not holding any position, a job or board of directors' membership of any institution licensed by any of the Regulatory Authorities in the State or by any of the regulatory authorities in the Financial Free Zones.
- 8) Not a controller or auditor of accounts of a Licensed Financial Institution, nor owner, agent, or partner in any accounts audit firm.

Article (13) Resignation or Vacancy of Office

Should a member of the Board of Directors resign, or his seat become vacant for any reason whatsoever prior to the expiry of his term of office, a successor shall be appointed, in accordance with the membership conditions referred to in Article (12) of this Decretal Law, for the remaining term of office of the Board of Directors.

Article (14) Termination of Membership

- 1) Membership of the Board of Directors terminates upon end of the term of office without renewal, or through death, or resignation. Membership of the Board of Directors may also be terminated by a federal decree, based on the Cabinet approval, in any of the following cases:
 - a. If the member committed grave mistakes in management of the Central Bank, or committed serious breach of his duties.
 - b. If the member absented himself from three (3) consecutive meetings of the Board of Directors without the Board of Directors' approval,

- 2) 主席、代理主席及總裁應均為部長等級。
- 3) 主席宣布代理主席權限之決定。
- 4) 在受本條第(3)項規定拘束下，主席缺席或其職位出缺時，應由代理主席代替之；主席及代理主席均缺席或其職位出缺時，應由總裁代替之。

第(12)條 成員之條件

- 1) 具備阿拉伯聯合大公國國籍。
- 2) 具備經濟、金融或銀行事務經驗。
- 3) 未曾被宣告破產或未能償還其債務。
- 4) 未曾觸犯涉及道德敗壞或不誠實之重罪或輕罪，但已復權者除外。
- 5) 非現職部長，但理事會主席除外。
- 6) 非聯邦國家委員會成員。
- 7) 未擔任本國任何監管機關或金融自由區監管機關所特許任何機構之任何職位、工作或董事會成員。
- 8) 非特許金融機構之帳目主計人員或審計人員，亦非任何帳目查核事務所之所有權人、代理人或合夥人。

第(13)條 辭職或出缺

理事會成員在其任期屆滿前，因故辭職或其職位出缺，應依本法第(12)條成員條件之規定，就剩餘之理事會任期，任命該成員之繼任人。

第(14)條 成員身分之終止

- 1) 理事會成員任期結束且未續任、或因死亡或辭職，其成員身分終止。有下列任一情況，亦得經內閣之核准，以聯邦令終止之：
 - a. 如成員犯下本行管理之重大錯誤，或嚴重違反其職責。
 - b. 如未經理事會核准，成員連續缺席三(3)次理事會會

unless such absence was due to his being on an official assignment, annual or sick leave, or due to any other acceptable reason.

- c. If the member no longer satisfies any of the membership conditions referred to in Article (12) of this Decretal Law.
 - d. If the member was rendered incapable of performing his functions, for any reason whatsoever.
- 2) Where term of office of members of the Board of Directors has expired without renewal, members of the Board of Directors shall continue to perform their functions until such time new members were appointed.

Section Two : Competences of the Board of Directors and its Meetings

Article (15) Powers and Functions of the Board of Directors

The Board of Directors shall, within the limitations imposed by the provisions of this Decretal Law, exercise all powers required for achieving the objectives for which the Central Bank has been established.

The Board of Directors shall, in particular, exercise the following:

1. Approve regulations, rules, standards, instructions and business controls to perform its functions and competence, and take all measures and actions necessary to enforce the provisions of this Decretal Law.
2. Establish and oversee implementation of policies for deployment and management of the Central Bank's Own Funds and assets.
3. Decide on matters relating to issuance of the Currency and its withdrawal from circulation.
4. Issue regulations relating to organization of Licensed Financial Activities and decide on related matters, including regulations and procedures relating to supervision and oversight thereof, and determine conditions and rules for granting licenses to Licensed Financial Institutions to carry on Licensed Financial Activities and authorizations to undertake Designated Functions.
5. Approve regulations, rules, standards, instructions and business controls for insurance and reinsurance companies, insurance agents and the professions associated therewith.
6. Establish policies, and approve regulations relating to prudential supervision, and the standards and guidelines relating to Licensed Financial Activities.
7. Establish regulations and standards for protection of customers of Licensed Financial Institutions.

議，但缺席係因官方任務、年假或病假、或因任何其他可接受之理由者，不在此限。

- c. 如成員不再具備本法第(12)條所定之成員條件。
 - d. 如成員因故無法執行任務。
- 2) 理事會成員任期屆滿且未續任時，理事會成員應繼續執行任務直到任命新成員為止。

第二節：理事會之職能及其會議

第(15)條 理事會之職權及任務

理事會應於本法附加之限制規定內，行使為達成本行已設立目標所必要之所有職權。

理事會尤應行使下列職權：

1. 核准有關執行本行任務與職能之規範、規則、標準、指示及業務控管，並採取使遵守本法規定所需之所有措施及行動。
2. 制定及監督對本行自有資金及資產所為利用及管理政策之執行情形。
3. 決定有關國幣發行及停止流通之事項。
4. 發布有關特許金融業務組織之規範，並決定相關事項，包括與其監理及監督相關之規範及程序，並決定有關授予特許金融機構得執行特許金融業務之特許，以及得從事指定任務之授權之條件及規則。
5. 核准保險及再保險公司、保險代理人與相關專業之規範、規則、標準、指示及業務控管。
6. 制定政策，並核准與審慎監理相關之規範，以及特許金融業務相關之標準及指導原則。
7. 制定保障特許金融機構客戶之規範及標準。

8. Approve regulations, controls, and procedures for countering money laundering and combating terrorism financing and unlawful organizations.
9. Take necessary actions, procedures and impose administrative penalties against any Person violating the provisions of this Decretal Law, and regulations issued in implementation thereof.
10. Approve rules and regulations for maintaining integrity and efficiency of Financial Infrastructure Systems licensed, established, developed, or operated by the Central Bank.
11. Approve risk management and compliance policies at the Central Bank.
12. Approve Central Bank's bylaws, issue the organizational structure and the administrative, financial and technical regulations, and determine powers and competencies, within the limitations of the provisions of this Decretal Law.
13. Approve human resources policies at the Central Bank.
14. Approve rules for the Central Bank institutional governance, including a set of rules and regulations aimed at achieving performance quality and excellence, in line with the Government's strategic plans and objectives.
15. Decide on loans and advances granted to the Government, in accordance with the provisions of this Decretal Law.
16. Approve settlements and reconciliations relating to Central Bank's businesses.
17. Approve the Central Bank's annual budget and any variations thereof during the year.
18. Approve the Central Bank's annual final accounts and the amount of net annual profits.
19. Regulate the mechanism of objections related to the insurance activity.
20. Deal with all other matters deemed within its powers, and are conducive to achievement of the objectives of the Central Bank and the discharge of its functions, in accordance with the provisions of this Decretal Law.

Article (16) Formation of Committees and Delegation of Authorities

- 1) The Board of Directors may form the committees it deems appropriate to assist in the discharge of its functions and competence in accordance with the provisions of this Decretal Law. Such committees may be formed from within the Board of Directors, or from outside the Board of Directors. The Board of Directors may also form committees and advisory boards, which include in their membership Persons from outside the Central Bank, and shall determine the remunerations of members of such committees and boards.

8. 核定防制洗錢及打擊資恐與不法組織之規範、控管及程序。
9. 對違反本法規定之任何人採取必要之行動、程序及處以行政處罰，並發布相關執行規範。
10. 核定有關維持本行特許、設立、開發或營運之金融基礎設施系統之誠信與效率之規則及規範。
11. 核定本行之風險管理及法規遵循政策。
12. 在本法限制規定範圍內，核定本行章程，發布組織架構與行政、財務與技術之規範，並決定職權及職能。
13. 核定本行之人力資源政策。
14. 核定本行之機構治理原則，包括一套旨在達成績效品質與卓越，且符合政府策略計畫及目標之規則及規範。
15. 依本法之規定，決定對政府授信及墊款。
16. 核定與本行業務相關之調解及和解。
17. 核定本行之年度預算及該年度期間之預算變更。
18. 核定本行之年度決算及年度淨收益金額。
19. 規範與保險業務相關之異議機制。
20. 依本法之規定，處理被視為在本行職權內有助於達成目標及執行任務之所有其他事項。

第(16)條 委員會之設立及權限委託

- 1) 理事會依本法之規定，得成立其認為適合協助執行任務及職能之委員會。該等委員會得設於理事會內部或理事會外部。理事會亦得成立由非本行人員組成之委員會及諮詢委員會，並決定該等委員會及諮詢委員會成員之薪酬。

- 2) The Board of Directors may delegate some of its powers to the Chairman, to the Governor, or to any committee derived from the Board of Directors.
- 3) The Board of Directors may, annually, review the terms of reference and performance of the committees formed in accordance with item (1) of this article, and may take necessary actions to ensure compliance with professional and international standards, codes of conduct and governance.

Article (17) Higher Shari`ah Authority

- 1) Pursuant to this Decretal Law, a Shari`ah authority referred to as "Higher Shari`ah Authority" affiliated to the Central Bank shall be established with a membership not less than five (5) members and not exceeding seven (7) members, with knowledge and experience in the jurisprudence of Islamic financial transactions.
- 2) The Board of Directors shall approve the authority's charter, its functions and competencies, and the mechanism for financing the costs of its establishment and continuity of work.
- 3) The Governor shall issue a decision to form the authority and appoint its members.
- 4) Licensed Financial Institutions, which carry on the whole or part of their businesses and activities in compliance with the provisions of Islamic Shari`ah shall bear all expenses of the Authority referred to in item (1) of this article, including remunerations, allowances and expenses of its members according to the decision issued by the Board of Directors.
- 5) The Higher Shari`ah Authority shall determine the rules, standards, and general principles applicable to Shari`ah-compliant Licensed Financial Activities and business, and shall undertake supervision and oversight of the internal Shari`ah supervisory committees of Licensed Financial Institutions, referred to in Article (79) of this Decretal Law.
- 6) The Higher Shari`ah Authority shall approve Islamic monetary and financial tools issued and developed by the Central Bank to manage monetary policy operations within the State, and provide its opinion regarding the specific regulatory rules and instructions relating to the operations and activities of Licensed Financial Institutions which conduct the whole or part of their business and activities in accordance with the provisions of Islamic Shari`ah.
- 7) The Fatawa and opinions of the Higher Shari`ah Authority shall be binding on the internal Shari`ah supervisory committees, referred to in Article (79) of this Decretal Law, and on Licensed Financial Institutions which conduct the whole or part of their business and activities in accordance with the provisions of Islamic Shari`ah.

- 2) 理事會得將其部分職權委託予主席、總裁或理事會所衍生之任何委員會。
- 3) 理事會得每年檢視依本條第(1)項規定所設立委員會之受委託權限及績效，並得採取必要行動，以確保遵守專業與國際標準、行為與治理守則。

第(17)條 高等沙里亞律法當局

- 1) 依本法之規定，附屬於本行且名為「高等沙里亞律法當局」之沙里亞律法當局，應由五(5)至七(7)名具備伊斯蘭金融交易法學知識與經驗之成員組成。
- 2) 理事會應核定該當局之執照、任務與職能及資助其成立與持續運作費用之機制。
- 3) 總裁應下達成立該當局及任命其成員之決定。
- 4) 依伊斯蘭沙里亞律法之規定執行全部或部分業務及活動之特許金融機構，應依據理事會宣布之決定，負擔本條第(1)項所稱當局之所有支出，包括其成員之報酬、津貼及費用。
- 5) 高等沙里亞律法當局應決定適用於符合沙里亞律法之特許金融業務之規則、標準及一般原則，並應管理及監督本法第(79)條所定特許金融機構之內部沙里亞律法監理委員會。
- 6) 高等沙里亞律法當局應核准由本行發行並運用之伊斯蘭貨幣及金融工具，以管理本國之貨幣政策運作；並對於依據伊斯蘭沙里亞律法之規定從事全部或部分業務之特許金融機構之營運及業務相關之特定監管規則及指示，提供意見。
- 7) 高等沙里亞律法當局所作的裁決及意見，應拘束依本法第(79)條所定內部沙里亞律法監理委員會及依伊斯蘭沙里亞律法之規定從事全部或部分業務之特許金融機構。

- 8) The Higher Shari'ah Authority may seek assistance of a specialized entity, if deemed necessary, to conduct a Shari'ah external audit of the business of any Licensed Financial Institution, which carry on the whole or part of their businesses and activities in accordance with the provisions of Islamic Shari'ah, and the conditions and procedures determined by the Authority, at the expense of the concerned institution.

Article (18) Appointment of Senior Central Bank Executives

The Board of Directors may, upon recommendation of the Governor, appoint senior Central Bank executives, with titles of deputy, assistant governors, or any other titles the Board of Directors deems appropriate. The decision appointing the deputies and assistants shall determine their competences, salaries, and remunerations.

Article (19) Working Full Time for the Central Bank

- 1) The Governor, his deputies and assistants shall devote their full time to their work at the Central Bank, and none of them may hold any paid or unpaid position, or be a member of the board of directors of any of the Regulatory Authorities in the State, or in the Financial Free Zones or the board of directors of any Licensed Financial Institution, or enter, directly or indirectly, in any contracts concluded by the Public Sector.
- 2) The prohibition referred to in item (1) of this article shall not apply to assignments entrusted to any of them by the Government in the Public Sector, including representation in international conferences, or representation of the Public Sector in the various committees, subject to the approval of the Board of Directors.

Article (20) Remunerations and Entitlements

The Board of Directors shall set up a regulation regarding remunerations of the Governor and his other entitlements, and the remunerations of the Chairman and members of the Board of Directors. A federal decree, in this respect, shall be issued.

Article (21) Meetings of the Board of Directors

- 1) The Board of Directors shall, upon invitation by the Chairman, hold an ordinary meeting, at least once every sixty (60) days.
- 2) The Chairman of the Board of Directors may call the Board of Directors to convene whenever the need arises.
- 3) The Chairman of the Board of Directors shall convene the Board of Directors upon request of, at least, three (3) members of the Board of Directors.

- 8) 高等沙里亞律法當局如認為必要，得尋求專業實體之協助，對於依據伊斯蘭沙里亞律法之規定及該當局決定之條件及程序執行全部或部分業務之任何特許金融機構，就其業務進行外部審計，並由案關機構負擔費用。

第(18)條 本行高階主管之任命

理事會得依總裁之推薦，任命本行高階主管為副總裁、助理總裁或其他理事會認為適合之職務。任命副總裁與助理總裁之決定，應確定其職能、薪水及報酬。

第(19)條 為本行全職工作

- 1) 總裁、副總裁及助理總裁應全職投入其在本行的工作，且均不得在本國或在金融自由區之任何監管機關擔任任何有給職或無給職職位或為其董事會之成員，或為任何特許金融機構董事會之成員，或直接或間接簽訂由公部門締結之任何契約。
- 2) 本條第(1)項之禁止規定，不適用政府於公部門委託予任何前項人員之任務，包括國際會議代表或各種委員會之公部門代表，惟必須經理事會核准。

第(20)條 報酬及權益

理事會應訂定有關總裁報酬與其他權益，及理事會主席與成員之報酬，並應以聯邦令發布之。

第(21)條 理事會會議

- 1) 理事會應至少每六十(60)日由主席邀請舉行一次常會。
- 2) 理事會主席得於必要時召開理事會。
- 3) 理事會主席依至少三(3)名理事會成員之要求，即應召開理事會。

Article (22) Meetings Quorum

- 1) Five (5) members of the Board of Directors including the Chairman of the Board of Directors, one of his Deputies, or the Governor, shall constitute quorum for any meeting.
- 2) Decisions of the Board of Directors shall be adopted by a majority vote of the members present. In case of a tie, the Chairman of the session shall have the casting vote.

Section Three : Powers of the Chairman and the Governor**Article (23) Powers of the Chairman**

Without prejudice to the powers and competencies of the Chairman of the Board of Directors, the Governor shall be the legal representative of the Central Bank, and shall sign, on its behalf, all instruments, contracts and documents.

Article (24) Responsibilities of the Governor

Without prejudice to any competencies established for the Board of Directors or the Chairman of the Board of Directors, the Governor shall conduct and manage all the affairs of the Central Bank, and issue regulations, systems and policies approved by the Board of Directors. The Governor shall be responsible for the implementation of this Decretal Law, the regulations of the Central Bank and decisions of the Board of Directors. He may delegate some of his powers and competencies to any of his deputies, assistants, or some senior staff of the Central Bank.

Section Four : Other Provisions**Article (25) Exemption from Liability**

- 1) The Central Bank, members of the Board of Directors, members of committees formed by the Board of Directors, whether from within its membership or from outside, staff of the Central Bank and its duly authorized representatives, shall all be exempt from civil liability towards third parties, in respect of the following:
 - a. Exercise, or failure to exercise, the functions, powers, authorities and businesses of the Central Bank, or their own functions, competencies and powers, authorities, and all related practices;
 - b. Instructions, guidelines, declarations, data, statements and opinions given by them in relation to the practice of the Central Bank's functions, powers, authorities and business, or their own functions, competencies, authorities and businesses - unless bad faith, with intent to harm third parties, was established.

第(22)條 會議法定人數

- 1) 理事會任何會議之法定人數為五(5)名成員，且應包括理事會主席、其中 1 位代理主席或總裁。
- 2) 理事會之決定應以出席成員之過半數通過；表決可否同數時，會議主席具有決定性投票。

第三節：主席與總裁之職權**第(23)條 主席之職權**

在不影響理事會主席職權及職能之情況下，總裁為本行之法定代表人，並應以其名義簽署所有文據、契約及文件。

第(24)條 總裁之責任

在不影響理事會或理事會主席所制定之任何職能之情況下，總裁應處理及管理本行一切事務，並發布理事會核定之規範、制度及政策。總裁應負責執行本法、本行規範及理事會決定，總裁得將部分職權與職能委託予副總裁、助理總裁、或本行某些高階員工。

第四節：其他規定**第(25)條 責任豁免**

- 1) 本行、理事會之成員、理事會內部或外部所設委員會之成員、本行員工及本行合法授權之代表人，於下列情況免對第三人負民事責任：
 - a. 執行或未執行本行之任務、職權、權限及業務、或其自身任務、職能及職權、權限，以及所有相關行為；
 - b. 為實踐本行任務、職權、權限及業務、或其自身任務、職能、權限及業務而給予之指示、指導原則、聲明、數據、陳述及意見 - 但已證明為惡意、具傷害第三人之意圖者，不在此限。

- 2) The Central Bank shall bear all charges, costs, expenses, and attorney fees relating to the defense of the Persons referred to in item (1) of this article, in lawsuits pertaining to discharge of their functions at the Central Bank.

Article (26) Confidential Information

- 1) Any member of the Board of Directors, any member of the committees formed by the Board of Directors, any employees or representatives of the Central Bank; any experts, technical personnel, or academics the Central Bank deals with, shall not disclose any information that is confidential, unless such disclosure is consistent with the provisions of item (3) of this article. This prohibition shall remain effective even after the expiry of membership or termination of the service or the function.
- 2) Confidential information shall include all information received by any of the Persons referred to in item (1) of this article, by virtue of their positions, or in the course of discharging their functions, as long as such information were not made available to the public through official or legal means.
- 3) Without prejudice to the provisions of Article (28) of this Decretal Law, confidential information may be disclosed where such disclosure is permitted, legally enforced, or addressed to authorities and agencies within the State or in other jurisdictions.

Article (27) Declaration of Conflict of Interest

- 1) A member of the Board of Directors shall, upon his appointment, declare his interests, which may conflict with his membership at the Board of Directors, and whenever a conflict of interest arises. Should any member of the Board of Directors have a personal interest in any contract or dealing to which the Central Bank is party, such member must declare those interest prior to the discussion of the subject; withdraw from the meeting when such dealing or contract is discussed, and should not participate in voting pertaining thereto, in accordance with the code of conduct and governance rules issued by the Board of Directors.
- 2) Every employee or representative of the Central Bank shall disclose to his manager, or his immediate superior, any interest which may be in conflict with the discharge of his functions, and he may not participate in exchange of opinions, and decisions or measures, taken in this regard.
- 3) The Board of Directors shall establish codes of conduct for employees and representatives of the Central Bank, as well as disclosure procedures, compliance, and governance.

- 2) 本條第(1)項所定人員因在本行執行任務之法律訴訟抗辯所支出之相關費用、花費、經費及律師費，應由本行全額承擔。

第(26)條 機密資訊

- 1) 理事會之任何成員、理事會所設委員會之任何成員、本行之任何受雇人員或代表人、本行往來之任何專家、技術人員或學者，不得揭露任何機密資訊，但該揭露行為符合本條第(3)項規定者，不在此限。該等成員任期屆滿或服務或任務終止之後，此項禁止規定應仍有效。
- 2) 機密資訊應包括本條第(1)項所定之任何人員因其職位、或在執行任務過程中取得之所有資訊，只要該資訊未透過官方或合法途徑提供予大眾者均屬之。
- 3) 在不影響本法第(28)條規定之情況下，機密資訊得經許可、依法執行或向本國或其他管轄區域主管機關及機構提出而予以揭露。

第(27)條 利益衝突之聲明

- 1) 理事會成員於任命時及發生利益衝突時，均應聲明其可能與理事會成員身分相衝突之利益。理事會之任何成員對本行為當事人之任何契約或交易具有個人利益時，該成員應在討論該議題前，聲明該項利益；依理事會所發布之行為守則及治理規則，於討論該項交易或契約時退出會議，並不得參與相關投票。
- 2) 本行之受雇人員或代表人應向主管或直屬督導者揭露任何可能與其執行任務相衝突之利益，且其不得參與此方面之意見交換、做成決定或措施。
- 3) 理事會應制定本行受雇人員或代表人之行為守則、揭露程序、法規遵循及治理。

Article (28) Cooperation with Local and International Authorities

- 1) The Central Bank may, within the scope of its jurisdiction and in accordance with the Law, cooperate with the concerned regulatory authorities in other countries, and with international institutions, in providing assistance and exchanging information, subject to the following:
 - a. The request is made on basis of reciprocity.
 - b. The request does not contravene any of the State's established laws and regulations.
 - c. The request is serious and important.
 - d. The request is not in conflict with the public interest and public order requirements.
- 2) The Central Bank shall, in coordination and collaboration with the concerned regulatory authorities, within applicable laws, exercise its powers on Licensed Financial Institutions operating outside the State or in Financial Free Zones.

Article (29) Engagement of Experts, Technical Personnel and Academics

The Central Bank may seek assistance of experts, technical personnel and academics, determine their remunerations and entitlements. The Board of Directors may also invite to its meetings whomever it may wish to hear their opinion on a specific issue, and such invitee to the meeting shall have no counted vote in deliberations.

Article (30) Publication of Draft Rules and Regulations

- 1) The Central Bank may publish the draft regulations and rules it intends to issue in relation to organization of business of Licensed Financial Institutions and Licensed Financial Activities, for their feedback, via a public notice to the concerned parties.
- 2) The Central Bank may invite concerned parties to provide their feedback on the draft rules and regulations referred to in item (1) of this article, within the period prescribed by the Central Bank.
- 3) The Central Bank may decide not to publish the draft regulations referred to in item (1) of this article, if it deems such publication contrary to public interest, or to the achievement of the Central Bank's objectives and discharge of its functions.

第(28)條 與地方及國際主管機關之合作

- 1) 本行得在其權限範圍內及依本法之規定，與其他管轄區域之案關監管機關及國際機構合作提供協助並交換資訊，但必須受以下規定拘束：
 - a. 請求係在互惠基礎下提出。
 - b. 請求不得違反本國之既有法律及法規。
 - c. 請求係嚴謹且重要。
 - d. 請求不得牴觸公共利益及公共秩序之要求。
- 2) 本行應在相關法律規定內，協調及協同案關監管機關，對在本國境內或在金融自由區內營運之特許金融機構行使本行職權。

第(29)條 專家、技術人員或學者之聘僱

本行得尋求專家、技術人員或學者之協助，並決定該等人員之報酬及權益。理事會欲聽取上述人員對特定議題之意見時，亦得邀請該等人員參加其會議，但該受邀人員對審議案件無投票權。

第(30)條 規則及規範草案之公告

- 1) 為取得回饋意見，本行得透過對案關當事人之公開通知，公告本行擬發布有關特許金融機構業務安排及特許金融業務之規範及規則草案。
- 2) 本行得邀請案關當事人於所訂期間內，對本條第(1)項所定之規則及規範草案提供回饋意見。
- 3) 本行如認為公告本條第(1)項所定之規範草案，與公共利益相違背，或與本行目標之達成或任務之執行相違背，得不公告該草案。

Chapter Four : Monetary Policy and Financial Stability

Article (31) Objectives of Monetary Policy

- 1) Monetary policy shall be aimed at maintaining soundness and stability of the monetary system in the State, in order to ensure stability and required confidence in the national economy.
- 2) The Central Bank shall determine monetary tools and operational means for achievement of monetary policy objectives, including policies relating to management of the exchange rate of the national Currency and money markets in the State.
- 3) The Central Bank shall, on basis of a proposal by the Board of Directors and approval of the Cabinet, determine the national Currency's exchange rate regime.
- 4) The Central Bank may, for operational purposes, take necessary measures to manage and control the official exchange rate of the national Currency, as per the guidelines set by the Board of Directors.

Article (32) Reserve Requirements

- 1) The Central Bank may, in line with monetary policy objectives and the current and forecasted status of liquidity, determine minimum Reserve Requirements for each type of deposits, or on total of deposits held with deposit-taking Licensed Financial Institutions. The Board of Directors shall determine the manner in which ratio of the Reserve Requirements is calculated, as it deems appropriate.
- 2) The Central Bank shall specify all operational arrangements related to the maintenance of the Reserve Requirements referred to in item (1) of this article.

Article (33) Credit Conditions Surveillance

The Central Bank may set regulations which determine limits of credit facilities extended by Licensed Financial Institutions to their customers, compared to the total of their stable resources or to the total of deposits of their customers. Such limits may be prescribed for a specific Licensed Financial Institution or for all Licensed Financial Institutions.

Article (34) Coordination between Monetary Policy and Fiscal Policy

The Central Bank and the Ministry shall establish a mechanism for coordinating monetary policy and fiscal policy for the purpose of achieving balanced growth

第四章：貨幣政策及金融穩定

第(31)條 貨幣政策之目標

- 1) 貨幣政策旨在維持本國貨幣體系之健全及穩定，以確保國家經濟之穩定與所需信心。
- 2) 本行應決定達成貨幣政策目標之貨幣工具及操作方式，包括匯率管理及貨幣市場之相關政策。
- 3) 本行應依據理事會之提案及內閣批准，決定國幣之匯率制度。
- 4) 本行為操作目的，得依理事會所定指導原則，採取必要措施管理及控管國幣之官方匯率。

第(32)條 法定準備

- 1) 本行按照貨幣政策目標及目前與預測之流動性狀況，就各類存款或特許存款金融機構持有之存款總額，決定應存放於本行之最低法定準備。理事會應決定其認為適當的法定準備率計算方式。
- 2) 本行應具體明定與維持本條第(1)項所提法定準備相關之所有操作安排。

第(33)條 信用條件監控

本行得比對特許金融機構之穩定資金來源總額或其客戶存款總額，訂定規範決定該等機構可向其客戶提供信用工具之限額。該限額得針對特定之特許金融機構，或針對全體特許金融機構而訂定。

第(34)條 貨幣政策及財政政策之間之協調

為達成國家經濟之均衡成長，本行與本部應建立貨幣政策與財政政策之協調機制；並應於每一會計年度開始之前或必要

in the national economy. Such coordination shall take place before the beginning of each financial year, and whenever necessary, and shall be in respect of volume of government expenditure, the Government's debt, and debts of governments of emirates members of the Union, along with debts of Government Related Entities, companies and institutions which they own, hold shares in, or manage, and their plans regarding domestic and foreign public debt.

Article (35) Designating Systemically Important Licensed Financial Institutions

The Central Bank shall solely have the authority to designate any Licensed Financial Institution as systemically important. For such purpose, the Central Bank may require the designated Licensed Financial Institution to take needed measures and procedures.

Article (36) Domestic Market Statistics

- 1) The Public Sector and other agencies as the Board of Directors deems necessary, shall provide the Central Bank with all the information and statistics it requires for the purpose of performing its functions under the provisions of this Decretal Law. Such information and statistics shall include all monetary and economic statistics, as well as balance of payments statistics and consumer prices. The Central Bank may publish the statistics it deems appropriate, in whole or in part.
- 2) The Central Bank shall obtain the approval of other Regulatory Authorities in the State regarding provision and/or publication of non-public information and statistics in relation to institutions under the supervision of those authorities.

Article (37) Research

- 1) The Central Bank may conduct research and analyses in areas of macro-economy, conduct of monetary policy, and banking and financial operations, as deemed of strategic importance to the State economy.
- 2) The Central Bank shall publish and issue regular statistical reports, quarterly and annual reviews of the Central Bank, policy briefs and working papers that contain analyses of the relevant data to ensure the soundness and effectiveness of policy decisions.

Chapter Five : Central Bank Operations

Section One : Operations with the Public Sector

Article (38) Advisor to the Government

The Central Bank shall advise the Government on matters falling within its jurisdiction, and shall provide its opinion on monetary, banking, and financial

時進行協調，且應針對政府之支出額、聯盟會員酋長國政府之負債，及其擁有、持股或管理之政府相關實體、公司及事業之負債、以及有關國內外公共債務之計畫進行協調。

第(35)條 指定系統重要性特許金融機構

本行具有唯一得將任何特許金融機構指定為具系統重要性之權限。為此目的，本行得要求被指定之特許金融機構採取必要措施及程序。

第(36)條 國內市場統計資料

- 1) 公部門及理事會認為必要之其他機構，應提供本行依本法執行任務之目的而要求之所有資訊及統計資料。該資訊及統計資料應包括所有貨幣與經濟統計資料、以及資產負債統計資料與消費者物價。本行認為適當時，得公布全部或部分統計資料。
- 2) 本行提供及/或公布受本國其他主管機關監督之機構之非公開資訊及統計資料時，應取得該等主管機關之同意。

第(37)條 研究

- 1) 本行得對被視為本國經濟策略重點之總體經濟、貨幣政策執行及銀行與金融營運等領域，進行研究及分析。
- 2) 本行應公布並發表定期統計報告、本行季度與年度審查、政策摘要及涵蓋可確保政策決定之健全與效率相關數據分析之研究報告。

第五章：本行業務

第一節：與公部門之往來

第(38)條 政府之顧問

本行應就權限範圍內之事項，向政府提供諮詢；並應依政府

affairs as requested by the Government.

Article (39) Financial Agent for the Government

- 1) The Central Bank shall participate in negotiations relating to the Government's international monetary and financial agreements, and it may be assigned implementation of provisions of such agreements.
- 2) The Central Bank may, directly or through Primary Dealers, sell and manage securities issued or secured by the Government or governments of emirates members of the Union, in accordance with an agreement with the concerned government.

Article (40) Bank for the Government

- 1) For the purposes of achieving objectives of its monetary policy, and in order to provide the Government and governments of emirates members of the Union with their needs for national Currency and/or foreign currencies, the Central Bank shall buy or sell foreign currencies to the concerned government, at prevailing exchange rates.
- 2) The Central Bank shall conduct banking operations and services for the Government, whether in the State or in other jurisdictions, against fees. The Central Bank may also perform banking operations and services for governments of member emirates of the Union, against fees.
- 3) The Government and governments of emirates members of the Union, shall open accounts in national Currency and foreign currencies with the Central Bank, and conduct transfers through such accounts.
- 4) Government funds in national Currency or foreign currencies shall be deposited with the Central Bank, and the latter shall pay or charge interest thereon in view of the prevailing market rates. Governments of emirates members of the Union may also deposit funds in national Currency or foreign currencies with the Central Bank, on which the latter shall pay or charge interest thereon in view of the prevailing market rates.
- 5) Public Sector entities, other than the Government, and governments of emirates members of the Union, may deposit their funds in national Currency or foreign currencies with the Central Bank. The Central Bank shall pay or charge interest thereon as determined by the Central Bank.
- 6) The Central Bank may grant advances or other credit facilities to the Government, at interest rates set in accordance with the terms and conditions of the agreement signed between the Central Bank and the Ministry in this regard, provided such advances and credit facilities are for the purpose of covering a temporary, unforeseen deficit in Government revenues, compared to its expenses. The Government may not relend or

之要求，提供對貨幣、銀行與金融事務之意見。

第(39)條 政府之財務代理人

- 1) 本行應參與有關政府之國際貨幣與金融協定之協商，並得受指派執行該等協定之規定。
- 2) 本行得直接或透過主要交易商，依據與案關政府之協定，銷售及管理政府或聯盟會員酋長國政府所發行或擔保之有價證券。

第(40)條 政府之銀行

- 1) 為達成貨幣政策目標，且為提供政府及聯盟會員酋長國政府所需之國幣及/或外國貨幣，本行應按市場匯率與案關政府買賣外國貨幣。
- 2) 本行應為政府於本國境內或其他管轄區域，收費從事銀行業務及服務。本行亦得為聯盟會員酋長國政府收費執行銀行業務及服務。
- 3) 政府與聯盟會員酋長國政府應在本行開立國幣與外國貨幣帳戶，並透過該等帳戶進行轉帳。
- 4) 政府之國幣或外國貨幣資金，應存放於本行，且本行應按市場利率支付或收取利息。聯盟會員酋長國政府亦得將國幣或外國貨幣資金存放於本行，且本行應按市場利率支付或收取利息。
- 5) 政府與聯盟會員酋長國政府以外之公部門實體得將國幣或外國貨幣資金存放於本行，且本行應按本行決定之利率支付或收取利息。
- 6) 本行得依本行與本部簽訂之墊款與信用工具合約條款及條件所定之利率，提供墊款或其他信用工具予政府，但提供該等墊款與信用工具之目的，係在於支應與政府支出相對比之暫時性、不可預見之政府收入赤字。政府不

grant such advances to any other party. Granted advances shall at no time exceed ten percent (10%) of the government's average revenues realized in the budgets of the last three (3) years. The Government shall repay these advances within a period not exceeding one (1) year from date of granting thereof. In case advances were not repaid at the specified date, the outstanding balance should be subject to an interest charge, as specified in the agreement signed between the Central Bank and the Ministry.

- 7) The Central Bank may subscribe to securities and debt instruments issued by the Government for maturities exceeding one (1) year, only in cases designated by the Board of Directors. The Government shall repay the amounts due, including interest, on maturity dates. In case of late or early payment an interest charge shall be imposed, as specified in the debt agreement.

Article (41) Investment and Deployment of Government Funds

Apart from the funds deposited with the Central Bank in accordance with the provisions of Article (40) of this Decretal Law, the Central Bank may not interfere in the investment and deployment of Government funds or funds of governments of emirates members of Union, unless it has been assigned to do so per the agreement concluded between the concerned government and the Central Bank.

Section Two : Operations with Financial Institutions, Monetary Authorities, and other Central Banks

Article (42) Opening of Accounts and Maintaining Financial Balances in Digital Currency

First : The Central Bank may open the following accounts:

- 1) Currency or foreign currencies accounts for Licensed Financial Institutions, and accept deposits from them. The Central Bank shall pay or charge agreed interest on such deposits.
- 2) Accounts for monetary authorities, other Central Banks, foreign banks, international financial and monetary institutions, as well as Arab and international monetary funds. The Central Bank may pay or charge interest on such accounts, and act as agent or correspondent for these parties.
- 3) Accounts with monetary authorities, other Central Banks, foreign banks, international financial and monetary institutions, as well as Arab and international monetary funds.

得將該等墊款轉借或墊款予任何其他人。所提供墊款不得超過政府最近三(3)個年度預算之已實現平均收益之百分之十(10%)。政府應於提供墊款日起算一(1)年內償還此等墊款。如未於指定日期償還墊款，未清償餘額應按本行與本部簽訂之合約規定，收取利息。

- 7) 本行僅得在理事會指定下，認購政府發行到期日超過一(1)年之有價證券及債券。政府應於到期日償還包括利息在內之到期款項。如延後或提前付款，應依債務合約之規定收取利息。

第(41)條 政府資金之投資及利用

除依本法第(40)條規定存放於本行之資金外，本行不得干預政府資金或聯盟會員酋長國政府資金之投資及利用，但本行依案關政府與本行間所訂合約被指派干預者，不在此限。

第二節：與金融機構、貨幣主管機關及其他中央銀行之往來

第(42)條 開戶及維持數位貨幣財務餘額

首先：本行得開立下列帳戶：

- 1) 特許金融機構之國幣或外國貨幣帳戶，接受該等機構之存款。本行應就該等存款支付或收取經合意之利息。
- 2) 貨幣主管機關、其他中央銀行、外國銀行、國際金融與貨幣機構及阿拉伯與國際貨幣基金之帳戶。本行得就該等帳戶支付或收取利息，並擔任此等當事人之代理行或往來行。
- 3) 在貨幣主管機關、其他中央銀行、外國銀行、國際金融與貨幣機構以及阿拉伯與國際貨幣基金開立帳戶。

- 4) The Central Bank may open any other accounts within the limits and in accordance with the rules and regulations issued by the Board of Directors.

Second : The Central Bank may maintain other forms of digital currency financial balances, whatever their type, within the limits and in accordance with the rules and regulations issued by the Board of Directors.

Article (43) Money and Capital Markets Operations

The Central Bank may conduct the following money and capital markets operations:

- 1) Purchase, re-purchase, sell, and accept and place deposits of gold bullion or coins and precious metals.
- 2) Accept and place monetary deposits and pay or charge interest thereon, subject to the provisions of Article (62) of this Decretal Law.
- 3) Issue bills payable upon demand and other types of payable financial transfers, at its head office, branches, and offices of its agents or correspondents.
- 4) Conduct all foreign currency operations and external transfer operations with the Government, governments of emirates members of the Union, public entities, local and foreign banks, licensed Exchange Establishments, other monetary authorities and Central Banks, and other Arab and international financial institutions and funds.
- 5) Issue securities in the name of the Central Bank, and sell and re-purchase, discount and rediscount, redeem such securities for the purposes of managing monetary policy operations.
- 6) Purchase, re-purchase, sell, discount and rediscount Eligible Securities and other securities related to the management of its Own Funds and/or Foreign Reserves as per established terms and conditions.
- 7) Purchase, re-purchase, and sell Shari'ah-compliant commodities and securities, in order to develop liquidity management instruments for Licensed Financial Institutions, which carry on the whole or part of their business and activities in compliance of the provisions of Islamic Shari'ah.
- 8) Grant collateralized loans, advances, other credit facilities, and Shari'ah-compliant funding facilities to Licensed Financial Institutions, for the purpose of managing monetary policy operations, in accordance with the terms and conditions the Central Bank deems appropriate and determines from time to time.
- 9) Grant collateralized loans and advances to monetary authorities, Central Banks, foreign banks, and international financial institutions, and obtain

- 4) 本行得在限制內並依理事會發布之規則與規範，開立任何其他帳戶。

其次：本行得在限制內並依理事會發布之規則與規範，維持任何類型之其他形式數位貨幣財務餘額。

第(43)條 貨幣及資本市場操作

本行得進行下列貨幣及資本市場操作：

- 1) 購買、買回、出售、接受及儲藏金條或金幣及貴金屬。
- 2) 在受本法第(62)條規定拘束下，接受及存放貨幣性存款，並支付或收取利息。
- 3) 在總行、分支機構及代理行或往來行之營業處所，發行見票即付票據及其他類型之應付金融債務憑證。
- 4) 與政府、聯盟會員酋長國政府、國營事業、當地或外國銀行、特許交換機構、其他貨幣主管機關及中央銀行，以及其他阿拉伯與國際之金融機構及基金，進行所有外幣操作及外部轉帳操作。
- 5) 以本行名義發行有價證券，並為經理貨幣政策操作之目的，出售與買回、貼現與重貼現、贖回該等有價證券。
- 6) 按照既有條件，購買、買回、出售、貼現及重貼現合格有價證券，以及與管理自有資金及/或外匯準備相關之其他有價證券。
- 7) 購買、買回及出售所有符合沙里亞律法之商品及有價證券，俾為依伊斯蘭沙里亞律法之規定執行其全部或部分業務與活動之特許金融機構，發展流動性管理工具。
- 8) 為管理貨幣政策操作之目的，依本行認為適當且隨時決定之條款與條件，提供特許金融機構擔保貸款、墊款、其他信用工具及符合沙里亞律法之融通機制。
- 9) 提供貨幣主管機關、中央銀行、外國銀行及國際金融機構擔保貸款及墊款，並取得該等機構之貸款及墊款，但

loans and advances therefrom, provided there is consistency of such operations with the Central Bank's functions and jurisdictions. Interest or commission may be paid or charged for this purpose.

- 10) Obtain, guarantee or secure loans and advances or issue credit, in any currency inside the State or in other jurisdictions, in accordance with the terms and conditions the Central Bank deems appropriate for the purpose of conducting its own business.
- 11) Conduct all other operations deemed conducive to the achievement of Central Bank's objectives.

Article (44) Protection of Licensed Financial Institutions

- 1) The Central Bank shall take all measures it deems appropriate to maintain conduct of operations of Licensed Financial Institutions, within the frameworks and limits set by the Board of Directors.
For this purpose, the Central Bank shall:
 - a) Request to hold a meeting of the general assembly of the Licensed Financial Institution to discuss any issue the Central Bank deems important.
 - b) Request to include any item that the Central Bank deems necessary into the agenda of the general assembly meeting of the Licensed Financial Institution.
 - c) Suspending the implementation of any decision issued by the general assembly of the Licensed Financial Institution in the event that it violates the laws or regulations in force.
- 2) The Central Bank, according to its own discretion, in cases of necessity during which the deposit-taking Licensed Financial Institution is exposed to liquidity pressures or is subject to crisis management procedures, may provide loans to that establishment, in order to contribute to strengthening and protecting the stability of the financial system and protecting the monetary system in the state.

Article (45) Appointment of Primary Dealers

- 1) The Central Bank shall set-up rules to regulate securities issued by the Central Bank or the Government in coordination with the various stakeholders. Such rules shall include all aspects of these securities issuance, custody, trading in the State.
- 2) The Central Bank may appoint Primary Dealers for securities issued inside the State by the Central Bank or the Public Sector, in accordance with the terms and conditions set by the Central Bank.

該等操作必須符合本行之任務及權限。為此目的，得支付或收取利息或佣金。

- 10) 為從事自身業務之目的，依本行認為適當之條件，在本國境內或在其他管轄區域取得、擔保或保證任何幣別之貸款及墊款。
- 11) 從事有助於達成本行目標之所有其他操作。

第(44)條 維護特許金融機構

- 1) 本行應在理事會所定架構及限制內，採取所有適當措施，以維持特許金融機構營運之進行。
為此目的，本行應：
 - a) 要求舉行特許金融機構大會，討論本行認為重要之議題。
 - b) 要求將本行認為必要之任何項目，納入特許金融機構大會之議程。
 - c) 暫停實施特許金融機構大會宣布之任何違反有效法律或法規之決定。
- 2) 在特許存款金融機構暴露於流動性壓力或受危機管理程序規範期間，本行得自行決定提供貸款予該機構，俾致力於強化與維護金融體系之穩定性，及保護本國貨幣體系。

第(45)條 主要交易商之指定

- 1) 本行應對本行或政府發行之有價證券訂定規範，以調和各類利害關係人；該等規範應包含此等有價證券在本國發行、保管及交易等所有面向。
- 2) 本行得依本行所定條款與條件，指定本行或公部門在本國境內所發行有價證券之主要交易商。

- 3) For the purpose of listing securities issued by the Public Sector in the State's financial markets, the Central Bank shall appoint Primary Dealers it approves who comply with the requirements of the concerned regulator.

Section Three : Investment of Central Bank's Foreign Reserves and Own Funds

Article (46) Foreign Reserves

The Central Bank may, in accordance with the instructions and rules stipulated in the investment policy and guidelines approved by the Board of Directors, invest its Foreign Reserves in all or any of the following instruments:

- 1) Gold bullions, gold coins and other precious metals.
- 2) Currency notes and coins, call money, and placements in foreign countries.
- 3) Securities issued or secured by governments of foreign countries and related entities, or by international monetary and financial institutions.
- 4) Derivatives and other financial instruments required for the management of Central Bank's exposure to interest rates, currencies, credit, gold, and other precious metals.
- 5) Any other financial assets the Central Bank deems appropriate for investment as foreign assets, subject to approval of the Board of Directors.

Article (47) Own Funds

The Central Bank may, in accordance with the investment policy and guidelines set by the Board of Directors, deploy or invest part of its Own Funds in the following:

- 1) Purchase and sell securities, and subscribe to loans issued or guaranteed by the Public Sector, or buy shares in any entity wherein the Government or governments of emirates members of the Union hold shares, or is granted a concession in the State.
- 2) Invest in projects, investment funds and financial institutions not licensed by the Central Bank.
- 3) Acquire real estate, equity and movable properties and all related matters.

Article (48) Appointment of External Parties to Manage Foreign Reserves and Own Funds

The Central Bank may appoint external parties to manage its Foreign Reserves and Own Funds, in accordance with the investment policy and guidelines set by the Board of Directors.

- 3) 為達公部門發行有價證券在本國金融市場上市之目的，本行應指定經其核准並遵守案關監理者所定要求之主要交易商。

第三節：本行外匯準備及自有資金之投資

第(46)條 外匯準備

本行得依理事會核准之投資政策及指導原則所明定之指示及規則，將其外匯準備投資於下列全部或任一工具：

- 1) 金條、金幣及其他貴金屬。
- 2) 鈔券與硬幣、拆款及國外募集基金。
- 3) 外國政府及相關實體、或國際貨幣與金融機構發行或擔保之有價證券。
- 4) 為管理本行對利率、貨幣、信用、黃金及其他貴金屬之曝險所需之衍生性商品及其他金融工具。
- 5) 本行認為適合投資作為外匯資產之任何其他金融資產，但必須經理事會核准。

第(47)條 自有資金

本行得依理事會明定之投資政策及指導原則，利用或投資部分自有資金如下：

- 1) 購買及出售有價證券、認購公部門所發行或擔保之貸款、購買政府或聯盟會員酋長國政府持股之任何實體之股份、或在本國被授與之特許權。
- 2) 投資非本行特許之專案、投資基金及金融機構。
- 3) 取得不動產、股權與動產，以及所有相關事項。

第(48)條 指派外部人員管理外匯準備及自有資金

本行得依理事會所定投資政策及指導原則，指派外部人員管理外匯準備及自有資金。

Chapter Six : Miscellaneous Provisions

Article (49) Establishment of Companies and Commercial or Financial Institutions

The Central Bank may, for the purpose of achieving its objectives and discharging its functions, as per provisions of Article (4) of this Decretal Law, establish, or partner with any other agency in establishing companies and commercial or financial institutions, or for any specific purpose, inside the State or in other jurisdictions, and may carry on any commercial activity, own moveable and immoveable property, as per the regulations issued by the Board of Directors.

Article (50) Privilege and Guarantee of Own Rights

- 1) Debts of the Central Bank shall enjoy the privilege Government debts have, over property of its debtors. The Central Bank's debts shall be collected in the same manner and by the same means prescribed for collection of the Government debts and property.
- 2) Save for the Reserve Requirements referred to in Article (32) hereof, the Central Bank shall have privilege over the property of Licensed Financial Institutions for payment of all its claims and dues of cash balances or assets which constitute guarantees for these claims and dues, upon maturity thereof.
- 3) The Central Bank may purchase, by agreement or by forced sale, or acquire real estate and movable property in settlement of its debts. Such property must be sold within the shortest possible period of time, unless the Central Bank decided to use it for the conduct of its business, in accordance with this Decretal Law.
- 4) The Central Bank must obtain sufficient guarantees to ensure the fulfillment of its rights, including mortgage, pledge or waiver.
- 5) In case its secured rights were not paid upon maturity thereof, the Central Bank may, after ten (10) days from the date its debtor was duly notified, proceed with sale of any pledged assets, without prejudice to Central Bank's right to initiate other legal proceedings against the debtor, until its secured rights were fully paid.
- 6) Sale of pledged property pursuant to provisions of item (5) of this article shall be carried out by the competent court upon request of the Central Bank.
- 7) The Central Bank shall collect its dues from proceeds of the sale carried out pursuant to provisions of item (6) of this article. Should such proceeds exceed the Central Bank's dues; the surplus shall be deposited with the Central Bank, at the debtor's disposal, without paying any interest.

第六章：什項規定

第(49)條 公司及商業或金融機構之設立

為達成目標及執行任務，本行得依本法第(4)條之規定，設立或與其他代理機構合夥設立公司及商業或金融機構，或為特定目的並依理事會發布之規範，在本國境內或在其他管轄區域，持有動產及不動產，並得從事任何商業業務。

第(50)條 特權及自身權利之保證

- 1) 本行對其債務人之財產，享有政府債務具有之特權；其收取方式，與為政府債務及財產所定之收取方式相同。
- 2) 除第(32)條所定之法定準備外，特許金融機構用於支付所有到期請求權及現金餘額或資產之欠款之財產，縱該財產構成此等請求權及欠款之擔保者，本行對該財產享有特權。
- 3) 本行得以合意或強制方式，收買或取得不動產與動產以清償其債務。該財產應盡可能在最短期間內售出，但本行依本法之規定決定將該財產用於營業者，不在此限。
- 4) 為確保權利之行使，本行必須取得十足保證，包括抵押、質權或權利放棄。
- 5) 擔保權利到期未獲付款，自合法通知其債務人之日起算十(10)日後，本行得出售任何抵押資產，且不影響本行對該債務人發動其他法律程序之權利，直到其擔保權利已全額清償為止。
- 6) 依本條第(5)項規定出售抵押資產，應由管轄法院依本行之請求執行之。
- 7) 本行應從依本條第(6)項之規定執行出售所獲收益之中，收回債務人對本行之欠款。該收益超過對本行之欠款者，超出部分應無息存放於本行供該債務人處置。

Article (51) Financial Exemptions

- 1) The Central Bank shall be exempt from the following:
 - a. Taxes, fees, and payments relating to its capital, reserves, Currency issue, or income.
 - b. Taxes, fees, and payments relating to its contribution, shares, or profits originating from companies and establishments it owns part of its capital.
- 2) The Central Bank and the companies and establishments it owns the majority of its shares shall be exempt from Court fees and bail bonds required by law.

Article (52) Security of Premises and Safe Transport of Funds and Valuables

The Government shall provide security for the Central Bank's premises, and the security escort needed for the safe transport of funds and valuables, free of charge.

Article (53) Dissolution of the Central Bank

The Central Bank shall not be dissolved except by a law specifying the manner and timing of its liquidation.

Part II Currency**Chapter One : Currency Unit and Issuance****Article (54) Currency Unit**

The official Currency of the State "The Dirham" shall be referred as (د.إ) in Arabic letters and as (AED) in Latin letters and is subdivided into one hundred (100) fills.

Article (55) Currency Issuance

- 1) Issuance of Currency shall be the exclusive right of the State. This right shall be exercised solely and exclusively by the Central Bank.
- 2) No Person shall issue or put into circulation Currency notes, Currency coins, or any instrument or token payable to bearer on demand having the appearance of, or purporting to be, or are likely to pass as, or be confused with legal tender in the State or in any other country.

第(51)條 財務豁免

- 1) 本行豁免適用下列事項：
 - a. 有關資本額、準備、國幣發行或收入之稅款、費用及支付款項。
 - b. 有關源自於持有部分資本之公司與機構之出資、股份或收益之稅款、費用及支付款項。
- 2) 本行及所持有過半數股份之公司與機構，均豁免適用法律規定之法院費用及保釋保證金。

第(52)條 場所安保及資金與貴重物品之安全運送

政府應免費提供本行場所之安保及資金與貴重物品安全運送所需之安保護衛。

第(53)條 本行之解散

本行非依法律明定之解散方式及時間，不得解散。

第 II 部分 國幣**第一章：國幣單位及發行****第(54)條 國幣單位**

本國官方國幣「迪拉姆」應為阿拉伯文(د.إ)及拉丁文(AED)，並細分為一百(100)費爾。

第(55)條 國幣發行

- 1) 本行具有在本國發行國幣之專屬權，此項權利僅限於且專屬由本行行使。
- 2) 任何人不得發行或流通鈔券、硬幣、或具有本國或任何其他國家法償貨幣外觀、或有意當成該等法償貨幣、或可能冒充該等法償貨幣或與之相混淆且按要求立即支付予持有人之任何工具或代幣。

Article (56) Currency Legal Tender

- 1) Currency notes and digital currency issued by the Central Bank shall be legal tender for payment of any amount up to their full face value.
- 2) Currency coins issued by the Central Bank shall be legal tender in the State for payment of any amount with its full face value, and not exceeding fifty (50) Dirhams. Nevertheless, should such Currency coins be presented to the Central Bank, the latter must accept them without any limitation to its quantity.

Article (57) Currency Specifications, Features and Denominations

- 1) Currency notes issued by the Central Bank shall be of such denominations, designs, and specifications, and bear such features as shall be decided by the Board of Directors. Currency notes shall bear the signature of the Chairman of the Board of Directors.
- 2) The Board of Directors shall determine the weight, composition, mix ratios, allowed variation, and all other specifications of Currency coins as well as the quantities of each denomination to be minted.
- 3) The Central Bank shall make necessary arrangements for printing of Currency notes referred to in item (1) of this article, and minting of Currency coins referred to in item (2) of this article, along with all matters relating to such printing, minting and safekeeping of such Currency notes and coins and the relative plates and dies.
- 4) The Central Bank shall issue the forms, designs, and specifications of the digital currency, the conditions and controls for its possession, and other features determined by the Board of Directors.
- 5) The Central Bank shall publish decisions to issue Currency by the specifications, designs and all other features, in the Official Gazette.

Article (58) Gold and Silver Coins and Commemorative Coins

- 1) The Board of Directors shall determine conditions for sale and purchase of gold and silver coins at the Central Bank.
- 2) The Central Bank may issue commemorative Currency notes or coins for any wishing party, in accordance with the rules and conditions set by the Board of Directors.
- 3) The Board of Directors, determine the denominations, fineness, and weights, measurements, allowed variation, and all other specifications of gold and silver coins, as well as the quantities of each denomination to be minted.

第(56)條 國幣法償效力

- 1) 本行發行之鈔券及數位貨幣具有支付其任何面值全數之法償效力。
- 2) 本行發行之硬幣具有在本國支付其任何面值全數之法償效力，但不超過五十(50)迪拉姆。儘管如此，如向本行提出硬幣，本行必須無限量接受之。

第(57)條 國幣規格、樣式及面額

- 1) 本行所發行鈔券之面額、設計與規格及樣式，應由理事會決定之。鈔券上應載有理事會主席之簽名。
- 2) 理事會應決定硬幣之重量、成分、混合比率、容許誤差及所有其他規格，以及每種面額擬鑄造之數量。
- 3) 本行應就印製本條第(1)項所定鈔券、鑄造本條第(2)項所定硬幣，以及有關該鈔券及硬幣之印製、鑄造與保管及相關鋼板與模具之所有事項，做必要之安排。
- 4) 本行應發布數位貨幣之形式、設計及規格，其持有之條件與控管規範，以及理事會決定之其他樣式。
- 5) 本行應將發行國幣之規格、設計及所有其他樣式之決定，公布於政府公報。

第(58)條 金幣與銀幣及紀念幣

- 1) 理事會應決定在本行買賣金幣及銀幣之條件。
- 2) 本行得依理事會規定之規則及條件，為任何有意願之當事人發行紀念鈔券或硬幣。
- 3) 理事會決定金幣及銀幣之面額、純度、重量、尺寸、容許誤差及所有其他規格，以及每種面額擬鑄造之數量。

- 4) The Central Bank shall make necessary arrangements for minting of gold and silver coins referred to in this article, along with all matters relating to such minting and safekeeping of such coins and the relative plates and dies.

Chapter Two : Currency Circulation and Withdrawal

Article (59) Currency Notes

- 1) New Currency notes shall be put in circulation by a Board of Directors decision specifying their denominations and quantities. Such decision shall be published in the Official Gazette and communicated to the public through appropriate media.
- 2) The Board of Directors may, after approval of the Cabinet, withdraw from circulation any denomination of Currency notes against payment of their face value. Such decision shall be published in the Official Gazette and communicated to the public through appropriate media.
- 3) The withdrawal decision shall specify the time limit allowed for exchange, which shall not be less than three (3) months from date of publication of the decision in the Official Gazette. Such time limit may, if necessary, be reduced to fifteen (15) days.
- 4) Currency notes not presented for exchange prior to expiry of the time limit stated in item (3) of this article shall cease to be legal tender and may not be negotiated. However, holders of such Currency notes shall have the right to redeem them, at face value, at the Central Bank, within ten (10) years from the effective date of the withdrawal decision. Currency notes not exchanged upon expiry of said ten-year period must be taken out of circulation and their value shall be credited to Central Bank account.
- 5) The Central Bank shall, in pursuance to the provision of item (4) of this article, destroy the Currency notes withdrawn from circulation in accordance with the instructions issued by the Central Bank in this respect.
- 6) The Central Bank shall be under no obligation to refund the value of any lost or stolen Currency notes, or to accept or pay for counterfeit Currency notes.
- 7) The Central Bank shall pay value of torn, mutilated or imperfect Currency notes, which satisfy the requirements to be prescribed by the Central Bank in this regard. Currency notes not satisfying those requirements shall be withdrawn from circulation without any compensation to bearers.

Article (60) Currency Coins

- 1) Currency coins of various denominations shall be put into circulation by

- 4) 本行應就本條所定金幣及銀幣之鑄造，以及有關該等硬幣之鑄造與保管及相關鋼板與模具之所有事項，做必要之安排。

第二章：國幣之流通及收回

第(59)條 鈔券

- 1) 新鈔券應依理事會決定之面額與數量流通；該項決定應公布於政府公報，並透過適當媒體向大眾溝通。
- 2) 經內閣批准後，理事會得取消任何面額鈔券之流通，並相應給付其面值；該項決定應公布於政府公報，並透過適當媒體向大眾溝通。
- 3) 取消流通之決定，應明定允許兌換之時限，且該時限期間，自該項決定公布於政府公報之日起算，不得少於三(3)個月。如有必要，該時限期間得減少至十五(15)天。
- 4) 鈔券未於本條第(3)項所定時限期間屆至前提出兌換者，不再為法償貨幣，且不得轉讓。但是自該決定生效之日起算十(10)年期間內，該等鈔券之持有人仍有權利在本行按其面值兌換該等鈔券。上述十(10)年期間屆期尚未兌換之該等鈔券，必須停止流通，且其價值應貸記於本行帳戶。
- 5) 為符合本條第(4)項之規定，本行應就此方面發布指示，並據以銷毀不再流通鈔券。
- 6) 本行無義務退還任何遺失或被盜鈔券之價值，或接受或兌付偽造之鈔券。
- 7) 撕毀、破損或有缺陷之鈔券符合本行就此方面所定條件者，本行應支付其價值。鈔券未符合該等條件者，不得再流通，且無需補償持有人。

第(60)條 硬幣

- 1) 各種面額之硬幣，應依理事會明定之各別數量流通。該

a Board of Directors decision specifying their respective quantities. This decision shall be published in the Official Gazette and communicated to the public through appropriate media.

- 2) Any denomination of the Currency coins referred to in item (1) of this article may be withdrawn, by a decision of the Board of Directors, against payment of their face value. Such decision shall be published in the Official Gazette and communicated to the public through appropriate media.
- 3) The withdrawal decision shall specify the time limit for exchange, which shall not be less than six (6) months from date of publication of the decision in the Official Gazette.
- 4) Currency coins not exchanged prior to expiry of the period referred to in item (3) of this article shall cease to be legal tender and may not be negotiated and must be taken out of circulation and their value shall be credited to a special Central Bank account.
- 5) Should Currency coins lose their features, become deformed, diminished or changed in shape for any reason other than normal use, the Central Bank must withdraw such coins from circulation without compensating their holders.

Article (60 bis) Digital Currency

- 1) The Board of Directors shall issue a decision for the types of Digital Currency to be put in circulation and redeemed in exchange for payment of its face value, such decision shall be published in the Official Gazette and broadcasted to the public through appropriate media.
- 2) The Central Bank shall be under no obligation to refund the value of any digital currency that is lost, seized or tampered with, or to accept or pay for any counterfeit currency.

Article (61) Currency Mutilation, Destruction and Shredding

No Person is permitted to mutilate/deform, destroy or shred Currency, in whichever manner. The Board of Directors shall issue regulations on replacement of mutilated, destroyed or shredded Currency.

Chapter Three : Monetary Base

Article (62) Monetary Base Cover

The Central Bank shall, at all times, hold reserves of foreign assets, to cover the Monetary Base, in accordance with provisions of Article (63) of this Decretal Law. Such reserves of foreign assets shall consist of one or more than one of the following items:

項決定應公布於政府公報，並透過適當媒體向大眾溝通。

- 2) 本條第(1)項所定之任何面額硬幣，得依理事會之決定取消流通，並相應給付其面值；該項決定應公布於政府公報，並透過適當媒體向大眾溝通。
- 3) 取消流通之決定，應明定允許兌換之時限，且該時限期間，自該項決定公布於政府公報之日起算，不得少於六(6)個月。
- 4) 硬幣未於本條第(3)項所定時限期間屆至前兌換者，不再為法償貨幣，且不得轉讓，並必須停止流通，其價值應貸記至本行特別帳戶。
- 5) 硬幣因非正常使用而失其特徵、變成畸形、減損或改變形狀，本行必須取消該等硬幣之流通，且無須補償其持有人。

第(60 bis)條 數位貨幣

- 1) 理事會應發布擬流通數位貨幣之類型以及給付面額作為贖回之交換之決定，該項決定應公布於政府公報，並透過適當媒體向大眾傳播。
- 2) 本行無義務退還任何遺失、被扣押或被篡改數位貨幣之價值，或接受或兌付任何偽造貨幣。

第(61)條 國幣之毀壞、毀損及撕破

任何人不得以任何方式毀壞/變更形狀、毀損或撕破國幣。理事會應發布有關毀壞、毀損或撕破國幣之替換規範。

第三章：貨幣基礎

第(62)條 貨幣基礎充當

本行應依本法第(63)條之規定，隨時持有外國資產準備，以充當貨幣基礎。外國資產準備應由下列一個以上之項目組成：

- 1) Gold bullion and other precious metals.
- 2) Cash, deposits and other monetary and payment instruments denominated in foreign currencies, freely convertible in global financial markets, including digital currencies issued by central banks and other monetary authorities.
- 3) Securities denominated in foreign currencies and issued or guaranteed by foreign governments and their related companies, entities, institutions, and agencies, or by international monetary and financial institutions, or by multinational corporations, and are tradable in global financial markets.

Article (63) Foreign Reserves for the Monetary Base Cover

- 1) The market value of balance of the Foreign Reserves referred to in Article (62) of this Decretal Law, shall not, at any time, be less than seventy percent (70%) of the value of the Monetary Base.
- 2) The Board of Directors may reduce the Monetary Base cover ratio, referred to in item (1) of this article for a period not exceeding twelve (12) months.

Part III Organization of Licensed Financial Institutions and Activities

Chapter One : General Provisions

Article (64) Prohibition of Carrying on or Promoting Financial Activities Without a License

- 1) Licensed Financial Activities may only be carried on, in or from within the State, in accordance with the provisions of this Decretal Law, and the rules and regulations issued in implementation thereof.
- 2) Promotion of any of the Licensed Financial Activities and financial products may only be carried on in or from within the State, in accordance with the provisions of this Decretal Law, and the rules and regulations issued in implementation thereof. The promotion referred to in this item shall mean any form of communication, by any means, aimed at inviting or offering to enter into any transaction, or offering to conclude any agreement related to any of the Licensed Financial Activities.
- 3) The Board of Directors may issue the rules, regulations, standards and directives relating to the prohibition to carry on Licensed Financial Activities without prior licensing and to the prohibition to promote

- 1) 金條及其他貴金屬。
- 2) 以外幣計價且得在全球金融市場自由兌換之現金、存款及其他貨幣與支付工具，包括中央銀行及其他貨幣主管機關發行之數位貨幣。
- 3) 以外幣計價且係由外國政府及其相關公司、實體、代理機構、或由國際貨幣與金融機構、或由跨國公司發行或保證，並得於全球金融市場交易之有價證券。

第(63)條 充當貨幣基礎之外匯準備

- 1) 本法第(62)條所定外匯準備餘額之市價，於任何時間均不得低於貨幣基礎價值之百分之七十(70%)。
- 2) 理事會得降低本條第(1)項所定貨幣基礎之充當比率，但期間不得超過十二(12)個月。

第 III 部分 特許金融機構組織及業務

第一章：一般規定

第(64)條 禁止未經特許執行或推介金融業務

- 1) 特許金融業務僅得依本法之規定及為實施本法所發布之規則與規範，在本國或從本國境內執行。
- 2) 任何特許金融業務與金融產品僅得依本法之規定及為實施本法所發布之規則與規範，在本國或從本國境內推介。本項所稱推介，係指藉由任何方式，就任何特許金融業務，邀請或要約訂定任何相關交易，或要約締結任何相關合約之任何溝通形式。
- 3) 理事會得發布規則、規範、標準及指令，禁止在無事前特許之情況下執行特許金融業務，及禁止推介特許金融業務與金融產品，並應就此方面採取所有必要措施及行

Licensed Financial Activities and financial products, and shall take all necessary measures and actions in this regard.

- 4) The Board of Directors may exempt any activities or practices, or exempt natural or juridical persons, either generally or in particular, from the prohibition to carry on or promote Licensed Financial Activities.

Chapter Two : Licensing

Section One : Licensed Financial Activities

Article (65) Financial Activities

- 1) The following activities shall be considered financial activities subject to Central Bank licensing and supervision in accordance with the provisions of this Decretal Law:
 - a. Taking deposits of all types, including Shari`ah-compliant deposits.
 - b. Providing credit facilities of all types.
 - c. Providing funding facilities of all types, including Shari`ah-complaint funding facilities.
 - d. Providing currency exchange and money transfer services.
 - e. Providing monetary intermediating services.
 - f. Providing stored values services, electronic retail payments and digital money services.
 - g. Providing virtual banking services.
 - h. Arranging and/or marketing for Licensed Financial Activities.
 - i. Acting as a principle in financial products that affect the financial position of the Licensed Financial Institution, including but not limited to foreign exchange, financial derivatives, bonds and sukuk, equities, commodities, and any other financial products approved by the Central Bank.
- 2) The Board of Directors shall:
 - a. Classify and define Licensed Financial Activities and the practices relating thereto.
 - b. Add activities or practices to the list of Licensed Financial Activities mentioned in item (1) of this article, or delete activities or practices from the list, or amend them, following coordination and agreement with the Regulatory Authorities in the State, through the Financial Activities Committee referred to in Article (66) of this Decretal Law.
- 3) In case a Licensed Financial Institution wishes to carry on activities licensed by Regulatory Authorities in the State or the regulatory authorities in other

動。

- 4) 理事會得通案或個案豁免任何業務或行為、或豁免自然人或法人適用執行或推介特許金融業務之禁止規定。

第二章：特許

第一節：特許金融業務

第(65)條 金融業務

- 1) 下列業務應被認為係依本法規定，由本行特許並受本行監督之金融業務：
 - a. 各類存款，包括符合沙里亞律法存款。
 - b. 提供各類信用工具。
 - c. 提供各類融通機制，包括符合沙里亞律法融通機制。
 - d. 提供貨幣兌換及金錢移轉服務。
 - e. 提供貨幣中介服務。
 - f. 提供儲值服務、電子零售支付及數位金錢服務。
 - g. 提供虛擬銀行服務。
 - h. 特許金融業務之安排及/或行銷。
 - i. 擔任影響特許金融機構金融地位之金融產品負責人，包括但不限於外匯、金融衍生性商品、債券與伊斯蘭債券、股權、商品、及本行核准之任何其他金融產品。
- 2) 理事會應：
 - a. 分類並界定特許金融業務及其相關行為。
 - b. 透過本法第(66)條所定之金融業務委員會與本國監管機關協調及協議後，在本條第(1)項所定之特許業務列表上增加業務或營運，或刪除該列表上之業務或營運。
- 3) 特許金融機構擬從事由本國監管機關或其他管轄區域監管機關特許非屬本條第(1)項所定業務者，該機構在取得

jurisdictions, other than the activities referred to in item (1) of this article, such institution must obtain approval of the Central Bank, prior to obtaining licensing from the concerned regulatory authority.

Article (66) Financial Activities Committee

- 1) A technical committee named the 'Financial Activities Committee' shall be established in the Ministry by a Cabinet resolution, chaired by the Ministry and include in its membership a representative of each of the Regulatory Authority in the State. The mentioned committee shall look into and provide opinion on any proposal to regulate a financial activity other than those mentioned in the laws of regulatory authorities. The resolution shall specify the committee's terms of reference and the mechanism for discharge of its functions.
- 2) The approval of the concerned Regulatory Authority shall be obtained in case the financial activities committee suggest adding a specific financial activity not mentioned in its law to the list of activities under its licensing and regulation.

Section Two : Licensing of Financial Institutions

Article (67) Application for Licensing

- 1) Any Person may, in accordance with the regulations issued by the Board of Directors, submit to the Central Bank an application for a license to carry on one or more Licensed Financial Activities or the addition of one or more Licensed Financial Activities to an already issued license.
- 2) The Board of Directors shall issue rules, regulations and standards, and determine conditions for granting license to carry on Licensed Financial Activities, including the following:
 - a. Fit and proper criteria.
 - b. Resources required for carrying on the activity.
 - c. Control and monitoring systems.
- 3) The Board of Directors may add any requirements or conditions to be fulfilled by the applicant for license, at its own discretion and as it deems appropriate for safeguarding public interest.

Article (68) Compliance with Scope of the License

- 1) A Licensed Financial Institution must carry on its business within the scope of the license granted to it.
- 2) No Person may represent that it is a Licensed Financial Institution, if such is not the case.

案關監管機關特許前，應先取得本行之核准。

第(66)條 金融業務委員會

- 1) 本部應依內閣決議設立名為「金融業務委員會」之技術委員會，由部長擔任主席，並以本國各監管機關之代表人為其成員。前述委員會應就規範監管機關法律所未提及金融業務之任何提案，研究並提供意見。該內閣之決議應明定委員會之職權範圍及其任務執行機制。
- 2) 金融業務委員會建議將其法律未提及之特定金融業務，新增至其特許及監管之業務清單上時，應取得案關監管機關之核准。

第二節：金融機構之特許

第(67)條 特許之申請

- 1) 任何人得依理事會發布之規範，向本行申請特許得從事一項以上之特許金融業務、或申請在已核發特許上新增一項以上之特許金融業務。
- 2) 理事會應發布有關特許得從事特許金融業務之規則、規範及標準，並決定條件，包括：
 - a. 適格性準則。
 - b. 執行業務所需資源。
 - c. 控制及監控制度。
- 3) 理事會為保護公共利益得片面決定，新增特許申請人應履行之任何要求或條件。

第(68)條 特許之遵循範圍

- 1) 特許金融機構必須在特許範圍內執行其業務。
- 2) 任何人如非特許金融機構，不得表示其為特許金融機構。

Article (69) Deciding on Licensing Application or Extension of License Sope

- 1) Deciding on licensing application or extension thereof shall be within a period not exceeding sixty (60) working days from date of meeting all conditions and requirements for licensing. The lapse of this period without decision on the application shall be considered a rejection thereof.
- 2) The Central Bank may require the applicant to fulfill licensing requirements and conditions within such period as specified by the Central Bank.
- 3) The Central bank may reject an application for a license, or an application to add financial activity based on the capacity of the financial sector in the State and the needs of the local market. Such decision issued in this regard shall be final and not subject to appeal before the Grievances and Appeals Committee.
- 4) The applicant shall be notified, officially, of the reasoned rejection decision within a period not exceeding twenty (20) working days from date of its issue.

Article (70) Imposing Conditions and Restrictions on a License

- 1) The Board of Directors may impose conditions or restrictions, or otherwise change or cancel conditions or restrictions imposed on a license for carrying on Licensed Financial Activities.
- 2) The Board of Directors may, before issuing the decision mentioned in item (1) of this article, request the concerned financial institution to provide its opinion on the reasons for the decision, within such period as specified.
- 3) The Licensed Financial Institution shall be notified, officially, of the reasoned decision within a period not exceeding twenty (20) working days from date of its issue. The notice shall include the following:
 - a. Content of the decision.
 - b. Reasons for the decision.
 - c. Effective date of the decision.
 - d. A statement advising the Licensed Financial Institution of its right to submit a grievance against the decision, by applying to the Grievances and Appeals Committee, in accordance with the provisions of this Decretal Law.

Article (71) Suspension, Withdrawal, or Revocation of License

- 1) The Board of Directors may suspend, withdraw, or revoke a license issued

第(69)條 特許申請或特許範圍擴大之決定

- 1) 自符合所有特許條件及要求之日起算不超過六十(60)個工作日期間內，應就特許申請或擴大特許申請做成決定；該期間經過仍未對申請做成決定者，應視為駁回申請。
- 2) 本行得要求申請人在本行規定之期間內，履行特許之要求及條件。
- 3) 本行得依據本國金融產業量能及當地市場需求，駁回特許之申請或新增金融業務之申請。就此方面所發布之決定，應為最終且不得向申訴及上訴委員會上訴。
- 4) 宣布駁回決定之日起算不超過二十(20)個工作日期間內，應將附理由之駁回決定正式通知申請人。

第(70)條 對特許附加之條件及限制

- 1) 理事會對於得執行特許金融業務之特許，得附加條件或限制、或變更或取消所附加的條件或限制。
- 2) 理事會得於宣布本條第(1)項所定之決定前，要求案關金融機構於規定期間內提供其對決定理由之意見。
- 3) 宣布決定之日起算不超過二十(20)個工作日期間內，應將附理由之決定正式通知該特許金融機構。該通知應包括：
 - a. 決定之內容。
 - b. 決定之理由。
 - c. 決定之生效日。
 - d. 告知案關特許金融機構有權依本法之規定，就該決定向申訴及上訴委員會提出申訴。

第(71)條 特許之暫停、撤銷或廢止

- 1) 理事會於下列情況得暫停、撤銷或廢止已核發予特許金

to a Licensed Financial Institution, in the following cases:

- a. If the Licensed Financial Institution ceased to meet, or breached one or more of the conditions or restrictions imposed on the license.
 - b. If the Licensed Financial Institution breached any of the State's established laws and regulations, or the regulations, rules, standards, instructions, and guidelines issued by the Central Bank.
 - c. If the Licensed Financial Institution failed to take any measures or actions determined or prescribed by the Central Bank.
 - d. If the Licensed Financial Institution ceased to carry on one or more of the Licensed Financial Activities, for a period exceeding one year.
 - e. If the business or operations were ceased for a period exceeding one year.
 - f. If the Central Bank considered, at its own discretion, that the full or partial withdrawal, revocation, or suspension of the license, was necessary for achieving its objectives and discharging its functions.
 - g. If the concerned Licensed Financial Institution submitted an application for full or partial suspension or revocation of the license.
 - h. If the Licensed Financial Institution's liquidity or solvency was at risk.
 - i. If the capital of the Licensed Financial Institution fell below the minimum required in accordance with the provisions of this Decretal Law, or the regulations, rules, or standards issued by the Central Bank.
 - j. If the Licensed Financial Institution merged with another financial institution.
 - k. If the Licensed Financial Institution was declared bankrupt.
 - l. If the Licensed Financial Institution's officers, employees, or representatives refused to cooperate with Central Bank officers, representatives, or examiners or abstained from providing required information, statements, documents, or records.
 - m. If the license of a foreign Licensed Financial Institution was revoked, or if it was put under liquidation at its domicile, or if the businesses of its branch, companies or Representative Offices in the State were wound down.
- 2) The Licensed Financial Institution shall be notified, officially, of the reasoned withdrawal, cancellation or suspension decision within a period not exceeding twenty (20) working days from date of its issue. The notice shall include the following:

融機構之特許：

- a. 如特許金融機構不再符合、或違反一項以上對特許所附加之條件或限制。
 - b. 如特許金融機構違反任何本國既有法律或法規、或本行發布之規範、規則、標準、指示及指導原則。
 - c. 如特許金融機構未採行本行決定或規定之任何措施或行動。
 - d. 如特許金融機構停止從事一項以上特許金融業務超過一年期間。
 - e. 如業務或營運被停止超過一年期間。
 - f. 如本行為達成目標或執行任務，認為有必要，得片面決定全部或部分撤銷、廢止或暫停其特許。
 - g. 如案關特許金融機構提出全部或部分暫停或廢止特許之申請。
 - h. 如特許金融機構之流動性或償債能力面臨風險。
 - i. 如特許金融機構之資本額下降至低於本法、或本行發布之規範、規則或標準所定之最低資本額。
 - j. 如特許金融機構與其他金融機構合併。
 - k. 如特許金融機構被宣告破產。
 - l. 如特許金融機構之職員、受雇人員或代表人拒絕配合本行職員、代表人或檢查人員、或規避提供被要求之資訊、報表、文件或紀錄。
 - m. 如外國特許金融機構之特許被廢止，或如在其國內進行清理、或如其在本國之分支機構或代表辦事處結束營業。
- 2) 宣布決定之日起算不超過二十(20)個工作日期間內，應將附理由之撤銷、廢止或暫停決定正式通知該特許金融機構。該通知應包括：

- a. Content of the decision.
 - b. Reasons for the decision.
 - c. Effective date of the decision.
 - d. A statement advising the Licensed Financial Institution of its right to submit a grievance against the decision, by applying to the Grievances and Appeals Committee, in accordance with the provisions of this Decretal Law.
- 3) The decision issued by the Central Bank shall, following decision on the grievance or appeal, if presented to the Grievances and Appeals Committee, or expiry of the period specified in item (2) of this article, be published in two local newspapers, one in Arabic and another in English, and on the Central Bank's official website. Such decision may also be announced by any other means if necessary.

Article (72) Use of Term "Bank" or "Masraf"

- 1) Entities other than Banks licensed in accordance with the provisions of this Decretal Law may not use, in their business addresses or advertisements, the expressions "Bank", "Masraf" or any other expression derived therefrom or similar thereto, in any language, and in any way which may mislead the public as to the nature of its business.
- 2) The following entities shall be not be subject to the provisions of item (1) of this article:
 - a. Monetary authorities and Central Banks.
 - b. Any federation or association established for protection of Banks' interests.
 - c. Any other institution exempted by the Board of Directors.

Article (73) Entry to the Register

- 1) An electronic register named "Register of Licensed Financial Institutions" shall be created in the Central Bank, to which names of Licensed Financial Institutions and all their data and any amendments thereto, shall be entered. A decision setting the rules and conditions for entry to such register shall be issued by the Board of Directors. Decision to license such institutions and any amendments thereto, shall be published in the Official Gazette. This register shall be published on the Central Bank's official website.
- 2) A Licensed Financial Institution may not commence any Licensed Financial Activity except after its name was entered to the register.

- a. 決定之內容。
 - b. 決定之理由。
 - c. 決定之生效日。
 - d. 告知案關特許金融機構有權依本法之規定，就該決定向申訴及上訴委員會提出申訴。
- 3) 本行宣布之決定，如屬向申訴及上訴委員會提出之申訴而做成之決定、或在本條第(2)項所定期間屆至者，應公告於兩份地方報紙，一份為阿拉伯文且另一份為英文，並應公告於本行網站。如有必要，該決定亦得以任何其他方式宣布。

第(72)條 「銀行」或「Masraf」名詞之使用

- 1) 依本法規定特許之銀行以外之實體，不得以任何語言及以可能誤導大眾其業務性質之任何方式，在其營業稱呼或廣告上使用「銀行」或「Masraf」或依此衍生或與其類似之任何其他表述。
- 2) 下列實體不應受本條第(1)項規定之拘束：
 - a. 貨幣主管機關及中央銀行。
 - b. 為保護銀行同業而設立之任何公會或協會。
 - c. 理事會豁免之任何其他機構。

第(73)條 登記簿之登錄

- 1) 本行應設立名為「特許金融機構登記簿」之電子登記簿，登錄特許金融機構之名稱及其所有資料與其任何修正內容。理事會應發布就該登記簿所定登錄規則及條件之決定。對該等機構之特許及任何修正之決定，應公布於政府公報。本登記簿應公布於本行官網。
- 2) 特許金融機構之名稱非經登錄於登記簿，不得開辦任何特許金融業務。

- 3) Proceeds of licensing and entry to the register fees shall be deposited in a special account with the Central Bank. A decision shall be issued by the Board of Directors organizing operation of the account, and setting rules for withdrawing funds from it.

Article (74) Legal Form

- 1) Banks shall take the form of public joint-stock companies, with incorporating law or decree so permits. Branches of foreign banks operating in the State, and specialized banks with low risks that are determined according to the conditions and rules set by the Board of Directors shall be exempt from this requirement.
- 2) Other Financial Institutions may take the form of joint-stock companies or limited liability companies, in accordance with the rules and conditions issued by the Board of Directors.
- 3) Exchange Houses and monetary intermediaries may be a sole proprietorship, or take any other legal form in accordance with the rules and conditions issued by the Board of Directors.

Article (75) Minimum Capital Requirements

The Board of Directors shall establish regulations on the minimum capital requirement for Licensed Financial Institutions, and conditions and instances of increase or decrease of capital, and shall determine its risk-based requirements, and the necessary actions to be taken in case of capital shortfall, in addition to the measures taken by the Central Bank in this regard.

Article (76) Shareholding and Ownership in Licensed Financial Institutions

- 1) Without prejudice to the financial and commercial activities restricted to UAE nationals prescribed in any other law, the Board of Directors shall determine the conditions and controls for ownership of shares of Banks incorporated in the State and shareholdings contribution in their capital, and in all cases the national shareholding must not be less than sixty percent (60%).
- 2) The Board of Directors may determine the conditions, controls for percentage of ownership of shares and shareholdings contribution in the capital of Other Financial Institutions incorporated in the State by nationals and foreigners.

Article (77) Amendment of the Memorandum and Articles of Association

- 3) 特許費及登錄於登記簿之費用，應存入本行之特別帳戶。理事會應發布開立該帳戶操作之決定，並訂定自該帳戶取款之規則。

第(74)條 法定型態

- 1) 依允許其註冊成立之法律或法令，銀行應採公開合股公司之型態。在本國營運之外國銀行分支機構，及依理事會所定條件與規則而被認定為低風險之專業銀行，應豁免適用本項要求。
- 2) 其他金融機構得依理事會發布之規則及條件，採合股公司或有限責任公司之型態。
- 3) 交換所及貨幣中介機構得為獨資企業，或依理事會發布之規則及條件，採任何其他法定型態。

第(75)條 最低資本要求

理事會應制定有關特許金融機構最低資本額要求之規範，及增資或減資之條件與情況；並應決定其風險基礎要求，且其資金短缺時，在本行就此方面所採取措施之外，另採取必要之行動。

第(76)條 特許金融機構之股權及所有權

- 1) 在任何其他法律明文僅限於阿拉伯聯合大公國國民之金融及商業業務未受影響之情況下，理事會應決定在本國註冊成立銀行之股權及持股出資之條件及控管規範，且在任何情況下，國民股權不得低於百分之六十(60%)。
- 2) 由國民及外國人在本國註冊成立之其他金融機構，理事會得決定其股權與持股出資百分比之條件、控管規範。

第(77)條 組織章程及條款之修正

- 1) Licensed Financial Institutions shall request Central Bank's approval for amendments they wish to their memorandum or articles of association. Such amendments shall only take effect after they were entered into the register.
- 2) The Central Bank shall decide on the application. Should the Central Bank decided to reject the application to enter the amendment, the matter shall be submitted to the Board of Directors whose decision in that respect shall be final.

Section Three : Provisions for Islamic Licensed Financial Institutions

Article (78) Scope of Activity

- 1) Licensed Financial Institutions that carry on all or part of their activities and business in accordance with the provisions of Islamic Shari'ah may carry on the Licensed Financial Activities mentioned in article (65) of this Decretal Law, whether for themselves or on behalf of others or in partnership with third parties, provided such business and activities are in compliance with the provisions of Islamic Shari'ah. The Board of Directors shall issue regulations specifying the activities, conditions, rules, and operating standards for these institutions, in a manner commensurate with the nature of the license granted to them.
- 2) Licensed Financial Institutions mentioned in item (1) of this article shall, in respect of their Shari'ah-compliant business and activities initiated on behalf of their customers and not for themselves, be exempted from:
 - a. Provisions of item (1) of article (93) of this Decretal Law.
 - b. Provisions of item (2) of article (93) of this Decretal Law, insofar as such exemption does not contradict the provisions of local legislations applicable in the relevant member Emirate of the Union.

Article (79) Internal Shari'ah Supervision

- 1) An independent committee named "Internal Shari'ah Supervisory Committee" shall be established within each Licensed Financial Institution that conducts all or part of its activities and business in accordance with the provisions of Islamic Shari'ah. Membership of this committee shall consist of experienced specialists in jurisprudence of Islamic financial and banking transactions. The said committee shall undertake Shari'ah supervision of all business, activities, products, services, contracts, documents, and business conduct charters of the concerned institution and shall approve them and establish their respective Shari'ah requirements, within the framework of

- 1) 特許金融機構希望修正其組織章程或條款時，應請求本行核准。該等修正應登錄於登記簿後，始生效力。
- 2) 本行應對申請做成決定。本行如決定駁回登錄該修正之申請，應將該事項提交理事會做成最終決定。

第三節：伊斯蘭特許金融機構之規定

第(78)條 業務範圍

- 1) 依據伊斯蘭沙里亞律法之規定執行全部或部分活動及業務之特許金融機構，無論係為自身利益或為第三人利益或與第三人合夥，均得執行本法第(65)條所定特許金融業務，但該等業務及活動必須符合伊斯蘭沙里亞律法之規定。理事會應發布規範，以與授予此等機構之特許性質相稱之方式，明定此等機構之業務、條件、規則及營運標準。
- 2) 本條第(1)項所定特許金融機構，代表其客戶而非為自身利益從事符合沙里亞律法之業務及活動，應豁免適用：
 - a. 本法第(93)條第(1)項之規定。
 - b. 本法第(93)條第(2)項之規定，但限於該項豁免規定未抵觸在相關聯盟會員酋長國適用之當地立法規定。

第(79)條 沙里亞律法之內部監理

- 1) 每一家依伊斯蘭沙里亞律法之規定從事全部或部分業務及活動之特許金融機構，應在其內部設立名為「內部沙里亞律法監理委員會」之獨立委員會。該委員會之成員，應由具有伊斯蘭金融與銀行交易法律知識等經驗之專家組成。前述委員會應在高等沙里亞律法當局所定規範、原則及標準之架構內，對案關機構所有業務、活動、產品、服務、契約、文件及營業行為執照進行沙里亞律法

the rules, principles and standards set by the Higher Shari'ah Authority, in order to ensure compliance with the provisions of Islamic Shari'ah. Fatawa or opinions issued by the Committee shall be binding.

- 2) The Internal Shari'ah Supervisory Committee shall be appointed by the general assembly of the concerned Licensed Financial Institution, in accordance with the provisions of the referenced Commercial Companies law. Names of members of the Internal Shari'ah Supervisory Committee shall be presented to the Higher Shari'ah Authority for approval, prior to presentation to the general assembly and issuance of decision approving their appointment.
- 3) Members of the Internal Shari'ah Supervisory Committee are prohibited from holding any executive position in the institution referred to in item (1) of this article, or provide services to it outside of the scope of the committee's assigned scope of work, nor hold shares or have for themselves or for any of their relatives up to the second degree, any interests associated with it.
- 4) In cases where disagreement arises, over a Shari'ah opinion, between members of the Internal Shari'ah Supervisory Committee, or disagreement between the Internal Shari'ah Committee and the board of directors of the concerned financial institution, over the compliance or noncompliance of a particular matter with the provisions of Shari'ah, the disagreement shall be referred to the Higher Shari'ah Authority, whose opinion on the matter shall be final.
- 5) There shall be established, in each institution referred to in item (1) of this article, a division or internal section, of a size commensurate with the business and activities of the concerned institution, to undertake internal Shari'ah audit and monitor compliance of the concerned institution with the fatawa and opinions of the Internal Shari'ah Supervisory Committee. Such division or section shall report to the board of directors of the concerned institution, and its employees shall not have any executive powers or any responsibilities towards the business, activities and contracts which they review or audit from a Shari'ah perspective. The said division or section shall be headed by a Shari'ah controller appointed by the board of directors of the concerned institution.

Article (80) Report of the Internal Shari'ah Supervisory Committee

- 1) The Internal Shari'ah Supervisory Committee shall prepare an annual report to be presented to the general assembly of the Licensed Financial Institution, which conducts on all or part of its activities and business in

監理並核准之，並應就前述事項制定各別之沙里亞律法要求，以確保遵循伊斯蘭沙里亞律法之規定。該委員會發布之裁決或意見，應具拘束力。

- 2) 內部沙里亞律法監理委員會應由案關特許金融機構大會引用「商業公司法」之規定任命之。內部沙里亞律法監理委員會成員之姓名，於提交大會及發布核准任命之決定前，應提請高等沙里亞律法當局核准。
- 3) 內部沙里亞律法監理委員會之成員，不得於本條第(1)項所定之機構擔任任何執行職位，或為該機構提供委員會受委任工作範圍以外之服務，或為自己或其二等親親屬持有該機構之股份或擁有任何關聯利益。
- 4) 內部沙里亞律法監理委員會之成員間，對於沙里亞律法意見產生分歧，或案關機構之內部沙里亞律法監理委員會與董事會間，對於沙里亞律法規定之某些特定事項之遵循或未遵循情形有所分歧，該項分歧應提交高等沙里亞律法當局，且其對該事項之意見應具最終性。
- 5) 本條第(1)項所定各機構應設立一規模可與案關機構之業務及活動相稱之分部或內部部門，負責內部沙里亞律法稽核並監控案關機構遵循內部沙里亞律法監理委員會裁決及意見之情形。該分部或部門應向案關機構之董事會報告，且其受雇人員對於其以沙里亞律法觀點所審核或查核之業務、活動及契約，不應具有任何執行之權限，亦不承擔任何責任。上述分部或部門應由案關機構董事會所任命之沙里亞律法主計人員領導之。

第(80)條 內部沙里亞律法監理委員會之報告

- 1) 依伊斯蘭沙里亞律法之規定從事全部或部分業務及活動之特許金融機構，其內部沙里亞律法監理委員會應準備年度

accordance with the provisions of Islamic Shari'ah. The report shall take the form specified by the Higher Shari'ah Authority, and shall indicate the extent the management of the concerned institution is compliant with the provisions of Islamic Shari'ah, in all activities, business it conducts, the products it offers, contracts it enters into, and the documentation it uses. The said report shall include the following :

- a. A statement on the extent of independence of the Internal Shari'ah Supervisory Committee when discharging its mandates.
 - b. A statement on compliance with the provisions of Islamic Shari'ah during the financial year ending in regards to policies, accounting standards, financial products and services, operations and activities in general, together with the memorandum, articles of association, and financial statements of the relevant institution.
 - c. A statement on the compliance of distribution of profits, bearing of losses, costs, and expenses among the shareholders and investment account holder, with the fatawa and opinions of the Internal Shari'ah Supervisory Committee.
 - d. A statement on any other breaches of Shari'ah provisions and the controls established by the Higher Shari'ah Authority.
- 2) The Internal Shari'ah Supervisory Committee shall provide the Higher Shari'ah Authority with copy of its report, no later than two (2) months from end of the financial year, in order for the Authority to express its remarks prior to the meeting of the general assembly of the concerned institution.

Article (81) State Audit Supervision

Where a Licensed Financial Institution, which conducts all or part of its business and activities in accordance with the provisions of Islamic Shari'ah, is subject to the supervision of the State Audit Institution, pursuant to the referenced Re-organization of the State Audit Institution law, the function of the audit institution shall be restricted to post-audit, and shall not interfere in the conduct of business or policies of these institutions.

Article (82) Non-Compliance with the Provisions of Islamic Shari'ah

Where it is established that a financial institution, which conducts all or part of its business and activities in accordance with the provisions of Islamic Shari'ah, has conducted business that is not compliant with such provisions, as pre fatawa and opinions of the Internal Shari'ah Supervisory Committee, and the fatawa and opinions of the Higher Shari'ah Authority, the Central Bank shall inform

報告提交該機構大會。該報告應採用高等沙里亞律法當局明定之格式，並應指出案關機構管理階層在其所有業務、活動、其提供之產品、其簽訂之契約及其使用之文書遵循沙里亞律法規定之程度。上述報告應包含如下：

- a. 內部沙里亞律法監理委員會執行任務時獨立性程度之聲明。
 - b. 在會計年度結束期間內，有關政策、會計標準、金融產品及服務、一般性營運及業務、組織章程及條款以及相關機構財務報表，遵循伊斯蘭沙里亞律法規定情形之聲明。
 - c. 股東與投資帳戶持有人間之收益分派、損失、費用及支出之承擔，遵循內部沙里亞律法監理委員會裁決及意見之聲明。
 - d. 任何其他違反沙里亞律法規定及高等沙里亞律法當局所制定控管規範情形之聲明。
- 2) 內部沙里亞律法監理委員會至遲應於會計年度結束時起算二(2)個月內，將其報告副本提供予高等沙里亞律法當局，以便該當局在案關機構大會會議前，表達其意見。

第(81)條 國家審計監理

特許金融機構依伊斯蘭沙里亞律法之規定從事全部或部分業務及活動時，依據引用之國家審計機構重整法，應受到國家審計機構之監理，但審計機構之任務應限於事後查核，且不應干擾此等金融機構執行業務或政策。

第(82)條 未遵守伊斯蘭沙里亞律法之規定

經證實依伊斯蘭沙里亞律法之規定從事全部或部分業務及活動之金融機構，依據內部沙里亞律法監理委員會之裁決與意見及高等沙里亞律法當局之裁決與意見，其從事之業務已不

the concerned institution accordingly, after consulting with the Higher Shari'ah Authority, and shall ask the institution to reconcile its position, under the supervision of the Internal Shari'ah Supervisory Committee, within thirty (30) working days from date of notification. The Central Bank shall take the appropriate corrective measures and corrective actions in case the concerned institution's inability to reconcile its position.

Section Four : Provisions Relating to Undertaking Designated Functions Subject to Central Bank Authorization

Article (83) Designated Functions

- 1) The Board of Directors may issue regulations, rules, standards, conditions, and instructions, specifying Designated Functions subject to Central Bank authorization and the individuals who shall be required to obtain Central Bank authorization to undertake them, including fit and proper conditions, and cases of exemption of such conditions and standards.
- 2) Without prejudice to the provisions of item (1) of this article, Designated Functions subject to Central Bank authorization include those carried out by members of the boards of directors of Licensed Financial Institutions, and their chief executive officers, senior managers, executives, and Authorized Individuals.
- 3) No individual may undertake any Designated Functions at a Licensed Financial Institution, without obtaining Central Bank's prior authorization.
- 4) Licensed Financial Institutions shall take all measures and actions, which ensure that no officer, employee, or any other individual representing them, shall exercise any of the Designated Functions without obtaining prior authorization from the Central Bank.
- 5) Any Authorized Individual in accordance with the provisions of this article shall abide with limits of powers stated in the authorization.
- 6) No individual shall introduce himself as an Authorized Individual unless he is authorized by the Central Bank.

Article (84) Application for Authorization to Undertake Designated Functions

- 1) A Licensed Financial Institution may submit an application to the Central Bank for authorization of any individual to undertake any of the Designated Functions or to undertake additional Designated Functions.
- 2) The Central Bank may require the applicant to provide all information

符合該等規定者，本行在諮詢高等沙里亞律法當局後，應據以通知案關機構，並要求該機構自通知之日起算三十(30)個工作日內，在內部沙里亞律法監理委員會監理下，調和其立場。案關機構無能力調和其立場時，本行應採取適當矯正措施及行動。

第四節：在本行授權下從事指定任務之相關規定

第(83)條 指定任務

- 1) 理事會得發布規範、規則、標準、條件及指示，明定須由本行授權之指定任務及應經本行授權方得從事該等任務之個人，包括適格性條件、豁免適用該等條件與標準之情況。
- 2) 在不影響本條第(1)項規定情況下，須經本行授權之指定任務，包括由特許金融機構董事會之成員及其執行長、高階經理人、執行人員與授權個人所執行之任務。
- 3) 未取得本行事前授權，任何個人不得於特許金融機構從事任何指定任務。
- 4) 特許金融機構應採取所有措施及行動，以確保未取得本行事前授權，該機構之職員、受雇人員或代表該機構之任何其他個人不得執行任何指定任務。
- 5) 依本條之規定，任何授權個人應遵守該項授權所定之職權限制規定。
- 6) 非經本行授權，任何個人不得自稱為授權個人。

第(84)條 申請授權從事指定任務

- 1) 特許金融機構得向本行申請授權由任何個人從事任何指定任務或從事額外之指定任務。
- 2) 本行得要求申請人提供能使本行就該申請做成決定所需

necessary for enabling it to decide on the application.

- 3) A Licensed Financial Institution shall notify the Central Bank of any material changes relating to the conditions for granting authorization to undertake the Designated Functions.

Article (85) Deciding on of Application for Authorization to Undertake Designated Functions

- 1) Deciding on application for authorization or extension thereof shall be within a period not exceeding twenty (20) working days from date of meeting all conditions and requirements for authorization. The lapse of this period without decision on the application shall be considered an implicit rejection thereof.
- 2) The Board of Directors may reject an application for authorization or addition of other Designated Functions to an Authorized Individual if it considered that such rejection would serve public interest or that conditions and requirements for authorization were not fulfilled.
- 3) The applicant shall be notified, officially, of the rejection decision within a period not exceeding twenty (20) working days from date of its issue. The notice shall include the following:
 - a. Content of the decision.
 - b. Reasons for the decision.
 - c. A statement advising the applicant of his right to submit a grievance against the rejection decision, by applying to the Grievances and Appeals Committee, in accordance with the provisions of this Decretal Law.

Article (86) Imposing Conditions and Restrictions to an Authorization to Undertake Designated Functions

- 1) The Central Bank may decide to add conditions or restrictions to an authorization to undertake Designated Functions.
- 2) Before issuing the decision referred to in item (1) of this article, the Central Bank may request the concerned Licensed Financial Institution to provide its remarks on the reasons for the decision, within such period as it specifies.
- 3) The Licensed Financial Institution shall be notified, officially, of the decision within a period not exceeding twenty (20) working days from date of its issue. Such notice shall include the following:
 - a. Content of the decision.
 - b. Reasons for the decision.
 - c. Effective date of the decision.

之全部資訊。

- 3) 特許金融機構對有關授權其得從事指定任務之條件有任何重大變動時，均應通知本行。

第(85)條 對從事指定任務授權申請之決定

- 1) 自符合所有授權之條件及要求之日起算不超過二十(20)個工作日期間內，應就授權申請或擴大授權申請做成決定。此期間經過後，尚未對申請做成決定者，應視為默示駁回申請。
- 2) 理事會如認為駁回申請係有益於公共利益、或認為未履行授權之條件及要求者，其得駁回授權之申請或新增授權個人其他指定任務之申請。
- 3) 宣布駁回決定之日起算不超過二十(20)個工作日期間內，應將該項駁回決定正式通知申請人。該通知應包括：
 - a. 決定之內容。
 - b. 決定之理由。
 - c. 告知申請人有權依本法之規定，就該駁回決定向申訴及上訴委員會提出申訴。

第(86)條 就從事指定任務之授權附加條件及限制

- 1) 本行得決定就從事指定任務之授權附加條件及限制。
- 2) 在宣布本條第(1)項所定決定前，本行得要求案關特許金融機構在本行規定期間內，提供其對本項決定理由之意見。
- 3) 宣布駁回決定之日起算不超過二十(20)個工作日期間內，應將該項駁回決定正式通知特許金融機構。該通知應包括：
 - a. 決定之內容。
 - b. 決定之理由。
 - c. 決定之生效日。

- d. A statement advising the Licensed Financial Institution of its right to submit a grievance against the decision, by applying to the Grievances and Appeals Committee, in accordance with the provisions of this Decretal Law.

Article (87) Suspension, Withdrawal, or Revocation of Authorization to Undertake Designated Functions

- 1) The Central Bank may suspend, withdraw, or revoke the authorization issued to an individual undertaking Designated Functions, by an official notice, in the following cases:
 - a. If the Authorized Individual ceased to meet, or breached one or more of the fit and proper criteria and other conditions or restrictions imposed on the authorization to undertake Designated Functions.
 - b. If the Authorized Individual violated any of the State's established laws and regulations or the regulations, rules, standards, or guidelines issued by the Central Bank.
 - c. If the Authorized Individual failed to take any measures or actions prescribed by the Central Bank.
 - d. If the Central Bank considered, that full or partial withdrawal, revocation, or suspension of the authorization, was necessary for achieving its objectives and discharging its functions.
 - e. If the Authorized Individual was declared bankrupt.
 - f. If the Authorized Individual refused to cooperate with the officials, representatives, or examiners of the Central Bank, or failed to submit required information or records.
- 2) In all cases, the authorization shall be revoked in case a cancellation application was submitted by the Licensed Financial Institution where the Authorized Individual works or in case of termination of his relationship with such institution.
- 3) The Licensed Financial Institution, where the Authorized Individual works shall be notified, in writing, of the decision to withdraw, revoke, or suspend the authorization, within a period not exceeding twenty (20) working days from date of its issue. Such notice shall include the following:
 - a. Content of the decision.
 - b. Reasons for the decision.
 - c. Effective date of the decision.
 - d. A statement advising the concerned Licensed Financial Institution and the Authorized Individual of their right to submit a grievance against the decision, by applying to the Grievances and Appeals Committee, in accordance with the provisions of this Decretal Law.

- d. 告知申請人有權依本法之規定，就該駁回決定向申訴及上訴委員會提出申訴。

第(87)條 暫停、撤銷或廢止得從事指定任務之授權

- 1) 以下情況，本行得以官方通知暫停、撤銷或廢止已核給某個人得從事指定任務之授權：
 - a. 如授權個人不再符合或違反一項以上針對從事指定任務授權所附加之適格性準則及其他條件或限制。
 - b. 如授權個人違反本國法律或法規、或本行發布之規範、規則、標準或指導原則。
 - c. 如授權個人未採取本行規定之任何措施或行動。
 - d. 如本行為達成目標及執行任務，認為有必要撤銷、廢止或暫停全部或部分授權。
 - e. 如授權個人被宣告破產。
 - f. 如授權個人拒絕配合本行之職員、代表人或檢查人員，或未提交被要求之資訊或紀錄。
- 2) 如授權個人任職之特許金融機構提出撤銷申請、或其與該機構之關係終止，該項授權應予以廢止。
- 3) 宣布撤銷、廢止或暫停授權決定之日起算不超過二十(20)個工作日期間內，應以書面將該項決定通知授權個人任職之特許金融機構。該通知應包括：
 - a. 決定之內容。
 - b. 決定之理由。
 - c. 決定之生效日。
 - d. 告知案關特許金融機構及授權個人有權依本法之規定，就該決定向申訴及上訴委員會提出申訴。

Article (88) Prohibition of Undertaking Designated Functions at Licensed Financial Institutions

- 1) The Central Bank may prohibit any individual from working, or undertaking Designated Functions related to Licensed Financial Activities if it considered that the concerned individual was not fit and proper to work or undertake such Designated Functions.
- 2) The concerned Licensed Financial Institution shall be notified, officially, of the decision to prohibit the concerned individual from working or undertaking Designated Functions at it, within a period not exceeding twenty (20) working days from date of its issue. Such notice shall include the following:
 - a. Content of the decision.
 - b. Reasons for the decision.
 - c. Effective date of the decision.
 - d. A statement advising the Licensed Financial Institution and the concerned individual of their right to submit a grievance against the decision, by applying to the Grievances and Appeals Committee, in accordance with the provisions of this Decretal Law.

Chapter Three : Responsibilities of Deposit-Taking Licensed Financial Institutions

Article (89) Compliance with Central Bank's Instructions

- 1) Deposit-taking Licensed Financial Institutions shall comply with all rules, regulations, standards, circulars, and directives and instructions issued by the Central Bank with regard to lending or other matters it deems necessary for achieving its objectives.
- 2) The Central Bank may take all necessary measures and actions, and use means, which would ensure proper conduct of business at deposit-taking Licensed Financial Institutions. Such instructions, directives, measures, procedures, or means, may either be general or individual.

Article (90) Central Bank Risk Bureau

The Risk Bureau at the Central Bank shall undertake compilation, exchange and processing of credit information from Licensed Financial Institutions or any party the Central Bank deems necessary. The said bureau shall operate within the conditions and controls determined by the Board of Directors.

Article (91) Protection of Depositors' Interests

第(88)條 禁止在特許金融機構從事指定任務

- 1) 本行認為任何個人不適格執行或從事與特許金融業務相關之指定任務時，本行得禁止案關個人執行或從事該等指定任務。
- 2) 宣布禁止決定之日起算不超過二十(20)個工作日期間內，應將禁止案關個人於案關特許金融機構執行或從事指定任務之決定正式通知該特許金融機構。該通知應包括：
 - a. 決定之內容。
 - b. 決定之理由。
 - c. 決定之生效日。
 - d. 告知特許金融機構及案關個人有權依本法之規定，就該決定向申訴及上訴委員會提出申訴。

第三章：特許存款金融機構之責任

第(89)條 本行指示之遵循

- 1) 特許存款金融機構應遵守本行就借貸或為達成本行目標之其他必要事項所發布之所有規則、規範、標準、行政令函、指示及指令。
- 2) 本行得採取所有必要措施及行動，並利用工具，以確保特許存款金融機構妥適從事其業務。該等指示、指令、措施、程序或方式，得為一般性或各別性。

第(90)條 本行風險局

本行風險局應負責編纂、交換及處理來自於特許金融機構或任何本行認為必要者之信用資訊。該局應在理事會決定之條件及控管措施內運作。

第(91)條 存款人利益之保護

- 1) Each deposit-taking Licensed Financial Institution shall prepare a quarterly statement, in the form specified by the Central Bank, indicating all the credit and funding facilities granted by the Licensed Financial Institution to:
 - a. Any member of its board of directors.
 - b. Any establishment or company where the concerned institution is a partner, manager, agent, guarantor or sponsor.
 - c. Any company where a member of the board of directors of the concerned institution is a manager or agent.
 - d. Any company where an employee, expert or representative of the concerned institution is a manager, executive officer, agent, guarantor, or sponsor.
 - e. Any Person holding controlling interest in the concerned institution, or a related company, as per provisions of Article (95) of this Decretal Law.
 - f. Any subsidiary of the group, which owns the concerned institution.
 - g. Any company related to the concerned institution, as per the controls set by the Board of Directors.
 - h. Any Person, directly or indirectly related to any member of the board of directors of concerned institution, as per the controls set by the Board of Directors.
 - i. Any other Person specified by the Board of Directors as per the rules it sets in this regard.
- 2) The Central Bank shall be provided with copy of the statement referred to in item (1) of this article, within a period of ten (10) days from end of each quarter of the financial year, or date of a request made by the Central Bank in this regard.
- 3) The Central Bank may take one or more of the actions listed hereunder, If it decided, following review of the statement referred to in item (1) of this article, that any of the credit or funding facilities extended by the Licensed Financial Institution or any exposure to a particular Person may result in damage to the interests of depositors of the concerned Licensed Financial Institution:
 - a. Require the concerned institution to allocate provisions for these facilities, or reduce its exposure to a particular Person, within such period and as per such mechanism as it determines.
 - b. Prohibit the concerned institution from extending further credit facilities to the concerned Person, or impose specific restrictions on facilities extended to the concerned Person, as it deems appropriate.

- 1) 每家特許存款金融機構應依本行所定格式準備季報表，並指出該特許金融機構對下列人員所提供之所有信用及融通機制：
 - a. 其董事會之任何成員。
 - b. 該機構擔任合夥人、經理人、代理人、保證人或贊助人之任何機構或公司。
 - c. 該機構董事會成員擔任經理人或代理人之任何公司。
 - d. 該機構受雇人員、專家或代表人擔任經理人、執行人員、代理人、保證人或出資人之任何公司。
 - e. 依本法第(95)條之規定，持有該機構或相關公司可控制利益之任何人。
 - f. 擁有該機構之集團之任何子公司。
 - g. 依理事會所定控管規範，與該機構相關之任何公司。
 - h. 依理事會所定控管規範，與該機構董事會任何成員直接或間接相關之任何人。
 - i. 理事會依據此方面所訂定之規則，特予指明之任何其他人。
- 2) 會計年度之每一季結束時，或本行就此方面提出要求之日起算十(10)日期間內，應將本條第(1)項所定之報表副本提供予本行。
- 3) 本行審核本條第(1)項所定之報表後，認定特許金融機構所提供之信用或融通機制、或對某特定人之任何曝險，可能導致損及案關特許金融機構之存款人利益，則本行得採取一項以上之下列行動：
 - a. 要求案關機構在本行決定之期間內依本行決定之機制，就此等融資提撥準備金或降低對特定人之曝險。
 - b. 本行認為適當時，禁止案關機構提供進一步信用予案關人，或對提供予案關人之融資附加特定限制。

Chapter Four : Prohibitions

Article (92) Prohibition of Conducting Specific Operations

- 1) The Central Bank may prohibit Licensed Financial Institutions from conducting all or some of the following:
 - a. Dealing in specific assets, investments, or monetary and financial instruments.
 - b. Closing deals, or conduct specific operations or commercial transactions.
 - c. Dealing with specific Persons.
- 2) The Board of Directors may issue rules, regulations and standards relating to the operations referred to in item (1) of this article, and take necessary measures and actions it deems appropriate.
- 3) The concerned Licensed Financial Institution shall be notified, officially, of Central Bank's decision within a period not exceeding twenty (20) working days from date of its issue. The notice shall include the following:
 - a. Content of the decision.
 - b. Reasons for the decision.
 - c. Effective date of the decision.
- 4) A statement advising the Licensed Financial Institution of its right to submit a grievance against the decision, by applying to the Grievances and Appeals Committee, in accordance with the provisions of this Decretal Law.

Article (93) Prohibition of Carrying on Non-Banking Activities

Banks shall not carry on any non-banking activities, particularly the following activities:

- 1) Carry on, for its account, commercial or industrial activities or acquire, own or trade in goods, unless the acquisition of such goods was in settlement of debts due from third parties, in which case the goods must be disposed of within the period specified by the Central Bank.
- 2) Purchase real estate for its own account, except in the following cases:
 - a. Real estate that its value does not exceed the ratio set by the Board of Directors relative to its total capital and reserves.
 - b. Real estate owned in direct settlement of debt exceeding the ratio mentioned in paragraph (a) of this item and in such a case the sale of these properties within (3) years, and this may be extended by an approval from the Central Bank based on the guidelines set by the Board of Directors.

第四章：禁止規定

第(92)條 禁止從事特定業務

- 1) 本行得禁止特許金融機構從事全部或某些下列業務：
 - a. 處理特定資產、投資、或貨幣與金融工具。
 - b. 完成交易、或從事特定業務或商業交易。
 - c. 與特定人交易。
- 2) 理事會得發布與本條第(1)項所指業務相關之規則、規範及標準，並採取其認為適當之必要措施及行動。
- 3) 宣布決定之日起算不超過二十(20)個工作日期間內，應將本行決定正式通知案關特許金融機構。該通知應包括：
 - a. 決定之內容。
 - b. 決定之理由。
 - c. 決定之生效日。
- 4) 告知特許金融機構有權依本法之規定，就該決定向申訴及上訴委員會提出申訴。

第(93)條 禁止執行非銀行業務

銀行不應執行任何非銀行業務，尤指下列業務：

- 1) 為自身利益，從事商業或企業活動，或取得、擁有或買賣貨物；但該等貨物之取得係因第三人清償積欠債務者，不在此限，並應於本行指定之期間內處分該等貨物。
- 2) 為自身利益購買不動產，但下列情形除外：
 - a. 價值未超過理事會就銀行之資本及準備金總額所訂比率之不動產。
 - b. 因直接清償債務而持有價值未超過本項第(a)款所提比率之不動產；在此情況下，必須於三(3)年內出售此等財產，但本行得依理事會所定指導原則，核准展延此期間。

- 3) Purchase or acquire or deal in shares of the Bank, in excess of the ratios set by the Board of Directors, unless the excess has devolved to it in settlement of a debt, in which case the Bank must sell the shares in excess of the said ratio, within a period of two (2) years from date of acquisition.
- 4) Purchase shares of commercial companies, except within the ratio of the Bank's own funds, as set by the Board of Directors, unless acquired in settlement of a debt, in which case the excess must be sold within two (2) years from date of acquisition.
- 5) The Board of Directors shall issue regulations to Banks regarding limits for purchasing and dealing in securities issued by any foreign government or their related entities, or by any foreign commercial company. These limits shall not apply to securities issued or guaranteed by the Public Sector.

Article (94) Restrictions on Provision of Credit Facilities

- 1) As an exception to the provisions of Article (153) of the referenced Commercial Companies Law, Licensed Financial Institutions may extend credit facilities to members of their boards of directors, their employees, and relatives of such Persons as determined by the Board of Directors.
- 2) The Board of Directors shall determine conditions and requirements for credit facilities, which may be granted to the categories referred to in item (1) of this article.
- 3) A deposit-taking Licensed Financial Institution shall not offer credit facilities to its customers against their shares therein.
- 4) The Board of Directors shall issue regulations, to deposit-taking Licensed Financial Institutions, regarding the limits for credit facilities extended for the purpose of constructing residential or commercial buildings.

Chapter Five : Supervision and Oversight of Licensed Financial Institutions

Section One : Provisions relating to Supervision and Oversight

Article (95) Provisions Relating to Holders of Controlling Interests

- 1) A Person shall not hold controlling interest, or increase controlling interest in any Licensed Financial Institution, nor exercise powers, which

- 3) 購買、取得或交易銀行股份超出理事會所訂比率；但超出部分係因債務清償而移歸銀行者，不在此限，且自取得之日起算二(2)年期間內，銀行應出售超出上述比率之股份。
- 4) 購買商業公司股份，除非是在理事會所訂銀行自有資金比率之內；但因債務清償而取得者，不在此限，且自取得之日起算二(2)年內，應出售超出部分。
- 5) 理事會應向銀行發布有關購買及交易由任何外國政府或其相關實體、或任何外國商業公司所發行有價證券之限制規定。此等限制規定，不應適用於公部門所發行或保證之有價證券。

第(94)條 限制提供信用工具

- 1) 特許金融機構得引用「商業公司法」第(153)條之例外規定，提供信用工具予其董事會成員、其受雇人員、及理事會所決定該等人之親屬。
- 2) 理事會應決定提供信用工具予本條第(1)項所定對象之條件及要求。
- 3) 特許存款金融機構不應針對其客戶之股份，提供信用工具。
- 4) 理事會應向特許存款金融機構發布有關為建造住宅或商業建築之目的而提供信用工具之規範。

第五章：特許金融機構之監理及監督

第一節：監理及監督相關規定

第(95)條 有關控制權持有人之規定

- 1) 除非取得本行之事前核准，任何人不得持有或增加對任何特許金融機構之控制權，亦不得行使依本行片面認定

render him a de facto holder of controlling interest, at the discretion of the Central Bank, unless he obtains Central Bank's prior approval.

- 2) A Licensed Financial Institution shall also not allow any Person to hold controlling interest therein, unless it obtains Central Bank's prior approval.
- 3) The Board of Directors shall issue regulations, rules, standards, conditions, instructions, and restrictions relating to interests and instances of control.

Article (96) Opening Branches Inside the State and in Other Jurisdictions

A Licensed Financial Institution shall not establish any branch or representative office inside the State or in other jurisdictions, or relocate or closedown any existing branch without Central Bank's prior approval.

Article (97) Providing the Central Bank with Information and Reports

- 1) Licensed Financial Institutions shall:
 - a. Provide the Central Bank with reports, information, statements and other documents, which it determined and considered necessary for achieving its objectives and discharge its functions.
 - b. Appoint qualified employees and assign them the task of preparing the reports required by the Central Bank.
 - c. Take appropriate measures to ensure that the Person assigned, in accordance with the paragraph (b) of this item, obtains the information required for preparation of the reports.
- 2) Licensed Financial Institutions are prohibited from issuing instructions or directives, or agree with any manager, officer, an employee working for it, an agent representing it, or auditor of its accounts, to decline to provide the Central Bank with the requirements referred to in item (1) of this article.
- 3) The Central Bank shall establish rules and guidelines for periodical compilation of information from Licensed Financial Institutions.
- 4) The Central Bank shall determine the nature, forms and frequency of submission of information. Licensed Financial Institutions shall provide such information in accordance with the instructions issued by the Central Bank in this regard.
- 5) The provisions of this article shall apply to branches of foreign Licensed Financial Institutions operating in the State.
- 6) The Board of Directors shall issue regulations, rules, standards, and instructions regarding provision of the requirements referred to in this

會使其成為事實上控制權持有人之權限。

- 2) 除非取得本行之事前核准，特許金融機構亦不得允許任何人持有其控制權。
- 3) 理事會應發布有關控制權及實例之規範、規則、標準、條件、指示及限制。

第(96)條 在本國境內及其他管轄區域設立分支機構

未經本行事前核准，特許金融機構不得於本國境內及其他管轄區域設立分支機構或代表辦事處，或遷移或關閉任何既存之分支機構。

第(97)條 提供本行資訊及報告

- 1) 特許金融機構應：
 - a. 提供本行決定並認為達成目標及執行任務所需之報告、資訊、報表及其他文件。
 - b. 任命合格受雇人員，並指派其備妥本行所要求之報告。
 - c. 採取適當措施，以確保依本項第(b)款指派之人員得以獲取準備報告所需之資訊。
- 2) 特許金融機構不得發布指示或指令，亦不得同意其經理人、職員、受雇人員、代表該機構之代理人或該機構帳目審計人員拒絕向本行提供本條第(1)項所定要求事項。
- 3) 本行應制定有關定期編製特許金融機構資訊之規則及指引。
- 4) 本行應決定資訊提交之性質、形式及頻率。特許金融機構應依本行就此方面所發布之指示，提供該資訊。
- 5) 本條之規定應適用於在本國營運之外國特許金融機構分支機構。
- 6) 理事會應發布有關本條所定要求事項之規範、規則、標

article, and may take all the measures and actions against the concerned institution or any of its employees referred to in paragraph (b) of item (1) of this article.

Article (98) Reporting of Violations

- 1) Licensed Financial Institutions, along with their legal representatives, compliance officers, and auditors of accounts shall be responsible for, immediate reporting of any of the following to the Central Bank:
 - a. Occurrence of any material or crucial developments, which may impact its activities, structure, or overall position.
 - b. Occurrence of any violation to the provisions of this Decretal Law or the decisions, regulations, or instructions issued in implementation thereof.
- 2) The aforementioned Persons referred to in item (1) of this article shall not be considered to have breached any of their obligations if they, acting in good faith, filed a report as per provisions of this article, or provided information or opinion to the Central Bank. The Licensed Financial Institution shall not dismiss those mentioned in item (1) of this article without obtaining approval of the Central Bank.
- 3) The Central Bank shall establish a mechanism for accepting notifications concerning violations referred to in item (1) of this article.

Article (99) Submission of Data on Financial Position, Required by the Central Bank

- 1) Each Licensed Financial Institution shall be required to provide the Central Bank with the statements and reports relating to its financial position.
- 2) Each Licensed Financial Institution shall be required to provide the Central Bank, within a period not exceeding three (3) months from end of the financial year, or within such period as the Central Bank may specify, with the following:
 - a. Copy of the audited balance sheet, showing use of assets and liabilities arising from operations of the concerned institution.
 - b. Copy of the audited profit and loss account, and any related notes.
 - c. Copy of report of auditors of accounts of the concerned institution.
 - d. Copy of report of the board of directors of the concerned institution.
- 3) The Central Bank may also require the Licensed Financial Institution to provide the following:
 - a. Copy of the interim profit and loss account, on semi-annual basis, or for other periods specified by the Central Bank.
 - b. Any other additional reports, data or information it deems necessary.

準及指示，並得對案關機構或本條第(1)項第(b)款所定之該機構受雇人員，採取任何措施及行動。

第(98)條 違規之報告

- 1) 特許金融機構及其法定代表人、法遵人員及帳目審計人員，於下列任何情形，應負責即時向本行報告：
 - a. 發生任何可能影響其業務、組織架構或整體情況之重大或關鍵發展。
 - b. 發生任何違反本法之規定或為實施本法所發布之決定、規範或指示。
- 2) 本條第(1)項所定人員因善意而依本條規定提出報告，或向本行提供資訊或意見，不應被視為違反其任何義務。未經本行核准，特許金融機構不應解雇本條第(1)項所述人員。
- 3) 本行應制定本條第(1)項所定違規行為通知之受理機制。

第(99)條 本行要求提交財務部位資料

- 1) 各特許金融機構應依要求，向本行提供有關該機構財務部位之報表及報告。
- 2) 各特許金融機構應依要求，自會計年度結束時起算不超過三(3)個月期間內，或於本行可能訂定之期間內，向本行提供：
 - a. 業經審計之資產負債表副本，須顯示案關機構營運產生之資產及負債。
 - b. 業經審計之損益帳副本，及任何相關備註說明。
 - c. 案關機構帳目審計人員之報告副本。
 - d. 案關機構董事會之報告副本。
- 3) 本行亦得要求特許金融機構提供：
 - a. 以半年度為基礎或本行所定其他期間之期中損益帳副本。
 - b. 本行認為必要之任何其他額外報告、資料或資訊。

Article (100) Merger and Acquisition

- 1) A Licensed Financial Institution shall not merge with or acquire any other institution, regardless of its type of activity, nor transfer any part of its liabilities to another Person, without obtaining Central Bank's prior approval.
- 2) Without prejudice to the established legislation in the State concerning merger and acquisition, the Board of Directors may issue all regulations, rules, standards, conditions, instructions, and directives pertaining to merger and acquisition.
- 3) The Licensed Financial Institution shall be notified, officially, of Central Bank's decision rejecting the proposed merger or acquisition within a period not exceeding twenty (20) working days from date of its issue. The notice shall include the following:
 - a. Content of the decision.
 - b. Reasons for the decision.
 - c. Effective date of the decision.
 - d. A statement advising the concerned Licensed Financial Institution of its right to submit a grievance against the decision, by applying to the Grievances and Appeals Committee, in accordance with the provisions of this Decretal Law.

Article (101) Cessation of Business

A Licensed Financial Institution shall not cease to operate, fully or partially or suspend its operations, or cease to carry-on all or part of its Licensed Financial Activities without approval of the majority of its shareholders and approval of the Central Bank.

Article (102) Authority to Issue Instructions and Directives for Prudential Purposes

- 1) The Board of Directors shall, for the purposes of prudential supervision, issue necessary instructions and directives to a particular Licensed Financial Institution, or to a number of Licensed Financial Institutions within a specific category, relating to:
 - a. Compliance with Central Bank instructions and directives relating to prudential ratios determined by the Board of Directors, regarding capital adequacy and liquidity or any other purposes.
 - b. Compliance with the required provisions, or processing of specific assets.
 - c. Adherence to limits of large exposures.

第(100)條 合併及收購

- 1) 未取得本行事前核准，特許金融機構不得合併或收購任何其他機構，無論該其他機構之業務類型為何，亦不得將其負債轉讓予其他人。
- 2) 在不違反本國有關合併及收購之既有法制下，理事會得發布有關合併及收購之所有規範、規則、標準、條件、指示及指令。
- 3) 在本行宣布駁回擬議合併或收購決定之日起算不超過二十(20)個工作日期間內，應將該決定正式通知特許金融機構。該通知應包括：
 - a. 決定之內容。
 - b. 決定之理由。
 - c. 決定之生效日。
 - d. 告知案關特許金融機構有權依本法之規定，就該決定向申訴及上訴委員會提出申訴。

第(101)條 停業

未經股東過半數決議通過及本行核准，特許金融機構不得全部或部分停止營運、或暫停其營運、或停止執行其全部或部分特許金融業務。

第(102)條 為審慎目的發布指示及指令之權限

- 1) 為審慎監理目的，理事會應向某一特定之特許金融機構，或向特定類型之多家特許金融機構，就以下事項發布必要之指示及指令：
 - a. 遵循理事會就資本適足與流動性或任何其他目的，所決定與審慎比率相關之本行指示及指令。
 - b. 遵循特定資產之法定負債準備或處理。
 - c. 遵守大額曝險之限制規定。

- d. Adherence to limits of exposures to related parties.
- e. Satisfying any additional requirements relating to reporting.
- 2) The Central Bank may take any additional actions to those mentioned in item (1) of this article.
- 3) The Central Bank may instruct any subsidiary of a Licensed Financial Institution to take particular actions, or refrain from carrying on particular activities, in the following cases:
 - a. If the Central Bank is the consolidated regulatory authority of the entities referred to in this item.
 - b. If the Central Bank decided that such instruction is necessary for the exercise of effective and consolidated prudential supervision of the entities referred to in this item.
- 4) The instructions and directives referred to in item (3) of this article may include the following:
 - a. Require the subsidiary of the concerned Licensed Financial Institution to suspend provision of particular services, or carrying on particular business or activities, or even closing down any of its offices or branches outside the State, if such services, business or activities may expose the concerned Licensed Financial Institution to additional risk, or to risks that cannot be managed effectively and appropriately.
 - b. Require the subsidiary of the concerned Licensed Financial Institution to take all necessary actions to remove any impediments that may hinder effective consolidated supervision.

Article (103) Maximum Limits of Operations

The Central Bank may set maximum limits to which deposit-taking Licensed Financial Institutions shall adhere to in their operations, which include the following:

- 1) The maximum amount of total discount operations or loans and advances the Licensed Financial Institution is allowed to conduct, as of a certain date.
- 2) The maximum amount the Licensed Financial Institution may lend to a single Person, relative to its own funds.
- 3) Any other limits the Central Bank may determine.

Article (104) Governance of Licensed Financial Institutions

- 1) The Central Bank shall establish a general framework for governance of Licensed Financial Institutions, and shall issue rules and regulations relating to organization of works of their boards of directors and shall determine the conditions to be met by nominees for membership of their boards of directors, and the requirements and conditions for appointment

- d. 遵守對關係人曝險之限制規定。
- e. 符合與報告相關之任何額外要求。
- 2) 本行得就本條第(1)項所定事項，採取任何額外行動。
- 3) 於下列情形，本行得指示某一特許金融機構之任何子公司採取特定行動，或禁止執行特定業務：
 - a. 本行係本項所提實體之合併監管機關者。
 - b. 本行認定該項指示係為了對本項所定實體進行有效之合併審慎監理所必需者。
- 4) 本條第(3)項所定之指示及指令包括如下：
 - a. 服務、業務及活動可能使案關特許金融機構暴露於額外風險或無法有效且適當管理之風險時，得要求案關特許金融機構之子公司暫停提供特定服務、或執行特定業務或活動、或甚至關閉其在本國境外之辦事處或分支機構。
 - b. 得要求案關特許金融機構之子公司採取所有必要措施，以排除任何可能妨礙有效合併監理之阻礙。

第(103)條 營運之最高限額

本行得訂定特許存款金融機構營運時應遵守之最高限額，包括：

- 1) 截至某特定日，特許金融機構經允許得從事之貼現操作或貸款及墊款總額之最高限額。
- 2) 特許金融機構就其自有資金得放款予單一對象之最高限額。
- 3) 本行得決定之任何其他限額。

第(104)條 特許金融機構之治理

- 1) 本行應建立特許金融機構之一般治理架構，並發布有關該等機構董事會運作安排之規則與規範，及決定該等機構董事會成員之被提名人須符合之條件，以及任命該等

of their senior staff; provided that Licensed Financial Institutions listed in the State's financial markets shall adhere to the minimum requirements of corporate governance set by the concerned regulatory authority.

- 2) Licensed Financial Institutions must obtain Central Bank's prior approval for appointment, nomination of any Person for membership of their boards of directors or renewal of his membership, and appointment or renewal of the employment contract of any of their senior staff.
- 3) The Board of Directors may, as may be required to safeguard public interest, reject any Person's nomination, appointment, or renewal of his membership in the board of directors of a Licensed Financial Institution, and may also reject appointment or renewal of the employment contract of any of its senior staff.

Article (105) Rulebook

The Central Bank shall prepare an electronic guide, which would include all regulations, rules, standards, decisions, and circulars issued by the Central Bank in accordance with the provisions of this Decretal Law. Such guide shall be published and regularly updated on the Central Bank's website.

Article (106) Retroactive Effect of Central Bank Regulations and Decisions

The regulations, decisions, and circulars issued by the Central Bank in accordance with the provisions of this Decretal Law shall have no retroactive effect, and shall not prevent implementation of agreements concluded between Licensed Financial Institutions and their customers prior to their issuance. The Central Bank shall determine the required transitional period for Licensed Financial Institutions to reconcile their respective positions, according to the provisions of this Decretal Law.

Article (107) Examination

- 1) The Central Bank may, at any time, dispatch any of its staff or any third party authorized to act on its behalf to Licensed Financial Institutions and their owned companies or subsidiaries, if it deemed necessary to ensure soundness of their financial positions, and their compliance with the provisions of this Decretal Law and the regulations and decisions issued in implementation thereof, and other established laws and regulations in the State.
- 2) In case of the conduct of examination of companies owned by Licensed Financial Institutions and their subsidiaries, which are regulated by any of the Regulatory Authorities in the State or in other jurisdictions, the Central Bank shall coordinate with the concerned regulatory authority in this regard.

機構高階員工之要求與條件；但在本國金融市場上市之特許金融機構，應遵守相關監管機關所定公司治理之最低要求。

- 2) 特許金融機構任命、提名任何人為其董事會成員或該成員身分之續任，以及其高階員工之派用或聘僱契約之續約，必須取得本行事前核准。
- 3) 為維護公共利益之必要，理事會得駁回任何人為特許金融機構董事會成員之任命、提名或續任，亦得駁回該等機構任何高階員工之派用或聘僱契約之續約。

第(105)條 規章手冊

本行應準備一份電子指引，涵蓋本行依本法規定所發布之全部規範、規則、標準、決定及行政令函。該指引應公布於本行網站，並定期更新。

第(106)條 本行規範及決定之追溯效力

依本法規定所發布之規範、決定及行政令函，應不具追溯效力，且不應妨礙在發布前特許金融機構已與其客戶締結合約之履行。本行應決定特許金融機構依本法之規定調和各自立場之必要過渡期間。

第(107)條 檢查

- 1) 為確保特許金融機構財務部位之健全，以及該機構遵循本法之規定及為實施本法所發布之規範與決定、本國之其他既有法律與法規，本行認為必要時，得於任何時間派遣本行任何員工或授權第三人，代表本行至特許金融機構及其持有之公司或子公司。
- 2) 對於特許金融機構及其子公司持有且受本國或其他管轄區域監管機關監管之公司進行檢查時，本行應就此方面與案關監管機關協調。

- 3) The Central Bank may, in coordination with the concerned agencies in the State, inspect premises of any Person suspected of carrying on any of the financial activities referred to in Article (65) of this Decretal Law, without a license. The Central Bank may, in this respect, require the suspected Person to provide all information, documents, and records relating to the unlicensed financial activities, and may seize such information, documents, and records.
- 4) Licensed Financial Institutions, their owned companies and subsidiaries shall provide the staff referred to in item (1) of this article with all information, records, books, accounts, documents and data relating to the subject of examination, along with any information he may ask for, on timely basis.
- 5) Central Bank staff may, within the framework of the examination process, summon any related Person, on the time and place they may determine, to provide information, data, documents, or records relating to the examination process.
- 6) The Board of Directors may issue regulations, rules, standards, directives and instructions relating to mechanisms and procedures for examination of Licensed Financial Institutions.
- 7) The Central Bank may take all measures and actions it deems appropriate for achieving its objectives and discharging its functions, and may particularly take the following actions, if it was found that a violation to the provisions of this Decretal Law, or the regulations and decisions issued in implementation thereof, has occurred:
 - a. Impose restrictions on some of the operations or activities carried on by the concerned Licensed Financial Institution.
 - b. Require the concerned Licensed Financial Institution to take necessary actions to rectify the situation immediately.
 - c. Appoint a specialized expert, or a qualified Central Bank employee, to advise the concerned Licensed Financial Institution or supervise, or oversee some of its operations, for a period specified by the Central Bank. The concerned Licensed Financial Institution shall pay remunerations of such appointee if he is an expert from outside the Central Bank.
 - d. Take any other action or measure, or impose any penalties it deems appropriate.
- 8) Licensed Financial Institutions shall be required to pay all costs of examination and investigations process outsourced, by the Central Bank, to a third party, in case its violation to the provisions of this Decretal Law, and the regulation and decisions issued in implementation thereof, has been established.

- 3) 本行得協調本國案關代理機構檢查疑似在無特許證之情況下，執行本法第(65)條所定金融業務之任何人員之場所。本行得就此要求該可疑人提供與該等未經特許金融業務相關之所有資訊、文件及紀錄，並得扣押該資訊、文件及紀錄。
- 4) 特許金融機構、其持有之公司及子公司，應即時向本條第(1)項所定員工提供與檢查主題相關之所有資訊、紀錄、簿冊、帳目、文件及資料，以及該等員工可能要求之任何資訊。
- 5) 本行員工得在檢查程序架構內，於其決定之時間與地點，要求任何相關人提供與檢查程序相關之資訊、資料、文件或紀錄。
- 6) 理事會得發布與檢查特許金融機構機制及程序相關之規範、規則、標準、指令及指示。
- 7) 為達成本行目標及執行任務，本行得採取其認為適合之所有措施及行動；發現有違反本法之規定或為實施本法所發布之規範與決定者，本行尤其得採取下列行動：
 - a. 對案關特許金融機構所執行之部分營運或業務附加限制。
 - b. 要求案關特許金融機構採取必要行動，以立即矯正該違規情況。
 - c. 指派專家或合格之本行受雇人員，於本行所訂期間，給予案關特許金融機構意見，或監理、監督該機構之部分營運。
 - d. 採取任何其他行動或措施，或處以其認為適當之處罰。
- 8) 特許金融機構違反本法之規定及為實施本法所發布之規範與決定，應依要求支付本行委託第三人之所有檢查及調查程序費用。

Article (108) Examination of Entities of National Licensed Financial Institutions Operating in Other Jurisdictions

The Central Bank may dispatch one or more of its examiners or experts, to undertake examination of entities of national Licensed Financial Institutions operating abroad, in collaboration and coordination with the concerned regulatory authorities in those jurisdictions; Such would include entities of national Licensed Financial Institutions operating in Financial Free Zones in the State, in cooperation and coordination with the supervisory authorities of the concerned Financial Free Zone.

Article (109) Expert Report

The Central Bank may assign an expert or a Person qualified in the area of Licensed Financial Activities, to provide it with a report on any subject specified by the Central Bank, relating to direct and indirect business and activities of a particular Licensed Financial Institution. Such would be carried out in accordance with the conditions and procedures established by the Central Bank, and at the expense of the entities referred to in this article.

Article (110) Judicial Officer Capacity

Central Bank staff designated per decision issued by the Minister of Justice, in coordination with the Governor, shall, in establishing acts occurring in violation of the provisions of this Decretal Law, have the capacity of judicial officers.

Article (111) Requesting Intervention in Lawsuits and Judicial Proceedings and Notification of Investigations

- 1) Without prejudice to the provisions of the Civil Procedures Law, the Central Bank may request intervention in any lawsuit filed before judicial authorities to which a Licensed Financial Institution is party.
- 2) Law enforcement and other concerned authorities shall notify the Central Bank of any investigations or proceedings initiated against Licensed Financial Institutions. The Central Bank may provide such authorities with any clarifications, statements, or information it deems appropriate in this regard.

Section Two : Financial Accounts

Article (112) Financial Year of Licensed Financial Institutions

The financial year for a Licensed Financial Institution shall begin on the first

第(108)條 對在其他管轄區域營運之國營特許金融機構之檢查
本行得派遣一名以上檢查人員或專家協調該等管轄區域之案關監管機關，對在國外營運之國營特許金融機構進行檢查；此將包括配合並協調案關金融自由區之監理機關，檢查在本國金融自由區營運之國營特許金融機構。

第(109)條 專家報告

本行得指派專家或特許金融業務領域之合格人員，向本行提供與某一家特定之特許金融機構之直接與間接業務及活動相關且由本行指定之任何主題之報告。此應依本行制定之條件及程序進行，且費用由本條所定機構負擔。

第(110)條 司法人員身分

依司法部長協調總裁後發布決定所指定之本行員工，其於確認是否發生違反本法規定之行為，應具有司法人員身分。

第(111)條 介入訴訟案與司法程序之要求及調查通知

- 1) 在不違反民事訴訟法規定之情況下，本行得要求介入任何向司法機關聲請且特許金融機關為當事人之訴訟案。
- 2) 執法機關及其他案關主管機關向特許金融機構發動之任何調查或程序，應通知本行。本行得提供該等機關任何本行就此方面認為適當之澄清、說明或資訊。

第二節：財務帳目

第(112)條 特許金融機構之會計年度

特許金融機構之會計年度應自每年1月1日開始，並於12月

of January and end on the thirty first of December of each year, except for the first financial year, which begins from date of registration of the institution and shall end at the end of the following financial year.

Article (113) Accounts of Licensed Financial Institutions

- 1) Branches of foreign Licensed Financial Institutions shall maintain separate accounts for all their operations in the State, including the balance sheet and profit and loss account.
- 2) Branches and sections of a local or foreign Licensed Financial Institution operating in the State, shall, for the purposes of bookkeeping, constitute one financial institution.

Article (114) Auditors of Accounts of Licensed Financial Institutions

- 1) Each Licensed Financial Institution operating in the State shall, every year, appoint an auditor or more, from amongst the auditors approved by the Central Bank, for auditing its accounts. Should the concerned Licensed Financial Institution fail to appoint an auditor, the Central Bank shall appoint an auditor for the concerned institution and determine its remunerations, which shall be paid by the concerned institution.
- 2) The functions of the auditors shall include preparation of a report on the balance sheet and the profit and loss accounts for the shareholders. The auditors shall state in their report whether the annual balance sheet and profit and loss accounts are true and fair, and whether the concerned Licensed Financial Institution has provided them with all the information and clarifications requested for performance of their mission. The concerned Licensed Financial Institution shall, at least twenty (20) working days before convening of the general assembly, provide the Central Bank with copy of the auditors' report, along with copy of the balance sheet and the profit and loss account.
- 3) The general assembly of a Licensed Financial Institution may not be convened prior to receipt of Central Bank's remarks on the report. The Central Bank may, within ten (10) working days from date of receipt of the report referred to in item (2) of this article, issue a decision not to approve the profits proposed for distribution to shareholders, if a shortfall in provisions was found, or a decline in the capital adequacy ratio from the established minimum requirement was established, or any reservation indicated in the auditors' report or from the Central Bank, and deemed to have impact on distributable profits.
- 4) The auditors' report, together with the report of the board of directors of the Licensed Financial Institution shall be read to the shareholders at the annual

31 日結束，但第一個會計年度應自該機構註冊日開始，並於次一會計年度結束時結束。

第(113)條 特許金融機構之帳目

- 1) 特許外國金融機構之分支機構應就其在本國之所有營運，維持獨立帳目，包括資產負債表及損益帳在內。
- 2) 就簿記目的而言，在本國營運之當地或外國特許金融機構之分支機構及部門，應視為單一金融機構。

第(114)條 特許金融機構帳目之審計人員

- 1) 在本國營運之各特許金融機構，每年應自本行核准之審計人員中指定一名以上審計人員查核該機構帳目。案關特許金融機構未指定審計人員時，本行應為案關機構指派一名審計人員，並決定其報酬，且由該機構支付。
- 2) 審計人員之任務應包括為股東準備有關資產負債表與損益帳之報告。審計人員應在其報告敘明資產負債表與損益帳是否為真實及公平，以及案關特許金融機構是否已提供審計人員執行任務所要求之所有資訊及澄清文件。案關特許金融機構至遲應於召開大會之前二十(20)個工作日，將審計人員報告副本併同資產負債表與損益帳副本提供予本行。
- 3) 在收到本行對該報告之意見前，特許金融機構不得召開大會。發現準備金短缺、或經證實資本適足率下降至低於既定最低要求、或審計人員報告或本行指出任何保留意見並被視為對可分配利潤有所影響時，本行得自收到本條第(2)項所定之報告日起算十(10)個工作日內，宣布不核准擬分配予股東之利潤。
- 4) 在本國註冊成立之特許金融機構，應在其年度大會向股東宣讀審計人員報告及該機構董事會報告。該機構應自

general assembly where the concerned institution is incorporated in the State. Such institution shall provide the Central Bank, within twenty (20) working days from date of convening of the general assembly, with three (3) copies of each report. If the concerned Licensed Financial Institution was incorporated in another jurisdiction, a copy of the auditors' report shall be forwarded to its head office, and three (3) copies thereof shall be submitted to the Central Bank within twenty (20) working days from date of its issue.

- 5) The auditors shall not be represented in the board of directors of the Licensed Financial Institution, which appointed it to audit its accounts, nor have one of its staff appointed as employee, or act as advisor to the same institution.
- 6) A Licensed Financial Institution shall not extend credit facilities, of any type, to the auditors of its accounts. An auditor approved by the Central Bank may not commence its functions at a Licensed Financial Institution, unless any obligations it may have towards such institution were settled.
- 7) The auditors shall be responsible for the contents of their report on the financial statements of the concerned Licensed Financial Institution. If failure to properly perform their assigned duties or violation of provisions of this Decretal Law and the regulations and decisions issued in implementation thereof was established, the Central Bank may take any necessary measures or procedures, in collaboration and coordination with the concerned authorities in the State to strike their names from the established registers. The Central Bank may, at its own discretion, take any administrative or legal actions against the negligent or violating auditors.
- 8) The Central Bank may, at its discretion, require the auditors of a Licensed Financial Institution, or its subsidiaries or affiliates, to submit a report, at the expense of the concerned Licensed Financial Institution, establishing their compliance with the provisions of this Decretal Law and the regulations issued in implementation thereof.
- 9) The Board of Directors shall issue regulations and establish a register for approved auditors, authorized to audit the accounts of Licensed Financial Institutions.

Article (115) Publication and Posting of Accounts Information

- 1) Each Licensed Financial institution shall publish and post the following information and statements on its website, and in each of its offices and branches in the State:
 - a. Copy of its audited balance sheet and profit and loss account, and copy of the auditors' report. Where a Licensed Financial Institution is

大會召開之日起算二十(20)個工作日內，提供本行每項報告各三(3)份。案關特許金融機構係在其他管轄區域註冊成立者，應自報告發布日起算二十(20)個工作日內，提供總部1份審計人員報告，並提供本行三(3)份。

- 5) 審計人員不得派代表出席指定其審計帳目之特許金融機構董事會，其員工亦不得被派用為同一機構之受雇人員，或擔任同一機構之顧問。
- 6) 特許金融機構不得向其帳目審計人員提供任何種類之信用。本行核准之審計人員尚未清償其對特許金融機構之任何債務前，不得在該機構開始進行其任務。
- 7) 審計人員對案關特許金融機構財務報表之報告內容，應自負其責。經證實審計人員未妥適執行受指派之職責、或違反本法之規定及為實施本法所發布之規範與決定時，本行得協同及協調本國案關主管機關採取必要措施或程序，從已建置之登記簿中將該審計人員除名。本行得片面決定對過失或違規審計人員採取任何行政或法律行動。
- 8) 本行得片面決定要求特許金融機構或其子公司或關係企業之審計人員，提交報告確認該等機構遵循本法之規定及為實施本法所發布之規範與決定之情形，費用由案關特許金融機構負擔。
- 9) 理事會應就已獲准並授權得審計特許金融機構帳目之審計人員，發布規範並設置登記簿。

第(115)條 帳目資訊之公布與發布

- 1) 各特許金融機構應於其網站，及其在本國之各辦事處與分支機構公布並發布下列資訊：
 - a. 經審計之資產負債表與損益帳副本、審計人員報告副本。在其他管轄區域註冊成立之特許金融機構，得以

- incorporated in other jurisdictions, publication of such statements may be carried out in the manner consistent with laws of the concerned jurisdiction.
 - b. List of names of members of the board of directors, senior executives and their deputies and assistants.
 - c. Names of all wholly or partially owned subsidiaries, or entities related to the concerned Licensed Financial Institution.
- 2) The Central Bank may, require any Licensed Financial Institution to publish or post any information or statements relating to its accounts, in addition to the requirements stated in item (1) of this article, as it deems appropriate.

Section Three : Resolution and Liquidation of Licensed Financial Institutions

Article (116) Deficiency of Financial Position

- 1) The Board of Directors shall establish a resolution framework for deposit-taking Licensed Financial Institutions in order to minimize the effect that a deficiency in their financial position may have on the financial system in the State. This includes the effects related to a deficiency in the financial position of companies owned by those Licensed Financial Institutions or their subsidiaries.
- 2) The resolution framework shall include a set of triggers, both prudential as well as qualitative, which signal material risks that would result in the deficiency of the financial position of the institutions referred to in item (1) of this article. In order to achieve this, the Central Bank shall, at its own discretion, decide any of the following measures and actions for the protection of the concerned institution and its depositors:
 - a. Impose a minimum ratio for liquidity of the concerned institution, commensurable with the risks associated with its activities.
 - b. Require the concerned institution to provide, as per terms and conditions set by the Board of Directors, additional financial resources for support of its paid-up capital.
 - c. Issue a decision to merge the concerned institution with another Licensed Financial Institution.
 - d. Permit any Financial Institution to acquire the concerned institution.
 - e. Form an interim committee to manage the concerned institution, and authorize such committee to take whatever actions it deems appropriate, as per conditions and controls determined by the Board of Directors, including the possibility of taking the decision to impose a moratorium on all or some of the activities of the concerned

- 符合案關管轄區域法律之方式公布該等報表。
 - b. 董事會成員、高階主管及其副手與助理名單。
 - c. 案關特許金融機構之全資或部分持有子公司、或其關聯機構名稱。
- 2) 本行認為適當時，得要求任何特許金融機構公布或發布本條第(1)項所述規定事項，以及帳目相關之任何資訊或報表。

第三節：特許金融機構之清理及清算

第(116)條 財務部位短絀

- 1) 理事會應建立特許存款金融機構之清理架構，俾將其財務部位短絀對本國金融體系可能之影響最小化。此包括與該等特許金融機構所持有公司或其子公司之財務部位短絀相關之影響。
- 2) 清理架構應包括審慎與質化之一組門檻值，以預示可能導致本條第(1)項所指機構財務部位短絀之重大風險。為達成此項規定，本行應片面決定下列保護案關機構及其存款人之措施及行動：
 - a. 對與案關機構業務相關聯之風險，要求相稱之最低流動性比率。
 - b. 要求案關機構依理事會訂定之條件，提供可支撐其實收資本之額外財務來源。
 - c. 宣布案關機構與其他特許金融機構合併之決定。
 - d. 允許任何金融機構收購案關機構。
 - e. 成立臨時委員會管理案關機構，授權該委員會依理事會決定之條件及控管規範，採取其認為適當的任何行動，包括決定立即或在其他時限內暫停案關機構之全

institution with immediate effect or within another timeframe as well as consequential actions.

- f. Undertake, over a period specified by the Board of Directors, direct management of the concerned institution, and shall, in this case, substitute management of the concerned institution in exercising all powers, including financial and administrative powers; and the powers and authorities of its board of directors, and its general assembly shall immediately be frozen until expiry of the period of interim management.
 - g. Request competent authorities in the State to place the concerned institution under interim custody and seize its assets, property and shareholders rights.
 - h. Adopt a decision to request the competent court to pass a decision to liquidate the concerned institution, prepare a plan for liquidation or transfer of its assets and liabilities, as it deems appropriate, along with all related settlements and releases and implement or oversee implementation of the liquidation plan, or adopt a resolution decision, or request the competent court to declare bankruptcy, in accordance with established laws.
 - i. Where a decision to merge or liquidate of a Licensed Financial Institution incorporated in another jurisdiction and has a branch operating in the State, the same procedures applicable in the concerned jurisdiction of incorporation shall apply if they provide better protection for customers in the State, unless otherwise agreed with the concerned authority.
 - j. Any other measures or actions in accordance with a decision by the Board of Directors.
- 3) The Central Bank may coordinate with the relevant federal and local authorities before issuance of any decision by the Board of Directors, as per provisions of this article, if necessary. The Central Bank may request the competent judicial authorities to take protective and urgent measures and actions, which would ensure protection of property and interest of investors and depositors, or serve public interest.

Article (117) Publication of Resolution or Liquidation Announcement

- 1) In case of resolution or liquidation of a Licensed Financial Institution, such an announcement shall be published in the Official Gazette, and in, at least, two local Arabic and English daily newspapers, and for a period not less than three (3) business days.

部或某些業務之可能性。

- f. 在理事會所訂期間，承擔案關機構之直接管理，此時並應取代案關機構之管理階層行使所有職權，包括財務及行政管理職權在內；並應立即凍結其董事會及其大會之職權及權限，直到暫時管理期間屆至為止。
 - g. 要求本國主管機關暫時監管案關機構，並扣押其資產、財產及股東權利。
 - h. 決定要求管轄法院批准清算案關機構之裁定，並於認為適當時，備妥清算或移轉其資產與負債之計畫，以及所有相關協議與轉讓文書，以實施或監控清算計畫之實施；或通過清理之決定，或要求管轄法院依既有法律宣告其破產。
 - i. 當決定合併或清算在其他管轄區域註冊成立且在本國營運分支機構之特許金融機構時，如案關註冊成立管轄區域所適用程序，對本國客戶提供更佳之保護，則應適用該等相同程序，但與案關主管機關另達成合意者，不在此限。
 - j. 符合理事會決定之其他任何措施或行動。
- 3) 本行於理事會發布任何決定前，得依本法之規定，於必要時協調相關聯邦或地方主管機關。為保護投資人與存款人之財產及利益，或為實現公共利益，本行得要求有管轄權之司法機關採取防禦性緊急措施及行動。

第(117)條 清理之公布或清算公告

- 1) 清理或清算某家特許金融機構之公告，應公布於政府公報，且至少在兩份當地阿拉伯文及英文日報公布不少於三(3)個營業日期間。

- 2) The announcement shall include the following:
 - a. A grace period, not be less than three (3) months, allowed customers of the concerned Licensed Financial Institution to take necessary actions to protect their rights.
 - b. Details of the entity assigned for the resolution and its functions or the liquidator and his functions.
- 3) If the resolution or liquidation occurred as a result of the Licensed Financial Institution being struck-off the Licensed Financial Institution Register, the Chairman of the Board of Directors or his deputized representative shall specify, in the decision to strike-off name of the concerned institution, the date of closing down of the concerned institution, and the entity assigned for resolution or liquidation of any outstanding operations on such date.

Article (118) Surveillance of Licensed Financial Institutions Under Resolution or Liquidation

The Central Bank shall continue surveillance of operations of any Licensed Financial Institution under resolution or liquidation, until final closure of its offices.

Article (119) Non-Prejudice to Provisions of Other Laws Relating to Resolution or Liquidation

The provisions of article nos. (116), (117), and (118) of this Decretal Law shall not preclude implementation of any established legal provisions in the State, relating to resolution and liquidation.

Chapter Six : Customers' Protection

Article (120) Confidentiality of Banking and Credit Information

- 1) All data and information relating to customers' accounts, deposits, safe deposit boxes and trusts with Licensed Financial Institutions and related transactions shall be considered confidential in nature, and may not be perused, or directly or indirectly disclosed to any third party without the written permission of owner of the account or deposit, his legal attorney or authorized agent, and in legally authorized cases.
- 2) Such prohibition shall remain valid, even until end of the business relationship between the customer and the Licensed Financial Institution for any reason.
- 3) Chairmen and members of boards of directors, managers and employees of Licensed Financial Institutions, and experts, consultants and technicians assigned to perform functions therein, are prohibited from disclosing any information or data on their customers; their accounts or

- 2) 公告應包括：
 - a. 不少於三(3)個月之寬限期，允許案關特許金融機構客戶採取必要行動保護其權利。
 - b. 受指定清理機構之詳細資料及其任務，或清算人及其任務。
- 3) 因發生清理或清算情事而導致應將該特許金融機構自特許金融機構登記簿予以除名時，理事會主席或其副手代表人應在案關機構之除名決定，明定案關機構之關閉日期以及受指定於該日期清理或清算任何未了結營運之機構。

第(118)條 特許金融機構之監控

本行應持續監控任何正在清理或清算中特許金融機構之營運，直至其辦公室最終關閉。

第(119)條 其他有關清理或清算之法律不受影響

本法第(116)條、第(117)條及第(118)條之規定，不應排除本國有關清理及清算之任何既有法律規定之實施。

第六章：客戶之保護

第(120)條 銀行及信用資訊之保密

- 1) 有關客戶在特許金融機構之帳戶、存款、保管箱與信託及相關交易之所有資料及資訊，應被視為具機密性質；在未經帳戶或存款所有權人、其法定代理人或授權代理人之書面許可及合法授權之情況下，任何第三人不得查閱、或直接或間接向其揭露。
- 2) 即使客戶與特許金融機構間之業務關係因故結束，該項禁止規定應仍有效。
- 3) 特許金融機構之董事會主席與成員、經理人、受雇人員，以及被指派執行任務之專家、顧問與技術人員，禁止揭

- deposits or transactions relating thereto, or enable third parties to peruse them, except in legally authorized cases.
- 4) Such prohibition shall apply to all agencies and Persons, and whoever, by virtue of his profession, position or nature of work, is able to, directly or indirectly, peruse such information and data.
 - 5) The Central Bank shall establish rules and conditions organizing exchange of banking and credit information, in its capacity as the competent Regulatory Authority in the State in this regard.
 - 6) The provisions of item nos. (1) and (2) of this article shall be without prejudice to the following:
 - a. The powers legally vested on security and judicial authorities, the Central Bank and its employees.
 - b. The duties assigned to auditors of accounts of the concerned institutions.
 - c. The obligation of the concerned institutions to issue, upon request of the beneficiary, a certificate of the reasons for declining to cash a check.
 - d. The obligation of the concerned institutions to issue a certificate of partial payment of value of a check, where the consideration for payment is less than the value of the check, pursuant to the provisions of the referenced Commercial Transactions Law.
 - e. The right of the concerned institutions to disclose whole or part of the data relating to the customer's transactions, in order to establish its right in a legal dispute in respect of such transactions, with its customer.
 - f. Provisions of established laws and international agreements in the State, in addition to anti-money laundering, terrorist financing and illegal organizations provisions.

Article (121) Protection of Customers of Licensed Financial Institutions

- 1) The Central Bank shall establish regulations relating to protection of customers of Licensed Financial Institutions, in line with the nature of activities the latter carry on and the services and products they provide.
- 2) The Central Bank may establish a unit that enjoys independent legal personality, to receive and decide on complaints of customers of Licensed Financial Institutions. The Board of Directors shall issue a resolution establishing this unit, specifying its tasks, charter, powers and the human resources and financial regulations applicable thereto.
- 3) The Central Bank and Licensed Financial Institutions shall work together to raise public awareness of the types of banking services and financial products, and their inherent risks, through all means of communication and

- 露該機構客戶之任何資訊或資料、其帳戶、存款或相關交易，或使第三人查閱之，但合法授權情況除外。
- 4) 該項禁止規定應適用於所有代理機構與人員，以及因職業、職位或工作性質而能直接或間接查閱該資訊及資料之人。
 - 5) 本行基於本國此類事務主管機關之立場，應制定有關安排銀行及信用資訊交換之規則及條件。
 - 6) 本條第(1)項及第(2)項之規定不應影響下列情形：
 - a. 安全暨司法機關、本行及其受雇人員之合法權限。
 - b. 案關機關審計人員受指派之職責。
 - c. 案關機構依受益人之要求，開立因故拒絕兌現支票證明書之義務。
 - d. 依「商業交易法」之相關規定，付款對價低於支票價值時，案關機構開立支付部分支票價值證明書之義務。
 - e. 為證明與客戶交易產生法律爭議之權利，案關機構有權揭露與客戶交易相關之全部或部分資料。
 - f. 本國既有法律與國際協定，以及洗錢防制、資恐與不法組織規定。

第(121)條 特許金融機構客戶之保護

- 1) 本行應制定與特許金融機構所執行活動性質及其所提供服務與產品相稱之客戶保護相關規範。
- 2) 本行得設立一享有獨立法人格之單位，受理並決定特許金融機構客戶之申訴。理事會應宣布一項設立此單位，明定其任務、執照、權限與人力資源以及應適用財務規範之決議。
- 3) 本行與特許金融機構應透過所有可利用之傳播及媒體方式，依本行所定之控管規範，共同致力於提高大眾對銀

- media, in accordance with the rules set by the Central Bank in this regard.
- 4) Licensed Financial Institutions may not charge interest on accrued interest-compound interest-in relation to facilities extended to customers, and shall, in this regard, follow the rules and controls prescribed in regulations issued by the Central Bank.

Article (121 bis) Credit Facilities Guarantees

- 1) Licensed Financial Institutions must obtain adequate guarantees for all types of facilities provided to natural persons and sole proprietorships customers, commensurable with the customer's income, or the guarantee, if any, and the size of required facilities, as determined by the Central Bank.
- 2) A claim or a lawsuit or a plea shall not be admissible before competent judicial authorities or arbitration tribunals if filed by a Licensed Financial Institution in respect of credit facilities extended to a natural person or a sole proprietorship, in case such institution had failed to obtain the guarantees referred to in paragraph (1) hereinabove.
- 3) The Central Bank may impose the administrative or financial sanctions it deems appropriate on Licensed Financial Institutions that violate the provision of paragraph (1) hereinabove, in accordance with Article (137) of this Decretal Federal Law.

Article (122) Deposits Guarantee Scheme

The Board of Directors may issue regulations for protection of deposits and the rights of depositors of Licensed Financial Institutions in coordination with the Ministry. Such regulation may include establishment of a compensation fund and determination of its structure.

Article (123) Financial Inclusion

The Board of Directors shall establish necessary regulations and mechanisms to ensure that every natural Person shall have the right to access all or part of the banking and financial services and products from Licensed Financial Institutions suited to his/her need.

Part IV Financial Infrastructure

Chapter One : Funds Transfer and Settlement of Securities

行服務與金融產品類型及其固有風險之認識。

- 4) 特許金融機構就其提供予客戶之授信，不得就已孳生利息收取利息-複利，且就此方面，應遵守本行所發布規範明定之規則及控管規範。

第(121 bis)條 信用工具之擔保

- 1) 特許金融機構提供予自然人及獨資企業客戶之所有類型信用工具，應依本行規範取得與客戶收入或有無擔保，以及要求授信之額度相稱之足額擔保。
- 2) 如特許金融機構未取得本條第(1)項所定擔保，有管轄權之司法機關或仲裁庭不得受理該特許金融機構針對其提供予自然人或獨資企業之信用項目所提起之索賠、訴訟或申訴。
- 3) 本行認為適當時，得依本法第(137)條之規定，對違反前述第(1)項規定之特許金融機構，處以行政或財務懲處。

第(122)條 存款保障機制

理事會得協調本部發布保護特許金融機構之存款與存款人權利之規範；該規範得包括賠償基金之設立及該基金結構之決定。

第(123)條 金融普惠

理事會應制定必要之規範及機制，以確保自然人均應具有可於特許金融機構近用合於需求之全部或部分銀行與金融服務及產品之權利。

第 IV 部分 金融基礎設施

第一章：資金移轉及證券清算

Article (124) Clearing and Settlement Operations

- 1) The Central Bank may:
 - a. Establish, develop, and/or operate one or more clearing or settlement systems for transfer of funds, and settlement of securities issued by the Central Bank or the Public Sector and other obligations between Participant Persons in such systems, and may conduct such on its own or in partnership with any other party, or by outsourcing to third parties.
 - b. Link the systems referred to in paragraph (a) of this item, to similar systems inside and outside the State.
 - c. Establish and/or operate central securities depository for securities issued by the Central Bank or the Public Sector and data repository systems for monetary and financial transactions in the State, and link such systems to similar systems inside and outside the State.
- 2) The Central Bank shall coordinate with concerned other regulatory authorities and bodies in the State, in relation to the establishment of data repository systems for monetary and financial transactions referred to in paragraph (c) of item (1) of this article.
- 3) The Board of Directors shall issue the regulations related to the systems referred to in item (1) of this article, the rules of participation in these systems, and the rules to execute related operations.

Article (124 bis 1) Application for Licensing Financial Infrastructure System or Extension of License Scope

- 1) Any juridical person may, in accordance with the regulations issued by the Board of Directors, submit to the Central Bank an application for licensing a Financial Infrastructure System, or extension of the scope of a previously issued license.
- 2) The Board of Directors shall issue the rules, regulations, standards and conditions relating to licensing a Financial Infrastructure System, including:
 - a. Fit and proper criteria;
 - b. The resources required for the system
 - c. Control and monitoring system
- 3) The Board of Directors may, at its own discretion and as it deems appropriate to safeguarding public interest, add any requirements or conditions to be fulfilled by the applicant.

第(124)條 結算及清算操作

- 1) 本行得：
 - a. 建立、發展及/或經營一個以上結算及清算系統，辦理本行或公部門所發行證券以及該等系統參加人間其他債務之資金移轉與證券清算，並得自行或與任何其他合夥或委託第三人營運。
 - b. 將本項第(a)款所定系統連結至本國境內外之類似系統。
 - c. 建立及/或經營本行或公部門所發行證券之集中證券保管機構，以及貨幣與金融交易之數據儲存庫系統，並將該等系統連結至本國境內外之類似系統。
- 2) 為建立本條第(1)項第(c)款所定貨幣與金融交易之數據儲存庫系統，本行應協調本國之案關其他監管機關及單位。
- 3) 理事會應發布本條第(1)項所定系統之相關規範、參加該等系統之規則及執行相關操作之規則。

第(124 bis 1)條 金融基礎設施系統特許或擴大特許範圍之申請

- 1) 任何法人得依理事會所定規範，向本行申請特許金融基礎設施系統，或擴大先前已核發特許之範圍。
- 2) 理事會應發布有關金融基礎設施系統之特許規則、規範、標準及條件，包括：
 - a. 適格性準則；
 - b. 系統所需資源；及
 - c. 控管及監控制度。
- 3) 理事會片面認為符合公共利益時，得新增擬由申請人履行之任何要求或條件。

Article (124 bis 2) Deciding on Application for Licensing of Financial Infrastructure System or Extension of License Scope

- 1) Deciding on licensing of Financial Infrastructure System or extension of its scope shall be within a period not exceeding sixty (60) working days from date of meeting all licensing conditions and requirements. Expiry of this period without decision on the application shall be considered an implicit rejection thereof.
- 2) The Central Bank may require the applicant to fulfill licensing requirements and conditions within such period as specified by the Central Bank.
- 3) The Central Bank may reject an application for licensing of a Financial Infrastructure System or extension of its scope, at its own discretion and based on the capacity of the financial sector in the State, and the needs of the local market. The Central Bank's decision in this regard shall be final and not subject to appeal before the Grievances and Appeals and Committee.
- 4) The applicant shall be notified, officially, of the reasoned rejection decision within a period not exceeding twenty (20) working days from date of its issue.

Article (125) Retail Payment Operations and Related Electronic Services

The Central Bank shall solely:

- 1) Have the authority to issue regulations, rules, and procedures relating to electronic banking operations, digital money, Stored Value Facilities, and shall regulate Retail Payment Systems and related electronic banking and financial services.
- 2) Take all measures and procedures it deems appropriate to reduce the risks to the State's financial and economic systems associated with operations and systems referred to in item (1) of this article.

Chapter Two : Powers and Functions of the Central Bank Pertaining to Financial Infrastructure Systems

Article (126) Designation of Systems

- 1) The Central Bank may designate any Financial Infrastructure System as systemically important if it considers, at its own discretion, that any

第(124 bis 2)條 金融基礎設施特許或擴大特許範圍申請之決定

- 1) 自符合特許之所有要求及條件之日起算不超過六十(60)個工作日期間內，應就金融基礎設施之特許或特許範圍之擴大做成決定；該期間經過後仍未對申請做成決定者，應視為駁回申請。
- 2) 本行得要求申請人在本行所定之期間內，履行特許之要求及條件。
- 3) 本行得片面並依據本國金融產業量能及當地市場需求，駁回金融基礎設施特許或擴大特許範圍之申請。本行就此方面之決定應為最終決定，且不得向申訴及上訴委員會上訴。
- 4) 宣布駁回決定之日起算不超過二十(20)個工作日期間內，應將附理由之駁回決定正式通知申請人。

第(125)條 零售支付營運及相關電子服務

本行應：

- 1) 唯一具有得發布與電子銀行營運、數位貨幣、儲值支付工具相關之規範、規則及程序之權限，並應規範零售支付系統及相關電子銀行與金融服務。
- 2) 單獨採取認為適當之措施及程序，以降低與本條第(1)項所定營運及系統相關聯之本國金融及經濟體系風險。

第二章：本行有關金融基礎設施系統之職權及任務

第(126)條 系統之指定

- 1) 本行認為任一金融基礎設施系統之營運，有任何故障或

- malfunction or inefficiency in the operation of such system would negatively impact processing of the daily operations of financial institutions operating in the State, or the stability of the financial system in the State.
- 2) For a Financial Infrastructure System to be designated, it shall meet one of the following conditions:
 - a. The concerned system is operating in the State;
 - b. The concerned system has the capacity to accept clearing and settlement of financial Transfer Orders denominated in national Currency, without prejudice to provisions of Article (28) of this Decretal Law; or
 - c. The concerned system has the capacity to provide transfer, clearing or settlement of financial Transfer Orders, for retail payment activities, denominated in any currency.
 - 3) Should the Central Bank intend to designate any of the Financial Infrastructure Systems it licenses as systemically important, it shall:
 - a. Notify the operator of the system, or its Settlement Institution, officially, of its intention to designate this system as systemically important, clarify grounds of such intention, in addition to other terms and conditions attached to such designation.
 - b. Allow such period as specified in the notice referred to in paragraph (a) of this item, which shall not be less than ten (10) working days from date of notification, within which the system's operator or its Settlement Institution may provide their opinions, or make representations, as to why the system should not be designated.
 - c. Issue its decision on designation of the system, within a period not exceeding twenty (20) working days from date of receipt of responses from concerned parties, or expiry of the period stated in the notice, without response.
 - 4) The operator of the Designated System or the Settlement Institution may submit a grievance against the designation decision referred to in item (3) of this article by applying to the Grievances and Appeals Committee, in accordance with the provisions of Part V of this Decretal Law.
 - 5) The Clearing and Settlement Systems established, developed, and/or operated, in accordance with the provisions of Article (124) of this Decretal Law shall be deemed as Designated Systems.
 - 6) Should the Central Bank intend to designate any of the Financial Infrastructure Systems licensed by any of the other Regulatory Authorities in the State or in other jurisdictions as systemically important, it shall submit its opinion in this regard to the concerned regulatory

- 低效能，將負面影響在本國經營之金融機構每日營運之處理、或本國金融體系之穩定者，得片面指定其為具系統重要性之系統。
- 2) 被指定之金融基礎設施系統應符合以下任一條件：
 - a. 案關系統在本國營運；
 - b. 在不影響本法第(28)條規定之情況下，案關系統具有可接受以國幣計價金融轉帳指令之結算及清算能力；或
 - c. 案關系統具有得為以任何貨幣計價之零售支付業務，提供金融轉帳指令之轉帳、結算或清算能力。
 - 3) 本行擬將其特許之任一金融基礎設施系統指定為具系統重要性之系統者：
 - a. 應將擬指定其為具系統重要性系統之想法，正式通知該系統經營者或其清算機構，在該項指定所附其他條款及條件之外，並應闡明該想法之理由。
 - b. 應允許該系統經營者或其清算機構得於本項第(a)款提及之通知明定自通知之日起算不少於十(10)個工作日期間內，提出意見或聲明該系統不應被指定之理由。
 - c. 自收到案關當事人回應之日起算不超過二十(20)個工作日期間內，或在該通知所訂期間屆期而無回應之情況下，應宣布指定該系統之決定。
 - 4) 指定系統經營者或其清算機構得依本法第V部分之規定，就本條第(3)項所定之指定決定，向申訴及上訴委員會提出申訴。
 - 5) 依本法第(124)條之規定已建立、發展及/或營運之結算及清算系統，應被視為指定系統。
 - 6) 本行有意將本國或其他管轄區域之其他監管機關特許之金融基礎設施系統指定為具系統重要性之系統時，應將

authority. Should the concerned regulatory authority has no objection to such designation, it shall:

- a. Notify the operator of the system, or its Settlement Institution, officially of the intention to designate this system as systemically important, clarify grounds of such intention, in addition to other terms and conditions attached to such designation.
 - b. Allow such period as specified in the notice referred to in paragraph (a) of this item, which shall not be less than ten (10) working days from date of notification, within which the system's operator or its Settlement Institution may provide their opinions, or make representations, as to why the system should not be designated.
 - c. Issue its final approval or disapproval decision on the Central Bank's request to designate the concerned system, within a period not exceeding twenty (20) working days from date of receipt of responses from concerned parties, or expiry of the period stated in the notice, without response.
- 7) The Central Bank may revoke designation of a particular Financial Infrastructure System it licenses or request such action from the concerned regulatory authority, if it considered, at its own discretion, that the system is no longer of systemic importance. The concerned regulatory authority, the operator of the system, or its Settlement Institution shall be notified, officially, of such decision, as the case may be.

Article (127) Oversight of Systems

- 1) The Central Bank shall solely have oversight powers over operations of systems, which it licenses and shall ensure their soundness, in accordance with relevant international standards. For such purpose, the Central Bank may require the operators of systems or their Settlement Institutions to take required measures and procedures.
- 2) The Central Bank shall be responsible for monitoring the implementation of required additional oversight measures and procedures on Designated Systems, licensed by any of the other Regulatory Authorities, in the State or in other jurisdictions in collaboration and coordination with the concerned regulatory authority, and may request in this regard from the concerned regulatory authority:
 - a. Require operators of the Designated Systems or their Settlement Institutions to comply with the instructions it issues in this respect and any relevant international standards.
 - b. Ensure proper and regular functioning of Designated Systems.

其就此方面之意見提交案關監管機關。案關監管機關對該指定無異議者：

- a. 應將指定本系統為具系統重要性之想法，正式通知該系統經營者或其清算機構，在該項指定所附其他條款及條件之外，並應闡明該想法之理由。
 - b. 應允許該系統經營者或其清算機構得於本項第(a)款提及之通知明定自通知之日起算不少於十(10)個工作日期間內，提出意見或聲明該系統不應被指定之理由。
 - c. 自收到案關當事人回應之日起算不超過二十(20)個工作日期間內，或在該通知所述期間屆期而無回應之情況下，應宣布對本行要求指定案關系統之最終核准或駁回決定。
- 7) 本行認為系統不再具系統重要性者，得片面決定廢止對該特定金融基礎設施系統之指定、或要求案關監管機關為相關行動。該項決定應視情況，正式通知案關監管機關、系統經營者或其清算機構。

第(127)條 系統之監督

- 1) 本行應依相關國際標準，單獨具有監督其所特許系統營運之職權，並應確保該系統之健全。本行得基於該等目的，要求系統經營者或其清算機構採取必要之措施及程序。
- 2) 對於本國或其他管轄區域之任何監管機關所特許之指定系統，本行應協同及協調案關監管機關，負責監視對指定系統之必要額外監督措施與程序之實施情形，並得就此方面請求案關監管機關：
 - a. 規定指定系統之經營者或其清算機構，必須遵守本行就此方面所發布之指示及任何其他相關國際標準。
 - b. 確保指定系統之適當與正常運作。

- c. Ensure soundness of financial positions of operators of Designated Systems and their Settlement Institutions, when deemed necessary.
 - d. Require the operators of the Designated Systems or their Settlement Institutions to provide it, with the information it deems appropriate for achievement of its objectives and discharge of its functions.
- 3) The Central Bank may appoint any person it deems appropriate of experts and advisers specialized in financial infrastructure to assist the Central Bank in performing its duties and functions in accordance with the provisions of Part IV of this Decretal Law, and to keep up with best international standards and practices in this area.

Article (128) Suspension or Revocation of a License

- 1) The Central Bank may suspend or revoke a license granted to a Financial Infrastructure System, in accordance with the provisions of Article nos. (124) and (125) of this Decretal Law, by way of an official notice to the operator or the Settlement Institution of the concerned system and take necessary actions in this respect, as the case may be, if it considered that the system is no longer capable of conducting its operations. The Central Bank shall allow such period as specified in the notice referred to in this item, which shall not be less than twenty (20) working days from date of notice, within which the concerned system operator or its Settlement Institution may object to the Central Bank's decision to suspend or revoke the license and provide their justifications for such objection, in accordance with the provisions of Part Five of this Decretal Law.
- 2) The Central Bank, if it considers that any Designated System licensed by any of the Regulatory Authorities in the State or in other jurisdictions is no longer capable of conducting its operations, may request the concerned regulatory authority, by way of an official notice, to suspend or revoke the license of this system and take necessary actions in this respect, as the case may be. The concerned regulatory authority shall have the right to approve or reject the request of the Central Bank. In case of approval, the procedures and controls in force by the concerned authority shall be applicable.
- 3) In all cases, the suspension or revocation of a license granted to a Designated System in accordance with the provisions of this article, shall not affect any transaction cleared or settled in the concerned system prior to the effective date of suspension or revocation.

Article (129) Authority to Issue Regulations and Instructions

- 1) The Board of Directors shall issue regulations, instructions, rules, directives, and codes of conduct as it deems appropriate for the implementation of the

- c. 於必要時，確保指定系統之經營者或其清算機構之財務部位健全。
 - d. 規定指定系統之經營者或其清算機構，應提供為達成本行目標及執行任務之適當資訊。
- 3) 本行得任命適合且專精於金融基礎設施之專家及顧問，協助本行依本法第IV部分之規定履行職責及任務，並與此領域之最佳國際標準及實務保持同步。

第(128)條 特許證之暫停或廢止

- 1) 本行認為某金融基礎設施系統無法再進行營運時，得依本法第(124)條及第(125)條之規定，以正式通知案關系統經營者或其清算機構之方式，暫停或廢止所授予案關系統之特許證，並視情況就此方面採取必要行動。本行應允許案關系統之經營者或其清算機構得在本項提及之通知明定自通知之日起算不少於二十(20)個工作日期間內，依本法第V部分之規定，對本行暫停或廢止特許證之決定提出異議，並提供正當理由。
- 2) 本行認為本國或其他管轄區域之任何監管機關所特許之任何指定系統無法再進行其營運時，得以正式通知請求案關監管機關暫停或廢止此系統之特許，並視情況就此方面採取必要行動。案關監管機關有權核准或駁回本行之請求；如經其核准，則應適用案關監管機關之現行有效程序及控管規範。
- 3) 在所有情況下，依本條規定暫停或廢止本行所授予之特許證，不應影響案關系統在暫停或廢止生效日前已結清或清算之任何交易。

第(129)條 發布規範及指示之權限

- 1) 為實施本法第IV部分之規定，並達成本行目標及執行任

provisions of Part IV of this Decretal Law, and to achieve the objectives of the Central Bank and discharge its functions, including:

- a. Regulations, conditions and rules relating to licenses, granted by the Central Bank in accordance with the provisions of Article nos. (124) and (125) of this Decretal Law, to operators of Financial Infrastructure Systems or the Settlement Institutions for such systems and their Participant Persons.
 - b. Regulations, rules and standards relating to the designation and oversight of Financial Infrastructure Systems, as per the provisions of Article nos. (126) and (127) of this Decretal Law, monitoring operations of such systems and enforcing compliance requirements on Participant Persons thereof.
- 2) The Central Bank may exempt operators of Financial Infrastructure Systems it licenses, the Settlement Institutions of such systems or Participant Persons, in a general or specific manner, from the provisions of any of the regulations, instructions, rules, directives, and controls issued by it.

Article (130) Determining Violations

- 1) The Board of Directors shall issue regulations specifying types of violations pertaining to Financial Infrastructure Systems licensed by the Central Bank, and any of the following instances shall be considered a violation to the terms and conditions relating thereto:
 - a. Violation of operational requirements of systems and related settlement rules and procedures.
 - b. Failure of an operator of a system or its Settlement Institution to comply with a Central Bank request for information or documents.
 - c. Failure to comply with Central Bank's decisions and instructions, and failure to take a particular action, which the Central Bank considers necessary to render the system compliant with the criteria it sets.
 - d. Failure, on the part of an operator of a system or its Settlement Institution to report any action taken under the systems Default Arrangements, in respect of a Participant Person.
 - e. Failure, on the part of a Participant Person, to notify the system operator, its Settlement Institutions, and the Central Bank of issuance of judgement to declare it bankrupt or place it under liquidation.
 - f. Operating a system without obtaining a license in accordance with the provisions of Article nos. (124) and (125) of this Decretal Law.
 - g. Failure of an operator of a system or its Settlement Institution to comply with any request from the Central Bank or any other government agency, relating to default, within a specified time period.

務，理事會應發布其認為適合之規範、指示、指令及行為守則，包括：

- a. 有關本行依本法第(124)條及第(125)條之規定，對金融基礎設施系統之經營者或該等系統之清算機構及其參加人，授予特許之規範、條件及規則。
 - b. 依本法第(126)條及第(127)條之規定，指定並監督金融基礎設施系統、監視該等系統之營運情形，以及對系統參加人法遵要求之規範、規則及標準。
- 2) 本行得以概括或特定方式，使其所特許金融基礎設施系統之經營者、該等系統之清算機構或參加人，豁免適用本行所發布之任何規範、指示、規則、指令及控管規範之規定。

第(130)條 認定違規行為

- 1) 理事會應發布規範明定有關本行所特許金融基礎設施系統之違規類型，且有任何下列情況均應被視為違反相關條款及條件：
 - a. 違反系統之營運要求及相關清算規則及程序。
 - b. 系統經營者或其清算機構未遵守本行之資訊或文件要求。
 - c. 未遵循本行之決定及指示，且未採取使該系統符合本行所定準則所必須之特定行動。
 - d. 在系統經營者或其清算機構部分，未通報依系統違約處理機制針對某參加人所採取之行動。
 - e. 在參加人部分，於其破產或清算之判決宣告時，未告知系統經營者、其清算機構及本行。
 - f. 未依本法第(124)條及第(125)條之規定，取得特許證而經營系統。
 - g. 系統經營者或其清算機構未於所定期間內，遵循本行或任何其他政府機關有關避免違約之任何要求。

- h. Failure of an operator of a system to notify the Central Bank of issuance of judgment regarding declaration of bankruptcy or liquidation of any Participant Person.
 - i. Providing the Central Bank with incorrect or misleading information.
 - j. Adding an incorrect entry to any registration book or in any document related to a particular system, or causing alteration, deletion or obliteration of such entry.
 - k. Any other related action to the clearing and settlement operations or to the retail payment operations the Central Bank considers a violation.
- 2) The Central Bank may take whatever actions it deems appropriate to correct any violations referred to in item (1) of this article, and determine settlement thereof.
- 3) The Central Bank shall officially notify the violating Person, in accordance of item (1) of this article, of any actions that shall be undertaken against it. The violating Person shall be allowed a period not exceeding ten (10) working days from date of notification to submit a grievance against the Central Bank decision. In case the grievance was rejected, the violating Person may escalate the matter to the Grievances and Appeals Committee in accordance with the provisions of this Decretal Law. The decision of the Grievances and Appeals Committee shall be final. Should the violating Person not respond to Central Bank's decision within the period prescribed in this item, the decision of the Central Bank shall be final and binding.

Chapter Three : Finality of Transactions and Proceedings

Article (131) Finality of Payment and Settlement

- 1) All transactions conducted through a Financial Infrastructure System, which meets one of the designation conditions referred to in item (2) of Article (126) of this Decretal Law shall be final, irrevocable and irreversible, in any of the following cases:
- a. Transfer of funds from or to the account of a Participant Person.
 - b. Settlement of a payment obligation.
 - c. Settlement of an obligation to transfer, or the actual transfer of book-entry securities.
- 2) No transfer or settlement pertaining to the transactions referred to in item (1) of this article shall be cancelled, set aside, re-paid, or reversed, nor

- h. 任何參加人破產或清算之判決宣告時，系統經營者未告知本行。
 - i. 提供本行不正確或誤導之資訊。
 - j. 在與特定系統相關之任何登記簿或文件上為不正確之登錄。
 - k. 與結算及清算營運或零售支付營運相關之任何其他行動，經本行認為係屬違規行為。
- 2) 本行得採取適當之行動，以糾正本條第(1)項所定之任何違規行為，並決定與此相關之解決事宜。
- 3) 本行應依本條第(1)項之規定，就應向違規者採取之行動，正式通知該違規者；並應允許違規者在自通知之日起算不少於十(10)個工作日期間內，就本行決定提出申訴。如申訴被駁回，違規者得依本法之規定將該事項提交申訴及上訴委員會。申訴及上訴委員會之決定應為最終決定。違規者未於本項所定期間內回應本行之決定，本行之決定應具最終性及拘束力。

第三章：交易及程序之最終性

第(131)條 支付及清算之最終性

- 1) 金融基礎設施系統符合本法第(126)條第(2)項所定指定條件之一，且於該系統進行之交易屬下列情況之一者，應具最終性、不可撤銷且不可推翻：
- a. 自參加人帳戶轉出或轉入資金。
 - b. 支付義務之清算。
 - c. 轉帳義務之清算，或登錄證券之實際移轉。
- 2) 有關本條第(1)項所定交易之轉帳或清算，無論係依法院判決命令或依法律，均不應予以取消、撤銷、重行付款

shall it be rectified, whether by a court judgement order, or by law.

Article (132) Precedence of Implementation of a Financial Infrastructure Systems' Rules and Procedures, over the General Insolvency and Bankruptcy Rules and Procedures

- 1) None of the following operations and procedures carried out through Financial Infrastructure Systems, which meet one of designation conditions referred to in item (2) of Article (126) of this Decretal Law, shall be regarded, as to any extent, invalid on the grounds of commencement of realization of assets of a Person under liquidation, insolvency, financial restructuring, or bankruptcy:
 - a. A Transfer Order.
 - b. Any disposition of property in pursuance of such Transfer Order.
 - c. The Default Arrangements of such systems.
 - d. The rules of such systems as to the settlement of Transfer Orders not dealt with under their Default Arrangements.
 - e. Any arrangements for the purpose of realizing collateral security in connection with participation in such systems, other than its Default Arrangements.
- 2) The relevant insolvency officer or any Person appointed to manage the insolvency procedures in cases of bankruptcy or liquidation, shall not take any actions or procedures contrary to the provisions of this Decretal Law, or preclude or interfere with Default Arrangements of systems referred to in item (1) of this article.
- 3) An obligation arising out of a Transfer Order, which is the subject of an action taken under Default Arrangements of systems referred to in item (1) of this article, shall not be proved in a bankruptcy or liquidation procedures, until completion of the transfer or payment order.
- 4) A debt or other liability, which by virtue of item (3) of this article may not be proved, shall not be taken into account for the purposes of any set-off, offset, or net out of debt or obligations until the completion of the action taken under the Default Arrangements of such systems.

Article (133) Netting of Obligations of Insolvent or Bankrupt Parties

或反轉，亦不應予以改正。

第(132)條 金融基礎設施系統之規則及程序之實施，優先於一般無償債能力暨破產之規則及程序

- 1) 金融基礎設施系統符合本法第(126)條第(2)項所定指定條件之一者，不應以任何人之清算、無償債能力、財務重組或破產而開始變賣資產為由，將透過該系統進行之下列操作及程序，在任何程度上，視為一部或全部無效：
 - a. 轉帳指令。
 - b. 依該轉帳指令之任何財產處分。
 - c. 該等系統之違約處理機制。
 - d. 對於非基於該等系統之違約處理機制處理之轉帳指令清算所訂定之該等系統規則。
 - e. 在系統之違約處理機制以外，為了變賣與參加該等系統相關之擔保證券目的之任何機制。
- 2) 在破產或清算之情況下，相關破產管理人或被任命管理破產程序之任何人員，不應採取任何牴觸本法規定，或阻礙或干預本條第(1)項所定系統違約處理機制之任何行動或程序。
- 3) 因轉帳指令所產生且受到依本條第(1)項所定違約處理機制所採取行動拘束之義務，除非轉帳或支付指令已完成，否則不應在破產或清算程序中予以確認。
- 4) 在依該等系統違約處理機制所採取行動完成之前，不應為了抵銷或扣除債務或負債之目的，將因本條第(3)項之規定而不能被確認之債務或其他負債納入考慮。

第(133)條 無力償債者或破產人債務之淨額結算

- 1) The operator of a Financial Infrastructure System, which meets any of the designation conditions referred to in item (2) of Article (126), may effect Netting of all obligations owed to or by a Participant Person in this System, which incurred before the point of time where the competent court has made an order for bankruptcy or liquidation of the concerned Participant Person.
- 2) In case Netting has been effected as provided in item (1) of this article, then:
 - a. The obligations that are netted shall be disregarded in the bankruptcy or liquidation proceedings and
 - b. Any net obligation owed to or by the Participant Person that has not been discharged is payable to the Participant Person and may be recovered for the benefit of his creditors or is provable in the bankruptcy or liquidation, as the case may be.
- 3) Netting operations processed by the concerned system's operator in accordance with item (1) of this article shall not be cancelled during a bankruptcy or liquidation process, nor any financial transfers already paid in accordance with paragraph (a) of item (2) of this article.

Article (134) Preservation of Rights in Underlying Transactions

- 1) Except to the extent that it expressly provides, this Decretal Law shall not operate to limit, restrict or otherwise affect:
 - a. Any right, title, interest, privilege, obligation or liability of a Person resulting from the underlying transaction in respect of a Transfer Order that has been entered into a Financial Infrastructure System, which meets any of the designation conditions referred to in item (2) of Article (126).
 - b. Any investigation, legal proceedings or remedy in respect of any such right, title, interest, privilege, obligation or liability.
- 2) Nothing in item (1) of this article shall be construed to require:
 - a. The unwinding of any Netting done by the operator of the concerned system, whether pursuant to its Default Arrangements or otherwise;
 - b. The revocation of any Transfer Order given by a Participant Person which is entered into the concerned system; or
 - c. The reversal of a payment or settlement made under the operating rules of the concerned system.

Article (135) Obligation of Participant Person to Notify of Insolvency

- 1) 符合本法第(126)條第(2)項所定任何指定條件之金融基礎設施系統經營者，對於在管轄法院就本系統某位參加人做成破產或清算命令之時點前，在本系統中已發生積欠案關參加人或案關參加人積欠之全部債務，得實行淨額結算。
- 2) 已依本條第(1)項規定實行淨額結算者，則：
 - a. 破產或清算程序應不予置理已淨額結算之債務，且
 - b. 積欠參加人或參加人所積欠但未受清償之任何淨額債務，可支付予該參加人，並依情況，得為其債權人利益而予以收回，或在破產或清算時予以確認。
- 3) 在破產或清算程序期間，由案關系統之經營者依本條第(1)項規定處理之淨額結算，或依本條第(2)項第(a)款之規定已支付之任何金融轉帳，均不應予以取消。

第(134)條 基礎交易權利之保留

- 1) 除明文規定者外，本法不應被解釋為係在限制或影響：
 - a. 歸屬某人之基於已登錄於某個符合本法第(126)條第(2)項所定任何指定條件之金融基礎設施系統之轉帳指令，所產生之任何權利、產權、利益、特權、義務或責任。
 - b. 任何對於上述權利、產權、利益、特權、義務或責任之調查、法律程序或救濟。
- 2) 本條第(1)項不應被解釋為係在要求：
 - a. 經營者撤回其所為案關系統之淨額結算，無論是否依其違約處理機制或其他所為者；
 - b. 廢止參加人所為並已登錄於案關系統之任何轉帳指令；或
 - c. 廢止依案關系統之操作規則已做成之付款或清算。

第(135)條 參加人無力償債之通知義務

- 1) A Participant Person in a Financial Infrastructure System, which meets any of the designation conditions referred to in item (2) of Article (126) shall notify the operator of the system or its Settlement Institution, the concerned regulatory authority, and the Central Bank, as soon as practicable if there comes to his knowledge any of the following events occurring in the State or in other jurisdictions:
 - a. Presentation of a plea for declaration of his bankruptcy or liquidation;
 - b. Issuance of a judgement for declaration of his bankruptcy or liquidation; or
 - c. The making of owners, shareholders, or management of a Participant Person voluntary winding up statement in his respect.
- 2) A Participant Person failing to notify of a relevant event referred to in item (1) of this article within the required timeframe is not in contravention if:
 - a. He took reasonable steps to comply with the provisions of item (1) of this article or
 - b. The agencies referred to in item (1) of this article were already aware of the relevant event by the time the Participant Person was required to notify the operator under the provisions of this article.

Part V Grievances and Appeals

Article (136) Grievances and Appeals Committee

- 1) Under the provisions of this Decretal Law, an independent committee within the Central Bank, named "Grievances and Appeals Committee" shall be established. The Cabinet shall issue a resolution, based on a proposal by the Board of Directors, establishing the committee's formation, duration, system of work, and all procedures and rules related to adjudication of grievances and appeals, including fees due for consideration.
- 2) In the formation of the committee, the presence of one or more judges and two experts with competence in financial and banking matters should be taken into consideration.
- 3) A nominated committee member may not be a member of the Board of Directors, nor holder of any position at the Central Bank or at any of the Licensed Financial Institution.
- 4) The chairman of the committee or any of its members shall have no interest with any party to the dispute, otherwise he shall be required to disclose such interest, and in such case another member shall be temporarily appointed to hear the presented dispute.

- 1) 符合本法第(126)條第(2)項所定任何指定條件之金融基礎設施系統之參加人，知悉在本國或其他管轄區域發生下列事件者，應儘速通知該系統之經營者、其結算機構、案關監管機關及本行：
 - a. 就其破產或清算宣告提起上訴；
 - b. 宣告其破產或清算之判決發布；或
 - c. 對參加人而言，其所有權人、股東或管理階層做成自願結束營業之聲明。
- 2) 參加人如有下列情事，其未於規定時間內通知本條第(1)項所定相關事件者，並無違反規定：
 - a. 其已採取合理步驟遵循本條第(1)項之規定，或
 - b. 在參加人依本條之規定被要求通知經營者前，本條第(1)項所定機關已知悉相關事件。

第 V 部分 申訴及上訴

第(136)條 申訴及上訴委員會

- 1) 依本法之規定，應在本行內部設立名為「申訴及上訴委員會」之獨立委員會。內閣應依據理事會之提案，發布決議以制定與該委員會之組成、期間、運作體系及與申訴裁定相關之所有程序與規則，包括審理之應付費用。
- 2) 該委員會組成時，應考慮由一名以上法官及兩名具有金融與銀行事務能力之專家出任。
- 3) 被提名之該委員會成員，不得為理事會成員，亦不得在本行或在任何特許金融機構任職。
- 4) 該委員會之主席或其任何成員不應對爭端之任何當事人有利害關係，否則其應被要求揭露該項利益，且應暫時任命其他成員審理所提交之爭端。

- 5) With the exception of the regulations, directives, instructions, policies, and regulatory and supervisory decisions of a general nature, the Committee, shall solely and exclusively have jurisdiction to decide on grievances and appeals against any decisions related to financial and banking activities issued by the Central Bank in accordance to the provision of this Decretal Law, and may, for such purposes take all or some of the following actions:
 - a. Require any Person to appear in front of the Committee to present any evidence, testimony, information or statement.
 - b. Hear the testimony of any witnesses under oath.
 - c. Commission any experts it deems appropriate to provide opinion on any matter relating to the dispute.
 - d. Take whichever actions and procedures it deems appropriate for discharge of its mandate.
- 6) Appeals against decisions that fall within the competence of the committee in accordance with the provisions of this article are not accepted before the grievance or appeal thereon before the committee, and the grievance is decided according to the circumstances.
- 7) If the Committee decided to reject or not accept the grievance or appeal, the Committee may impose on the applicant a fine, not exceeding two hundred thousand (200,000) Dirhams.
- 8) The Committee may suspend the appealed decision, if necessary, until it reached a decision on the dispute.
- 9) The grievance or appeal against any decision before the committee shall not be accepted after the lapse of fifteen (15) working days from the date on which the concerned person is notified of it, or if his knowledge of it is proven with certainty.
- 10) A decision issued by the Committee on the grievance or appeal shall be final and shall only be challenged at the Higher Federal Court within a period of twenty (20) work days from date of its notification. The Higher Federal Court may, upon request of the appellant, suspend the decision issued by the Committee until it reached its decision on the subject, if it considered that the appeal is based on genuine grounds and that implementation of the Committee's decision shall have irreversible consequences.

Part VI Administrative and Financial Sanctions and Penalties

- 5) 除法規、指令、指示、政策及監管與監理之一般性決定外，該委員會對於本行依本法之規定所發布與金融及銀行業務相關之決定所提出之申訴及上訴，應具有專屬管轄權，並得為該等目的採取以下全部或部分行動：
 - a. 要求任何人出席該委員會並提出證據、證詞、資訊或陳述。
 - b. 聽取證人宣誓之證詞。
 - c. 委任其認為適當之專家，就與該爭端相關之任何事項提供意見。
 - d. 為履行任務而採取其認為適當之任何行動及程序。
- 6) 依本條之規定針對屬於該委員會職能內之決定所提出之上訴，在未向該委員會提出申訴或上訴前，不予受理，且其申訴係根據案情做成決定。
- 7) 該委員會決定駁回或不受理申訴或上訴時，得對申請人處以不超過二十萬(200,000)迪拉姆之罰款。
- 8) 該委員會於必要時，得暫停該項被提起上訴之決定，直到其對爭端做出決定為止。
- 9) 自任何決定通知案關人員之日，或能確定證明案關人員知悉該決定之日起算，已逾十五(15)個工作日始對該決定向該委員會提出之申訴，應不予受理。
- 10) 該委員會就申訴或上訴所發布之決定，應為最終決定，且僅得自通知該決定之日起算二十(20)個工作日期間內，向高等聯邦法院提出異議。高等聯邦法院認為上訴係基於真實之事由，且執行該委員會之決定將產生無法改變之結果，則該法院得依上訴人之請求，暫停該委員會所發布之決定，直到該法院對本案做出決定為止。

第 VI 部分 行政管理及財務懲處與處罰

Chapter One : Administrative and Financial Sanctions

Article (137)

- 1) Without prejudice to other sanctions stated in any other laws in the State, and upon establishment of a violation by any Licensed Financial Institution or by any Authorized Individual of any of the provisions of this Decretal Law or the regulations, decisions, rules, standards or instructions issued by the Central Bank in implementation thereof, or any measures taken by the Central Bank, including procedures for encountering money laundering, combating terrorist financing, and illegal organizations, the Central Bank shall, at its own discretion, decide to impose one or more of the following sanctions or take any of the following measures:
 - a. Issue, by any means, a caution to the violator.
 - b. Require the violating Licensed Financial Institution to take necessary actions and measures that the Central Bank deems appropriate to rectify the violation.
 - c. Prohibit violating Licensed Financial Institution from conducting some operations, or carrying on some Licensed Financial Activities, or impose any restrictions, conditions or limitations on all or certain operations and activities.
 - d. Impose conditions or restrictions on the license of the violating Licensed Financial Institution.
 - e. Reduce or suspend the ability of the violating Licensed Financial Institution to draw on the Central Bank's funds through the Standing Facilities.
 - f. Require the violating Licensed Financial Institution to deposit funds with the Central Bank without return and for the period Central Bank deems appropriate, in addition to the credit balance referred to in Article (32) of this Decretal Law.
 - g. Impose a fine of four hundred (400) basis points over the prevailing base interest rate of the Central bank on any shortfall in the Reserve Requirements referred to in Article (32) of this Decretal Law.
 - h. Require the violating Licensed Financial Institution to return to customers the funds it obtained as a result of its violation of the provisions of this Decretal Law and any excess funds including revenue and profits shall devolve to the Central Bank.
 - i. Impose a fine between one (1) time and ten (10) times the value of unjust enrichment as determined by the Central Bank, which the violating Licensed Financial Institution has, unlawfully acquired, as a result of the violation.

第一章：行政管理及財務懲處

第(137)條

- 1) 在不影響本國其他法律所定懲處規定下，任何特許金融機構或任何授權個人經證實違反本法之規定或本行為實施本法所發布之規範、決定、規則、標準或指示或本行所採取任何措施，包括防制洗錢、打擊資恐與不法組織之程序在內，本行應片面決定處以一項以上之下列懲處，或採取下列任何措施：
 - a. 以任何方式對違規者發出警告。
 - b. 要求違規特許金融機構採取本行認為適當之必要行動及措施，以改正違規行為。
 - c. 禁止違規特許金融機構進行某些操作、執行某些特許金融業務，或對全部或特定營運或業務附加任何限制或條件。
 - d. 對違規特許金融機構之特許附加條件或限制。
 - e. 降低或暫停違規特許金融機構透過常設機制取得本行資金之能力。
 - f. 在本法第(32)條所定信用餘額之外，另要求違規特許金融機構於本行認為適當之期間內，將資金無償存放於本行。
 - g. 對於本法第(32)條所定之法定準備有提存不足者，處以本行當前基本利率加四百(400)個基點之罰款。
 - h. 要求違規特許金融機構應將其因違反本法規定而取得之資金歸還其客戶，且任何超額資金包括收益與利潤在內，均應移交給本行。
 - i. 對於違規特許金融機構因違規而非法取得之不正利益，處以該不正利益價值一(1)倍至十(10)倍之罰款，並由本行決定該不正利益價值。

- j. Impose a fine on the violating Licensed Financial Institution not exceeding two hundred million (200,000,000) Dirhams.
 - k. Delink the violating Licensed Financial Institution from one or all Financial Infrastructure Systems.
 - l. Withdraw the license of the violating Licensed Financial Institution and strike off its name from the Register.
 - m. Impose conditions or restrictions on the authorization of the violating Authorized Individual.
 - n. Impose a fine on the violating Authorized Individual not less than one hundred thousand (100,000) Dirhams and not exceeding two million (2,000,000) Dirhams.
 - o. Prohibit the violating Authorized Individual from undertaking any Designated Function at the Licensed Financial Institution he works for, or any other Licensed Financial Institution.
 - p. Any other financial or administrative measures or sanctions issued by a decision of the Board of Directors. The decision specifies the authority entrusted with imposing these sanctions or measures.
- 2) Decisions to impose the sanctions referred to under item (1) of this article shall be made by the Governor except for the sanction stipulated in item (l) herein shall be made by the Board of Directors.
- 3) In all cases, the violator shall be notified, officially, of the reasoned decision within fifteen (15) working days from date of its issue. Such notice shall include the following:
- a. Content of the decision.
 - b. Reasons for the decision.
 - c. Effective date of the decision.
 - d. A statement advising the violator of its right to submit a grievance against the decision in front of the Grievances and Appeals Committee, in accordance with the provisions of this Decretal Law.

Chapter Two : Penalties

Article (138)

Without prejudice to any harsher punishment provided for in any other law, the offences referred to in the following articles shall be punishable by the respective penalties stated therein.

Article (139)

An employee or representative of the Central Bank or any member of the committees formed within the Central Bank, or any member of the Board of

- j. 對違規特許金融機構處以不超過二億(200,000,000)迪拉姆之罰款。
 - k. 解除違規特許金融機構與單一或全部金融基礎設施系統之連結。
 - l. 撤銷違規特許金融機構之特許，並自登記簿除名。
 - m. 對違規授權個人之授權附加條件或限制。
 - n. 對違規授權個人處以不低於十萬(100,000)迪拉姆，但不超過二百萬(2,000,000)迪拉姆之罰款。
 - o. 禁止違規授權個人在其任職之特許金融機構或其他特許金融機構，從事任何指定任務。
 - p. 其他財務或行政措施或懲處，應以理事會之決定發布。該決定應明定執行此等懲處或措施之權限依據。
- 2) 除本條第(1)項第(l)款規定之懲處應由理事會做成決定外，本條第(1)項所定懲處應由總裁做成決定。
- 3) 所有懲處案件，自發布決定之日起算十五(15)個工作日內，應將附理由之決定正式通知違規者。該通知應包括：
- a. 決定之內容。
 - b. 決定之理由。
 - c. 決定之生效日。
 - d. 告知違規者有權依本法之規定，就該決定向申訴及上訴委員會提出申訴。

第二章：處罰

第(138)條

在不影響其他法律所定更嚴厲罰則下，以下各條文所定犯罪，均應處以相應之處罰。

第(139)條

本行之受雇人員或代表人或本行內部委員會之成員，或理事

Directors, who discloses any confidential information in breach of provisions of Article (26) of this Decretal Law, shall be punished by imprisonment for a term not exceeding three (3) months and a fine not exceeding one hundred thousand (100,000) Dirhams, or by either of these two punishments.

Article (140)

Whoever issues Currency in contravention to the provisions of this Decretal Law, shall be punished by imprisonment for a term not exceeding twenty (20) years and a fine not exceeding one hundred million (100,000,000) Dirhams, or by either of these two punishments.

Article (141)

Whoever, publicly and intentionally mutilates, destroys or tears up Currency, shall be punished by imprisonment and a fine of not less than ten thousand (10,000) Dirham, or by either of these two punishments.

Article (142)

- 1) Whoever contravenes the provisions of item (1) of article (68) of this Decretal Law shall be punished by imprisonment and with a fine not less than two hundred thousand (200,000) Dirhams and not exceeding ten million (10,000,000) Dirhams, or by either of these two punishments.
- 2) Whoever contravenes the provisions of item (2) of article (68) of this Decretal Law shall be punished by imprisonment for a period not exceeding six (6) months and with a fine not less than one hundred thousand (100,000) Dirhams and not exceeding five million (5,000,000) Dirhams, or by either of these two punishments.

Article (143)

Whoever violates the conditions and restrictions imposed on a license to carry on Licensed Financial Activities, shall be punished by a fine not less than two hundred thousand (200,000) Dirhams and not exceeding ten million (10,000,000) Dirhams.

Article (144)

Whoever contravenes the Central Bank's instructions regarding deficiency in the financial position, referred to in Article (116) of this Decretal Law, shall be punished by imprisonment for a term not less than one (1) year, and a fine of not less than one million (1,000,000) Dirhams and not exceeding ten million

會成員，違反本法第(26)條之規定而揭露任何機密資訊者，應處以不超過三(3)個月有期徒刑及不超過十萬(100,000)迪拉姆罰款，或處以兩者中任一處罰。

第(140)條

違反本法之規定而發行國幣者，應處以不超過二十(20)年有期徒刑及不超過一億(100,000,000)迪拉姆罰款，或處以兩者中任一處罰。

第(141)條

公開並故意毀壞、毀損或撕毀國幣，應處以有期徒刑及不低於一萬(10,000)迪拉姆罰款，或處以兩者中任一處罰。

第(142)條

- 1) 違反本法第(68)條第(1)項之規定者，應處以有期徒刑及不低於二十萬(200,000)迪拉姆，但不超過一千萬(10,000,000)迪拉姆之罰款，或處以兩者中任一處罰。
- 2) 違反本法第(68)條第(2)項之規定者，應處以不超過六(6)個月有期徒刑及不低於十萬(100,000)迪拉姆，但不超過五百萬(5,000,000)迪拉姆之罰款，或處以兩者中任一處罰。

第(143)條

違反針對得執行特許金融業務之特許所附加之條件及限制者，應處以不低於二十萬(200,000)迪拉姆，但不超過一千萬(10,000,000)迪拉姆之罰款。

第(144)條

違反本行依本法第(116)條所為有關財務部位短絀之指示者，應處以不低於一(1)年有期徒刑及不低於一百萬(1,000,000)迪拉姆，但不超過一千萬(10,000,000)迪拉姆之罰款，或處以兩

(10,000,000) Dirhams, or by either of these two punishments.

Article (145)

Whoever contravenes any of the provisions of article nos. (72) or (96) of this Decretal Law shall be punished by imprisonment and a fine of not less than five hundred thousand (500,000) Dirhams and not exceeding ten million (10,000,000) Dirhams, or by either of these two punishments.

Article (146)

Whoever violates any of the provisions of Article (83) of this Decretal Law, shall be punished by imprisonment for a term of not less than one (1) year and a fine of not less than five hundred thousand (500,000) Dirhams with a further daily fine of fifty thousand (50,000) Dirhams in case of continuing breach, which cumulatively shall not exceed five million (5,000,000) Dirhams, or by either of these two punishments.

Article (147)

Whoever commits any of the following violations shall be punished by imprisonment for a term not exceeding two (2) years and a fine of not less than five hundred thousand (500,000) Dirhams and not exceeding five million (5,000,000) Dirhams, or by either of these two punishments:

- 1) Provides incorrect or incomplete facts, information, or data in any statements or documents presented to the Central Bank.
- 2) Conceals any facts from the statements, information, minutes, papers, or other documents submitted to the Central Bank or to its representatives, employees, and auditors.
- 3) Destroys, mutilates or alters any document relating to a matter, which is the subject of an investigation by the Central Bank or sends, or causes to be sent out of the State such a document.
- 4) Obstructs, resists, or causes the delay of the conduct of an investigation by the Central Bank or the furnishing of information to the Central Bank.
- 5) Acts complicitly with another Person to commit any of the acts referred to in items (1) to (4) of this article.

Article (148)

Whoever intentionally discloses the confidential banking and credit information referred to in Article (120) of this Decretal Law shall be punished by imprisonment and a fine of not less than one hundred thousand (100,000) Dirhams and not exceeding five hundred thousand (500,000) Dirhams.

者中任一處罰。

第(145)條

違反本法第(72)條或第(96)條之規定者，應處以有期徒刑及不低於五十萬(500,000)迪拉姆，但不超過一千萬(10,000,000)迪拉姆之罰款，或處以兩者中任一處罰。

第(146)條

違反本法第(83)條之規定者，應處以不低於一(1)年有期徒刑及不低於五十萬(500,000)迪拉姆之罰款，且如持續違規，每日另處以五萬(50,000)迪拉姆罰款，但累積不得超過五百萬(5,000,000)迪拉姆，或處以兩者中任一處罰。

第(147)條

犯下列任一違規行為者，應處以不超過二(2)年有期徒刑及不低於五十萬(500,000)迪拉姆，但不超過五百萬(5,000,000)迪拉姆之罰款，或處以兩者中任一處罰：

- 1) 在提交予本行之任何報表或文書中提供不正確或不完整事實、資訊或資料。
- 2) 在提交予本行或其代表人、受雇人員及審計人員之報表、資訊、會議紀錄、文稿或其他文件中隱藏任何事實。
- 3) 毀損、毀壞或更改與本行調查事項有關之任何文件，或將該文件寄送或使寄送國外。
- 4) 妨礙、抗拒或導致延誤本行調查或提供資訊予本行。
- 5) 與其他人合謀犯本條第(1)項至第(4)項所定之任何行為。

第(148)條

故意揭露本法第(120)條所定具機密性之銀行及信用資訊者，應處以有期徒刑及不低於十萬(100,000)迪拉姆，但不超過五十萬(500,000)迪拉姆之罰款。

Article (149)

- 1) Where a violation was committed by a juridical Person, the official in charge of management shall be punished by the same penalties prescribed for actions committed in violation of the provisions of this Decretal Law, whenever his knowledge of the violation was established, or if the violation was a result of his negligence or failure to perform his duties.
- 2) The juridical Person shall be jointly liable with the manager in charge in respect of the imposed financial fines and damages, if the violation was committed, in his name and on his behalf, by one of his employees.

Article (150)

Whoever commits any of the violations relating to Financial Infrastructure Systems referred to in Article (130) of this Decretal Law shall be punished by imprisonment and a fine of not less than one hundred thousand (100,000) Dirhams and not exceeding ten million (10,000,000) Dirhams, or by either of these two punishments.

Part VII General Provisions**Article (151) Scope of Application of the Decretal Law**

The provisions of this Decretal Law apply to the Central Bank, financial institutions, financial activities, and Persons subject to it; and does not apply to the Financial Free Zones and the financial institutions regulated by the authorities of these zones.

Article (152) Enforceability of Applicable Regulations

Current regulations, decisions and circulars, issued in accordance with the provisions of Federal Law No (10) of 1980, Regarding the Central Bank, the Monetary System and Organization of Banking, and amendments thereto, and Federal Law No (6) of 1985, Regarding Islamic Banks, Financial Institutions and Investment Companies shall remain in force, until regulations, decisions and circulars are issued in replacement thereof, within a period not exceeding three (3) years from the date this Decretal Law comes into force.

Article (153) Reconciliation of Positions

All agencies and persons subject to the provisions of this Decretal Law shall reconcile their respective positions with its provisions, within the period determined by the Board of Directors.

第(149)條

- 1) 法人觸犯違規行為者，經證實管理部門負責人知悉該違規行為，或因其過失或未履行其職責而導致該違規行為者，該負責人應處以本法就觸犯違規行為所規定之相同處罰。
- 2) 以法人名義或代表法人、或其受雇人員觸犯違規行為者，法人應與主責經理人就所開罰之罰款與損害賠償負連帶責任。

第(150)條

犯本法第(130)條所定有關金融基礎設施系統之違規行為者，應處以有期徒刑及不低於十萬(100,000)迪拉姆，但不超過一千萬(10,000,000)迪拉姆之罰款，或處以兩者中任一處罰。

第 VII 部分 一般規定**第(151)條 本法之適用範圍**

本法之規定適用於本行、金融機構、金融業務及受本法規範之人；但不適用於金融自由區及受此等區域主管機關監管之金融機構。

第(152)條 相關法規之有效性

依 1980 年有關本行、貨幣體系及銀行組織之第(10)號聯邦法之規定及其修正規定，以及 1985 年有關伊斯蘭銀行、金融機構及投資公司之第(6)號聯邦法所發布之現行法規、決定及行政令函，應仍有效，直到自本法生效日起算不超過三(3)年期間內發布替代之法規、決定及行政令函為止。

第(153)條 立場之調和

受本法規範之機構與人員，應在理事會決定之期間內調和其與本法規定有關之立場。

Article (154) Annulment of Conflicting Provisions

Any provision contravening or conflicting with the provisions of this Decretal Law shall be annulled; and Federal Law No (10) of 1980 Regarding the Central Bank, The Monetary System and Organization of Banking, along with Federal Law No (6) of 1985, Regarding Islamic Banks, Financial Institutions and Investment companies shall be annulled.

Article (155) Fees and Charges

The Central Bank may impose fees and charges for providing the service, issuing licenses and authorizations, as deemed appropriate, in accordance with the nature and scope of functions, activities, and controls determined by the Board of Directors. A decision to such effect shall be issued by the Board of Directors and shall be published in the Official Gazette and the Central Bank's official website.

Article (156) Enforceability of Judgments of Foreign Judicial Authorities

Judgments and decisions issued by foreign judicial and law enforcement authorities in respect of national Licensed Financial Institutions and branches of foreign Licensed Financial Institutions operating in the State shall apply, in accordance with applicable legal proceedings of effective laws in the State.

Article (157) Interpretation of the Technical Terms Referred to in this Decretal Law

- 1) If there is a reference in any legislation in force in the country to the "UAE dirham", "currency", "cash", "money", or any similar term, this includes digital currency in accordance with the provisions of this Decree Law unless the context requires otherwise.
- 2) Virtual assets as defined in the applicable laws in the Country, shall not be considered as currency according to this Decree Law. Where virtual assets and currencies are used as a means or tool for payment or exchange, any regulations, rules and controls issued by Central Bank in this regard shall be followed.
- 3) The Central Bank may issue a glossary interpreting the technical terms referred to in this Decretal Law. This glossary shall be published on its official website.

Article (158) Decretal Law Publication and Application

This Decretal Law shall be published in the Official Gazette, and shall come

第(154)條 衝突規定之廢止

任何與本法規定抵觸或衝突之規定，應廢止；且 1980 年有關本行、貨幣體系及銀行組織之第(10)號聯邦法，以及 1985 年有關伊斯蘭銀行、金融機構及投資公司之第(6)號聯邦法，應廢止。

第(155)條 服務費及手續費

本行得依理事會決定之任務、業務及控管規範之性質與範圍，於認為適當時，對於服務之提供、特許及授權之核發，收取服務費及手續費。該項決定應由理事會發布，並應公布於政府公報及本行官網。

第(156)條 外國司法機關判決之有效性

由外國司法及執行機關就國營特許金融機構及外國特許金融機構在本國營運之分支機構所為之判決及決定，應依本國有效法律之相關法律程序適用之。

第(157)條 本法所定專用術語之解釋

- 1) 如本國之任何立法提及「阿拉伯聯合大公國迪拉姆」、「貨幣」、「現金」、「金錢」或任何類似用語，係包括本法規定之數位貨幣在內，但上下文另有規定者，不在此限。
- 2) 本國相關法律定義之虛擬資產，不應被視為本法規定之貨幣。當虛擬資產及貨幣被當成支付或兌換工具時，應遵守本行就此方面所發布之規範、規則及控管規範。
- 3) 本行得發布一份詞彙表，解釋本法之專用術語。本詞彙表應公布於本行網站。

第(158)條 本法公布及適用

本法應公布於政府公報，並應於公布次日起生效，但不影響

into force on the day following date of its publication, without prejudice to the provisions of Article (152) hereof.

本法第(152)條之規定。

三、LAW OF
THE REPUBLIC
OF INDONESIA
NUMBER 23 OF 1999
ON BANK INDONESIA
印度尼西亞銀行法

LAW OF THE REPUBLIC OF INDONESIA NUMBER 23 OF 1999 ON BANK INDONESIA

印度尼西亞銀行法

法務室 鄭靜馨 譯

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LAW OF THE REPUBLIC OF INDONESIA NUMBER 23 OF 1999 ON BANK INDONESIA

*) it is the result of the first amendment through Law of the Republic of Indonesia Number 3 of 2004 on Amendment to Law Number 23 of 1999 on Bank Indonesia.

**) it is the result of the second amendment through Law of the Republic of Indonesia Number 6 of 2009 on Establishment of Government Regulation in Lieu of Law Number 2 of 2008 on the Second Amendment to Law Number 23 of 1999 on Bank Indonesia as a Law.

***) it is the result of the third amendment through Law of the Republic of Indonesia Number 4 of 2023 on Developing and Strengthening of The Financial Sector.

****) it is repealed by Article 46 of Law of the Republic of Indonesia Number 7 of 2011 on Currency.

*****) it is repealed by Article 53 paragraph (1) point b of Law of the Republic of Indonesia Number 9 of 2016 on Prevention and Management of Financial System Crisis.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Law:

1. Board of Governors means the top executive of Bank Indonesia;
2. Governor means the chair who acts concurrently as a member of the Board of Governors;
3. Senior Deputy Governor means the chair's deputy who acts concurrently as a member of the Board of Governors;
4. Deputy Governor means member of the Board of Governors;
5. Bank means Commercial Bank and People's Credit Bank as referred to in the applicable Law on banks;

印度尼西亞銀行法

1999 年 5 月 17 日公布 1999 年第 23 號「印度尼西亞銀行法」。

依 2004 年第 3 號「印度尼西亞銀行法修正條文」第一次修正。
本次修正條文標示 *)

依 2009 年第 6 號「追認 2008 年第 2 號替代法律之政府法規（即 1999 年第 23 號印度尼西亞銀行法第二次修正條文）法」第二次修正。

依 2023 年第 4 號「發展及強化金融業法」第三次修正。
本次修正條文標示 ***)

依 2011 年第 7 號「通貨法」第 46 條規定廢止部分條文。^{譯註一}
本次廢止條文標示 ****)

依 2016 年第 9 號「金融危機預防及處理法」第 53 條第(1)項第 b 款規定廢止第 55 條第 5 項。
本次廢止條文標示 *****)

第 1 章 總 則

第 1 條

在本法中：

1. 「理事會」指印度尼西亞銀行（以下簡稱本行^{譯註二}）之最高決策單位；
2. 「總裁」指理事會主席，同時亦為理事會成員；
3. 「資深副總裁」指理事會副主席，同時亦為理事會成員；
4. 「副總裁」指理事會成員；
5. 「銀行」指銀行業適用之法律所定商業銀行及人民信用銀行；

^{譯註一} 本法第 2 條、第 19 條、第 20 條、第 21 條、第 22 條、第 23 條等有關貨幣之規定，已依 2011 年第 7 號「通貨法」第 46 條廢止，並改由該法規範貨幣相關事宜。該「通貨法」於 2023 年修正，於第 2 條增訂盧比（印度尼西亞之貨幣）之型態得為數位形式；另增訂第 14A 條規定數位盧比之管理（規劃、發行、流通及行政管理等）事宜，同法第 19 條則規定印度尼西亞銀行應每 3 個月向國會報告盧比之管理情形。

^{譯註二} 為便於閱讀，本篇譯文後續之「印度尼西亞銀行」均譯為「本行」。

6. Payment system means a system which includes a set of regulations, institution, and mechanism used for fund transfer to meet an obligation arising from an economic activity;
7. Financing under Sharia Principle means provision of money or bills equivalent thereto based on an approval or agreement between Bank Indonesia and a Bank which obliges the financed Bank to pay the money or bills after a certain period with some compensation or profit sharing;
8. Bank Indonesia Regulation means legal provisions determined by Bank Indonesia and binding on any individuals or entities and contained in the State Gazette of the Republic of Indonesia;
9. Regulation of Board of Governors means legal provisions determined by the Board of Governors containing internal rules, such as procedures for performance of duties and authorities of the Board of Governors, personnel, and Bank Indonesia organization;
10. Monetary Policy means a policy determined and adopted by Bank Indonesia to reach and maintain rupiah stability through, among others, control of money in circulation and or interest rates;
11. General Reserves mean funds coming from some surpluses of Bank Indonesia which may be used to face risks potentially arising from the performance of duties and authorities of Bank Indonesia;
12. Purpose Reserves mean funds coming from some surpluses of Bank Indonesia which may be used among others for replacement or renewal of fixed assets and equipment necessary for performing duties and authorities of Bank Indonesia and for participation.

Article 2 ****)

Repealed.

Article 3

- (1) Rupiah currency shall not, in a certain amount, be brought outside or inside the custom territory of the Republic of Indonesia except with the approval of Bank Indonesia.

6. 「支付系統」指包括規範、機構及機制所組成之系統，用於移轉資金，以履行因經濟活動所生之義務；
7. 「依據伊斯蘭教法之融資」指基於本行與銀行間之許可或協議，提供資金或等值票據；接受融資之銀行負有於特定期間後償還資金或票據，並支付報酬或分享利潤之責任；
8. 「本行法規」指由本行訂定之法規條款，得拘束個人或機構，並刊登於印度尼西亞共和國（以下簡稱印尼共和國^{譯註三}）國家公報；
9. 「理事會規則」指由理事會訂定之法規條款，包括理事會履行職責及行使職權之程序、人事管理及本行組織架構等內部規定；
10. 「貨幣政策」指由本行制定並採行之政策，目的在實現及維持盧比之穩定，並以調控流通貨幣量或利率等方法為之；
11. 「普通公積金」指來自本行盈餘之部分資金，可用於應對本行因履行職務與行使職權時所生之風險；
12. 「特別公積金」指來自本行盈餘之部分資金，可用於更換或更新本行履行職務與行使職權所需之固定資產及設備，或用於參與其他活動。

第 2 條 ****)

廢止。

第 3 條

- (1) 除經本行許可外，不得攜帶一定數額之盧比進出印尼共和國關稅領域。

^{譯註三} 為便於閱讀，本篇譯文後續之「印度尼西亞共和國」均譯為「印尼共和國」。

- (2) The implementation of the provision as referred to in paragraph (1) shall be prescribed by Bank Indonesia Regulation.

CHAPTER II STATUS, DOMICILE, AND CAPITAL

Article 4 *)**

- (1) Bank Indonesia means the Central Bank of the Republic of Indonesia.
- (2) Bank Indonesia means a state institution independent in performing its duties and authorities, free from intervention of the Government and/or any other parties, except for certain matters expressly regulated under this Law.
- (3) Bank Indonesia means a legal entity under this Law.

Article 5

- (1) Bank Indonesia shall be located in the Capital of the Republic of Indonesia.
- (2) Bank Indonesia may have offices inside and outside the territory of the Republic of Indonesia.

Article 6

- (1) The capital of Bank Indonesia is stipulated at no less than Rp 2,000,000,000,000 (two trillion rupiahs).
- (2) The capital referred to in paragraph (1) must be increased so that it is no more than 10% (ten percent) of total monetary liabilities, using funds from General Reserves or proceeds from revaluation of assets. *)
- (3) The procedure for addition of capital from General Reserves or from proceeds from revaluation of assets shall be stipulated in a Board of Governors Regulation . *)

CHAPTER III OBJECTIVE AND TASKS

Article 7 *)**

The objective of Bank Indonesia is to achieve rupiah stability, maintain Payment System stability, and participate in maintaining Financial System Stability to support sustainable economic growth.

- (2) 第(1)項之執行事宜，應以本行法規定之。

第 2 章 定位、營業處所及資本

第 4 條 *)**

- (1) 本行為印尼共和國之中央銀行。
- (2) 本行係依本法獨立行使職權之國家機構，除本法另有規定外，不受政府及/或其他人之干預。
- (3) 本行係依本法設立之法人。

第 5 條

- (1) 本行應設於印尼共和國首都。
- (2) 本行得於印尼共和國境內及境外設立辦事處。

第 6 條

- (1) 本行之資本不得少於 2 兆盧比。
- (2) 第(1)項之資本應以普通公積金或資產重估收益增加之，使其不超過總貨幣負債之 10%。*)
- (3) 以普通公積金或資產重估收益增加資本之程序，應以理事會規則定之。*)

第 3 章 目標及任務

第 7 條 *)**

本行之目標為達成盧比之穩定，維持支付系統穩定，並共同維持金融體系穩定，以支持永續經濟成長。

Article 8 *)**

To achieve the objective as referred to in Article 7, Bank Indonesia has the following duties:

- a. to determine and implement monetary policy in a sustainable, consistent, and transparent manner;
- b. to regulate and maintain smooth Payment System; and
- c. to determine and implement macroprudential policy.

Article 9 *)**

- (1) Other parties are prohibited from making any interventions in any forms in the performance of Bank Indonesia's duties as referred to in Article 8, except for certain matters expressly regulated under this Law.
- (2) Bank Indonesia is required to refuse and/or ignore all forms of interventions from any parties in the performance of duties as referred to in Article 8.

CHAPTER IV**THE TASK OF STIPULATING AND IMPLEMENTING THE MONETARY POLICY****Article 10 ***)**

- (1) Bank Indonesia determines and implements the monetary policy as referred to in Article 8 point a by referring to the inflation target determined by the Government in coordination with Bank Indonesia.
- (2) In determining and implementing the monetary policy as referred to in Article 8 point a, Bank Indonesia has authority to:
 - a. manage interest rates;
 - b. manage exchange rates;
 - c. manage liquidity;
 - d. manage foreign exchange flow;
 - e. manage the state's foreign reserves;
 - f. regulate, supervise, and develop Money Market and Foreign Exchange Market; and
 - g. determine and implement other monetary policies;

第 8 條 *)**

為達成第 7 條所定目標，本行職責如下：

- a. 以可持續、一致性及透明性之方式，制定及執行貨幣政策；
- b. 管理及維持支付系統之順利運作；
- c. 制定及執行總體審慎政策。

第 9 條 *)**

- (1) 除本法另有規定外，任何人不得以任何形式干預本行履行第 8 條所定職責。
- (2) 於履行第 8 條所定職責時，本行應拒絕及/或不予理會任何人以任何形式所為之干預。

第 4 章 制定及執行貨幣政策之任務**第 10 條 ***)**

- (1) 本行以政府與本行協商後訂定之通貨膨脹目標，依第 8 條第 a 款規定制定及執行貨幣政策。
- (2) 制定及執行依第 8 條第 a 款所定貨幣政策時，本行具有下列職權：
 - a. 管理利率；
 - b. 管理匯率；
 - c. 管理流動性；
 - d. 管理外匯流量；
 - e. 管理國家之外匯準備；
 - f. 規範、監管及發展貨幣市場及外匯市場；以及
 - g. 制定及執行其他貨幣政策。

- (3) In order to exercise the authorities as referred to in paragraph (2), Bank Indonesia conducts the following:
 - a. regulation, supervision, inspection, and sanction imposition;
 - b. policy communication in an accountable and transparent manner; and
 - c. policy coordination with the Government, the authority, and the relevant stakeholders.
- (4) In managing interest rates as referred to in paragraph (2) point a, Bank Indonesia:
 - a. determines policy rates, interest rates on fund placement with Bank Indonesia and fund provision by Bank Indonesia, and other transaction rates with Bank Indonesia; and
 - b. affects market interest rates.
- (5) In managing the exchange rate as referred to in paragraph (2) point b, Bank Indonesia exercises its authority based on an exchange rate system determined in accordance with the laws and regulations.
- (6) In managing liquidity as referred to in paragraph (2) point c, Bank Indonesia maintains liquidity adequacy in Money Market, Foreign Exchange Market, Banks, and economy to support management of interest rates and exchange rates.
- (7) In order to manage the interest rates, exchange rates, and liquidity as referred to in paragraph (2) point a, point b, and point c, Bank Indonesia conducts monetary control by using the following methods:
 - a. monetary operation in Money Market and Foreign Exchange Market; and
 - b. arrangement of minimum statutory reserves in Rupiah and foreign currencies.
- (8) The monetary control methods as referred to in paragraph (7) may also be implemented under Sharia Principle.
- (9) Further provisions for the monetary control as referred to in paragraph (7) and paragraph (8) shall be prescribed in Bank Indonesia Regulation.

Article 10A ***)

- (1) In managing the foreign exchange flow as referred to in Article 10 paragraph (2) point d, Bank Indonesia may determine the following provisions:

- (3) 為行使第(2)項所定職權，本行辦理下列事項：
 - a. 管理、監督、檢查及裁罰；
 - b. 以負責及透明之方式進行政策溝通；以及
 - c. 與政府、主管機關及利害關係人協調政策。
- (4) 依第(2)項第 a 款管理利率時，本行得：
 - a. 決定政策利率、本行存放款利率，及其他與本行交易之利率；以及
 - b. 影響市場利率。
- (5) 依第(2)項第 b 款管理匯率時，本行應依相關法律及法規所定之匯率制度行使職權。
- (6) 依第(2)項第 c 款管理流動性時，本行應保持貨幣市場、外匯市場、銀行及經濟體之適當流動性，以協助對利率及匯率之管理。
- (7) 依第(2)項第 a 款、第 b 款及第 c 款管理利率、匯率及流動性時，本行得以下列方法調控貨幣：
 - a. 於貨幣市場及外匯市場進行貨幣操作；以及
 - b. 訂定盧比及外幣之最低法定準備金。
- (8) 依第(7)項所定調控貨幣之方法，亦得依伊斯蘭教法執行之。
- (9) 對依第(7)項及第(8)項所為調控貨幣之細節規範，應以本行法規規定之。

第 10A 條 ***)

- (1) 於依第 10 條第(2)項第 d 款管理外匯流量時，本行得訂定下列規定：

- a. foreign exchange flow reporting and risk management in relation to capital flow; and
 - b. receipt and/or use of foreign exchange by residents for management of issues in macroeconomic and Financial System stability.
- (2) Further provisions for the foreign exchange flow management as referred to in paragraph (1) shall be prescribed in Bank Indonesia Regulation.

Article 10B ***)

- (1) The regulation, supervision, and development of Money Market and Foreign Exchange Market by Bank Indonesia as referred to in Article 10 paragraph (2) point f include:
- a. issuance of transaction products and mechanisms in Money Market and Foreign Exchange Market;
 - b. permits and conducts of market participants in Money Market and Foreign Exchange Market;
 - c. mechanism to establish reference price in Money Market and Foreign Exchange Market;
 - d. infrastructures of Money Market and Foreign Exchange Market; and
 - e. permits and activities of non-bank money changers.
- (2) The regulation, supervision, and development of Money Market and Foreign Exchange Market as referred to in paragraph (1) may also be conducted under Sharia Principle.
- (3) In conducting the regulation, supervision, and development of Money Market and Foreign Exchange Market as referred to in paragraph (1), Bank Indonesia coordinates with the relevant authority and/or ministry/institution.
- (4) Further provisions for the regulation, supervision, and development of Money Market and Foreign Exchange Market as referred to in paragraph (1) and paragraph (2) shall be prescribed in Bank Indonesia Regulation.

Article 11 ***)

- (1) In addition to liquidity management to determine and implement monetary policy as referred to in Article 10 paragraph (6), Bank Indonesia manages liquidity to support economic growth.
- (2) The liquidity management by Bank Indonesia as referred to in paragraph (1) may be conducted through purchase or sale of sovereign

- a. 外匯流量報告及資本流動之相關風險管理；以及
- b. 為管理總體經濟及金融體系穩定性事宜，接收及/或使用國民之外匯。

- (2) 對第(1)項管理外匯流量之細節規範，應以本行法規規定之。

第 10B 條 ***)

- (1) 本行依第 10 條第(2)項第 f 款規定，對於貨幣市場及外匯市場之規範、監管及發展包括：
- a. 貨幣市場及外匯市場交易產品及機制之發布；
 - b. 貨幣市場及外匯市場參與者之許可及管理；
 - c. 建立貨幣市場及外匯市場參考價格之機制；
 - d. 貨幣市場及外匯市場之基礎設施；以及
 - e. 非銀行貨幣兌換機構之許可及業務。
- (2) 第(1)項所定貨幣市場及外匯市場之規範、監管及發展，亦得依伊斯蘭教法為之。
- (3) 為辦理第(1)項所定貨幣市場及外匯市場之規範、監管及發展時，本行應與相關主管機關及/或部會/機構協調。
- (4) 第(1)項及第(2)項所定貨幣市場及外匯市場之規範、監管及發展之細節規範，應以本行法規規定之。

第 11 條 ***)

- (1) 除依第 10 條第(6)項規定，為制定及執行貨幣政策所為之流動性管理外，本行亦為協助經濟成長，進行流動性管理。
- (2) 第(1)項之流動性管理，得以於次級市場買賣公債及/或

securities and/or other quality securities in the secondary market, fund placement in a financial institution for Money Market development, minimum statutory reserves policy, monetary policy mix, and/or other policy instruments.

- (3) In conducting the liquidity management as referred to in paragraph (1), Bank Indonesia prioritizes achievement of Rupiah stability for the monetary policy as referred to in Article 8 by considering macroeconomic condition.
- (4) In conducting the liquidity management as referred to in paragraph (2), Bank Indonesia applies good governance.

Article 12

Bank Indonesia shall implement the exchange rate policy based on the stipulated exchange rate system.

Article 13

- (1) Bank Indonesia shall manage the foreign exchange reserves.
- (2) Bank Indonesia shall, in managing the foreign exchange reserves as referred to in paragraph (1), implement various foreign exchange transactions.
- (3) Bank Indonesia may, in managing the foreign exchange reserves as referred to in paragraph (1), receive foreign borrowing.

Article 14 ***)

- (1) In performing the duties as referred to in Article 8, Bank Indonesia has authority to:
 - a. conduct a survey;
 - b. obtain data, information, reports, details, and/or explanation from the relevant parties; and
 - c. obtain data and information from and/or exchange data and information with the relevant authority and/or ministry/institution.
- (2) Bank Indonesia may process and disseminate data and/or information on performance of Bank Indonesia's duties through digital information system and/or any other mechanisms under the laws and regulations.
- (3) In conducting the survey as referred to in paragraph (1) point a and/or obtaining the data, information, reports, details, and/or explanation as referred to in paragraph (1) point b, any party is required to provide data, information, reports, details, and/or explanation according to the

其他優質證券，為貨幣市場發展而於金融機構存放資金，以及最低法定準備金政策、貨幣政策組合及/或以其他政策工具為之。

- (3) 為第(1)項之流動性管理時，本行應優先以第 8 條所定貨幣政策，達成盧比穩定目標，並關注總體經濟情勢。
- (4) 為第(2)項之流動性管理時，本行應遵循良好之治理原則。

第 12 條

本行應依法定匯率制度執行匯率政策。

第 13 條

- (1) 本行應管理外匯準備。
- (2) 管理第(1)項外匯準備時，本行應進行各種外匯交易。
- (3) 管理第(1)項外匯準備時，本行得接受外國提供之借款。

第 14 條 ***)

- (1) 於履行本法第 8 條所定職責時，本行有權：
 - a. 進行調查；
 - b. 向相關人取得資料、資訊、報告、詳細說明及/或解釋；及
 - c. 向相關主管機關及/或部會/機構取得資料與資訊，及/或與其交換資料及資訊。
- (2) 於履行職責時，本行得以數位資訊系統及/或其他法律及法規規範之方式，處理及傳播資料及/或資訊。
- (3) 本行於進行第(1)項第 a 款之調查及/或取得第(1)項第 b

procedure determined by Bank Indonesia.

- (4) Further provisions for the survey and obtaining the data, information, reports, details, and/or explanation as referred to in paragraph (1) shall be prescribed in Bank Indonesia Regulation.

CHAPTER V

THE TASK OF REGULATING AND SAFEGUARDING THE SMOOTHNESS OF THE PAYMENT SYSTEM

Article 15

- (1) Bank Indonesia shall, in regulating and safeguarding the smoothness of the payment system as referred to in Article 8 point b, be authorized:
- a. to implement, and grant approval and license of, the arrangement of the payment system service;
 - b. to require the operator of the payment system service to submit reports on its activities;
 - c. to determine the use of payment instruments.
- (2) The exercise of the authority as referred to in paragraph (1) shall be prescribed by Bank Indonesia Regulation.

Article 16

Bank Indonesia shall be authorized to regulate the interbank clearing system both in rupiah and or foreign currencies.

Article 17

- (1) The arrangement of the interbank clearing system both in rupiah and or foreign currencies shall be conducted by Bank Indonesia or other parties upon the approval of Bank Indonesia.
- (2) The implementation of the provision as referred to in paragraph (1) shall be prescribed by Bank Indonesia Regulation.

Article 18

- (1) Bank Indonesia shall arrange the final settlement of interbank payment transaction both in rupiah and or foreign currencies.
- (2) The arrangement of the final settlement of the interbank payment transaction as referred to in paragraph (1) may be conducted by other parties upon the approval of Bank Indonesia.

款之資料、資訊、報告、詳細說明及/或解釋時，被要求提供者應依本行所定程序提供資料、資訊、報告、詳細說明及/或解釋。

- (4) 有關第(1)項之調查及取得資料、資訊、報告、詳細說明及/或解釋之細節規範，應以本行法規定之。

第 5 章 管理及維持支付系統順利運作之任務

第 15 條

- (1) 依第 8 條第 b 款規定管理及維持支付系統順利運作時，本行得：
- a. 辦理支付系統服務業務，並核准及許可該業務；
 - b. 要求支付系統服務業者提供業務活動報告；
 - c. 決定支付工具之使用。
- (2) 第(1)項所定職權之行使，應以本行法規定之。

第 16 條

盧比及/或外幣之銀行間結算系統，由本行管理之。

第 17 條

- (1) 盧比及/或外幣之銀行間結算業務，應由本行或其他經本行許可之機構辦理。
- (2) 第(1)項之執行事宜，應以本行法規定之。

第 18 條

- (1) 銀行間之盧比及外幣支付交易，其最終清算，由本行辦理。
- (2) 第(1)項之銀行間支付交易，其最終清算，得由其他經本行許可之機構辦理。

- (3) The implementation as referred to in paragraph (1) and paragraph (2) shall be prescribed by Bank Indonesia Regulation.

Article 19 **)**

Repealed.

Article 20 **)**

Repealed.

Article 21 **)**

Repealed.

Article 22 **)**

Repealed.

Article 23 **)**

Repealed.

**CHAPTER VI
THE TASK OF REGULATING AND
SUPERVISING BANKS**

Article 24 *)**

Deleted.

Article 25 *)**

Deleted.

Article 26**)**

Deleted.

Article 27 *)**

Deleted.

Article 28 *)**

Deleted.

- (3) 第(1)項及第(2)項之執行事宜，應以本行法規定之。

第 19 條 **)**

廢止。

第 20 條 **)**

廢止。

第 21 條 **)**

廢止。

第 22 條 **)**

廢止。

第 23 條 **)**

廢止。

第 6 章 管理及監督銀行之任務

第 24 條 *)**

刪除。

第 25 條 *)**

刪除。

第 26 條 *)**

刪除。

第 27 條 *)**

刪除。

第 28 條 *)**

刪除。

Article 29 *)**

Deleted.

第 29 條 *)**

刪除。

Article 30 *)**

Deleted.

第 30 條 *)**

刪除。

Article 31 *)**

Deleted.

第 31 條 *)**

刪除。

Article 32 *)**

Deleted.

第 32 條 *)**

刪除。

Article 33 *)**

Deleted.

第 33 條 *)**

刪除。

Article 34 *)**

Deleted.

第 34 條 *)**

刪除。

Article 35 *)**

Deleted.

第 35 條 *)**

刪除。

CHAPTER VIA *)****DUTY TO DETERMINE AND IMPLEMENT
MACROPRUDENTIAL POLICY****Article 35A ***)**

Bank Indonesia determines and implements macroprudential policy to maintain Financial System Stability by encouraging balanced, quality, and sustainable intermediation; mitigating and managing systemic risks; and increasing economic inclusion, Financial Inclusion and Sustainable Finance.

Article 35B *)**

- (1) In order to determine and implement the macroprudential policy as referred to in Article 8 point c, Bank Indonesia has authority to conduct:

第 6A 章 制定及執行總體審慎政策之職責 *)****第 35A 條 ***)**

本行制定及執行總體審慎政策，藉由鼓勵衡平、優質及可持續之中介服務；降低及管理系統性風險；並提高經濟普惠性、金融普惠性及永續金融等措施，以維持金融體系穩定。

第 35B 條 *)**

- (1) 為制定及執行依第 8 條第 c 款所定總體審慎政策，本行有權辦理：

- a. macroprudential arrangements;
 - b. macroprudential supervision, including inspection and sanction imposition;
 - c. arrangement and development of inclusive financing and Sustainable Finance;
 - d. provision of funds for Banks to perform the function as a lender of the last resort;
 - e. reverse repo (repurchase agreement) and/or purchase of sovereign securities owned by Indonesia Deposit Insurance Corporation when it requires liquidity; and
 - f. coordination with the relevant authority.
- (2) The macroprudential policy as referred to in paragraph (1) point a until point d and point f is determined and applied against Banks, both carrying on their business in a conventional manner and under Sharia Principle, by observing assessment of overall Financial System and its correlation to the economic condition.
- (3) Further provisions for Bank Indonesia's authority to determine and implement the macroprudential policy as referred to in paragraph (1) shall be prescribed in Bank Indonesia Regulation.

CHAPTER VIB *) PROVISIONS FOR BANKRUPTCY**

Article 35C *)**

Bank Indonesia is the only party authorized to file for bankruptcy and/or suspension of payment of indebtedness of a debtor which is a payment service provider and Payment System infrastructure operator, rupiah processing service provider, broker in Money Market, provider of trade facility, clearing facility for interest rate derivative transactions and over-the-counter exchange rate, or any other institutions granted with a license and/or decision by Bank Indonesia to the extent their dissolution and/or bankruptcy are unspecified otherwise from other laws and regulations.

Article 35D *)**

- (1) Against a debtor which is an electronic money issuer, bankruptcy excludes funds separated by the issuer to meet its obligation to a user and/or provider of goods and/or services in electronic money

- a. 總體審慎之規劃；
 - b. 總體審慎監理，包括檢查及裁罰；
 - c. 普惠金融及永續金融之規劃及發展；
 - d. 為銀行提供資金，履行最後融通者之職責；
 - e. 於印度尼西亞存款保險公司需要流動性時，附買回（買回協議）及/或購買該公司持有之公債；及
 - f. 與相關主管機關協調。
- (2) 第(1)項第 a 款至第 d 款及第 f 款所定總體審慎政策，係以銀行業為對象而制定及執行，並考量對整體金融體系之評估，以及該體系與經濟狀況之關聯性。銀行包括以普通方式經營之銀行及依伊斯蘭教法經營之銀行。
- (3) 本行制定及執行第(1)項所定總體審慎政策之權限，其細節規範，應以本行法規定之。

第 6B 章 破 產 *)**

第 35C 條 *)**

當債務人為支付服務提供者、支付系統基礎設施經營者、盧比收兌服務提供者、貨幣市場中介商、交易設施提供者、利率衍生交易及櫃檯買賣匯率之清算設施提供者，或其他經本行發給執照及/或核准之機構時，僅本行得對其聲請破產及/或暫停償還債務。但其他法規對該等機構之解散及/或破產另有規定者，不在此限。

第 35D 條 *)**

- (1) 債務人為電子貨幣發行人時，其為履行於電子貨幣運作過程中所產生，對電子貨幣使用者及/或商品及/或服

implementation.

- (2) The funds as referred to in paragraph (1) shall be fully used to meet an issuer's obligation to a user and/or provider of goods and/or services in electronic money implementation.

CHAPTER VII THE BOARD OF GOVERNORS

Article 36

Bank Indonesia shall, in discharging its tasks, be presided by the Board of Governors.

Article 37

- (1) The Board of Governors shall consist of a Governor, a Senior Deputy Governor, and at least 4 (four) or at the maximum of 7 (seven) Deputy Governors.
- (2) The Board of Governors shall be presided by the Governor, with the Senior Deputy Governor being the Vice Governor.
- (3) In the absence of the Governor and the Senior Deputy Governor, the Governor or the Senior Deputy Governor shall appoint a Deputy Governor to preside the Board of Governors.
- (4) In the event that such appointment as regulated in paragraph (3) failed to take place for any reason, a Deputy Governor who has held the longest term of office shall accordingly act as the chairman of the Board of Governors.

Article 38

- (1) The Board of Governors shall perform the tasks and authority of Bank Indonesia as prescribed in this Act.
- (2) The division of duties and powers among Members of the Board of Governors in implementation of the provisions referred to in paragraph (1) shall be stipulated in a Board of Governors Regulation. *)
- (3) The code of conduct and procedure for discharge of the duties and powers of the Board of Governors shall be stipulated in a Board of Governors Regulation. *)
- (4) The performance of the Board of Governors and Members of the Board of Governors in the discharge of their duties and powers shall be assessed by the House of Representatives. *)

務提供人之債務，而分離保管之資金，不屬於破產財團之財產。

- (2) 第(1)項所定資金應全數用於履行電子貨幣運作過程中所產生，發行人對電子貨幣使用者及/或商品及/或服務提供者之債務。

第 7 章 理事會

第 36 條

本行履行職責時，應由理事會主導之。

第 37 條

- (1) 理事會置總裁 1 人、資深副總裁 1 人及副總裁 4 人至 7 人。
- (2) 總裁為理事會之主席，資深副總裁為副主席。
- (3) 總裁及資深副總裁缺席時，總裁或資深副總裁應指派副總裁主持理事會。
- (4) 無法依第(3)項規定指派理事會主席時，由在任期間最長之副總裁擔任主席。

第 38 條

- (1) 理事會應依本法規定履行本行職責及職權。
- (2) 為執行第(1)項規定，理事會成員間之職務及權限劃分，應以理事會規則定之。*)
- (3) 理事會履行職責及行使職權之行為準則與程序，應以理事會規則定之。*)
- (4) 理事會及理事會成員履行職責及職權之表現，應受國會之評定。*)

Article 38A *)**

- (1) The Board of Governors determine and enforce Bank Indonesia's code of ethics.
- (2) Further provisions for the code of ethics as referred to in paragraph (1) shall be prescribed in Regulation of Board of Governors.

Article 39

- (1) The Board of Governors shall represent Bank Indonesia before and outside the court.
- (2) The authority to represent as referred to in paragraph (1) shall be conducted by the Governor.
- (3) The Governor may delegate the authority to represent as referred to in paragraph (2) to the Senior Deputy Governor, and or to one or several Deputy Governors, or one or several of Bank Indonesia's employees, and or other parties especially appointed for that purpose.
- (4) The delegation of such authority as referred to in paragraph (3) may be provided with a substitution right.

Article 40 *)**

To be eligible for appointment as a member of Board of Governors, the relevant candidate shall meet the following requirements:

- a. shall be an Indonesian citizen;
- b. shall have high integrity, manners, and morals;
- c. shall have expertise and experience in economy, finance, banking, or law; and
- d. shall not be the management and/or member of a political party during the candidacy.

Article 41 *)**

- (1) Governor, Senior Deputy Governor, and Deputy Governor are proposed and appointed by the President with the approval of DPR.
- (2) A Deputy Governor candidate is proposed by the President based on the Governor's recommendation.
- (3) For each position of Governor and Senior Deputy Governor as referred to in paragraph (1), the President proposes 3 (three) candidates at the maximum to DPR.
- (4) For each position of Deputy Governor as referred to in paragraph (1), the President proposes at least 2 (two) candidates to DPR.

第 38A 條 *)**

- (1) 理事會訂定並執行本行之行為準則。
- (2) 第(1)項所定行為準則，應以理事會規則定之。

第 39 條

- (1) 理事會應於法院內外代表本行。
- (2) 第(1)項之代表權應由總裁行使。
- (3) 總裁得將第(2)項之代表權再授權予資深副總裁、副總裁 1 人或多人、本行職員 1 人或多人，或其他為該目的特別指派之人。
- (4) 第(3)項所定之再授權得附有替換權。

第 40 條 *)**

得為理事會成員之人選應符合下列條件：

- a. 印度尼西亞公民；
- b. 具高度誠信、品德及道德操守；
- c. 具備經濟、金融、銀行或法律之專業與經驗；
- d. 於提名候選期間，不得擔任政黨之幹部及/或成員。

第 41 條 *)**

- (1) 總裁、資深副總裁及副總裁由總統提名並經國會同意後任命之。
- (2) 副總裁候選人由總統依總裁之推薦提名之。
- (3) 第(1)項之總裁及資深副總裁，由總統向國會提名各職位至多 3 位之候選人。
- (4) 第(1)項之副總裁，由總統向國會提名各職位至少 2 位

- (5) The President's proposal to DPR as referred to in paragraph (2) and paragraph (3) is submitted at least 3 (three) months prior to the end of the term of office of the Governor, Senior Deputy Governor, and Deputy Governor.
- (6) DPR will approve or refuse Governor, Senior Deputy Governor, and Deputy Governor candidates at least 1 (one) month as from the proposal is received.
- (7) In the event that the Governor, Senior Deputy Governor, or Deputy Governor candidates as referred to in paragraph (3) and paragraph (4) are refused by DPR, the President is required to submit a new candidate.
- (8) In the event that the candidate proposed for the second time by the President as referred to in paragraph (3) and paragraph (4) is refused by DPR, the President shall re-appoint the Governor, Senior Deputy Governor, or Deputy Governor for the same term of office, or with the approval of DPR, appoint a Senior Deputy Governor or Deputy Governor for a higher position in the structure of the Board of Governors by observing the provisions for term of office of members of Board of Governors and replacement of members of Board of Governors whose term of office has ended.
- (9) A member of Board of Governors is appointed for a 5 (five)-year term of office and may be reappointed for the same position for the next 1 (one) term of office.
- (10) Replacement of a member of Board of Governors whose term of office has ended is conducted annually for 2 (two) members at the maximum.

Article 42

- (1) The Governor, Senior Deputy Governor, and Deputy Governors prior to his/her appointment is required to take an oath or vow in accordance with his/her religion before the Chief Justice of the Supreme Court.
- (2) The oath or vow as referred to in paragraph (1) shall be read as follows. "I swear/promise that I, to become a Governor/a Senior Deputy Governor/a Deputy Governor of Bank Indonesia shall, directly or indirectly under any name and for any reason, not give or promise to give anything to anybody. I swear/promise that I shall, in conducting or refraining from conducting something during this term of office, not receive, directly or indirectly from anybody, any promise or gift in any form. I swear/promise that I will implement the tasks and

之候選人。

- (5) 總統依第(2)項及第(3)項所為之提名，應於總裁、資深副總裁及副總裁任期屆滿前至少 3 個月向國會提出。
- (6) 國會應在接獲提名後 1 個月內同意或否決總裁、資深副總裁及副總裁候選人。
- (7) 第(3)項及第(4)項之總裁、資深副總裁或副總裁候選人均遭國會否決時，總統應提名新候選人。
- (8) 總統依第(3)項及第(4)項規定第二次提名之候選人，亦經國會否決時，總統應為該任期，重新任命總裁、資深副總裁或副總裁；或經國會同意後，任命資深副總裁或副總裁擔任理事會之較高職位；相關任命並應符合關於理事會成員之任期及任期屆滿成員之更換規定。
- (9) 理事會成員任期 5 年，期滿得連任原職一次。
- (10) 每年應有理事會成員任期屆滿並進行更換，每次最多更換 2 人。

第 42 條

- (1) 總裁、資深副總裁及副總裁於任命前，應依其信仰於最高法院大法官前宣誓或立誓。
- (2) 第(1)項之宣誓或立誓內容如下：「我立誓/承諾，我將擔任印度尼西亞銀行總裁/資深副總裁/副總裁，且我不會直接或間接以任何名義及理由，提供或承諾提供任何東西予任何人。我立誓/承諾，於任期內為或不為任何作為時，不會直接或間接從任何人、接受任何形式之承諾或餽贈。我立誓/承諾，我將盡最大努力並負責

obligation of a Governor/a Senior Deputy Governor/a Deputy Governor of Bank Indonesia with my best effort and with full responsibility. I swear/promise that I shall be loyal to the state, constitution, and the state guideline".

Article 43

- (1) The meeting of the Board of Governors shall be held:
 - a. at least once in a month in order to stipulate the general monetary policy which may be attended by one minister or more representing the Government with a right to speak without any voting right;
 - b. at least once in a week in order to evaluate the implementation of the monetary policy as referred to in point a or to adopt other principle and strategic policies.
- (2) The meeting of the Board of Governors shall be lawful if attended by at least more than half of the member of the Board of Governors.
- (3) The decision making of the meeting of the Board of Governors as referred to in paragraph (1) shall be taken through a deliberation to reach an agreement. If such a consensus cannot be reached, the Governor shall adopt the final decision.
- (4) In a state of emergency and the meeting of the Board of Governors cannot be held since the number of the member of the Board of Governors attended in the meeting does not fulfil the provision as referred to in paragraph (2), the Governor or at least 2 (two) member of the Board of Governors may prescribe a policy and or adopt a decision.
- (5) The policy and or the decision of the Governor or a Deputy Governor as referred to in paragraph (4), shall be reported at the latest at the following meeting of the Board of Governors.
- (6) The guideline in the conduct of the meeting of the Board of Governors shall be prescribed by the Board of Governors Regulation.

Article 44

- (1) The Board of Governors shall appoint and discharge the employees of Bank Indonesia.
- (2) The Board of Governors shall prescribe regulations concerning employment, wages system, reward, retirement and elderly allowance, as well as other income of the employees of Bank Indonesia.
- (3) The implementation of such provision as referred to in paragraph (1)

任地履行印度尼西亞銀行總裁/資深副總裁/副總裁之職責及義務。我立誓/承諾，我將忠於國家、憲法及國家指導原則。」

第 43 條

- (1) 理事會會議應依下列規定召開：
 - a. 為制定一般貨幣政策，每月至少召開 1 次。部長 1 人或數人得代表政府出席會議，其有發言權但無表決權；
 - b. 為評估第 a 款貨幣政策之執行情形，或採行其他原則性及策略性政策，每週至少召開 1 次。
- (2) 理事會會議應有逾半數之成員出席，始得合法召開。
- (3) 第(1)項之理事會會議，其決議應經由討論達成共識。無法達成共識時，由總裁作成最終決定。
- (4) 情況緊急且理事會會議因出席人數未符合第(2)項規定無法召開時，得由總裁或理事會成員 2 人以上制定政策及/或作出決定。
- (5) 總裁或副總裁依第(4)項所為之政策及/或決定，最遲應於下一次理事會會議中報告。
- (6) 理事會之會議規則，應以理事會規則定之。

第 44 條

- (1) 本行員工由理事會任免之。
- (2) 關於本行員工之聘僱、薪酬制度、獎勵、退休與養老津貼，以及其他員工收入規定之辦法，由理事會訂定之。
- (3) 第(1)項及第(2)項規定之執行事宜，應以理事會規則定

and paragraph (2) shall be prescribed by the Board of Governors Regulation.

Article 45

The Governor, Senior Deputy Governor, Deputy Governors, and or an official of Bank Indonesia shall not be punished for any decisions or policy he/she has made in line with his/her tasks and authority as prescribed in this Law, provided that it has been conducted with good faith.

Article 46

- (1) A consanguinity relationship up to the third degree and a relationship between parents-in-law among the members of the Board of Governors shall be prohibited.
- (2) In the event that after the appointment, it is proved that the relationship as referred to in paragraph (1) exists or occurs between the members of the Board of Governors, one of those members shall, within 7 (seven) working days after such relationship is proved to be existed or occurred, resign from his/her office.
- (3) In the event that one of the members of the Board of Governors as referred to in paragraph (2) is not willing to resign, the President shall decide that both members resign from their office.

Article 47 ***)

- (1) Any members of Board of Governors, both individually and collectively, are prohibited from:
 - a. having any direct or indirect interests in any company;
 - b. holding a consecutive position in any other institution, except their position obliges them to hold such position; and
 - c. becoming the management and/or member of a political party.
- (2) In the event that any Member of Board of Governors commits 1 (one) or more prohibitions as referred to in paragraph (1), the member of Board of Governors is required to resign from their position.

Article 48 *)

- (1) A member of the Board of Governors may not be dismissed during his or her term of office, unless the person:

之。

第 45 條

總裁、資深副總裁、副總裁及本行之官員，依本法規定執行職務及職權，係基於善意作成決定或政策者，不因該等決定或政策而受處罰。

第 46 條

- (1) 理事會成員間不得有三親等內之血親關係以及親家關係。
- (2) 任命後始證實理事會成員間存在或發生第(1)項所定關係時，其中 1 人應於證實該關係存在或發生後 7 個工作日內辭職。
- (3) 第(2)項所定理事會成員，任何其中 1 人均不願辭職時，總統應解除兩人職務。

第 47 條 ***)

- (1) 理事會成員，無論個別或集體，均不得：
 - a. 對任何公司有直接或間接之利益；
 - b. 擔任其他機構職位。但因其職務而必須擔任者，不在此限；及
 - c. 擔任政黨之幹部及/或成員。
- (2) 理事會成員違反第(1)項任一款或多款之禁止規定時，應辭職。

第 48 條 *)

- (1) 除有下列情事外，理事會成員於任期內，不得解除其職務：

- a. resigns;
 - b. is convicted of a criminal act;
 - c. is unable to attend in person for a period of 3 (three) consecutive months without reasonable cause;
 - d. is declared bankrupt or unable to settle liabilities to creditors; or
 - e. is permanently incapacitated
- (2) A member of the Board of Governors recommended for dismissal as referred to in paragraph (1) point c and point d shall be entitled to a hearing.
- (3) Dismissal of a member of the Board of Governors as referred to in paragraph (1) shall be enacted in a Presidential Decree.

Article 49

In the event that a member of the Board of Governors is presumed to commit a crime, a prior written approval of the President shall be obtained in order to summon, to hold a hearing, and to conduct an investigation.

Article 50

- (1) In the event of any vacancy of the office of the Governor, Senior Deputy Governor, and or Deputy Governor caused by any reasons as referred to in Article 46 paragraph (2) and paragraph (3), Article 47 paragraph (2), and Article 48, the President shall appoint a new Governor, Senior Deputy Governor, and or Deputy Governor in accordance with Article 41 paragraph (1), paragraph (2), paragraph (3), paragraph (4), and paragraph (5) for the rest of the term of office of such office.
- (2) In the event that vacancy of the office of the Governor as referred to in paragraph (1) has not been occupied, the Senior Deputy Governor shall implement the tasks of the Governor as an acting Governor.
- (3) In the event that the Senior Deputy Governor as referred to in paragraph (2) is also prevented from occupying such office, a Deputy Governor who has held the longest term of office shall implement the tasks of the Governor as an acting Governor.

Article 51

- (1) Salary, other income and facilities of the Governor, Senior Deputy Governor and Deputy Governor shall be stipulated by the Board of Governors.

- a. 辭職；
- b. 受刑事有罪判決；
- c. 無正當理由連續 3 個月未親自出席；
- d. 受破產宣告或不能清償債務；或
- e. 永久喪失行為能力。

- (2) 理事會成員因第(1)項第 c 款及第 d 款事由，被提議解除其職務時，得要求舉行聽證。
- (3) 依第(1)項解除理事會成員職務，應以總統令發布。

第 49 條

理事會成員被合理懷疑涉及犯罪行為時，應經總統事前書面同意，始得進行傳喚、聽證及調查。

第 50 條

- (1) 因第 46 條第(2)項及第(3)項、第 47 條第(2)項及第 48 條所定事由，致總裁、資深副總裁或副總裁職位出缺時，總統應依第 41 條第(1)項、第(2)項、第(3)項、第(4)項及第(5)項規定，任命新總裁、資深副總裁或副總裁，補足該職位所餘任期。
- (2) 第(1)項所定總裁職位出缺時，於繼任人就任前，由資深副總裁代理總裁職務。
- (3) 第(2)項所定資深副總裁亦無法代理總裁職務時，由在任期間最長之副總裁代理總裁職務。

第 51 條

- (1) 總裁、資深副總裁及副總裁之薪資、其他收入及福利由理事會決定之。

- (2) The amount of such salary and other income of the Governor as referred to in paragraph (1), shall be determined at the maximum 2 (two) times the salary and other income of an employee of the highest rank in Bank Indonesia.
- (3) The implementation of provision as referred to in paragraph (1) and paragraph (2) shall be prescribed by the Board of Governors Regulation.

CHAPTER VIII RELATIONSHIP WITH THE GOVERNMENT

Article 52 *)

- (1) Bank Indonesia shall act as the Government cashier.
- (2) In performing the function referred to in paragraph (1), Bank Indonesia shall pay interest on the Government cash balance in accordance with laws and regulations.

Article 53

Bank Indonesia may, for and on behalf of the Government, receive foreign borrowing, administer, as well as settle the claim and financial liabilities of the Government toward foreign parties.

Article 54

- (1) The Government shall request Bank Indonesia's opinion and or invite Bank Indonesia in a cabinet meeting which discusses economic, banking, and financial matters related to the tasks of Bank Indonesia or other matters within the authority of Bank Indonesia.
- (2) Bank Indonesia shall be required to provide the Government with opinions and recommendations on the State Budget and other policies relevant to the duties and powers of Bank Indonesia. *)

Article 55

- (1) The Government shall, in the event that the Government will issue the state debt securities, hold a prior consultation with Bank Indonesia.
- (2) The Government shall, before issuing the state debt securities as referred to in paragraph (1), consult with the House of Representatives.
- (3) Bank Indonesia may assist the issuance of the state debt securities issued by the Government as referred to in paragraph (1).

- (2) 第(1)項所定總裁薪資及其他收入數額，不得超過本行最高職級員工之薪資及其他收入之兩倍。
- (3) 第(1)項及第(2)項規定之執行事項，應以理事會規則定之。

第 8 章 與政府之關係

第 52 條 *)

- (1) 本行應擔任政府之出納機構。
- (2) 辦理第(1)項業務時，本行應依法規對政府之現金餘額支付利息。

第 53 條

本行得代表政府接受外國借款，管理與清算政府對外國之債權及金融債務。

第 54 條

- (1) 內閣會議討論涉及本行職權之經濟、銀行及金融事項，或其他屬於本行職權範圍之事務時，政府應徵詢本行意見，或邀請本行參與會議。
- (2) 關於國家預算及其他與本行職責及職權相關之政策，本行應向政府提供意見及建議。*)

第 55 條

- (1) 政府發行公債前，應事先徵詢本行意見。
- (2) 發行第(1)項所定公債前，政府應事先徵詢國會意見。
- (3) 本行得協助政府發行第(1)項之公債。

- (4) Bank Indonesia is prohibited from buying government securities as referred to in paragraph (1) in the primary market for its own account, except in the case of short-term government securities needed by Bank Indonesia for monetary control operations; *)
- (5) Repealed. *****)

Article 56

- (1) Bank Indonesia shall not provide any credit to the Government.
- (2) In the event that Bank Indonesia violates the provision as referred to in paragraph (1), the agreement to extend credit to the Government shall be null and void.

CHAPTER IX INTERNATIONAL RELATIONS

Article 57

- (1) Bank Indonesia may cooperate with other Central Banks and international organizations and entities.
- (2) In the event that it is required that a member of an international entity and or multilateral entity as referred to in paragraph (1) shall be a state, Bank Indonesia may act as a member for and on behalf of the state of the Republic of Indonesia.

CHAPTER X ACCOUNTABILITY AND BUDGET

Article 58 ***)

- (1) In implementation of this Law, Bank Indonesia is required to prioritize good governance and professional principle.
- (2) Bank Indonesia is required to submit to the President and DPR an institutional performance report in writing on implementation of this Law.
- (3) The report submitted to the President and DPR as referred to in paragraph (2) consists of quarterly report and annual report.
- (4) The quarterly report and annual report submitted by Bank Indonesia as referred to in paragraph (3) are evaluated by DPR and used for annual evaluation of performance of the Board of Governors, members of Board of Governors, and Bank Indonesia.
- (5) In the event that DPR requires an explanation of matters related to the report as referred to in paragraph (2), Bank Indonesia is required to submit such explanation orally and/or in writing.

- (4) 本行不得在初級市場上為自有帳戶購買第(1)項之公債。但貨幣調控所需之短期政府公債，不在此限；*)
- (5) 廢止。*****)

第 56 條

- (1) 本行不得對政府辦理授信。
- (2) 本行違反第(1)項規定時，對政府授信之協議視為無效。

第 9 章 國際關係

第 57 條

- (1) 本行得與其他中央銀行及國際組織與機構合作。
- (2) 第(1)項之國際機構或多邊機構須以國家為其成員時，本行得代表印尼共和國作為成員。

第 10 章 問責及預算

第 58 條 ***)

- (1) 執行本法時，本行應以良好治理及專業原則為優先。
- (2) 本行應向總統及國會提出本行制度性績效報告，敘明本法之執行情形。
- (3) 第(2)項本行向總統及國會提出之報告，包括季報告及年度報告。
- (4) 第(3)項之季報告及年度報告，由國會進行評定，並用於對理事會、理事會成員及本行之年度績效評定。
- (5) 國會要求對第(2)項之報告作進一步解釋時，本行應以口頭及/或書面形式解釋。

- (6) Parts of the quarterly report and annual report as referred to in paragraph (3) are openly published through mass media by specifying the summary in the Official Gazette.
- (7) In the beginning of every budgeting year, Bank Indonesia is required to publish information openly through mass media containing:
 - a. evaluation of implementation of Bank Indonesia's policy in the previous year; and
 - b. planned Bank Indonesia's policy and target determination for the following year.
- (8) Bank Indonesia prepares and submits an annual financial report to the President and DPR.
- (9) Bank Indonesia:
 - a. completes preparation of the annual financial report as referred to in paragraph (8) not later than 30 (thirty) days after a budgeting year ends; and
 - b. submits the financial report to the Audit Board of the Republic of Indonesia for auditing not later than 7 (seven) days upon completion of the annual financial report.
- (10) The Audit Board of the Republic of Indonesia submits an audit result to DPR no later than 90 (ninety) days as from the audit commencement as referred to in paragraph (9) point b.
- (11) Bank Indonesia is required to announce publicly its annual financial report through mass media.
- (12) Further provisions for the form and structure of the institutional performance report as referred to in paragraph (2) and annual financial report as referred to in paragraph (8) shall be prescribed in Regulation of the Board of Governors.

Article 58A ***)

- (1) By this Law, the Supervisory Board of Bank Indonesia is established.
- (2) The Supervisory Board of Bank Indonesia as referred to in paragraph (1) functions to support DPR to perform a supervisory function in a certain field against Bank Indonesia to increase the institutional performance, accountability, independence, transparency, and credibility of Bank Indonesia.
- (3) In performing the function as referred to in paragraph (2), the Supervisory Board of Bank Indonesia has the following duties to support DPR:

- (6) 第(3)項季報告及年度報告之部分內容，應於大眾媒體公開，並於政府公報中刊登其摘要。
- (7) 每一預算年度開始時，本行應經由大眾媒體公開下列資訊：
 - a. 對上一年度本行政策執行情形之評定；
 - b. 當年度本行政策之計劃及目標。
- (8) 本行應向總統及國會提出年度財務報告。
- (9) 本行應：
 - a. 於預算年度結束後 30 日內，完成第(8)項年度財務報告之編製；
 - b. 於年度財務報告完成後 7 日內，將報告提交印尼共和國審計委員會進行審計。
- (10) 印尼共和國審計委員會應於第(9)項之審計開始後 90 日內，向國會提交審計結果。
- (11) 本行應於大眾媒體公開年度財務報告。
- (12) 第(2)項制度性績效報告及第(8)項年度財務報告之形式及架構，應以理事會規則定之。

第 58A 條 ***)

- (1) 本行監事會依本法設立。
- (2) 第(1)項之本行監事會，其職權為協助國會監督本行特定領域，以提高本行之制度性績效、問責性、獨立性、透明度及可信度。
- (3) 為行使第(2)項所定職權，本行監事會負下列協助國會之職責：

- a. prepare an institutional performance report of Bank Indonesia;
 - b. conduct monitoring to increase the institutional accountability, independence, transparency, and credibility of Bank Indonesia; and
 - c. prepare a performance report.
- (4) To perform the duties as referred to in paragraph (3), the Supervisory Board of Bank Indonesia has authority to:
- a. request an explanation of matters related to the governance of institutional duties and authorities of Bank Indonesia;
 - b. receive copies of quarterly and annual institutional performance reports from Bank Indonesia;
 - c. review the governance of institutional duties and authorities of Bank Indonesia;
 - d. request documents necessary for the review as referred to in point c related to the governance of institutional duties and authorities of Bank Indonesia;
 - e. receive copies of annual financial reports from Bank Indonesia;
 - f. review the operational budget of Bank Indonesia;
 - g. receive reports from the public and industries on Bank Indonesia as an institution; and
 - h. request explanation and responses from Bank Indonesia's Board of Governors in relation to the review as referred to in point c and point f in a joint meeting with the Supervisory Board of Bank Indonesia.
- (5) The authorities as referred to in paragraph (4) exclude:
- a. attending a meeting of Bank Indonesia's Board of Governors;
 - b. expressing an opinion to represent Bank Indonesia; and
 - c. providing information on performance of the duties as referred to in paragraph (3) both directly and indirectly to the public.
- (6) The Supervisory Board of Bank Indonesia prepares the duty performance report as referred to in paragraph (3) to DPR quarterly or at any time when required.
- (7) Budget for the Supervisory Board of Bank Indonesia comes from the operational budget of Bank Indonesia.
- (8) Provisions for organization, work procedure, and budget of the Supervisory Board of Bank Indonesia shall be prescribed in Bank Indonesia Regulation after consultation with DPR.

- a. 編製本行之制度性績效評定報告；
 - b. 監控本行，以提高本行之問責性、獨立性、透明度及可信度；以及
 - c. 編製績效報告。
- (4) 為履行第(3)項所定職責，本行監事會有權：
- a. 要求說明有關本行職務及職權之治理事宜；
 - b. 取得本行提出之季度及年度制度性績效報告副本；
 - c. 審查本行職務及職權之治理；
 - d. 要求提供第 c 款審查本行職務及職權之治理所需文件；
 - e. 取得本行之年度財務報告副本；
 - f. 審查本行之營運預算；
 - g. 收受公眾及業界有關本行制度性層面之報告；以及
 - h. 於理監事聯席會議中，要求理事會說明及回應有關第 c 款及第 f 款之審查事宜。
- (5) 第(4)項之職權不包括：
- a. 出席本行理事會會議；
 - b. 代表本行發表意見；以及
 - c. 向公眾直接或間接提供有關履行第(3)項職責之資訊。
- (6) 本行監事會應每季或依國會要求，向其提供第(3)項所定績效報告。
- (7) 本行監事會之預算來自本行營運預算。
- (8) 本行監事會之組織、運作程序及預算規定，於徵詢國會後，以本行法規定之。

Article 58B *)**

- (1) The Supervisory Board of Bank Indonesia has at least 5 (five) members and is led by 1 (one) chairman selected from and by the members.
- (2) The members of the Supervisory Board of Bank Indonesia as referred to paragraph (1) consist of representatives of the Government, academicians, and community.
- (3) Members of the Supervisory Board of Bank Indonesia hold their term of office for 5 (five) years and may be re-elected for the next 1 (one) term of office.
- (4) To be eligible for appointment as a member of the Supervisory Board of Bank Indonesia as referred to in paragraph (1), a candidate shall meet the following requirements:
 - a. shall be an Indonesian citizen;
 - b. shall be physically and mentally healthy;
 - c. shall have high integrity and morality;
 - d. shall not be an executive of a political party during the candidacy;
 - e. shall have expertise and experience in monetary, Payment System, macroprudential, banking, Financial System, organization and management, information system, and/or legal aspects;
 - f. shall not have any bloodline relationship to the third degree and/or in-law relationship with any members of Bank Indonesia's Board of Governors;
 - g. shall have never been imprisoned by a legal and binding court decision for committing any crime; and
 - h. shall have never been declared bankrupt or become an executive of any LJK (financial service provider/company) who makes the LJK (financial service provider/company) bankrupt or liquidated by a legal and binding court decision.

Article 58C *)**

- (1) Members of the Supervisory Board of Bank Indonesia as referred to in Article 58B paragraph (1) are selected and elected by the DPR.
- (2) The Supervisory Board of Bank Indonesia notifies DPR, with a copy to the President, of the approaching end of the term of office of its members not later than 6 (six) months prior to such end of term of office.
- (3) DPR starts selection of members of the Supervisory Board of Bank Indonesia from the date of receipt of such notice from the Supervisory Board of Bank Indonesia as referred to in paragraph (2) and shall complete the selection of new members 1 (one) month at the maximum prior to the end of the term of office of the old members.

第 58B 條 *)**

- (1) 本行監事會成員至少 5 人，並由成員互推 1 人為主席。
- (2) 第(1)項本行監事會由政府、學者及社會之代表組成。
- (3) 本行監事會成員任期為 5 年，得連任 1 次。
- (4) 第(1)項之監事會成員，其候選人應符合下列條件：
 - a. 印度尼西亞公民；
 - b. 身心健康；
 - c. 具高度誠信及道德操守；
 - d. 於提名候選期間不得擔任政黨幹部；
 - e. 於貨幣、支付系統、總體審慎監理、銀行、金融體系、組織管理、資訊系統及/或法律方面具有專業知識及經驗；
 - f. 與本行理事會成員間無三親等內血親及/或姻親關係；
 - g. 未曾因犯罪受有期徒刑之刑事判決確定；以及
 - h. 未曾受破產宣告，亦未曾擔任金融機構高階管理人，而導致該機構破產或清算。

第 58C 條 *)**

- (1) 第 58B 條第(1)項所定本行監事會成員，由國會選任。
- (2) 本行監事會應於其成員任期屆滿 6 個月前，通知國會並副知總統。
- (3) 國會應自收到監事會第(2)項通知之日起開始遴選該會新成員，並於現任成員任期屆滿 1 個月前完成遴選。

- (4) The selection and determination of the member candidates of the Supervisory Board of Bank Indonesia as referred to in paragraph (1) are implemented by a selection committee established by the DPR.
- (5) Members of the Supervisory Board of Bank Indonesia selected as referred to in paragraph (1) are determined by a Presidential Decree.
- (6) Members of the Supervisory Board of Bank Indonesia may not have any direct and indirect conflicts of interest with their duties and authorities.
- (7) A member of the Supervisory Board of Bank Indonesia will be dismissed if any of the following applies:
 - a. the member passes away;
 - b. the member is permanently unavailable;
 - c. the member's term of office ends and the member is not re-elected;
 - d. the member resigns;
 - e. the member is imprisoned by a legal and permanent court decision for committing a crime;
 - f. the member fails to be physically present for 3 (three) months consecutively for no valid reasons;
 - g. the member fails to perform or is negligent in performing their functions, duties, and authorities under the laws and regulations; and/or
 - h. the member no longer meets one of the requirements as referred to in Article 58B paragraph (4).
- (8) The dismissal of members of the Supervisory Board of Bank Indonesia as referred to in paragraph (7) is determined by a Presidential Decree.
- (9) In the event that any member of the Supervisory Board of Bank Indonesia is dismissed for reasons as referred to in paragraph (7), selection of replacement members will be conducted by the selection mechanism as specified in this Law.
- (10) The replacement member of the Supervisory Board of Bank Indonesia as referred to in paragraph (9) is appointed to hold the position of the replaced member and to continue the remaining term of office.
- (11) Replacement of the member of the Supervisory Board of Bank Indonesia as referred to in paragraph (9) will not take place if the remaining term of office of the dismissed member is less than 1 (one) year.

Article 59

The Audit Board of Republic Indonesia may conduct special examination on Bank Indonesia at the request of the House of Representatives if deemed necessary.

- (4) 第(1)項監事會成員之遴選與決定，由國會設立遴選委員會為之。
- (5) 依第(1)項選出之監事，以總統令派任之。
- (6) 監事會成員不得與其職務及職權，有直接或間接利益衝突。
- (7) 監事會成員有下列情形之一，應解除其職務：
 - a. 死亡；
 - b. 永久無法執行職務；
 - c. 任期屆滿且未連任；
 - d. 辭職；
 - e. 因犯罪受有期徒刑之刑事判決確定；
 - f. 無正當理由連續 3 個月無法親自出席；
 - g. 未執行或疏忽執行其法定任務、職責及職權；及/或
 - h. 未符合第 58B 條第(4)項所定條件。
- (8) 依第(7)項解除監事會成員之職務時，應以總統令為之。
- (9) 監事會成員因第(7)項所定事由解除職務時，應依本法所定遴選機制選出新成員。
- (10) 依第(9)項被派任之成員係繼受被解除職務成員之職位，並繼續其剩餘任期。
- (11) 依第(9)項被解除職務之成員，其剩餘任期少於 1 年時，不遴派繼任成員。

第 59 條

於必要時，印尼共和國審計委員會得應國會之要求，對本行進行特別審計。

Article 60 *)**

- (1) The budgeting year of Bank Indonesia is a calendar year.
- (2) Not later than 30 (thirty) days prior to the budgeting year commencement, the Board of Governors determines the annual budget of Bank Indonesia.
- (3) The annual budget as referred to in paragraph (1) includes:
 - a. budget for operational activities; and
 - b. budget for monetary, Payment System, and macroprudential policies.
- (4) The budget for operational activities as referred to in paragraph (3) point a and evaluation of the current year's budget implementation is submitted to DPR for their approval.
- (5) DPR's approval process as referred to in paragraph (4) is conducted by the DPR's commission overseeing finance, banking, and development planning.
- (6) The budget for monetary, Payment System, and macroprudential policies as referred to in paragraph (3) point b is required to be reported exclusively to DPR.

Article 61 *)**

Deleted.

Article 62 *)

- (1) The surplus from the proceeds of Bank Indonesia operations will be divided as follows:
 - a. 30% (thirty percent) for Special Reserves;
 - b. the remainder to be reinvested as General Reserves so that the sum of capital and General Reserves becomes 10% (ten percent) of total monetary liabilities as referred to in Article 6 paragraph (2).
- (2) In the event of risks in discharging the duties and powers of Bank Indonesia resulting in the capital of Bank Indonesia diminishing to less than Rp 2,000,000,000,000 (two trillion rupiah), all or part of the Bank Indonesia surplus for current year as referred to in paragraph (1) is to be allocated to General Reserves to cover these risks.
- (3) In the event that after the measures referred to in paragraph (1) the capital of Bank Indonesia is still less than Rp 2,000,000,000,000 (two

第 60 條 *)**

- (1) 本行之預算年度採日曆年。
- (2) 理事會應於預算年度開始 30 日前，確定本行之年度預算。
- (3) 第(1)項之年度預算包括：
 - a. 營運活動預算；及
 - b. 貨幣、支付系統及總體審慎政策之預算。
- (4) 依第(3)項第 a 款所列營運活動預算及對當年度預算執行情形之評定，應送請國會核准。
- (5) 第(4)項之國會核准程序，由國會負責財政、金融及發展規劃之委員會為之。
- (6) 依第(3)項第 b 款所列貨幣、支付系統及總體審慎政策之預算，應向國會為專屬報告。

第 61 條 *)**

刪除。

第 62 條 *)

- (1) 本行營運所得之淨利應依下列方式分配：
 - a. 30%撥入特別公積金；
 - b. 其餘部分撥入普通公積金，以使資本與普通公積金之總額達到第 6 條第(2)項所定總貨幣負債之 10%。
- (2) 因本行履行職責及職權，有致本行資本減少至低於 2 兆盧比之風險時，應將當年度淨利之全部或部分按第(1)項規定撥入普通公積金，以承擔該風險。
- (3) 採取第(1)項措施後，本行之資本仍低於 2 兆盧比時，政府應經國會同意後補足該赤字。

trillion rupiah), the Government shall be required to cover the deficit after approval from the House of Representatives.

- (4) Any remaining surplus after subtraction by the allocated funds as referred to in paragraph (1) shall be transferred to the Government.

Article 63

Bank Indonesia shall make a condensed weekly balance sheet which shall be publicized in the State Gazette of the Republic of Indonesia.

Article 64

- (1) Bank Indonesia may only conduct an equity participation in any legal entities or any other entities deemed necessary in the implementation of the tasks of Bank Indonesia upon the approval of the House of Representatives.
- (2) The funds required for such investment as referred to in paragraph (1) may only be obtained from the Special Purpose Reserves.

Article 64A *)**

- (1) Bank Indonesia has authority to manage Bank Indonesia's assets, including to apply write-off and haircut of assets in the form of receivables and other assets.
- (2) Write-off and haircut of assets in the form of receivables and other assets are implemented with good governance.
- (3) Further provisions for the management of Bank Indonesia's assets as referred to in paragraph (1) shall be prescribed in Regulation of the Board of Governors after consultation with DPR.

CHAPTER XA *) INFORMATION CONFIDENTIALITY**

Article 64B *)**

- (1) Any Person who holds or has held a position as:
 - a. member of the Board of Governors; or
 - b. official or employee of Bank Indonesia, may not use or disclose any confidential information to any other parties, except for performance of their functions, duties, and authorities by Bank Indonesia's decision or as obliged by the Law.
- (2) Any Person who acts for and on behalf of Bank Indonesia or is

- (4) 淨利依第(1)項規定撥入公積金後，剩餘部分應解繳政府。

第 63 條

本行每週編製簡明資產負債表，並公布於印尼共和國國家公報。

第 64 條

- (1) 本行僅於執行職務所必要，且經國會同意時，得對法人或其他機構進行股權投資。
- (2) 本條第(1)項投資所需資金，僅得自特別公積金中支應。

第 64A 條 *)**

- (1) 本行有權管理本行之資產，包括對應收帳款及其他資產進行認列損失與減損處理。
- (2) 應收帳款及其他資產之認列損失與減損處理，應依良好治理原則進行。
- (3) 有關第(1)項資產管理之細節規範，應徵詢國會後，以理事會規則定之

第 10A 章 資訊保密 *)**

第 64B 條 *)**

- (1) 擔任或曾擔任下列職務之人，不得使用或向任何人揭露機密資訊。但依本行之決定或法律規定，執行本行之任務、職責及職權者，不在此限：
 - a. 理事會成員；或
 - b. 本行之官員或員工。
- (2) 代表或受僱於本行之人員，不得使用或向任何人揭露

employed in Bank Indonesia may not use or disclose any confidential information to any other parties, except for performance of their functions, duties, and authorities by Bank Indonesia's decision or as obliged by the Law.

- (3) Any Person who knows confidential information because of their position, profession, being under supervision, and any other relationships with Bank Indonesia, may not use or disclose any confidential information to any other parties, except for performance of their functions, duties, and authorities by Bank Indonesia's decision or as obliged by the Law.
- (4) Any violation of the provisions as referred to in paragraph (1) until paragraph (3) may be subject to administrative sanctions and/or any other sanctions under the laws and regulations.
- (5) Further provisions for the information confidentiality, use and disclosure as referred to in paragraph (1) until paragraph (3) shall be prescribed in Regulation of the Board of Governors.

CHAPTER XI

CRIMINAL PROVISIONS AND ADMINISTRATIVE SANCTIONS

Article 65¹

Whoever willfully violates the provision as referred to in Article 2 paragraph (3), shall be subject to a confinement for a minimum of 1 (one) month and a maximum of 3 (three) months and a fine for a minimum of Rp2.000.000,00 (two million rupiah) and a maximum of Rp6.000.000,00 (six million rupiah).

Article 66²

Whoever willfully violates the provision as referred to in Article 2 paragraph (4), shall be subject to an imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years, and a fine for a minimum of Rp1.000.000.000,00 (one billion rupiah) and a maximum of Rp3.000.000.000,00 (three billion rupiah).

¹ The provisions of Article 65 and Article 66 basically is ineffective considering:

- a. The provisions of Article 2 which is referenced in both articles are repealed by Law on Currency;
- b. Based on Article 44 Law on Currency is regulated that at the time when Law on Currency comes into force, the existing laws and regulations is remained effective to the extent not contrary to the provisions of the Law on Currency;
- c. Substance of Article 65 and Article 66 has regulated in Article 33 Law on Currency with the different details of the regulation, so that in accordance with Article 44 Law on Currency, Article 65 and Article 65 becomes ineffective.

² Ibid.

機密資訊。但依本行之決定或法律規定，執行本行之任務、職責及職權者，不在此限。

- (3) 因與本行相關之職位、職業、受監管或與本行之任何其他關係而知悉機密資訊之人員，不得使用或揭露任何機密資訊。但依本行之決定或法律規定，執行本行之任務、職責及職權者，不在此限。
- (4) 違反第(1)項至第(3)項規定之行為，處行政罰及/或其他法規所定之處罰。
- (5) 第(1)項至第(3)項資訊之保密、使用及揭露之細節規範，應以理事會規則定之。

第 11 章 刑事罰及行政罰

第 65 條¹

故意違反第 2 條第(3)項規定者，處 1 個月以上 3 個月以下有期徒刑，併科 2 百萬盧比以上 6 百萬盧比以下罰金。

第 66 條²

故意違反第 2 條第(4)項規定者，處 1 年以上 3 年以下有期徒刑，併科 10 億盧比以上 30 億盧比以下罰金。

¹ 第 65 條及第 66 條規定基本上已無效，因為：

- a. 第 2 條規定已依「通貨法」第 46 條廢止。
- b. 「通貨法」第 44 條規定，該法生效後，現行法規與該法未牴觸者，仍有效。
- c. 本法第 65 條及第 66 條規範事項已於「通貨法」第 33 條另行規定，因此，依該法第 44 條，本法第 65 條及 66 條已失其效力。

² 同前註。

Article 67

Whoever intervenes the implementation of the tasks of Bank Indonesia as referred to in Article 9 paragraph (1), shall be subject to an imprisonment for a minimum of 2 (two) years and a maximum of 5 (five) years and a fine of a minimum of Rp2.000.000.000,00 (two billion rupiah) and a maximum of Rp5.000.000.000,00 (five billion rupiah).

Article 68

The member of the Board of Governors and/or an official of Bank Indonesia who violates the provision of Article 9 paragraph (2), shall be subject to an imprisonment for a minimum of 2 (two) years and a maximum of 5 (five) years and a fine of a minimum of Rp2.000.000.000,00 (two billion rupiah) and a maximum of Rp5.000.000.000,00 (five billion rupiah).

Article 69

Any entity which does not comply with the obligation as referred to in Article 14 paragraph (3) shall be subject to a fine of a maximum of Rp50.000.000,00 (fifty million rupiah).

Article 70

- (1) Any violation to the provision as referred to in Article 55 paragraph (4) shall be subject to an imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years, and a fine for a minimum of Rp6.000.000.000,00 (six billion rupiah) and a maximum of Rp15.000.000.000,00 (fifteen billion rupiah).
- (2) A prosecution for the violation as referred to in paragraph (1), shall be conducted against those who give the instruction, commit the action, or act as the leader in such action, or, against all of those who conduct the abovementioned actions.

Article 71

- (1) The Governor, Senior Deputy Governor, Deputy Governor, employees of Bank Indonesia, or other parties assigned or approved by Bank Indonesia to perform a certain task who illegally disclose any confidential information and other data which is obtained due to his/her position, shall be subject to an imprisonment of a minimum of 1 (one) year and to a maximum of 3 (three) years and a fine for a minimum of Rp1.000.000.000,00 (one billion rupiah) and a maximum of Rp3.000.000.000,00 (three billion rupiah).
- (2) In the event that such violation as referred to in paragraph (1) is conducted by an entity, such entity shall be subject to a fine of a minimum of Rp3.000.000.000,00 (three billion rupiah) and a maximum of Rp6.000.000.000,00 (six billion rupiah).

第 67 條

有第 9 條第(1)項干預本行履行職責之行為者，處 2 年以上 5 年以下有期徒刑，併科 20 億盧比以上 50 億盧比以下罰金。

第 68 條

理事會成員及/或本行官員違反第 9 條第(2)規定時，處 2 年以上 5 年以下有期徒刑，併科 20 億盧比以上 50 億盧比以下之罰金。

第 69 條

違反第 14 條第(3)項之機構，科 5 千萬盧比以下罰金。

第 70 條

- (1) 違反第 55 條第(4)項規定者，處 1 年以上 3 年以下有期徒刑，併科 60 億盧比以上 150 億盧比以下罰金。
- (2) 第(1)項之犯罪，應對下達指示者、實施行為者、該行為主謀，或為上述行為之所有人，進行起訴。

第 71 條

- (1) 總裁、資深副總裁、副總裁、本行員工或其他由本行指派或同意執行特定職務之人員，違法揭露因其職務取得之機密資訊及其他資料者，處 1 年以上 3 年以下有期徒刑，併科 10 億盧比以上 30 億盧比以下之罰金。
- (2) 法人有第(1)項之情事者，科 30 億盧比以上 60 億盧比以下罰金。

- (3) The confidential information and other data as referred to in paragraph (1) shall be prescribed by the Board of Governor Regulation.

Article 72

- (1) Without prejudice to the criminal provision as referred to in Article 65, Article 66³, Article 67, Article 68, Article 69, Article 70, and Article 71, the Board of Governors may impose an administrative sanction on Bank Indonesia's employees and other parties who do not perform his/her obligation in accordance with this Law.
- (2) The administrative sanction as referred to in paragraph (1) may be in the form of:
- a fine; or
 - a warning; or
 - a revocation or an annulment of a business license by a competent institution if the violation is conducted by business entity; or
 - an imposition of a disciplinary sanction for employee.
- (3) Further provision on the administrative sanction shall be prescribed by Bank Indonesia Regulation or the Board of Governors Regulation.

CHAPTER XII TRANSITIONAL PROVISIONS

Article 73

All assets and liabilities of Bank Indonesia under Law Number 13 of 1968 on Central Bank become assets and liabilities of Bank Indonesia under this Law.

Article 74

- (1) The Liquidity Credit of Bank Indonesia extended under the program credit which is still outstanding and has not reached the maturity period, which has been approved but has not been disbursed, shall be transferred based on an agreement to a State Owned Enterprise designated by the Government within 6 (six) months since the effective date of this law.
- (2) The State-Owned Enterprise as referred to in paragraph (1) may manage the funds obtained from the installment payment and or the pay off of the principal debt and the interest of the credit liquidity up

³ Ibid.

- (3) 第(1)項之機密資訊及其他資料之範圍，應以理事會規則定之。

第 72 條

- (1) 於不影響第 65 條、第 66 條³、第 67 條、第 68 條、第 69 條、第 70 條及第 71 條刑事罰之前提下，理事會得對未履行本法所定義務之本行員工及其他相關人員處以行政罰。
- (2) 第(1)項之行政罰包括：
- 罰鍰；
 - 警告；
 - 法人違反本法規定時，由相關機構撤銷或廢止其營業執照；或
 - 對員工之懲戒。
- (3) 有關行政罰之細節規範，應以本行法規或理事會規則定之。

第 12 章 過渡條款

第 73 條

依 1968 年第 13 號中央銀行法規規定屬於印度尼西亞銀行之資產及負債，於本行依本法設立後，全數轉為本行之資產及負債。

第 74 條

- (1) 本行辦理之流動性授信，尚未到期及已核准尚未撥款者，應於本法生效日起 6 個月內，依協議移轉予政府指定之公營事業。
- (2) 第(1)項之公營事業得管理收取之流動性授信分期還

³ 同前註。

to the expiration of such credit liquidity term.

- (3) Interest subsidy of such credit liquidity within the management of the State-Owned Enterprise as referred to in paragraph (2) shall remain in the account of the Government.

Article 75

- (1) With the coming into force of this Law, the Managing Directors who have been appointed based on Law Number 13 of 1968 on Central Bank shall be discharged and reappointed as members of the Board of Governors under the following arrangement:
- The Governor and a Deputy Governor shall be reappointed for 4 (four) years of the first term of office;
 - 2 (two) Deputy Governors shall be reappointed for 1 (one) year of the first term of office;
 - 2 (two) Deputy Governors shall be reappointed for 2 (two) years of the first term of office;
 - 2 (two) Deputy Governors shall be reappointed for 3 (three) years of the first term of office.
- (2) At the latest 3 (three) weeks since the effectiveness of this Law, the President shall propose a candidate of Senior Deputy Governor in accordance with Article 40 and Article 41 for the first term of office for 5 (five) years.
- (3) The member of the Board of Governors as referred to in paragraph (1) point b, point c, and point d shall be approved by the House of Representatives upon the nomination of the Governor.

Article 76

- (1) The provision which prohibits Bank Indonesia to purchase for itself the state debt securities as referred to in Article 55 paragraph (4) shall be effective at latest January 1, 2000, except for the financing of banking restructuring.
- (2) Bank Indonesia may, for any claims on the state debt securities which have been directly purchased by Bank Indonesia and still have not reached the maturity period, extend the term of the claims at a maximum of 10 (ten) years since the maturity date if it is deemed necessary by the Government upon the approval of the House of Representatives.
- (3) The Government shall, in the event that the term of the claims has to be extended as referred to in paragraph (2), propose the application of the term extension of such claims at the latest 30 (thirty) days prior to the due date of such claims.

款、本金或利息等資金，直到該流動性授信屆期為止。

- (3) 第(2)項公營事業管理之流動性授信，對其利息補貼，應繼續存放於政府之帳戶。

第 75 條

- (1) 本法生效後，依 1968 年第 13 號中央銀行法任命之理事，解除其職務並依下列規定重新任命為理事會成員：
- 重新任命總裁及副總裁 1 人，首次任期為 4 年；
 - 重新任命副總裁 2 人，首任任期 1 年；
 - 重新任命副總裁 2 人，首任任期 2 年；
 - 重新任命副總裁 2 人，首任任期 3 年。
- (2) 最遲於本法生效後 3 週內，總統應依第 40 條及第 41 條提名資深副總裁候選人 1 人，首任任期 5 年。
- (3) 第(1)項第 b 款、第 c 款及第 d 款之副總裁候選人，應由總裁提名並經國會同意。

第 76 條

- (1) 第 55 條第(4)項本行不得購買公債之規定，最遲應於 2000 年 1 月 1 日生效。但為金融重建之融資，不在此限。
- (2) 本行直接購買且尚未到期之公債，政府認有必要且經國會同意時，本行得延長其償付期限；惟自原到期日起算，最長不得逾 10 年。
- (3) 有依第(2)項延長償付期限之必要時，政府最遲應於公債到期日前 30 日，提出延長之申請。

Article 77 *)

Within a period of no more than 5 (five) years after the promulgation of this Law, Bank Indonesia shall be required to relinquish all equity participation in legal entities or other entities that are not complying with the provisions regulated in Article 64 paragraph (1).

Article 77A *)⁴

The provisions concerning currency as referred to in Article 2, Article 19, Article 20, Article 21, Article 22, and Article 23 of this Law are declared to remain valid until stipulated further in a separate Law.

Article 78

- (1) With the coming into force of this Law, Law Number 13 of 1968 on Central Bank and other implementing regulations which are in contrary with this law shall be no longer valid.
- (2) The implementation regulation of Law Number 13 of 1968 on Central Bank and other implementation regulations shall, as long as they have not been renewed and are not in contrary with this Law, remain in force.

CHAPTER XIII CLOSING PROVISIONS

Article 79

This law comes into force on the date of its enactment.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

⁴ Article 46 Law on Currency has repealed Article 2, Article 19, Article 20, Article 21, Article 22, and Article 23.

第 77 條

本行對法人或其他機構之股權投資，不符第 64 條第(1)項規定者，應於本法公布日起 5 年內釋出。

第 77A 條 *)⁴

本法第 2 條、第 19 條、第 20 條、第 21 條、第 22 條及第 23 條關於貨幣之規定，於另行立法規範前仍為有效。

第 78 條

- (1) 本法生效後，1968 年第 13 號中央銀行法及其施行法規與本法牴觸者，失其效力。
- (2) 1968 年第 13 號中央銀行法之施行細則及其他施行法規，未經修正且未與本法牴觸者，仍為有效。

第 13 章 最終條款**第 79 條**

本法自公布日起生效。

為使公眾悉知，特命將本法刊登於印尼共和國國家公報。

⁴ 「通貨法」第 46 條已廢止本法第 2 條、第 19 條、第 20 條、第 21 條、第 22 條及第 23 條。

四、CENTRAL BANK OF
THE BAHAMAS ACT,
2020
巴哈馬中央銀行法

CENTRAL BANK OF THE BAHAMAS ACT, 2020

巴哈馬中央銀行法

法務室 林男錡 譯

<i>PART I</i>	<i>PRELIMINARY</i>
<i>PART II</i>	<i>CONTINUANCE AND FUNCTIONS OF THE BANK</i>
<i>PART III</i>	<i>CAPITAL AND RESERVES</i>
<i>PART IV</i>	<i>CURRENCY</i>
<i>PART V</i>	<i>GOLD, FOREIGN EXCHANGE, EXTERNAL RESERVE, ETC.</i>
<i>PART VI</i>	<i>RELATIONS WITH THE FINANCIAL INSTITUTIONS AND THE GOVERNMENT</i>
<i>PART VII</i>	<i>GENERAL POWERS OF THE BANK</i>
<i>PART VIII</i>	<i>ACCOUNTS, STATEMENTS AND AUDIT</i>
<i>PART IX</i>	<i>INFORMATION AND CONFIDENTIALITY</i>
<i>PART X</i>	<i>OFFENCES, VIOLATIONS AND PENALTIES</i>
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<i>SCHEDULE</i>	

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第 2 章	本行之存續與職權
第 3 章	資本及準備
第 4 章	貨幣
第 5 章	黃金、外匯、外匯存底等
第 6 章	與金融機構及政府之關係
第 7 章	本行之一般權力
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第 10 章	犯罪、違法行為及處罰
第 11 章	附則
附表	

CENTRAL BANK OF THE BAHAMAS ACT, 2020

No. 24 of 2020

AN ACT TO REPEAL THE CENTRAL BANK OF THE BAHAMAS ACT (CH. 351); TO CONSOLIDATE AND MODERNISE THE LAW GOVERNING THE CENTRAL BANK OF THE BAHAMAS AND FOR CONNECTED MATTERS

[Date of Assent - 24th July, 2020]

Enacted by the Parliament of The Bahamas

PART I PRELIMINARY

1. Short title and commencement.

- (1) This Act may be cited as the Central Bank of The Bahamas Act, 2020.
- (2) This Act shall come into force on such date as the Minister may appoint by Notice published in the Gazette.

2. Interpretation.

In this Act —

"asset management vehicle" has the meaning assigned in section 2 of the Banks and Trust Companies Regulation Act, 2020;

"average ordinary revenue" means the annual average of the ordinary revenue of the Government over the three years (for which accounts have been laid before Parliament) next before the year in which any loan under subsection (4) of section 21 is raised;

"bank" has the meaning assigned to it under section 2 of the Banks and Trust Companies Regulation Act, 2020;

"banking business" has the meaning assigned to it under section 2 of the Banks and Trust Companies Regulation Act, 2020 and "banker" shall be construed accordingly;

"Board" means the Board of Directors of the Bank appointed pursuant to paragraph 2(1) of the *Schedule*;

巴哈馬中央銀行法

2020 年第 24 號法案

為廢止「巴哈馬中央銀行法」（第 351 章），並整合及革新巴哈馬中央銀行與相關事項之法律。^{註 1}

[通過日期 2020 年 7 月 24 日]

由巴哈馬國會制定

第 1 章 總則

第 1 條 簡稱與生效

- (1) 本法稱為「2020 年巴哈馬中央銀行法」。
- (2) 本法自部長公告於政府公報之通知所指定之日生效。

第 2 條 名詞解釋

於本法中—

「資產管理機構」之定義依「2020 年銀行與信託公司管理法」第 2 條之規定；

「平均普通收入」係指政府提出第 21 條第(4)項貸款之前 3 年（已向國會提交帳目之年度）普通收入之年平均值；

「銀行」之定義依「2020 年銀行與信託公司管理法」第 2 條之規定；

「銀行業務」之定義依「2020 年銀行與信託公司管理法」第 2 條之規定，且「銀行家」亦為相應之解釋；

「理事會」係指依附表第 2 點第(1)項規定所任命之本行理事會；

^{註 1} 本法部分條文依「2023 年（修正）巴哈馬中央銀行法」（2023 年第 6 號法案，通過日期 2023 年 4 月 28 日）及「2025 年（修正）巴哈馬中央銀行法」（2025 年第 48 號法案，通過日期 2025 年 6 月 27 日）規定修正。

"bridge institution" has the meaning assigned in section 2 of the Banks and Trust Companies Regulation Act, 2020;

"civil and administrative investigations and proceedings" means —

- (a) proceedings in any court of law, including in the jurisdiction of an overseas regulatory authority; and
- (b) investigations undertaken by the overseas regulatory authority preliminary to bringing such proceedings;

"collateral property" means property provided, whether under a pledge, a charge, a repurchase or similar arrangement, or otherwise, for the purpose of securing the performance of an obligation;

"commercial bank" means a bank —

- (a) licensed under the Banks and Trust Companies Regulation Act, 2020 to carry on banking business in The Bahamas; and
- (b) designated as an authorised dealer within the meaning of paragraph (1) of regulation 42 of the Exchange Control Regulations (*Ch. 360*);

"company" means a company incorporated under any written law in force whether in The Bahamas or elsewhere;

"Consolidated Fund" shall mean the Consolidated Fund within the meaning of *Article 128* of the Constitution;

"demand liabilities of the Bank" means demand liabilities recorded in a statement of the account audited under subsection (2) of section 38;

"Deputy Governor" means the person appointed as such under paragraph 2 of the *Schedule*;

"Director" in relation to the Bank, includes the Governor and each Deputy Governor unless the context otherwise specifies;

"external auditors" means auditors appointed under section 38;

"financial institution" means a person carrying on a business that is regulated under a written law enforced by the Bank;

"foreign financial institution" means a person carrying on business similar to that of a bank and subject to supervision by an overseas regulatory authority;

"freely convertible foreign currency" means a foreign currency which, is, in the opinion of the Bank, freely negotiable and transferable in international exchange markets;

「過渡機構」之定義依「2020 年銀行與信託公司管理法」第 2 條之規定；

「民事及行政調查與訴訟程序」係指—

- (a) 於任何法院進行之訴訟，包含於境外監管當局管轄範圍內進行之訴訟；以及
- (b) 境外監管當局提起此類訴訟前所為之調查；

「抵押財產」係指為保證履行債務而以質押、抵押、附買回或類似安排或其他方式所提供之財產；

「商業銀行」係指銀行—

- (a) 依「2020 年銀行與信託公司管理法」經許可於巴哈馬從事銀行業務之銀行；且
- (b) 依「外匯管制法規」（第 360 章）第 42 條第(1)項規定被指定為合格交易者；

「公司」係指依巴哈馬或其他地區現行成文法所成立之公司；

「綜合基金」係指「憲法」第 128 條所稱之綜合基金；

「本行活期負債」係指依第 37 條第(2)項^{譯註 1}稽核之財務報表中所記錄之活期負債；

「副總裁」係指依附表第 2 點任命之人；

「理事」於本行，除另有規定外，包含總裁及每位副總裁；

「外部審計者」係指依第 37 條^{譯註 2}任命之審計者；

「金融機構」係指從事由本行實施之成文法所規範業務之人；

「外國金融機構」係指從事與銀行業務類似之業務，而受境外監管當局監理之人；

「可自由兌換之外幣」係指本行認定得於國際外匯市場自由交易與轉換之外幣；

^{譯註 1} 原文列為第 38 條第(2)項，參照相關條文，似應為第 37 條第(2)項。

^{譯註 2} 原文列為第 38 條，參照相關條文，似應為第 37 條。

"**Governor**" means the person appointed as Governor of the Bank pursuant to paragraph 2(1) of the *Schedule*;

"**International Financial Reporting Standards**" means, the most recent international accounting standards, and any other pronouncements, issued by the International Federation of Accountants;

"**International Standards of Auditing**" means, the most recent international auditing standards, and any other pronouncements, issued by the International Federation of Accountants;

"**Minister**" means the Minister of Finance;

"**ordinary revenue**" means all income or contributions to Government revenue not being loans, capital grants or other receipts of a capital nature;

"**overseas regulatory authority**" means an authority which, in a country or territory outside The Bahamas, exercises regulatory functions or other functions corresponding to any functions of the Bank;

"**payment instruments**" includes cheques, bills of exchange, promissory notes, electronic money, credit cards, and debit cards;

"**payment system**" has the meaning assigned in section 2 of the Payment Systems Act, 2012 (*No. 7 of 2012*);

"**penalty**" means an administrative monetary penalty imposed by the Bank;

"**public corporation**" means a body corporate established directly by statute for public purposes;

"**regulations**" means regulations made under this Act, unless the context indicates otherwise;

"**regulatory functions**" means functions of the Bank, or functions corresponding to such functions, and any other similar functions relating to companies or financial services as may be specified by the Bank;

"**repealed Act**" means the Central Bank of The Bahamas Act, (*Ch. 351*);

"**Resolution**" means a disposition plan and process for a non-viable bank and may include —

- (a) the appointment of a statutory administrator, liquidation and depositor reimbursement;
- (b) the transfer or sale of assets and liabilities;
- (c) the establishment of a temporary bridge institution;
- (d) the write-down or conversion of debt to equity; or

「**總裁**」係指依附表第 2 點第(1)項任命為本行總裁之人；

「**國際財務報告準則**」係指國際會計師聯合會最新發布之國際會計準則及其他公告；

「**國際審計準則**」係指國際會計師聯合會最新發布之國際審計準則及其他公告；

「**部長**」係指財政部長；

「**普通收入**」係指所有成為政府收入之收益或捐款，但不包含貸款、資本補助或其他屬於資本性質之收入；

「**境外監管當局**」係指於巴哈馬以外之國家或地區執行監管職權或其他與本行職權相對應職權之主政當局；

「**支付工具**」包含支票、匯票、本票、電子貨幣、信用卡與簽帳金融卡；

「**支付系統**」之定義依「2012 年支付系統法」（2012 年第 7 號法案）第 2 條之規定；

「**罰鍰**」係指本行所處行政上之金錢處罰；

「**公法人**」係指基於公共目的，依法直接設立之法人；

「**規章**」係指除另有規定外，依本法所訂定之規章；

「**監管職權**」係指本行之職權，或與本行職權相對應之職權，以及本行得指定涉及公司或金融服務之其他類似職權；

「**廢止之法律**」係指「巴哈馬中央銀行法」（第 351 章）；

「**清算**」係指對無法存續銀行之處置計畫及程序，得包含—

- (a) 指定法定管理人、資產變現及對存戶之賠償；
- (b) 資產及負債之移轉或出售；
- (c) 設立臨時過渡機構；
- (d) 債務減記或將債務轉換為股權；

- (e) the winding up of parts of a bank under the Companies Act, in conjunction with the exercise of resolution powers;

"securities" has the meaning assigned in section 2 of the Securities Industry Act, 2011 (*No. 10 of 2011*);

"the Bank" means the Central Bank of The Bahamas.

PART II CONTINUANCE AND FUNCTIONS OF THE BANK

3. Preservation and continuance of The Central Bank of The Bahamas.

- (1) The Central Bank of The Bahamas under section 3 of the repealed Act, is preserved and continues to be a body corporate for the purposes of this Act.
- (2) The Bank under its corporate name, has perpetual succession and a common seal with capacity to —
 - (a) acquire, hold, administer, and dispose of movable and immovable property of whatever kind;
 - (b) enter into contracts; and
 - (c) institute legal proceedings and be subject to such proceedings.
- (3) The Board shall in accordance with the provisions of this Act be responsible for the policy, and management of the affairs and business, of the Bank.
- (4) The *Schedule* has effect in relation to the constitution and functioning of the Board and the Bank.

4. Places of business of the Bank.

The Bank shall have its principal place of business in the City of Nassau and may, in The Bahamas or elsewhere, as the Bank thinks fit —

- (a) establish and maintain branch offices; and
- (b) appoint agents and correspondents.

5. Functions of the Bank.

- (1) The functions of the Bank are to —
 - (a) promote stable monetary, credit and balance of payment

- (e) 依公司法結束銀行部分營業，並行使清算職權；

「證券」之定義依「2011 年證券業法」（2011 年第 10 號法案）第 2 條之規定；

「本行」係指巴哈馬中央銀行。

第 2 章 本行之存續與職權

第 3 條 本行之存續

- (1) 巴哈馬中央銀行依廢止之法律第 3 條，為本法之目的而存續之法人。
- (2) 本行以其法人名稱永續存在及擁有印信，並—
 - (a) 取得、持有、管理與處置各種形式之動產及不動產；
 - (b) 簽訂契約；以及
 - (c) 起訴與應訴。
- (3) 理事會應依本法之規定制定本行政策，並管理本行事務及業務。
- (4) 附表有關理事會及本行之組成與運作規範，有其效力。

第 4 條 本行之營業處所

本行總行設於拿騷，並得於本行認為適當時，在巴哈馬境內或其他地點—

- (a) 設立及維持分行營運；以及
- (b) 指定代理行及往來行。

第 5 條 本行之職權

- (1) 本行之職權為—
 - (a) 促進穩定之貨幣、信用及國際收支情況，以保護

- conditions in order to protect the exchange rate regime and facilitate orderly and balanced growth of the economy;
- (b) contribute to the stability of the financial system of The Bahamas through collaboration with other domestic and foreign regulatory authorities; and
 - (c) support the general economic policy of the Government by providing sound economic, financial and monetary advice; and
 - (d) act as the Resolution Authority for banks;
 - (e) determine and implement monetary policy;
 - (f) advise the Minister on the exchange rate policy and implement the exchange rate policy determined by the Minister;
 - (g) hold and manage all official external reserves of The Bahamas;
 - (h) issue and manage the currency of The Bahamas;
 - (i) collect and produce statistics in respect of the economy and the financial system of The Bahamas;
 - (j) promote and ensure the establishment and oversight of a safe, sound and efficient national payment system;
 - (k) regulate and supervise financial institutions;
 - (l) act as fiscal agent of the Government and of any public corporation of The Bahamas;
 - (m) advise the Minister on any matter of a financial or monetary nature referred by the Minister to the Bank for its advice; and
 - (n) assist and co-operate with domestic and overseas regulatory authorities, and participate in international financial organizations, concerning matters related to the objectives and functions of the Bank;
 - (o) establish, operate, organize, promote, participate or assist in the establishment, operation, organization and promotion of, and regulate and oversee any system —
 - (i) for the clearing and settlement of payments and other arrangements for the making or exchange of payments;
 - (ii) for the clearing and settlement of payments and other arrangements for the exchange of securities;
 - (iii) to facilitate the clearing and settlement of securities and other arrangements for the making or exchange of payments or the exchange of securities, as well as links among systems; and
 - (p) regulate and oversee the issuance, provision and functioning of

- 匯率制度，並增進經濟之有序及均衡成長；
- (b) 透過與其他國內外監管當局之合作，致力於巴哈馬金融系統之穩定；
 - (c) 提供健全之經濟、財政與貨幣建議，以支持政府之經濟政策；
 - (d) 為銀行之清算當局；
 - (e) 制定及執行貨幣政策；
 - (f) 就匯率政策向部長提供建議，並執行部長決定之匯率政策；
 - (g) 持有及管理巴哈馬之全部官方外匯存底；
 - (h) 發行及管理巴哈馬之貨幣；
 - (i) 收集及編製有關巴哈馬經濟與金融系統之統計數據；
 - (j) 促進及確保建立與監督安全、健全並有效率之國家支付系統；
 - (k) 規範及監理金融機構；
 - (l) 擔任巴哈馬政府及公法人之財務代理人；
 - (m) 對部長向本行徵詢具金融或貨幣本質之事務提供建議；
 - (n) 就與本行之目標與職權相關事項，協助並與國內外監管當局合作，以及參與國際金融組織；
 - (o) 建立、運作、組織、促進、參與或協助建立、運作、組織與促進，以及規範與監督下列系統—
 - (i) 用於支付與其他為支付或交換所為安排之結算及清算；
 - (ii) 用於支付與其他為證券交換所為安排之結算及清算；
 - (iii) 促進證券與其他為支付、證券撥付或交換所為安排之結算及清算，以及系統間之連接；
 - (p) 規範及監督支付工具之發行、供給與運作，無論

payment instruments, operating either with or without the opening of an account, including the issuance of electronic money or any other forms of stored value.

- (2) In addition to the powers conferred by Part IX, the Bank has ancillary power to do in The Bahamas or elsewhere all that is necessary to facilitate, or is incidental or conducive to, the fulfilment of its objectives and performance of its functions under this Act.
- (3) For the purposes of this section, "**Resolution Authority**" means the authority which is responsible for the resolution of banks, including carrying out resolution planning functions.

PART III CAPITAL AND RESERVES

6. Capital of the Bank.

- (1) The authorised capital of the Bank shall be three million dollars in the currency of The Bahamas.
- (2) The authorised capital shall be solely subscribed by the Government, and fully paid from the Consolidated Fund, and shall not be transferable or subject to encumbrance.
- (3) The authorised capital may be increased by such amounts as may be proposed by the Board and approved by the Minister by notice by order published in the Gazette.
- (4) There shall be no reduction of the authorised capital, except by way of an amendment made to this Act.

7. General Reserve and Unrealized Revaluation Reserve.

- (1) The Bank shall establish and maintain —
 - (a) a General Reserve; and
 - (b) an Unrealized Revaluation Reserve to account for unrealized gains and losses arising from the Bank's positions in foreign currencies, gold securities, and other financial assets.
- (2) The General Reserve referred to in subsection (1)(a) may not be used except for the purposes of covering losses sustained by the Bank.

PART IV CURRENCY

該項支付工具是否需要開立帳戶，並包含電子貨幣或任何其他儲值形式之發行。

- (2) 除第 9 章所賦予之權力外，本行於巴哈馬境內或其他地方，尚有採行促進實現本行目標或執行本法所定職權必要、附帶或有助益之一切行為之附加權力。
- (3) 本條之「**清算當局**」係指負責銀行清算之主政當局，包含執行清算計畫之職權。

第 3 章 資本及準備

第 6 條 本行之資本

- (1) 本行之額定資本為 300 萬巴哈馬元。
- (2) 額定資本應僅由政府認購，並由綜合基金全額支付，不得轉讓或設定負擔。
- (3) 額定資本得經理事會提議，並由部長於政府公報發布命令之方式同意增加。
- (4) 除修正本法外，不得減少額定資本。

第 7 條 一般準備及未實現之重估準備

- (1) 本行應建立並維持—
 - (a) 一般準備；以及
 - (b) 未實現之重估準備，用於核算本行於外幣、黃金證券及其他金融資產部位所發生之未實現利得與損失。
- (2) 第(1)項第(a)款之一般準備僅得用於填補本行所受損失。

第 4 章 貨幣

8. Currency of The Bahamas.

- (1) The currency of The Bahamas shall comprise notes, coins and electronic money issued by the Bank under the provisions of this Act.
- (2) The unit of the currency of The Bahamas shall be the dollar, which shall be divided into one hundred cents.
- (3) For the purposes of this Part, "**electronic money**" has the meaning assigned in section 29 of the Payment Systems Act, 2012 (*No. 7 of 2012*);

9. Contracts, etc., deemed to be in currency of The Bahamas.

Every contract, sale, payment, bill, note or security for money and every transaction, dealing, proceeding, matter or thing relating to money or involving the payment of, or the liability to pay money is deemed to be made, executed or entered into, in or in relation to the currency of The Bahamas unless it is expressly made executed or entered into in or in relation to the currency of some other country.

10. Sole right of Bank to issue notes and coins.

- (1) The Bank has the sole right and authority to issue notes and coins throughout The Bahamas.
- (2) The Bank shall from time to time as circumstances may require —
 - (a) arrange for the printing of notes and the minting of coins; and
 - (b) issue, re-issue and redeem notes and coins.
- (3) No person other than the Bank shall issue in The Bahamas notes or coins or any documents or tokens having the appearance of notes or coins.

11. Denominations and forms of notes and coins.

The Minister may by order, after consultation with the Bank, prescribe the —

- (a) denominations, in multiples or fractions of a dollar, forms and designs of the notes and coins issued by the Bank; and
- (b) standard, weight and composition of coins, and the amount of tolerance and variation allowed in relation to coins, issued by the Bank.

第 8 條 巴哈馬貨幣

- (1) 巴哈馬貨幣包含本行依本法規定所發行之鈔券、硬幣及電子貨幣。
- (2) 巴哈馬貨幣之單位為元，100 分為 1 元。
- (3) 基於本章之目的，「電子貨幣」之定義依「2012 年支付系統法」（2012 年第 7 號法案）第 29 條之規定。

第 9 條 視為以巴哈馬貨幣計價之契約等

金錢之契約、銷售、支付、帳單、票據或擔保，以及與金錢相關、涉及金錢支付或金錢債務之交易、買賣、爭訟、事項或事務，除明確指明僅以或涉及其他國家貨幣履行或簽訂外，均視為係以或涉及巴哈馬貨幣履行或簽訂。

第 10 條 本行發行鈔券及硬幣之專屬權

- (1) 本行於巴哈馬全國擁有發行鈔券及硬幣之專屬權。
- (2) 本行應不定時並視情形 —
 - (a) 規劃印製鈔券及鑄造硬幣；
 - (b) 發行、重新發行及收回鈔券與硬幣。
- (3) 除本行外，任何人不得於巴哈馬發行鈔券及硬幣，或外觀類似鈔券或硬幣之文書或代幣。

第 11 條 鈔券及硬幣之面額與形式

部長經洽商本行後，得以命令規定下列事項 —

- (a) 本行發行鈔券及硬幣之面額、1 元之倍數或分數，以及形式與設計；以及
- (b) 本行發行硬幣之標準、重量與成分，以及硬幣容許之公差與變動範圍。

12. Legal Tender.

- (1) All notes and electronic money issued by the Bank are legal tender in The Bahamas at their face value for the payment of any amount.
- (2) Coins issued by the Bank are legal tender in The Bahamas at their face value up to an amount —
 - (a) not exceeding one hundred dollars, in the case of coins of a denomination of not less than one dollar; and
 - (b) not exceeding five dollars, in the case of coins of a lesser denomination than one dollar.
- (3) Subject to subsections (4) and (5), all notes and coins lawfully in circulation immediately before commencement of this Act are deemed for all purposes to be legal tender issued by the Bank under this Act.
- (4) The Bank may, on giving not less than one month's notice in the Gazette, call in any notes or coins on payment of the face value thereof, and any such notes or coins shall, on the expiration of the notice, cease to be legal tender.
- (5) A note or coin which is mutilated or imperfect is one which has been impaired, diminished in size or lightened otherwise than by fair wear and tear, or which has been defaced by stamping, engraving or piercing —
 - (a) shall not be legal tender in The Bahamas and shall be withdrawn from circulation; and
 - (b) notwithstanding subsection (4) and subject to section 13, is redeemable at any time by the Bank on the demand of any person.
- (6) The aggregate amount of currency in circulation issued by the Bank shall appear as a liability in a statement of the accounts of the Bank.
- (7) The Bank may issue —
 - (a) notes and coins and electronic money simultaneously; or
 - (b) electronic money in the place of notes and coins.

13. Damaged currency, etc.

- (1) No person is entitled as of right to recover from the Bank the value of any lost, stolen, mutilated or imperfect note or coin.
- (2) The Bank may in the Bank's discretion, as an act of grace, refund to

第 12 條 法償效力

- (1) 本行發行之鈔券及電子貨幣，於巴哈馬按面額所為之任何支付，具有法償效力。
- (2) 本行發行之硬幣，於巴哈馬依面額定其法償效力之上限—
 - (a) 面額 1 元以上之硬幣，不超過 100 元；以及
 - (b) 面額未達 1 元之硬幣，不超過 5 元。
- (3) 除第(4)項及第(5)項另有規定外，本法生效前合法流通之鈔券及硬幣，均視為具本行依本法發行之法償效力。
- (4) 本行得定 1 個月以上之通知期限，並於政府公報公告，收回鈔券或硬幣並支付其面額；此類鈔券或硬幣於通知期限屆滿後，應失其法償效力。
- (5) 毀損或不完整之鈔券或硬幣係指非因正常磨損而損壞、尺寸縮小或重量減輕，或因戳記、雕刻或穿孔而損壞其外觀—
 - (a) 應於巴哈馬失其法償效力，並不予流通；且
 - (b) 不適用第(4)項規定，但本行應依第 13 條規定，隨時應任何人之請求予以收回。
- (6) 本行發行之流通貨幣總額，應以負債科目呈現於本行財務報表。
- (7) 本行得—
 - (a) 同時發行鈔券、硬幣及電子貨幣；或
 - (b) 發行電子貨幣取代鈔券及硬幣。

第 13 條 破損貨幣等

- (1) 任何人不得向本行請求遺失、遭竊、毀損或不完整鈔券或硬幣之價額。
- (2) 本行得於審酌後，特准償付毀損或不完整鈔券或硬幣

any person the value of a mutilated or imperfect note or coin.

14. Counterfeits and reproduction of currency.

- (1) No person shall, without the prior consent of the Bank, make, design, engrave, print, reproduce, use, issue, or publish any article or thing resembling or having a likeness to a note, coin or any electronic money issued by the Bank as to be likely to be confused with or mistaken for such note, coin or electronic money.
- (2) The Bank shall require a person to withdraw from circulation —
 - (a) any note, coin or electronic money; or
 - (b) any article or thing having likeness or resemblance to a note, coin or electronic money,
 which the Bank or the person knows or suspects has been counterfeited or altered.
- (3) A person commits an offence who —
 - (a) counterfeits or alters any note, coin or electronic money that is legal tender in The Bahamas or abroad or any payment instrument which is denominated in the Bahamian dollar or a unit of foreign currency;
 - (b) possesses or transports any counterfeited or altered note, coin or payment instrument with the knowledge that it was counterfeited or altered.
- (4) A person who commits an offence under subsection (3) is liable on conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding five years or to both.
- (5) A person who fails to comply with a requirement of the Bank under subsection (2) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand dollars and, where the offence is continued after conviction, commits a further offence and is liable to a fine of ten thousand dollars for every day or part thereof on which the offence is continued.

15. Power of Bank to make regulations for digital currency framework.

The Bank shall make regulations for the purpose of prescribing the framework under which electronic money issued by the Bank as legal tender may be held or used by the public in keeping with best international practices for the development and functioning of the payments system.

之價額。

第 14 條 貨幣之偽造及複製

- (1) 未經本行事先同意，任何人不得製作、設計、製版、印製、重製、使用、發行或發表與本行發行之鈔券、硬幣或電子貨幣相似或類似之物，以致可能被混淆或誤認為上述之鈔券、硬幣或電子貨幣。
- (2) 本行應要求任何人不得流通本行或其已知或懷疑是偽造或變造之—
 - (a) 任何鈔券、硬幣或電子貨幣；或
 - (b) 任何與鈔券、硬幣或電子貨幣相似或類似之物。
- (3) 下列行為屬於犯罪—
 - (a) 偽造或變造於巴哈馬境內或境外具有法償效力之鈔券、硬幣或電子貨幣，或以巴哈馬元或外幣單位計價之支付工具；
 - (b) 持有或運送已知是偽造或變造之鈔券、硬幣或支付工具。
- (4) 犯第(3)款之罪者，處 5 年以下有期徒刑，或科或併科 10 萬元以下罰金。
- (5) 違反本行依第(2)項之要求，其犯行經定罪者，科 10 萬元以下罰金；定罪後仍繼續犯罪者，於犯罪繼續期間每日（或不足 1 日）科 1 萬元罰金。

第 15 條 本行訂定數位貨幣架構規章之權力

本行應訂定規章，明定本行發行具有法償效力之電子貨幣得由公眾持有或使用之架構，以符合支付系統發展及運作之最佳國際實例。

PART V GOLD, FOREIGN EXCHANGE, EXTERNAL RESERVE, ETC.

16. Power of the Bank in relation to foreign exchange, etc.

Without prejudice to the functions of the Bank to promote monetary stability —

- (a) the Minister, in consultation with the Bank, shall determine the exchange rate policy; and
- (b) the Bank shall implement the exchange rate policy determined by the Minister under paragraph (a).

17. External reserve.

- (1) The Bank shall manage all official reserves of external assets of The Bahamas and give priority to safety, before profitability, of such assets.
- (2) The Bank may, pursuant to subsection (1), hold, manage, acquire, and sell any of the following assets —
 - (a) gold (in coins or bullion) and other precious metals, including credit balances representing such gold and other precious metals;
 - (b) notes and coins (other than gold coins) denominated in freely convertible foreign currencies;
 - (c) balances payable on demand or within a short term which are denominated in freely convertible foreign currencies and held with financial institutions or agents, foreign central banks, foreign financial institutions, regional development banks, or international financial organizations;
 - (d) money at call denominated in freely convertible foreign currencies;
 - (e) bills in the nature of Treasury Bills denominated in freely convertible foreign currencies and issued by any foreign government;
 - (f) claims on international financial organizations, including special drawing rights held with the International Monetary Fund and the reserve position of The Bahamas in the International Monetary Fund;
 - (g) readily marketable securities issued or guaranteed by any foreign government; and

第 5 章 黃金、外匯、外匯存底等

第 16 條 本行關於外匯等之權力

不影響本行促進貨幣穩定職權之情形下—

- (a) 部長應於洽商本行後，決定匯率政策；且
- (b) 本行應執行部長依第(a)款規定決定之匯率政策。

第 17 條 外匯存底

- (1) 本行管理巴哈馬全部官方外匯存底資產，並應於獲利性前，優先考慮該等資產之安全性。
- (2) 本行依第(1)項規定，得持有、管理、取得及出售下列資產—
 - (a) 黃金（硬幣或條塊形式）及其他貴金屬，包含代表該等黃金及其他貴金屬之貸方餘額；
 - (b) 可自由兌換之外幣計價鈔券及硬幣（但不包含金幣）；
 - (c) 可自由兌換之外幣計價，且由金融機構或代理行、外國中央銀行、外國金融機構、區域開發銀行或國際金融組織所持有之即期或短期內到期之餘額；
 - (d) 可自由兌換之外幣計價短期放款；
 - (e) 可自由兌換之外幣計價且由外國政府所發行具國庫券性質之票券；
 - (f) 對國際金融組織之請求權，包含於國際貨幣基金持有之特別提款權及巴哈馬於國際貨幣基金之準備部位；
 - (g) 由外國政府所發行或擔保可於市場交易之有價證券；以及

- (h) any reserve asset deemed by the Board to be an internationally recognised reserve asset.
- (3) The value of the external reserve shall not at any time be less than fifty per centum of the value of the aggregate of notes and coins in circulation and other demand liabilities of the Bank.
- (4) Where the external reserve declines or, in the opinion of the Bank, may decline to a level that could jeopardize the Bank's objectives and the Bank is unable to remedy such decline, the Bank shall cause to be made and transmit to the Minister —
 - (a) a report on the causes leading to the decline of the reserve; and
 - (b) the Bank's proposals for remedying the decline of the reserve.
- (5) The Minister shall in collaboration with the Bank, on receipt of a report under subsection (4), take the necessary remedial action proposed by the Bank.

17A. Government may access Special Drawing Rights.

- (1) For the avoidance of doubt, notwithstanding any other provision of this Act or any other written law and subject to subsection (2), the Minister shall be entitled to access, utilize or convert Special Drawing Rights allocated by the International Monetary Fund and apply the proceeds of such conversion —
 - (a) to reduce the Government's foreign currency debt obligations; and
 - (b) to manage the Government's foreign currency debt operations.
- (2) The Minister's access, use or conversion of any Special Drawing Rights shall be —
 - (a) consistent with any permitted use of Special Drawing Rights set out in guidance notes or policies published by the International Monetary Fund; and
 - (b) upon such terms and conditions as may be agreed between the Minister and the Bank, subject to the provisions of this Act.
- (3) Section 21 shall not apply to —
 - (a) the use or conversion of Special Drawing Rights; and
 - (b) the proceeds from such conversion.

(h) 理事會認定屬國際公認準備資產之準備資產。

- (3) 外匯存底之價值於任何時點不得低於本行流通鈔券與硬幣總值及其他本行活期負債之百分之五十。
- (4) 當外匯存底下降或本行認為可能下降，致危及本行目標之程度，且本行無法改善此類下降時，本行應編製並傳送予部長—
 - (a) 關於導致存底下降原因之報告；以及
 - (b) 本行對存底下降之改善建議。
- (5) 部長收到第(4)項之報告後，應與本行合作，採行本行建議之必要改善措施。

第 17A 條 政府得行使特別提款權^{註 2}

- (1) 為避免疑義，除本法或其他成文法另有規定外，且於不違反第(2)項之規定，部長有權行使、利用或轉換國際貨幣基金分配之特別提款權，並將轉換之收益用於—
 - (a) 減少政府外幣債務；以及
 - (b) 管理政府外幣債務操作。
- (2) 部長對特別提款權之行使、利用或轉換應—
 - (a) 符合國際貨幣基金組織公布之指導說明或政策所定特別提款權之允許用途；以及
 - (b) 部長與本行依本法規定所達成之條件。
- (3) 第 21 條規定不適用於—
 - (a) 特別提款權之行使或轉換；以及
 - (b) 轉換所得之收益。

註 2 第 17A 條規定係依「2023 年（修正）巴哈馬中央銀行法」第 2 條規定新增，且依同法第 1 條規定，係自 2022 年 12 月 1 日生效。

PART VI RELATIONS WITH THE FINANCIAL INSTITUTIONS AND THE GOVERNMENT

18. Liquid assets.

- (1) Every commercial bank shall conduct its business so as to ensure, taking one month with another, that its liquid assets are on average not less than that percentage of the amount of its deposit liabilities in Bahamian dollars that is at any time fixed by the Bank.
- (2) Subject to subsection (3), the Bank shall by order fix, and may from time to time vary, the percentage required by subsection (1).
- (3) An order made by the Bank under subsection (2) —
 - (a) shall not at any time fix a percentage of less than ten or more than thirty per centum;
 - (b) may fix different percentages for different classes of commercial banks; and
 - (c) shall not increase any percentage at the time in force by more than five per centum.
- (4) In this section **"liquid assets"** means —
 - (a) notes and coins;
 - (b) any cash balance held at the Bank;
 - (c) money at call and demand balances at any financial institution carrying on business in The Bahamas;
 - (d) Treasury Bills;
 - (e) stock of the Government;
 - (f) any instrument or security of a kind referred to in section 23(d);
 - (g) any freely convertible foreign currency;
 - (h) money at call and demand balances at any foreign financial institution, being money at call or demand balances held in freely convertible foreign currency; or
 - (i) any other asset the Bank designates for the purposes of this section to be liquid assets.
- (5) A bank that contravenes or fails to comply with subsection (1) commits an offence and is liable on conviction to a fine based on a percentage of the net average deficiency, taking one month with another, not exceeding twice the annual discount rate prevailing at the time of the contravention or failure to comply for every day during which the contravention or failure continues.

第 6 章 與金融機構及政府之關係

第 18 條 流動資產

- (1) 商業銀行經營業務時，應確保每月平均流動資產對其巴哈馬元存款之債務餘額，不得低於本行可隨時訂定之一定比率。
- (2) 本行於不違反第(3)項規定之情形下，應以命令訂定第(1)項所指之比率，並得隨時調整之。
- (3) 本行依第(2)項所為之命令—
 - (a) 不得訂定低於百分之十或超過百分之三十之比率；
 - (b) 得對不同級別之商業銀行訂定不同之比率；且
 - (c) 不得將當時有效之比率提高超過百分之五。
- (4) 本條之「**流動資產**」係指—
 - (a) 鈔券及硬幣；
 - (b) 本行持有之現金餘額；
 - (c) 於巴哈馬從事業務之金融機構之短期放款及需求餘額；
 - (d) 國庫券；
 - (e) 政府公債；
 - (f) 第 23 條第(d)款所稱之工具或證券；
 - (g) 可自由兌換之外幣；
 - (h) 於外國金融機構持有可自由兌換之外幣短期放款及需求餘額；或
 - (i) 本行為本條目的指定為流動資產之其他資產。
- (5) 違反或未遵循第(1)項規定之銀行，其犯行經定罪者，應就持續違規或未遵循之日數，按每個月淨平均之不足比率，科以違規或未遵循當年度貼現率 2 倍以下之罰金。

19. Financial institutions must maintain Statutory Reserve.

- (1) A financial institution shall establish and maintain with the Bank a statutory reserve ("the Statutory Reserve") of such percentage of its liabilities as the Bank may specify by notice.
- (2) The Bank shall by notice fix, and may from time to time vary, the percentage and the basis for the Statutory Reserve required by subsection (1).
- (3) A notice made by the Bank under subsection (2) —
 - (a) may fix different percentages for different classes of financial institutions; and
 - (b) shall specify the basis and require all of the Statutory Reserve to be lodged with the Bank.
- (4) A financial institution that contravenes or fails to comply with subsection (1) commits an offence and is liable on conviction to a fine based on a percentage of the deficiency not exceeding twice the annual discount rate prevailing at the time of the contravention or failure to comply for every day during which the contravention or failure continues.

20. Bank to act as fiscal agent for Government.

- (1) The Bank may act generally as fiscal agent for the Government and any public corporation on such terms and conditions as may be agreed between the Government and the Bank, provided that the Bank can act consistently with its functions under this Act.
- (2) Without prejudice to section 23, the Bank may provide public debt services to the Government, including the provision of advice or services in respect of the issuance, repayment, and management of public debt.

21. Advances to the Government.

- (1) Subject to the provisions of this section, the Bank shall not make any direct or indirect advances to the Government or to any public corporation.
- (2) Subsection (1) does not apply to intra-day credits which shall be guaranteed by negotiable Government securities.

第 19 條 金融機構應維持法定準備金

- (1) 金融機構應依本行以通知所為之規範，於本行提存並維持一定負債比率之法定準備金（以下稱「法定準備金」）。
- (2) 本行應以通知訂定，並得隨時調整第(1)項所指法定準備金之比率及計算基準。
- (3) 本行依第(2)項所為之通知—
 - (a) 得對不同級別之金融機構訂定不同之比率；且
 - (b) 應明定計算基準，並要求所有法定準備金須存放於本行。
- (4) 金融機構違反或未遵循第(1)項規定者，其犯行經定罪者，應就持續違規或未遵循之日數，按每個月不足之比率，科以違規或未遵循當年度貼現率 2 倍以下之罰金。

第 20 條 本行為政府之財務代理人

- (1) 本行依政府與本行所達成之條件，於符合本法所定本行職權之前提下，得為政府及公法人之財務代理人。
- (2) 於不抵觸第 23 條規定之前提下，本行得向政府提供公債服務，包含就公債之發行、償還及管理提供建議或服務。

第 21 條 向政府提供墊款^{註 3}

- (1) 本行依本條規定，不得直接或間接向政府或公法人提供墊款。
- (2) 第(1)項規定不適用於以可轉讓政府證券充當擔保之日間融通。

^{註 3} 第 21 條第(4)項第(a)款規定係依「2023 年（修正）巴哈馬中央銀行法」第 3 條規定修正，且依同法第 1 條規定，係自 2022 年 12 月 1 日生效。

- (3) Every intra-day credit extended by the Bank to the Government or to a public corporation under subsection (2) shall be repaid by the Government or the public corporation, as the case may be, by the end of the same day as that on which such credit was extended.
- (4) Notwithstanding subsections (1) and (3), the Bank may provide temporary loans to the Government, where —
 - (a) the amount of the loans which may be outstanding at any one time, shall not exceed, in the aggregate fifteen and one half per centum of the average ordinary revenue of the Government or fifteen and one half per centum of estimated ordinary revenue of the Government, whichever is the less;
 - (b) the loan will mature within ninety-one days; and
 - (c) the interest rate on the loan is based on market related interest rates.

22. Subscription to Government Securities from primary markets.

The Bank shall not purchase or subscribe from primary markets Treasury Bills and securities issued or guaranteed by the Government or any public corporation.

22A. Purchase of Government securities from secondary markets.

- (1) The Bank may, for the purpose of implementing monetary policy, maintaining financial system stability or to support the working of the clearing and settlement systems, purchase from the secondary markets Treasury Bills and securities issued or guaranteed by the Government or a public corporation if the Treasury Bills and securities are negotiable.
- (2) For the purpose of subsection (1) the interest rates on the Treasury Bills and securities shall be specified by the Bank after giving consideration to prevailing market rates.

PART VII GENERAL POWERS OF THE BANK

23. Powers of the Bank.

The Bank may, in the discharge of its functions under this Act —

- (a) open accounts for, accept deposits from, and collect money for or on account of, the Government, any commercial bank, any other financial institution or a public corporation;

- (3) 本行依第(2)項規定向政府或公法人提供之日間融通，應由政府或公法人於該融通當日結束前償還。
- (4) 符合下列情形時，本行得向政府提供臨時貸款，不受第(1)項及第(3)項規定之限制—
 - (a) 未償還之貸款不得超過政府平均普通收入或預估普通收入較低者之百分之十五點五；
 - (b) 該筆貸款應於 91 日內到期；且
 - (c) 該筆貸款之利率比照市場相關利率。

第 22 條 從初級市場認購政府證券^{註 4}

本行不得從初級市場上購買或認購由政府或公法人發行或擔保之國庫券及證券。

第 22A 條 從次級市場購買政府證券^{註 5}

- (1) 為執行貨幣政策、維持金融系統穩定或支持清算與結算系統運作，本行得從次級市場購買可轉讓之政府或公法人發行或擔保之國庫券及證券。
- (2) 為達第(1)項之規範目的，國庫券及證券之利率應由本行考量當前市場利率後指定之。

第 7 章 本行之一般權力

第 23 條 本行之權力

本行為履行本法之職權，得—

- (a) 為政府、商業銀行、其他金融機構或公法人開立帳戶、收受存款，並為其收取資金或代為記帳；

^{註 4} 第 22 條規定係依「2023 年（修正）巴哈馬中央銀行法」第 4 條規定廢止並取代，且依同法第 1 條規定，係自 2022 年 12 月 1 日生效。

^{註 5} 第 22A 條規定係依「2023 年（修正）巴哈馬中央銀行法」第 5 條規定新增，且依同法第 1 條規定，係自 2022 年 12 月 1 日生效。

- (b) open accounts in a central bank in any foreign country or in the Bank for International Settlements, accept deposits from central banks in foreign countries, the Bank for International Settlements, the International Monetary Fund, the International Bank for Reconstruction and Development and any other international financial organization, act as agent, mandatory depository or correspondent for any such banks or organizations, and pay interest on deposits;
- (c) buy and sell special drawing rights issued by the International Monetary Fund;
- (d) buy, hold, sell, discount or re-discount Treasury Bills and bills of exchange, promissory notes or other credit instruments;
- (e) issue its own interest-bearing securities for purposes of monetary policy operations and buy, sell, discount or re-discount, or grant loans or advances against, such securities;
- (f) buy and sell on spot and forward and under repurchase agreements, hold, lend, and borrow securities;
- (g) buy, sell, and hold gold and other precious metal; and
- (h) make to any commercial bank, on such terms and conditions as may be determined by the Bank, loans or advances and take adequate collateral in respect of any securities or credit instrument referred to in paragraph (d).

24. Power of the Bank to fine.

- (1) Notwithstanding section 46, the Bank may, where the Bank is satisfied that a financial institution has committed an offence, issue a notice requiring that institution to pay a fine —
 - (a) in the case of an offence committed under section 19, of such percentage of the deficiency, as the Bank may, by notice, fix from time to time, for every day during which the contravention or failure continues;
 - (b) in the case of an offence committed under section 18, of such percentage, as may by order be fixed by the Bank from time to time, of the net average deficiency, taking one month with another, for every day during which the contravention or failure continues.
- (2) The Bank may by notice fix and from time to time vary the percentage required by subsection (1) provided that such percentage shall not exceed twice the annual discount rate prevailing at the time an offence against section 19 or 18 is committed.

- (b) 於外國中央銀行或國際清算銀行開立帳戶，收受外國中央銀行、國際清算銀行、國際貨幣基金、國際復興開發銀行及其他國際金融組織之存款，擔任其代理行、強制保管機構或往來行，並對存款支付利息；
- (c) 購買及出售國際貨幣基金發行之特別提款權；
- (d) 購買、持有、出售、貼現或重貼現國庫券、匯票、期票或其他信用工具；
- (e) 為操作貨幣政策而發行本行之附息證券，並購買、出售、貼現或重貼現該證券，或以該證券充當擔保提供貸款或墊款；
- (f) 即期及遠期買賣，以及附買回協議之買賣、持有、出借及借入證券；
- (g) 購買、出售及持有黃金及其他貴金屬；以及
- (h) 依本行所指之條件，向商業銀行提供貸款或墊款，並就第(d)款所稱之證券或信用工具取得適當之擔保。

第 24 條 本行科以罰金之權力

- (1) 本行於確認金融機構構成犯罪時，得以通知要求該機構支付下列罰金，不適用第 46 條規定—
 - (a) 於犯第 19 條之罪時，對本行以通知訂定之比率，就不足部分，按持續違規或未遵循之日數，支付罰金；
 - (b) 於犯第 18 條之罪時，對本行以命令訂定之比率，就每個月淨平均不足部分，按持續違規或未遵循之日數，支付罰金。
- (2) 本行得以通知訂定並隨時調整第(1)項所指之比率，但該比率不得超過第 19 條或第 18 條犯罪行為發生當年度貼現率之 2 倍。

- (3) Where the Bank issues a notice under this section —
 - (a) the notice shall be put in writing;
 - (b) the notice shall specify the offence which the financial institution committed and the fine imposed by the Bank;
 - (c) a copy of the notice shall be given to the financial institution; and
- (4) Upon the financial institution paying the fine, it shall not be liable to any further prosecution in respect of the offence and where any such prosecution is brought it shall be a good defence for the financial institution to prove that the offence with which it is charged has been dealt with under this section provided however that nothing in this section shall prevent the Bank from exercising other relevant powers under the Banks and Trust Companies Regulation Act, 2020, including to require the financial institution in question to take corrective measures.

25. Credit controls.

- (1) Subject to subsection (2), the Bank may by regulations prescribe —
 - (a) the maximum amounts of loans or advances which commercial banks may have outstanding at any time or during such period or periods as may be specified in the regulations;
 - (b) the maturities for which and the security on which loans or advances may or may not be made by commercial banks;
 - (c) the maximum amounts of increase in loans or advances made by commercial banks as a percentage of the commercial banks' outstanding loans or advances;
 - (d) the maximum value of loans and advances granted to a borrower by a commercial bank as a percentage of the collateral property, or loans to value, which the borrower provides to the commercial bank;
 - (e) the maximum aggregate of monthly repayment obligations of a borrower of commercial banks as a percentage of the ordinary monthly income of the borrower;
 - (f) the methods of computation of, and the maximum difference permitted between, maturities of assets and liabilities held by a commercial bank;
 - (g) the methods of computation of interest, and the minimum and maximum amounts of interest payable in respect to loans, advances and deposits or classes thereof.
- (2) Regulations made under this section may apply to all the loans and

- (3) 本行依本條為通知時—
 - (a) 通知應以書面為之；
 - (b) 通知應明確指明金融機構之犯罪行為及本行所科之罰金；
 - (c) 應將通知副本送交金融機構；且
- (4) 金融機構支付罰金後，不再對該犯罪行為之其他訴訟負責，如經起訴，金融機構得證明其犯罪行為已依本條規定處理，作為免責抗辯。但本條規定不得妨礙本行依「2020 年銀行及信託公司管理法」行使其他相關權力，包含要求金融機構採取改正措施。

第 25 條 信用管制

- (1) 為配合第(2)項規定，本行得以規章規範下列事項—
 - (a) 商業銀行於任何時點或於規章所定之期間內，未償還貸款或墊款之最高總額；
 - (b) 商業銀行得或不得貸款或墊款之到期日及擔保品；
 - (c) 商業銀行貸款或墊款增加之最高總額，並以商業銀行未償還貸款或墊款之比率呈現；
 - (d) 商業銀行向借款人提供貸款及墊款之最大值，並以借款人提供商業銀行之擔保品比率或貸放比率呈現；
 - (e) 商業銀行借款人每月償還債務之最高總額，並以借款人普通月收入之比率呈現；
 - (f) 商業銀行所持有資產與負債到期期間之計算方法，以及允許之最大差額；
 - (g) 利息之計算方法，以及貸款、墊款與存款或相關類別應付利息之最低及最高額度。
- (2) 依本條訂定之規章，得適用於任何特定商業銀行之全

advances of any specified commercial bank or to any specified class or classes of loans or advances of any specified class or classes of such banks.

26. Lender of last resort.

- (1) In exceptional circumstances, the Bank may on such terms and conditions as may be determined by the Bank grant loans or advances to a commercial bank where —
 - (a) the loans or advances will mature within ninety-one days;
 - (b) the interest rates on the loans or advances are more than those applied to loans or advances made pursuant to section 23;
 - (c) adequate collateral property is provided to the Bank by the commercial bank; and
 - (d) the commercial bank, in the opinion of the Bank, is solvent and requests such loans or advances for the propose of improving liquidity conditions.
- (2) The types and minimum value of collateral property to secure loans or advances provided by the Bank under subsection (1) shall not be less prudent than the levels prescribed by the Bank from time to time by regulations and as determined by the Bank at the time of a particular transaction, and such discount levels prescribed by the Bank shall reflect the risk profile of the collateral provided.
- (3) The Bank may extend the period prescribed under subsection (1)(a) for up to ninety-one days provided a commercial bank undertakes to implement such remedial measures as may be specified by the Bank.
- (4) Notwithstanding the provisions of subsection (1), the Bank may grant loans or advances to, or buy or subscribe any securities of, a commercial bank where the circumstances specified in subsection (1)(c) or (1)(d) are not present if —
 - (a) the Government guarantees the repayment in writing; and
 - (b) such loans, advances, or purchase or subscription of securities are necessary to preserve the stability of the financial system.
- (5) Notwithstanding the provisions of subsection (1), the Bank shall provide the financial assistance that a bridge institution needs in order to discharge its obligations, except for its obligations to the Deposit Insurance Corporation established under section 7 of the Protection of Depositors Act (*Ch. 317*), as they become due.

部貸款與墊款，或適用於任何特定級別商業銀行之特定類別貸款或墊款。

第 26 條 最後融通者

- (1) 於特殊情形下，本行得依自行訂定之條件，向商業銀行提供貸款或墊款，若—
 - (a) 該貸款或墊款於 91 日內到期；
 - (b) 該貸款或墊款之利率高於依第 23 條規定所提供貸款或墊款之利率；
 - (c) 商業銀行於本行提供適當擔保品；且
 - (d) 本行認為該商業銀行具有償付能力，且其要求該貸款或墊款係用於改善流動性狀況。
- (2) 本行依第(1)項規定提供貸款或墊款所需擔保品之類型及最小值，不得低於本行以規章所定之標準，並由本行於特定交易時確認；且本行所定之貼現水準，應反映所提供擔保品之風險概況。
- (3) 商業銀行承諾履行本行所定之補救措施時，本行得將第(1)項第(a)款之期限延長最多 91 日。
- (4) 雖不符合第(1)項第(c)款或第(d)款之情形，本行仍得向商業銀行提供貸款或墊款，或購買或認購商業銀行發行之證券，不受第(1)項規定之限制，若—
 - (a) 政府以書面保證償還；且
 - (b) 該貸款、墊款或證券之購買或認購，係為維護金融系統穩定所必須。
- (5) 除對於依「存款人保護法」（第 317 章）第 7 條規定所設立存款保險公司應負債務外，本行應提供過渡機構履行到期債務所需之財務協助，不受第(1)項規定之限制。

- (6) The bridge institution shall, on demand or at such other time as the Bank specifies, repay or reimburse to the Bank, the financial assistance on such terms and conditions as determined by the Bank.

27. Transfer of the Bank's dormant account balances to the Treasurer.

- (1) The Bank may accept deposits that are required to be transferred to it in accordance with the Banks and Trust Companies Regulation Act, 2020, pay interest on money so deposited and pay out money for payment to a person entitled thereto.
- (2) The Bank shall establish a Fund for the deposits it receives pursuant to subsection (1) from which it may deduct such sums as are required to meet the reasonable expenses incurred by the Bank in connection with the administration of dormant account balances.
- (3) Subject to subsections (2) and (4), the Bank shall where an amount is paid to the Bank which is —
 - (a) less than five hundred dollars; or
 - (b) five hundred dollars or more, and has been held by the Bank for a minimum period of ten years,
 pay to the Treasurer the funds paid to the Bank, in equal amount where the funds were paid to the Bank in Bahamian dollars and in an equivalent amount where the funds were paid to the Bank in any other currency, together with interest accrued on such amount while it was held by the Bank —
 - (i) within two months after the amount referred to in paragraph (a) is received by the Bank; or
 - (ii) within two months after the end of the calendar year in which the ten year period referred to in paragraph (b) expires.
- (4) Interest shall accrue on an amount referred to in subsection (3)(b) only where interest was payable in respect of that amount by the bank which transferred the funds to the Bank.
- (5) The Bank shall —
 - (a) where a payment has been made to the Treasurer by the Bank pursuant to subsection (3), be discharged from further liability in respect of the amount so paid; and
 - (b) retain all records relating to amounts paid to the Bank pursuant to —
 - (i) subsection (3)(a), for a minimum period of fifteen years after payment is made by the Bank to the Treasurer; and

- (6) 過渡機構應依本行所定之條件，按本行之要求或於本行指定之其他時間，向本行償還財務協助。

第 27 條 將本行閒置帳戶餘額移轉至國庫部門主管^{註 6}

- (1) 本行得依「2020 年銀行及信託公司管理法」規定，收受必須移轉至本行之存款、支付該存款之利息，並支付款項予有權之人。
- (2) 本行應成立收受第(1)項存款之基金，並得從該基金扣除管理閒置帳戶餘額所需之合理費用。
- (3) 除第(2)項及第(4)項另有規定外，本行收受之款項—
 - (a) 少於 500 元；或
 - (b) 500 元以上，且由本行持有至少 10 年，
 本行應將該款項（若為巴哈馬元則按相同金額，若為其他貨幣則按等值金額）及本行持有期間累積之利息，於下列期限支付予國庫部門主管—
 - (i) 收受第(a)款所指款項後 2 個月內；或
 - (ii) 第(b)款所指 10 年期間到期時之該日曆年結束後 2 個月內。
- (4) 僅於將第(3)項第(b)款所指款項移轉至本行之銀行，對該款項支付利息之情況下，始得累積利息。
- (5) 本行應—
 - (a) 於依第(3)項規定支付予國庫部門主管後，免除對已支付款項之進一步責任；且
 - (b) 依下列規定保留本行所收受款項之紀錄—
 - (i) 第(3)項第(a)款：於本行支付予國庫部門主管後至少保留 15 年；以及

^{註 6} 第 27 條第(6A)項至第(6C)項規定係依「2025 年（修正）巴哈馬中央銀行法」第 2 條規定新增，且依同法第 1 條規定，係自 2025 年 7 月 1 日生效。

- (ii) subsection (3)(b), for a minimum period of five years after payment is made by the Bank to the Treasurer.
- (6) An amount paid by the Bank to the Treasurer pursuant to subsection (3) shall —
 - (a) form part of the Consolidated Fund;
 - (b) vest in the Treasurer for the benefit of The Bahamas;
 - (c) subject to subsections (7) and (8), not be disposed of without the prior approval, signified by resolution, of both Houses of Parliament; and
 - (d) cease to accrue interest.
- (6A) Notwithstanding subsection (6), the Minister of Finance may, from time to time, request a withdrawal of the interest income accrued on dormant account funds which exceeds those amounts to be credited to account holders, to be used for government assisted small home repair and hurricane repair programmes.
- (6B) The Minister shall make an annual report starting the use of funds under this section which shall be laid before both Houses of Parliament.
- (6C) The report shall include —
 - (a) the amount of the withdrawal; and
 - (b) the specific programme the amount has been applied to.
- (7) The Bank shall make application to the Minister on behalf of an entitled person for repayment by the Treasurer to the Bank of a specified amount paid to the Treasurer pursuant to subsection (3) where —
 - (a) the bank that paid the funds to the Bank represents to the Bank that it is satisfied that the person is entitled to receive an equal amount in Bahamian dollars or an equivalent amount where the funds were paid to the Bank in any other currency; and
 - (b) the entitled person makes a claim to the bank that paid the funds to the Bank within ten years of the transfer to the Bank.
- (8) The Minister shall, on application made by the Bank in accordance with subsection (7), direct the Treasurer to repay to the Bank for payment to the entitled person the amount specified in the application and the Treasurer shall, notwithstanding that no prior approval signified by resolution has been obtained from both Houses of Parliament with respect to the repayment, repay such amount to the Bank.

- (ii) 第(3)項第(b)款：於本行支付予國庫部門主管後至少保留 5 年。
- (6) 本行依第(3)項規定支付予國庫部門主管之款項，應—
 - (a) 成為綜合基金之一部分；
 - (b) 為巴哈馬之利益而歸屬國庫部門主管；
 - (c) 除第(7)項及第(8)項另有規定外，未經參議院及眾議院事先以決議表示同意，不得處置；且
 - (d) 停止累積利息。
- (6A) 財政部長得隨時請求提領閒置帳戶資金所累積之利息收入中，超過應存入帳戶持有人之款項部分，用於政府資助之小型住宅修繕與颶風修繕計畫，不適用第(6)項規定。
- (6B) 部長應就本條之資金使用情況製作年度報告，並提交參議院及眾議院審議。
- (6C) 該報告應包括—
 - (a) 提領之款項；以及
 - (b) 該款項所用之具體計畫。
- (7) 本行應代表有權之人向部長申請，要求國庫部門主管將已依第(3)項規定支付予國庫部門主管之指定款項返還本行，若—
 - (a) 將款項移轉至本行之銀行，向本行表明該人有權以巴哈馬元收取同額或以其他貨幣收取等值金額；且
 - (b) 有權之人於銀行將款項移轉至本行後 10 年內，向銀行提出請求。
- (8) 部長應按本行依第(7)項之申請，指示國庫部門主管將申請所指定款項返還予本行，以支付予有權之人，且國庫部門主管應於即使參議院及眾議院未事先以決議表示同意之情況下，仍將該款項返還予本行。

- (9) The Minister, the Treasurer and the Government shall —
- (a) where a payment has been made to the Bank by the Treasurer pursuant to subsection (8), be discharged from further liability in respect of the amount so paid; and
 - (b) not be liable to any person for a payment made pursuant to subsection (8), if afterwards a claim is made by any other person in respect of the amount so paid.
- (10) The Bank may, in accordance with the investment plan for the Fund prepared by the dormant funds investment committee, invest and reinvest any amount transferred to the Bank pursuant to section 78 (4) of the Banks and Trust Companies Regulation Act, 2020.
- (11) The Bank shall, when calculating the length of time during which it has held amounts paid to the Bank for the purpose of determining when such amounts should be paid to the Treasurer pursuant to subsection (3)(b), take account of any period prior to the commencement of this Act during which the Bank held such amounts.
- (12) A person who fraudulently makes a claim for repayment of an amount pursuant to subsection (7)(b) commits an offence and is liable on conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding one year, or to both.
- (13) Every director or other officer concerned in the management of a body corporate which fraudulently makes a claim for repayment of an amount pursuant to subsection (7)(b) commits the offence committed by such body corporate unless such director or officer proves that —
- (a) the offence was committed without the consent or connivance of the director or officer; or
 - (b) the director or officer exercised reasonable diligence to prevent the commission of the offence.
- (14) For the purpose of discharging the Bank's function under subsection (10), there shall be established a dormant funds investment committee, functioning and constituted in accordance with the provisions of the *Schedule*.

28. Ancillary business.

- (1) The Bank may in the discharge of its functions do any other business incidental to or consequential upon the functions of the Bank.
- (2) Without prejudice to the generality of subsection (1) and subject to the provisions of this Act, the Bank may purchase, acquire, lease,

- (9) 部長、國庫部門主管及政府應—
- (a) 於國庫部門主管依第(8)項規定向本行支付款項後，免除對已支付款項之進一步責任；且
 - (b) 日後如有其他人對依第(8)項規定支付之款項提出請求時，不予負責。
- (10) 本行得依閒置資金投資委員會制定之投資計畫，投資及轉投資依「2020年銀行及信託公司管理法」第78條第(4)項規定移轉至本行之款項。
- (11) 本行於計算持有移轉至本行款項之期間，以確定何時依第(3)項第(b)款規定將該款項支付予國庫部門主管時，應考量本法生效前本行持有該款項之時間。
- (12) 以詐欺行為提出第(7)項第(b)款之返還請求，其犯行經定罪者，處1年以下有期徒刑，或科或併科5千元以下罰金。
- (13) 法人董事或其他負責法人管理之職員，於該法人以詐欺行為提出第(7)項第(b)款之返還請求時，亦構成犯罪，除非該董事或職員能證明—
- (a) 該犯罪係未經該董事或職員同意或默許之情況下發生；或
 - (b) 該董事或職員已盡防止該犯罪發生之合理注意。
- (14) 為履行第(10)項規定之本行職權，應成立閒置資金投資委員會，並依附表規定運作及組成。

第28條 附屬業務

- (1) 本行於履行職權時，得從事與其職權有關之其他業務。
- (2) 符合本法規定且不影響第(1)項之概括性原則下，本行得購買、取得、租賃、出售、出租、轉租不動產之全

sell, let, sublet or create licences over, or otherwise dispose of, real property or any part thereof and may provide ancillary services in connection with such activities.

- (3) Subsection (2) applies only to real property which —
- (a) is necessary for, or incidental to, discharging the functions of the Bank; or
 - (b) was purchased or acquired by the Bank before the 29th December, 2000.
- (4) The Bank may establish a body corporate or acquire or hold shares of a body corporate, wholly or partly, for the purposes of carrying out the functions of —
- (a) a bridge institution; or
 - (b) an asset management vehicle.

29. Prohibited activities.

Except as expressly authorised by this Act, the Bank —

- (a) shall not engage in trade or otherwise have a direct interest in any business undertaking, except such as the Bank may acquire in the course of the satisfaction of debts due to the Bank;
- (b) shall dispose as soon as may be practicable of any interest acquired in the course of the satisfaction of debts due to the Bank; and
- (c) shall not grant unsecured loans or advances to any person.

PART VIII ACCOUNTS, STATEMENTS AND AUDIT

30. Financial year.

The financial year of the Bank shall end on the thirty-first day of December.

31. Profits, losses, and distributable earnings.

- (1) The net profit or loss of the Bank shall be determined in accordance with the International Financial Reporting Standards.
- (2) The distributable earnings of the Bank shall be determined —
 - (a) by deducting from the net profit the total amount of unrealized revaluation gains;
 - (b) by allocating an equivalent amount deducted under paragraph

部或一部，或設定權利或為其他處置，並得提供與前述活動有關之附屬服務。

- (3) 第(2)項規定僅適用於下列不動產—
- (a) 為履行本行職權所必需或附帶者；或
 - (b) 本行於 2000 年 12 月 29 日前購買或取得者。
- (4) 本行得以成立法人或取得或持有法人全部或一部股份之方式，達成實行下列功能之目的—
- (a) 過渡機構；或
 - (b) 資產管理機構。

第 29 條 禁止之活動

除本法明確授權外，本行—

- (a) 不得從事貿易活動，或對任何企業有直接利益，除非該利益係於償還對本行債務之過程中所取得；
- (b) 應儘速處置於收取對本行債務過程中所取得之利益；以及
- (c) 不得向任何人提供無擔保之貸款或墊款。

第 8 章 帳戶、財務報表及審計

第 30 條 會計年度

本行會計年度止於 12 月 31 日。

第 31 條 利潤、損失及可分配盈餘

- (1) 本行應依國際財務報告準則認定淨利潤或淨損失。
- (2) 本行之可分配盈餘應依下列方式認定—
 - (a) 從淨利潤中扣除未實現重估收益之總金額；
 - (b) 將依第(a)款規定扣除之等值金額，分配至依第 7 條第(1)項第(b)款^{譯註 3}規定所成立未實現之重估準

^{譯註 3} 原文列為第 7 條第(3)項，參照相關條文，似應為第 7 條第(1)項第(b)款。

- (a) to the Unrealized Revaluation Reserve established under section 7(3);
- (c) by adding to the amount determined under paragraph (a) the amount of any unrealized profit that was deducted from the net profit for one or more previous years and was realized during the current financial year;
- (d) by deducting an equivalent amount added under paragraph (c) from the Unrealized Revaluation Reserve; and
- (e) by transferring from the amount determined under paragraph (c) the total amount of unrealized revaluation losses to the Unrealized Revaluation Reserve to the extent that the amount of the Unrealized Revaluation Reserve will be more than zero after such transfer.

32. Allocation of distributable earnings.

- (1) Within thirty days after submitting a statement of the accounts under section 35(1), the Bank shall allocate all distributable earnings to the General Reserve established under section 7(1) until the amount of the General Reserve exceeds the greater of —
 - (a) twice the authorised capital of the Bank; or
 - (b) fifteen per centum of the average amount of demand liabilities of the Bank over the last three years.
- (2) Subject to subsections (3) and (4), all distributable earnings remaining after the allocation under subsection (1) shall be transferred to the Consolidated Fund.
- (3) The Bank may, with the approval of the Minister, increase the General Reserve beyond the maximum prescribed under subsection (1) by allocating the distributable earnings to the General Reserve.
- (4) The Bank may, with the approval of the Minister —
 - (a) establish as part of the capital of the Bank a reserve other than the General Reserve and the Unrealized Revaluation Reserve; and
 - (b) transfer to the reserve established under paragraph (a) distributable earnings which would otherwise be transferred to the Consolidated Fund under subsection (2).
- (5) No distribution of income, profit, or earnings shall be made by the Bank except as permitted by this section.
- (6) Where the Bank incurs negative distributable earnings, such

備；

- (c) 將淨利潤扣除先前一個或多個年度未實現，並於當前會計年度實現之利潤後，增加於依第(a)款規定認定之金額；
- (d) 從依第(c)款規定增加之金額中，扣除未實現之重估準備；且
- (e) 從依第(c)款規定認定之金額中，將未實現重估損失之總金額移轉至未實現之重估準備，俾使未實現重估準備之金額於移轉後大於零。

第 32 條 可分配盈餘之分配

- (1) 本行於依第 35 條第(1)項規定提交財務報表後 30 日內，應將所有可分配盈餘分配至依第 7 條第(1)項規定所建立之一般準備，直到一般準備之金額超過下列二者中之較高者—
 - (a) 本行額定資本之 2 倍；或
 - (b) 最近 3 年本行活期負債平均金額之百分之十五。
- (2) 除第(3)項及第(4)項另有規定外，依第(1)項規定分配後剩餘之可分配盈餘，應移轉至綜合基金。
- (3) 本行經部長同意，得將可分配盈餘分配至一般準備，使一般準備增加超過第(1)項所定之金額。
- (4) 本行經部長同意，得—
 - (a) 建立一般準備及未實現重估準備以外之其他準備，作為本行資本之一部分；且
 - (b) 將應依第(2)項規定轉移至綜合基金之可分配盈餘，移轉至依第(a)款規定所成立之準備。
- (5) 除本條允許之情況外，本行不得分配收益、利潤或盈餘。
- (6) 本行可分配盈餘為負值時，該盈餘應先移轉至一般準備；

earnings shall first be transferred to the General Reserve and subsequently to the authorised capital.

33. Coverage of shortfall in capital.

- (1) The Board shall, where in an external audit of the accounts of the Bank under section 37 the amount of assets falls below the sum of demand liabilities and unimpaired authorised capital, after consultation with the external auditors and within a period not exceeding thirty days, cause to be made and transmit to the Minister a report concerning the causes and extent of the shortfall of the assets.
- (2) The Bank shall, where a report is transmitted to the Minister in accordance with subsection (1), request the Minister to make payments from the Consolidated Fund to the authorised capital for the purpose of increasing the authorised capital to the amount prescribed by section 6(1).
- (3) The Minister shall, on receipt of a request made by the Bank under subsection (2), within a period not exceeding thirty days make such payment as requested by the Bank in currencies or negotiable bonds with a certain maturity issued by the Government at market-related interest rates.

34. Accounting standard.

The Bank shall prepare, in accordance with this Act and the International Financial Reporting Standards, the statement of the accounts of the Bank to reflect its operations and financial conditions.

35. Publication of accounts.

- (1) The Bank shall, within four months after the end of each financial year, cause to be made and transmit to the Minister —
 - (a) a report of the operations of the Bank during that year, approved by the Board; and
 - (b) a statement of the accounts of the Bank in respect of that year, approved by the Board and signed by the Governor and certified by the external auditors, together with the report of the external auditors.
- (2) The Minister shall as soon as possible after receipt of the report and statement referred to in subsection (1)(a) and (b) —
 - (a) cause a copy of the said report and statement of accounts

備，再移轉至額定資本。

第 33 條 資本不足之彌補

- (1) 依第 37 條規定對本行帳戶進行外部審計，而資產金額低於活期負債及未減損額定資本之總和時，理事會應於洽商外部審計者後，於不超過 30 日之期限內，擬具並向部長提交有關資產不足原因及程度之報告。
- (2) 本行依第(1)項規定向部長提交報告後，應請求部長自綜合基金對額定資本進行撥付，以使額定資本增加至第 6 條第(1)項所定金額。
- (3) 本行依第(2)項規定向部長提出撥付請求後，部長應於不超過 30 日之期限內，以貨幣或以政府按市場相關利率所發行具有特定到期日之可轉讓債券作為支付。

第 34 條 會計標準

本行應依本法及國際財務報告準則，編製反映營運及財務狀況之財務報表。

第 35 條 帳戶之公布

- (1) 本行應於會計年度結束後 4 個月內，擬具並向部長提報 —
 - (a) 經理事會同意之本行年度營運報告；及
 - (b) 經理事會同意，由總裁簽署，並由外部審計者認證，且隨附外部審計報告之本行年度財務報表。
- (2) 部長收受第(1)項第(a)款及第(b)款之報告及財務報表後，應儘速 —
 - (a) 將該報告及財務報表副本（連同外部審計報告）

(together with the external auditors report) to be laid before each House of Parliament; and

(b) cause a copy of the said statement of accounts (together with the external auditors report) to be published in the Gazette.

(3) The Bank shall on its website publish the reports and statement of the accounts submitted to the Minister under subsection (1).

36. Publication of monthly statements.

The Bank shall on or before the end of each month prepare and transmit to the Minister, and publish in the Gazette and on the website of the Bank, a statement of the assets and liabilities of the Bank as at the last working day of the preceding month.

37. External Audit.

- (1) There shall be established an audit committee ("Audit Committee") of the Bank.
- (2) The accounts, records, and statement of the accounts of the Bank shall be audited, at least annually, by independent external auditors appointed by the Board with the approval of the Minister.
- (3) The external auditors shall be of good repute and have recognized international experience in the auditing of international financial institutions.
- (4) The audit under subsection (2) shall be conducted in accordance with the International Standards of Auditing.
- (5) The external auditors shall be appointed for —
 - (a) a minimum period of three consecutive years; and
 - (b) a maximum period of six consecutive years, except where the significant audit partners involved in an audit have been replaced whereupon the Board may extend the appointment for a further period not exceeding three years.
- (6) The external auditors shall submit a written report to the Audit Committee of the Bank on significant matters arising from the audit and in particular on material weaknesses in internal controls relating to the financial reporting process of the Bank.
- (7) The external auditors may be dismissed by the Board for a good cause.

提交參議院及眾議院；且

(b) 將該財務報表副本（連同外部審計報告）刊登於政府公報。

(3) 本行應於網站公布依第(1)項規定提報部長之報告及財務報表。

第 36 條 月報表之公布

本行應於每個月最後 1 個工作日前，擬具並向部長提報、於政府公報刊登及於本行網站公布前 1 個月截至最後 1 個工作日之資產負債表。

第 37 條 外部審計

- (1) 應成立本行審計委員會（以下稱「審計委員會」）。
- (2) 本行之帳戶、紀錄及財務報表，至少每年應經部長同意後由理事會任命之獨立外部審計者進行審計。
- (3) 外部審計者應具有良好之聲譽，並具有審計國際金融機構認可之國際經驗。
- (4) 依第(2)項規定進行之審計應符合國際審計準則。
- (5) 應任命外部審計者—
 - (a) 最少連續 3 年；及
 - (b) 最多連續 6 年，但已參與審計之主要審計成員更換時，理事會得延長其任命期限，以不得超過 3 年為限。
- (6) 外部審計者應向審計委員會，就審計所出現之重要事項，特別是與本行財務報告過程有關之內部控制所出現之重大缺失，提交書面報告。
- (7) 理事會得因正當事由解任外部審計者。

PART IX INFORMATION AND CONFIDENTIALITY

38. Information may be required from financial institutions.

- (1) This section applies to —
 - (a) a financial institution;
 - (b) a connected person; or
 - (c) a person reasonably believed to have information relevant to an inquiry by the Bank.
- (2) The Bank may require by notice in writing any person to which this section applies to supply to the Bank, in such form and within such time as may be specified in the notice, information or documents as the Bank considers necessary to enable the Bank to carry out its functions under this Act or any other written law.
- (3) The Bank may exercise the power vested in the Bank under subsection (2) for the purpose of assisting an overseas regulatory authority.
- (4) The Bank may, where a person fails to comply with a requirement of the Bank under subsection (2), apply to a Magistrate for an order requiring the person to comply with the requirement.
- (5) The Bank may, where the Bank considers it necessary in connection with a requirement to examine a person on oath, apply to a Magistrate to have the person examined by the court and the results of the examination sent to the Bank.
- (6) A court shall process an application under subsection (5) within seven days of its receipt and shall send the result of the examination to the Bank within fourteen days of the examination.
- (7) Any document provided to the Bank under subsection (2) shall be the property of the Bank.
- (8) A person is not required under this section to disclose information or to produce a document which the person would be entitled to refuse to disclose or produce on the grounds of legal professional privilege in court proceedings.
- (9) The Bank may, where the Bank considers it proper, return a document supplied under subsection (2) to the person who supplied the document to the Bank.
- (10) For the purposes of this section —

第 9 章 資訊及保密

第 38 條 得要求金融機構提供之資訊

- (1) 本條規定適用於—
 - (a) 金融機構；
 - (b) 關係人；或
 - (c) 合理認為持有本行調查相關資訊之人。
- (2) 本行得以書面通知要求適用本條規定之人，依該通知所定之形式及期限，提供本行認為依本法或其他成文法履行職權所必需之資訊或文件。
- (3) 本行得行使依第(2)項規定所賦予之權力，以協助境外監管當局。
- (4) 本行得對依第(2)項規定提出要求而未遵循之人，向地方法院申請命令要求其遵循之。
- (5) 本行認有必要對人員採取宣誓後調查時，得向地方法院申請由法院對該人進行調查，並將調查結果送交本行。
- (6) 法院應於接獲第(5)項之申請後 7 日內進行處理，並於調查後 14 日內將調查結果送交本行。
- (7) 依第(2)項規定提供本行之文件，屬於本行所有。
- (8) 基於本條之規定，任何人於法院訴訟程序中，得以法律專業特權為由而拒絕揭露資訊或提供文件。
- (9) 本行於認為適當之情形下，得將依第(2)項規定提供之文件歸還予提供該文件之人。
- (10) 為達本條之規範目的一

- (a) **"document"** means a medium in which information is recorded;
 - (b) any information or other matter comes to a professional legal adviser in privileged circumstances if it is communicated or given to the adviser in any of the following circumstances —
 - (i) by, or by a representative of, a client of the adviser in connection with the giving by the adviser of legal advice to the client;
 - (ii) by, or by a representative of, a person seeking legal advice from the adviser;
 - (iii) by any person in contemplation of, or in connection with, legal proceedings;
 - (c) no information or other matter shall be treated as coming to a professional legal adviser in privileged circumstances if it is communicated or given with a view to furthering a criminal purpose; and
 - (d) **"connected person"** means any one of the following —
 - (i) a director, officer, partner, employee, or agent of the financial institution's group;
 - (ii) a controller of the financial institution;
 - (iii) a person required to be consolidated with another person in a statement of the accounts of the other person by the International Financial Reporting Standards.
- (11) A person who without reasonable cause —
- (a) fails to comply with a requirement of the Bank under subsection (2);
 - (b) with intent to avoid compliance with subsection (2) destroys, mutilates, defaces, hides or removes a document; or
 - (c) wilfully obstructs an inquiry by the Bank under subsection (2), commits an offence is liable on conviction to a fine not exceeding one hundred thousand dollars and, where the offence is continued after conviction, to a further fine of ten thousand dollars for every day or part thereof during which the offence is continued.
- (12) Where —
- (a) an offence under this section has been committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of

- (a) 「文件」係指記錄資訊之媒體；
 - (b) 資訊或其他事項於下列任一情形傳送或提供予專業法律顧問時，屬受特權保護情形—
 - (i) 由該顧問之客戶或其代表所為，且與該顧問向客戶提供法律建議有關；
 - (ii) 由尋求該顧問法律建議之人或其代表所為；
 - (iii) 任何人於考慮法律程序或與法律程序有關之情形下所為；
 - (c) 資訊或其他事項係為進一步犯罪目的而傳送或提供時，非屬受特權保護情形；
 - (d) 「關係人」係指下列任一—
 - (i) 金融機構集團之董事、職員、合夥人、受雇人或代理人；
 - (ii) 金融機構之實質控制者；
 - (iii) 依國際財務報告準則，應與他人合併於對方財務報表之人。
- (11) 無正當理由而為下列行為，其犯行經定罪者，科 10 萬元以下之罰金；定罪後仍繼續犯罪者，於犯罪繼續期間每日（或不足 1 日）科 1 萬元罰金—
- (a) 未遵循本行依第(2)項規定之要求；
 - (b) 企圖以破壞、毀損、損壞、隱匿或移除文件之方式，規避遵循第(2)項規定；或
 - (c) 故意妨礙本行依第(2)項規定進行之調查。
- (12) 於—
- (a) 法人犯本條之罪，經證實係由其董事、經理人、秘書或其他相當職位，或有同等決定權之人之同

the body corporate or a person who was purporting to act in any such capacity, the officer or person as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly; and

- (b) the affairs of a body corporate are managed by its members, paragraph (a) shall apply in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

39. Collection of statistics.

- (1) Notwithstanding section 40, the Bank may obtain in such form and within such time as may be determined by the Bank information from any person for the purpose of discharging the Bank's functions under section 5(1)(i).
- (2) Notwithstanding any other provision of this Act, information obtained by the Bank under subsection (1) shall not be used or supplied to any person in the Government or otherwise for any purpose other than the collection and production of statistical data.

40. Assistance in obtaining information.

- (1) The Bank may —
 - (a) seek the assistance of the Commissioner of Police in the exercise of the Bank's powers under this Act; and
 - (b) authorise a competent person to exercise any of the Bank's powers under this Act.
- (2) No assistance shall be sought or authority granted by the Bank under subsection (1) except for the purpose of investigating —
 - (a) the affairs, or any aspect of the affairs, of a person specified by the Bank; or
 - (b) a person or subject matter specified by the Bank, being a person who or a subject matter which is the subject of the inquiries being carried out by or on behalf of an overseas regulatory authority or the Bank.
- (3) No person is bound to comply with a requirement imposed by a person exercising powers by virtue of an authority granted under this section unless the grantee of the power has, where required, produced evidence of the grantee's authority.

意、共謀或過失所致者，該等職員或人員與法人共同構成犯罪，應予起訴，並據以處罰；及

- (b) 法人之事務由其成員管理者，該成員於管理職權內之作為及不作為，應適用第(a)款規定，視同法人之董事。

第 39 條 統計資料之收集

- (1) 本行得按其所定之形式及期間獲取資訊，以履行本行依第 5 條第(1)項第(i)款之職權，不受第 40 條規定之限制。
- (2) 本行依第(1)項規定獲取之資訊，不得用於收集及編製統計數據以外之其他目的，亦不得提供政府人員，不受本法其他相關規定之限制。

第 40 條 獲取資訊之協助

- (1) 本行得—
 - (a) 就行使本行依本法之權力，請求警政署長協助；及
 - (b) 授權符合條件之人行使本行依本法之權力。
- (2) 除為了調查目的之下列事項外，本行不得依第(1)項規定請求協助或授權—
 - (a) 本行指定之人之相關事項或該事項之任何層面；或
 - (b) 本行指定之人或標的，而該人或標的係境外監管當局或其代理人或本行進行調查之對象。
- (3) 除被授權之人已依要求出示授權之證明外，任何人無須遵循依本條規定授權行使權力之人之要求。

- (4) Where the Bank seeks assistance or grants an authority under this section, the assistance or authority shall be provided or executed in such manner as the Bank may determine and a person to whom the Bank grants an authority shall make a report to the Bank, in such manner as the Bank may require, on the exercise of the authority and its results.

41. Information exchange.

- (1) Notwithstanding section 43(1), the Bank may exchange information with —
- (a) any other regulatory authority in The Bahamas, where it is considered by the Governor that such cooperation or information may be relevant to the functions of such other regulatory authority or as a necessary part of a framework for consolidated supervision, oversight or regulation of the financial services sector;
 - (b) an overseas regulatory authority; and
 - (c) a foreign financial institution.
- (2) The Bank shall not supply to an overseas regulatory authority any information which is not disclosed to the public, unless —
- (a) the Bank has satisfied itself that the intended recipient authority is subject to adequate legal restrictions on further disclosures, including the provision of an undertaking of confidentiality, or the Bank has been given an undertaking by the recipient authority not to disclose the information provided without the consent of the Bank;
 - (b) the Bank is satisfied that the assistance requested by the overseas regulatory authority is required for the purposes of the overseas regulatory authority's regulatory functions including the conduct of civil or administrative investigations or proceedings to enforce laws administered by that authority; and
 - (c) the Bank is satisfied that information provided pursuant to subsection (1) will not be used in criminal proceedings against the person providing the information.
- (3) Where in the opinion of the Bank it appears necessary in relation to any request for assistance received from an overseas regulatory authority to invoke the jurisdiction of a Magistrate in the manner contemplated by section 38(4) and (5) —

- (4) 本行依本條規定請求協助或授權時，協助之人或被授權之人應按本行所定方式提供協助或執行，且被授權之人應按本行要求之方式，向本行報告有關授權之行使情形及其結果。

第 41 條 資訊交換

- (1) 本行得與下列機關（構）交換資訊，不受第 43 條第(1)項規定之限制—
- (a) 巴哈馬其他監管當局，須經總裁認定此等合作或資訊與該監管當局之職權相關，或屬金融服務部門綜合監理、監督或管理架構之必要組成部分；
 - (b) 境外監管當局；及
 - (c) 外國金融機構。
- (2) 本行不得向境外監管當局提供未公開之資訊，除非—
- (a) 本行已確保收受資訊之機關對進一步揭露資訊設有適當之法律限制，包含提供保密承諾，或該機關已向本行承諾非經本行同意定不揭露該等資訊；
 - (b) 本行確信境外監管當局請求之協助係該監管當局履行其監管職權所必需，包含進行民事、行政調查或訴訟程序，俾以施行該監管當局主管法律；且
 - (c) 本行確信依第(1)項規定提供之資訊，不會用於對資訊提供者之刑事訴訟程序。
- (3) 本行認有必要對境外監管當局之協助請求，依第 38 條第(4)項及第(5)項所定方式借助地方法院之管轄時—

- (a) the Bank shall immediately notify the Attorney-General with particulars of the request and submit to the Attorney-General copies of all documents relating to the request; and
- (b) the Attorney-General may, in a manner analogous to *amicus curiae*, appear or take part in any proceedings in The Bahamas, or in any appeal from such proceedings, arising directly or indirectly from the request.

42. Supplying false statement.

A person who supplies or is concerned in supplying to the Bank any statement, account, report or other information pursuant to this Act knowing the same to be false in a material particular commits an offence and is liable on conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding five years or to both and, in the case of a continuing offence, to a fine not exceeding ten thousand dollars for each day or part thereof during which the offence continues.

43. Confidentiality.

- (1) Subject to subsection (2), no person who is or has been —
 - (a) a director, officer, employee, agent or adviser of the Bank;
 - (b) a statutory administrator appointed by the Bank under the Banks and Trust Companies Regulation Act, 2020;
 - (c) an independent valuer appointed by the Bank under section 47 (11) of the Banks and Trust Companies Regulation Act, 2020;
 - (d) potential purchasers of the assets, rights or liabilities of a bank under statutory administration that have been contacted by the Bank or the statutory administrator;
 - (e) a director, officer, employee, agent or adviser of a bridge institution;
 - (f) a director, officer, employee, agent or adviser of an asset management vehicle;
 - (g) any other persons who provide or have provided services directly or indirectly, permanently or occasionally, to persons referred to in subparagraphs (a) to (f),

shall disclose any information relating to the affairs of the Bank, or of any person, that such person has acquired in the performance or exercise of his duties or functions under this Act.

- (a) 本行應立即通知司法部長有關該請求之詳情，並向司法部長提交與該請求有關之所有文件副本；且
- (b) 司法部長得以類似法庭之友之形式，出庭或參與在巴哈馬因其請求所直接或間接產生之訴訟程序。

第 42 條 提供虛偽聲明

向本行提供或參與提供依本法所要求之聲明、帳目、報告或其他資訊，而明知其重要內容有虛偽，其犯行經定罪者，處 5 年以下有期徒刑，或科或併科 10 萬元以下罰金；定罪後仍繼續犯罪者，於犯罪繼續期間每日（或不足 1 日）處 1 萬元罰金。

第 43 條 保密

- (1) 除第(2)項另有規定外，現任或曾任下列職務之人不得揭露與本行有關之資訊，或於履行本法之職責或職權過程中所獲取之資訊—
 - (a) 本行理事、高階人員、職員、代理人或顧問；
 - (b) 本行依「2020 年銀行及信託公司管理法」規定任命之法定管理人；
 - (c) 本行依「2020 年銀行及信託公司管理法」第 47 條第(11)項規定任命之獨立估價師；
 - (d) 處於法定管理中銀行之資產、權利或負債之潛在買家，且與本行或法定管理人曾有聯絡者；
 - (e) 過渡機構之董事、高階人員、職員、代理人或顧問；
 - (f) 資產管理機構之董事、高階人員、職員、代理人或顧問；
 - (g) 其他直接或間接、經常或偶爾對第(a)款至第(f)款之人提供或曾提供服務之人。

- (2) Subsection (1) does not apply to a disclosure —
- (a) lawfully required or permitted by a court of competent jurisdiction within The Bahamas;
 - (b) necessary for fulfilling functions and duties required or permitted by this Act or any other written law;
 - (c) made with the voluntary consent of the person to whom the disclosed information relates;
 - (d) where the information disclosed is or has been available to the public from another source;
 - (e) where the information is disclosed in a manner that does not enable the identity of any person to whom the information relates to be ascertained;
 - (f) made to authorities in The Bahamas to the extent necessary —
 - (i) for the conduct of criminal proceedings; or
 - (ii) for disciplinary proceedings relating to the discharge by a public officer, a counsel and attorney, auditor, accountant, valuer, actuary or an employee of the Bank, of his duties;
 - (g) made for the purposes of any legal proceedings in connection with —
 - (i) the winding-up or dissolution of a financial institution;
 - (ii) the appointment or duties of a receiver of a financial institution or agency or Government body authorized in writing by the Minister, where the Governor considers that such disclosure may be relevant to any application made to the Bank or the Government and is satisfied that the information will be treated as confidential by the agency, body or person to whom it is disclosed; or
 - (h) made to the Minister or any officer of the Ministry of Finance, or to a Government agency or body authorized in writing by the Minister, where the Governor considers that such disclosure may be relevant to an application made to the Bank or the Government and is satisfied that the information will be treated as confidential by the agency, body or person to whom it is disclosed.
- (3) A person who contravenes or fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding three years or both.

- (2) 第(1)項規定不適用於下列情形之揭露—
- (a) 巴哈馬境內具有管轄權之法院合法要求或允許者；
 - (b) 履行本法或其他成文法要求或允許之職權與職責所必要者；
 - (c) 經受揭露資訊有關之人自願同意者；
 - (d) 受揭露資訊已於其他來源公開；
 - (e) 其揭露方式無法明確識別與該資訊確實有關之人者；
 - (f) 向巴哈馬當局揭露，且揭露之範圍限於為下列情形必須者—
 - (i) 刑事訴訟之進行；或
 - (ii) 涉及高階公務人員、律師、審計師、會計師、估價師、精算師或本行職員履行職責之懲戒程序；
 - (g) 因與下列事項有關之法律程序而為之者—
 - (i) 金融機構之結束營業或解散；
 - (ii) 由部長書面授權之金融機構、部門或政府法人接管人之任命或職責，經總裁認定該揭露對本行或政府之申請有關，並確信該資訊將由案關部門、法人或個人保密；或
 - (h) 向部長或財政部之官員，或部長書面授權之政府部門或法人揭露，經總裁認定該揭露對本行或政府之申請有關，並確信該資訊將由案關部門、法人或個人保密。
- (3) 違反或未遵循第(1)項規定，其犯行經定罪者，處3年以下有期徒刑，或科或併科5萬元以下罰金。

PART X OFFENCES, VIOLATIONS AND PENALTIES

44. Procedure in relation to offences.

Every offence under this Act shall, where prosecuted, be tried summarily.

45. Offences by corporations.

Where an offence under this Act has been committed by a body corporate and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, the officer or person, as well as the body corporate, commits the offence and is liable to be proceeded against and punished accordingly.

46. The Bank may impose general penalties.

- (1) The Bank may order the payment of such penalty as may be prescribed by regulations if satisfied that any person has committed a violation of —
 - (a) a specified provision of this Act, an Act that is administered by the Bank or of a specified provision of a regulation made under one of them;
 - (b) a condition or limitation imposed by the Bank;
 - (c) a direction issued by the Bank pursuant to section 18(1) and 29(1)(g) of the Banks and Trust Companies Regulation Act, 2020 and section 88(7) of the Bahamas Co-operative Credit Unions Act, 2015 (*No. 9 of 2015*); or
 - (d) an order made by the Bank under this or any other Act.
- (2) The Bank shall, where it makes an order under this Part —
 - (a) specify in the order the —
 - (i) name of the person believed to have committed a violation;
 - (ii) nature of the violation which the person is believed to have committed;
 - (b) give a copy of the order to the person named in the order.
- (3) An order made under this Part may be enforced in the same manner

第 10 章 犯罪、違法行為及處罰

第 44 條 涉及犯罪之程序

犯本法之罪，經起訴者，應依簡易訴訟審理。

第 45 條 法人之犯罪

法人犯本法之罪，經證實係由其董事、經理人、秘書或其他相當職位，或有同等決定權之人之同意、共謀或過失所致者，該等職員或人員與法人共同構成犯罪，應予起訴，並據以處罰。

第 46 條 本行得裁處之一般罰鍰

- (1) 違反下列規定者，本行得依規章之規定，命其支付罰鍰—
 - (a) 本法、本行主政之法律或依前開法律所定規章之條文規定；
 - (b) 本行所定之條件或限制；
 - (c) 依「2020 年銀行及信託公司管理法」第 18 條第(1)項與第 29 條第(1)項第(g)款及「2015 年巴哈馬信用合作社法」（2015 年第 9 號法案）第 88 條第(7)項規定所發布之指令；或
 - (d) 本行依本法或其他法律所為之命令。
- (2) 本行依本章為命令時，應—
 - (a) 於命令中指明—
 - (i) 經認定違規者之姓名；
 - (ii) 經認定違規者之違規性質；
 - (b) 將命令副本送交命令所指定之當事人。
- (3) 依本章所為之命令，得以執行法院命令之相同方式為

as an order of the court.

- (4) A penalty paid or recovered under this Part is payable to and shall be remitted to the Bank.

47. Designated violations and fixed penalties.

- (1) The Bank may make regulations —
- (a) designating, as a violation that may be proceeded with under sections 46 to 51 and 53 to 55 —
 - (i) the contravention of a specified provision of this Act, an Act that is administered by the Bank or of a specified provision of a regulation made under one of them; or
 - (ii) the non-compliance with —
 - (aa) a condition or limitation imposed by the Bank,
 - (bb) a direction issued by the Bank pursuant to section 18 (1) or 29(1)(g) of the Banks and Trust Companies Regulation Act, 2020 or section 88(7) of the Bahamas Cooperative Credit Unions Act, 2015 (*No. 9 of 2015*).
 - (cc) an order made by the Bank under this Act or any other written law;
 - (b) classifying each violation as a minor violation, a serious violation or a very serious violation;
 - (c) fixing, in accordance with subsection (2), a penalty, or a range of penalties, in respect of any violation;
 - (d) generally for carrying out the purposes and provisions of sections 46 to 51 and sections 53 to 54.
- (2) The Bank may, pursuant to subsection (1) —
- (a) designate as a violation the—
 - (i) violation of a specified provision of this Act, an Act that is administered by the Bank or of a specified provision of a regulation made under one;
 - (ii) non-compliance with any of the following —
 - (aa) a condition or limitation imposed by the Bank;
 - (bb) a direction issued by the Bank pursuant to section 18 (1) or section 29(1)(g) of the Banks and Trust Companies Regulation Act, 2020 or section 88(7) of

之。

- (4) 依本章所應支付或追繳之罰鍰，應支付並匯予本行。

第 47 條 認定違法行為並決定罰鍰

- (1) 本行得訂定規章—
- (a) 認定下列行為係得依第 46 條至第 51 條及第 53 條至第 55 條規定處理之違法行為—
 - (i) 違反本法、本行主政之法律或依前開法律所定規章之條文規定；或
 - (ii) 未遵循—
 - (aa) 本行所定之條件或限制；
 - (bb) 依「2020 年銀行及信託公司管理法」第 18 條第(1)項或第 29 條第(1)項第(g)款及「2015 年巴哈馬信用合作社法」(2015 年第 9 號法案)第 88 條第(7)項規定所發布之指令；
 - (cc) 本行依本法或其他成文法律所為之命令；
 - (b) 將違法行為分類為輕微違法行為、嚴重違法行為或極嚴重違法行為；
 - (c) 依第(2)項規定決定違法行為之罰鍰或罰鍰範圍；
 - (d) 用於執行第 46 條至第 51 條及第 53 條至第 54 條所定目的及條文之通常情形。
- (2) 本行得依第(1)項規定—
- (a) 認定下列行為係違法行為—
 - (i) 違反本法、本行主政之法律或依前開法律所定規章之條文規定；
 - (ii) 未遵循—
 - (aa) 本行所定之條件或限制；
 - (bb) 依「2020 年銀行及信託公司管理法」第 18 條第(1)項或第 29 條第(1)項第(g)款及「2015 年巴哈馬信用合作社法」(2015

the Bahamas Co-operative Credit Unions Act, 2015
(No. 9 of 2015);

(cc) an order made by the Bank under this Act or any other written law.

- (3) The maximum penalty fixed for a violation shall be —
 - (a) for a violation committed by an individual, in the case of —
 - (i) a minor violation, two thousand five hundred dollars;
 - (ii) a serious violation, five thousand dollars; and
 - (iii) a very serious violation, ten thousand dollars;
 - (b) for a violation committed by a company, in the case of —
 - (i) a minor violation, ten thousand dollars;
 - (ii) a serious violation, fifty thousand dollars; and
 - (iii) a very serious violation, one hundred thousand dollars.
- (4) A minor violation shall, where it consists of a late or erroneous filing and is continued on more than one day, constitute a separate violation for each day during which it is continued.
- (5) Except if a penalty is fixed pursuant to subsection 47(1)(c), the Bank shall determine the amount of the penalty by taking into account —
 - (a) the degree of intention or negligence on the part of the person who committed the violation;
 - (b) the harm done by the violation;
 - (c) the history of the person or financial institution that committed the violation having regard to any prior violation or conviction under this Act within the five year period immediately before the violation;
 - (d) whether the financial institution or person concerned brought the violation to the attention of the Bank;
 - (e) the seriousness of the violation;
 - (f) whether or not the violation was inadvertent;
 - (g) the efforts, if any, made to rectify the violation and to prevent a recurrence;
 - (h) the potential financial consequences to the financial institution or person concerned, and to third parties including customers and creditors of the financial institution, of imposing a penalty;
 - (i) the penalties imposed by the Bank in other cases; and
 - (j) any other criteria as may be prescribed by regulation.

年第 9 號法案) 第 88 條第(7)項規定所發布之指令；

(cc) 本行依本法或其他成文法律所為之命令。

- (3) 違法行為之最高罰鍰金額為—
 - (a) 下列個人違法行為—
 - (i) 輕微違法行為 2,500 元；
 - (ii) 嚴重違法行為 5,000 元；及
 - (iii) 極嚴重違法行為 10,000 元；
 - (b) 下列法人違法行為—
 - (i) 輕微違法行為 10,000 元；
 - (ii) 嚴重違法行為 50,000 元；及
 - (iii) 極嚴重違法行為 100,000 元。
- (4) 輕微違法行為涉及遲延或錯誤申報，且持續超過 1 日者，持續之每 1 日均構成個別違法行為。
- (5) 除依第 47 條第(1)項第(c)款規定決定罰鍰之情形外，本行應考量下列因素決定罰鍰金額—
 - (a) 違法者之故意或過失程度；
 - (b) 違法行為所造成之損害；
 - (c) 違法者或金融機構於違法行為之前 5 年間所涉違法行為或定罪紀錄；
 - (d) 是否為金融機構或相關人員主動向本行通報違法行為；
 - (e) 違法行為之嚴重程度；
 - (f) 違法行為是否非故意；
 - (g) 是否努力改正違法行為並防止再發生；
 - (h) 處罰鍰對金融機構或相關人員，以及包含金融機構之客戶與債權人在內之第三方產生潛在財務影響；
 - (i) 本行於其他案件所裁處之罰鍰；
 - (j) 其他規章所定之基準。

- (6) For for the purposes of this section, subsection (5) does not apply to a penalty fixed under subsection (1)(c).

48. The Bank must make an election.

- (1) The Bank, where a violation described in section 46 or 47 may be proceeded with as a contravention or as an offence —
 - (a) shall elect to proceed with the matter in one manner only; and
 - (b) on completion of the proceeding in the manner elected pursuant to paragraph (a), is precluded from proceeding in the other manner.
- (2) Where the Bank elects to proceed with a violation as a contravention, this shall not preclude the Bank from exercising any of its other powers under this Act or any other written law.

49. Procedure for imposition of penalty on making of election.

- (1) Every contravention or non-compliance that is designated under section 47(2)(a) constitutes a violation and the person who commits the violation is liable to a penalty determined in accordance with section 47(5).
- (2) If the Bank is satisfied that a person has committed a violation, the Bank may issue, and shall cause to be served on the person, a written notice of violation.
- (3) A notice of violation shall contain the —
 - (a) name of the person believed to have committed the contravention or offence;
 - (b) nature of the contravention of the offence;
 - (c) penalty that the Bank intends to impose;
 - (d) right of the person within thirty days after the notice is served, or within such longer period as the Bank may specify in the notice, to pay the penalty or to make representations to the Bank with respect to the violation;
 - (e) manner in which the person may make representations pursuant to paragraph (d); and
 - (f) warning that the person will, where payment or representations are not made in accordance with the notice, be deemed to have committed the violation and the Bank may impose a penalty in respect of it.

- (6) 就本條而言，第(5)項規定不適用於依第(1)項第(c)款規定所定之罰鍰。

第 48 條 本行應為之選擇

- (1) 本行對第 46 條或第 47 條所定之違法行為，得以違規或犯罪案件處理，但—
 - (a) 本行僅得選擇一種方式進行處理；且
 - (b) 依第(a)款選定之方式完成處理後，不得再以另一種方式繼續處理。
- (2) 本行選擇將違法行為視為違規時，不妨礙本行行使依本法或其他成文法所賦予之其他權力。

第 49 條 選擇後之裁罰程序

- (1) 依第 47 條第(2)項第(a)款認定之違規或未遵循行為構成違法行為，應對違法者依第 47 條第(5)項規定裁處罰鍰。
- (2) 本行認定違法者後，得發出書面違法通知，並應將該通知送達之。
- (3) 違法通知應包括—
 - (a) 認定有違規或犯罪行為者之姓名；
 - (b) 犯罪行為之不法性；
 - (c) 本行擬裁處之罰鍰；
 - (d) 違法者有權於通知送達後 30 日內，或本行於通知所定之更長期限內，支付罰鍰或向本行對違法行為作出陳述；
 - (e) 違法者得依第(d)款規定進行陳述之方式；以及
 - (f) 警告違法者如未依通知進行支付或陳述，將視為構成違規行為，本行得對其處以罰鍰。

50. Determination of responsibility and penalty.

- (1) A person who pays in full the penalty proposed in a notice under section 49 is deemed to have committed the violation and all proceedings in respect of such violation terminates upon such payment.
- (2) Where a person makes representations in accordance with a notice under section 49, the Bank —
 - (a) shall decide on a balance of probabilities whether such person committed the violation; and
 - (b) may subject to any regulations made pursuant to section 47(1)(c), do either one of the following —
 - (i) where the Bank decides a violation has been committed, by order impose the penalty proposed or a lesser penalty;
 - (ii) where the Bank decides a violation has not been committed, impose no penalty.
- (3) A person who does not pay the penalty or make representations in accordance with a notice under section 49 is deemed to have committed the violation and the Bank may subject to any regulations made pursuant to section 47(1)(c) or a regulation made pursuant to this Act or any other law —
 - (a) by order impose the penalty proposed or a lesser penalty; or
 - (b) impose no penalty.

51. Publication of penalties.

The Bank may, where the Bank imposes a penalty on a person, publish in such manner as the Bank deems appropriate a statement of the violation in respect of which the penalty is imposed.

PART XI MISCELLANEOUS**52. Exemption.**

- (1) The Bank is exempt from payment of tax under the Real Property Tax Act (*Ch. 375*) and payment of any other taxes and levies on the import and domestic supply of gold, banknotes, and coins.
- (2) Notes, coins and electronic money issued by the Bank are exempt from the payment of stamp duty.

第 50 條 責任及罰鍰之決定

- (1) 全額支付第 49 條之通知擬處之罰鍰者，視為已作成違法行為，且該違法行為相關程序於支付後終止。
- (2) 對依第 49 條之通知進行陳述者，本行—
 - (a) 應衡酌其作成違規行為之可能性；以及
 - (b) 得依第 47 條第(1)項第(c)款規定訂定下列其中一項規章—
 - (i) 對本行認定已構成違規行為者，以命令裁處不高於規定之罰鍰；或
 - (ii) 對本行認定未構成違規行為者，不處以罰鍰。
- (3) 未依第 49 條之通知支付罰鍰或進行陳述者，視為已作成違法行為，本行得依第 47 條第(1)項第(c)款或依本法或其他法律規定，訂定下列其中一項規章—
 - (a) 以命令裁處不高於規定之罰鍰；或
 - (b) 不處以罰鍰。

第 51 條 處罰之公布

本行裁處罰鍰後，得以本行認為適當之方式，公布對該違法行為裁處之說明。

第 11 章 附則**第 52 條 豁免規定**

- (1) 本行依「不動產稅條例」（第 375 章）規定免稅，並對進口及國內供應之黃金、鈔券及硬幣，免支付其他稅款與徵收款。
- (2) 本行發行之鈔券、硬幣及電子貨幣，免支付印花稅。

- (3) The Bank is exempt from the payment of stamp duty and postal charges for money transacted between the offices of the Bank, and with an agency of the Government, in connection with the Bank's functions under this Act.

53. Remission.

- (1) The Bank may remit all or part of a penalty imposed under section 46, including interest on such penalty.
- (2) A remission may be conditional or unconditional.

54. Time limits.

- (1) A document appearing to have been issued by the Bank, certifying the day on which the subject matter of any proceedings by the Bank became known to the Bank —
- (a) is admissible in evidence without proof of the signature or official character of the person appearing to have signed such document; and
- (b) in the absence of evidence to the contrary, is proof of the matter asserted in such document.
- (2) The Bank shall not commence proceedings in respect of a violation —
- (a) in the case of a minor violation, later than six months after the subject-matter of the proceedings become known to the Bank; or
- (b) in the case of a serious violation or a very serious violation, later than six years after the subject-matter of the proceedings became known to the Bank.

55. Appeal.

- (1) A person may appeal to the Supreme Court from any decision of the Bank imposing a penalty in respect of a serious violation or a very serious violation under section 47.
- (2) Subject to subsection (3), an appellant under subsection (1) must —
- (a) make his appeal on motion; and
- (b) within twenty-one days after the day on which the Bank imposed the penalty, serve on the Attorney General a notice in writing signed by the appellant or his counsel and attorney of the intention to appeal and the general grounds for the appeal.

- (3) 本行對涉及本行依本法之職權，且於本行辦公室間及與政府機構間進行之資金交易，免支付印花稅及郵資。

第 53 條 減免

- (1) 本行得減免依第 46 條規定所處罰鍰（包括該罰鍰之利息）之全部或一部。
- (2) 減免得附條件或無條件。

第 54 條 時效限制

- (1) 由本行出具用以證明本行知悉訴訟標的日期之文件—
- (a) 無須證明該文件簽署者之簽名或職務身分，即得作為證據；且
- (b) 於無反證之情形下，得證明該文件所聲明之事項。
- (2) 本行於下列情形下，不得就違法行為啟動訴訟程序—
- (a) 輕微違法行為者，於本行知悉訴訟程序標的後已逾 6 個月；或
- (b) 嚴重違法行為或極嚴重違法行為者，於本行知悉訴訟程序標的後已逾 6 年。

第 55 條 上訴

- (1) 本行依第 47 條規定就嚴重違法行為或極嚴重違法行為處以罰鍰決定之人，得向最高法院提起上訴。
- (2) 為配合第(3)項之規定，第(1)項之上訴人應—
- (a) 聲請提起上訴；且
- (b) 於本行裁處罰鍰之日起 21 日內，向司法部長送達由上訴人或其律師簽署之書面通知，敘明上訴之意圖及理由。

- (3) A person desiring to appeal a decision of the Bank under subsection (1) may, upon notice to the Attorney-General, apply to the Supreme Court for leave to extend the time within which the notice of appeal may be served and the Supreme Court, upon the hearing of such application, may extend the time prescribed under subsection (2)(b) as the Supreme Court deems fit.
- (4) The Attorney-General shall upon receiving a notice of appeal transmit to the Registrar of the Supreme Court without delay a copy of the Bank's decision and all papers relating to the appeal.
- (5) Notwithstanding subsection (4), the Attorney-General shall not be compelled to disclose any information if the Attorney General considers that the public interest would suffer by such disclosure.
- (6) The Registrar of the Supreme Court shall set an appeal down for hearing on such day, and shall cause notice of the same to be published in such manner, as the Supreme Court may direct.
- (7) The appellant at the hearing of an appeal —
 - (a) before commencing his case, must state all the grounds of appeal on which the appellant intends to rely; and
 - (b) must not, except by leave of the Supreme Court, go into any matters not raised by the stated grounds of appeal.
- (8) The Supreme Court may adjourn the hearing of the appeal and may upon the hearing thereof confirm, reverse, vary or modify the decision of the Bank or remit the matter with the opinion of the Supreme Court thereon to the Bank.

56. Conflicts of interest.

- (1) The Bank shall establish a code ("Code" or "Codes of Conduct") requiring a director, Governor, and the Bank's employees to avoid any situation likely to give rise to a conflict of their personal interests with interests of the Bank.
- (2) Where a director is directly or indirectly interested otherwise than as a director, or in common with other directors, in a contract or other transaction made or proposed to be made by the Bank —
 - (a) the director must disclose the nature of his interest at the first meeting of the Board at which the director is present after the relevant facts have come to the director's knowledge;

- (3) 擬依第(1)項規定對本行決定提起上訴之人，得於通知司法部長後，向最高法院申請延長送達上訴通知之時限。最高法院審理申請後，得按其認為適當之情形，延長第(2)項第(b)款所定之時限。
- (4) 司法部長收受上訴通知後，應儘速將本行決定及上訴所有相關文件副本轉送最高法院書記官。
- (5) 司法部長認為公開資訊將損害公共利益時，得不揭露該資訊，不受第(4)項規定之限制。
- (6) 最高法院書記官應排定上訴案件之審理日，並依最高法院指示，以相應方式發布通知。
- (7) 上訴人於上訴案件審理時—
 - (a) 於案件開始前，應說明上訴人依據之所有上訴理由；且
 - (b) 未經最高法院同意，不得涉及未於上訴理由提及之事項。
- (8) 最高法院得暫停上訴聽證，並得於審理後確認、推翻、修正或更改本行之決定，或將該事項連同最高法院之意見退回本行。

第 56 條 利益衝突

- (1) 本行應建立行為準則（「準則」或「行為準則」），要求理事、總裁及本行職員避免可能導致其個人利益與本行利益衝突之情形。
- (2) 理事非因理事身分或與其他理事有共同之處，而對本行已成立或擬成立之契約或其他交易，有直接或間接利害關係時—
 - (a) 該理事應於知悉相關事實後首次出席之理事會會議，揭露其利害之性質；

- (b) the disclosure shall be recorded in the minutes of the Board; and
 - (c) after the disclosure has been recorded in the minutes of the Board, the director shall not take part in any deliberation or decision of the Board with respect to the contract or transaction.
- (3) A director who falls within subsection (2) shall not be counted for the purpose of determining whether a quorum is satisfied when a relevant decision is voted on.

57. Fees and charges.

The Bank may charge reasonable fees and charges for the services the Bank provides and the functions the Bank carries out.

58. Supremacy of this Act.

- (1) Where a conflict arises between this Act and the provisions of any other Act, the provisions of this Act shall prevail.
- (2) The provisions of this Act shall not be repealed, amended, or suspended, in whole or in part, by any other written law, unless the subsequent legislation specifically amends this Act.
- (3) This Act may only be repealed or amended on a recommendation from, or after consultation with, the Bank.

59. Preferential right.

- (1) The Bank has an unconditional preferential right to use any collateral or assets provided by a debtor in settlement of, or to secure its obligations to the Bank, if such asset or collateral is in the possession of the Bank.
- (2) Where a debtor defaults on the debtor's obligations to the Bank, whether or not insolvency proceedings commence against the debtor, the Bank may exercise its preferential right under subsection (1) in such manner as the Bank may think fit, without the authorization or intervention of any court or public entity.
- (3) Where insolvency proceedings have commenced against a debtor under the Banks and Trust Companies Regulation Act, 2020, any collateral provided by a debtor to the Bank under section 26 of this Act, shall have the effect of a fixed charge over the underlying assets in favour of the Bank, and such assets shall not be available to other creditors of the debtor.
- (4) The Bank shall not be hindered in the exercise of its preferential right under subsection (1) by any claim of a third party.

- (b) 揭露內容應記錄於理事會會議紀錄；且
 - (c) 揭露內容記錄於理事會會議紀錄後，該理事不得參與理事會有關該契約或交易之討論或決議。
- (3) 第(2)項之理事，於相關決議投票時，不計入會議法定人數。

第 57 條 收費

本行得對提供之服務及履行之職權，收取合理之費用。

第 58 條 本法之優先性

- (1) 本法與其他法律規定不一致時，應優先適用本法規定。
- (2) 除後續立法專門用以修正本法外，不得以其他成文法廢止、修正或停止適用本法規定之全部或一部。
- (3) 本法僅得於經本行建議或洽商本行後，始得廢止或修正。

第 59 條 優先權

- (1) 本行就所持有由債務人提供，並用以償付或確保對本行債務之資產或擔保品，有無條件之優先權。
- (2) 債務人未履行對本行債務時，不論是否對債務人啟動破產程序，本行得依第(1)項規定，以本行認為適當之方式行使優先權，不需法院或公法人之授權或介入。
- (3) 依「2020 年銀行及信託公司管理法」規定對債務人啟動破產程序時，債務人依本法第 26 條規定提供本行之擔保品，將對標的資產產生確定擔保之效力，並以本行為受益人，且該資產不得供債務人之其他債權人使用。
- (4) 本行行使第(1)項之優先權，不受第三人主張之阻礙。

60. Immunities of the Bank.

- (1) Where any legal action has been commenced in a court in The Bahamas, no order of attachment or writ of execution with regard to any property held by or deposited with the Bank shall be granted before a final judgement in such action has been issued by the court.
- (2) The Bank may in whole or in part, in writing, waive the Bank's immunity from attachment or execution under subsection (1), except the Bank's right to a waiver shall not apply with regard to the special drawing rights.
- (3) No account with the Bank intended to be used in the performance of the Bank's functions under this Act shall be the subject of any seizure, attachment, sequestration or blocking order.

61. Immunity of officials and staff of the Bank.

- (1) No civil or criminal liability shall attach to —
 - (a) a director, Deputy Governor, employee or agent of the Bank;
 - (b) correspondent acting under the direction of the Bank;
 - (c) any person duly authorized by the Inspector under subsection 28(3) of the Banks and Trust Companies Regulation Act, 2020;
 - (d) any person duly authorized by the Bank under or pursuant to subsections 29(1)(d), (e) or (f); subsection 38(1) or subsection 60(1) or (2) of the Banks and Trust Companies Regulation Act, 2020;
 - (e) a director or officer of a bridge institution;
 - (f) a director or officer of an asset management vehicle;
 - (g) an independent valuer appointed under the Banks and Trust Companies Regulation Act, 2020,

even after the termination of their functions or duties, for anything done or statement made or omitted to be done or made in good faith in the course of or in connection with —

- (i) the exercise or purported exercise of any power under this Act or any other written law;
- (ii) the performance or purported performance of any function or duty under this Act or any other written law; or
- (iii) the compliance or purported compliance with this Act or any other written law.

第 60 條 本行之豁免權

- (1) 向巴哈馬法院啟動法律行動時，於法院為最終判決前，對本行持有或存放之財產不得發出扣押令或執行令。
- (2) 本行得以書面放棄第(1)項扣押或執行豁免權之全部或一部，但本行之豁免權不適用於特別提款權。
- (3) 用於履行本行依本法所定職權之帳戶，不得成為查封、扣押、沒收或凍結命令之標的。

第 61 條 本行高階人員及職員之豁免權

- (1) 下列人員對於(i)執行或試圖執行本法或其他成文法之權力、(ii)履行或試圖履行本法或其他成文法之職權或職務，或(iii)遵循或試圖遵循本法或其他成文法過程中，善意所為之行為或聲明或疏漏之行為或聲明，於其職權或職責終止後，亦不負民事或刑事責任—
 - (a) 本行理事、副總裁、職員或代理行；
 - (b) 依本行指示行事之往來行；
 - (c) 稽查員依「2020 年銀行與信託公司管理法」第 28 條第(3)項規定正式授權之人；
 - (d) 本行依「2020 年銀行與信託公司管理法」第 29 條第(1)項第(d)款、第(e)款或第(f)款、第 38 條第(1)項或第 60 條第(1)項或第(2)項規定正式授權之人；
 - (e) 過渡機構之董事或職員；
 - (f) 資產管理機構之董事或職員；
 - (g) 依「2020 年銀行與信託公司管理法」任命之獨立估價師。

- (2) The Bank shall indemnify a director, Deputy Governor, employee or agent of the Bank, or correspondent acting under the direction of the Bank, a statutory administrator, a liquidator, a director or officer of a bridge institution or an asset management vehicle or an independent valuer appointed by the Bank under the Banks and Trust Companies Regulation Act, 2020, even after the termination of their functions or duties, against the cost of defending their actions in connection with subparagraphs (i), (ii) or (iii) of subsection (1).

62. Judicial review and arbitration.

In any court or arbitration proceedings brought against a member of the Board, officer, employee, correspondent or agent of the Bank, for an act done or omitted to be done by such persons in connection with the discharge or purported discharge of their functions, or against the Bank for any actions or inactions, under this Act or any other written law —

- (a) the court or arbitration panel may examine only whether the defendant acted unlawfully or in an arbitrary or capricious manner;
- (b) the action in question shall continue without restriction during the period of an appeal and any further appeal or other proceedings related to the appeal; and
- (c) the court or arbitration panel may if appropriate award monetary damages to an injured party but shall not enjoin, stay, suspend, or set aside the action in question.

63. Repeal.

The Central Bank of The Bahamas Act (*Ch. 351*) is hereby repealed.

64. Transitional provisions.

- (1) On the day of the coming into operation of this Act —
 - (a) every person who, immediately before that day, was appointed a member of the Board of Directors of the Bank shall be deemed to have been appointed under this Act and shall continue to serve in that capacity for the unexpired portion of the term remaining to be served;
 - (b) all real and personal property and every right and interest in that property that, immediately before that day, was vested in the

- (2) 本行應補償本行理事、副總裁、職員或代理行，或依本行指示行事之往來行、法定管理人、清算人、過渡機構或資產管理機構之董事或職員，或本行依「2020年銀行與信託公司管理法」任命之獨立估價師，於其職權或職責終止後，與第(1)項第(i)目、第(ii)目或第(iii)目相關訴訟之辯護費用。

第 62 條 司法審查及仲裁

對本行理事會成員、高階人員、職員、往來行或代理行於履行或疏於履行其職權相關之作為或不作為，或本行於本法或其他成文法下之作為或不作為，而提起之法院或仲裁程序中—

- (a) 法院或仲裁委員會僅得審查被告是否有不法、武斷或恣意之行為；
- (b) 案關行為於上訴及繼續上訴或其他上訴相關程序期間，應繼續不受限制；且
- (c) 法院或仲裁委員會得於適當情形下對受害者提供金錢賠償，但不得禁止、暫緩、暫停或撤銷案關行為。

第 63 條 廢止

「巴哈馬中央銀行法」（第 351 章）予以廢止。

第 64 條 過渡條款

- (1) 於本法生效之日—
 - (a) 於該日前經任命為本行理事會成員之人，應視為依本法任命，並繼續以該身分任職至其剩餘任期結束；
 - (b) 於該日前依廢止之中央銀行法屬於本行之不動產

Bank under the repealed Act shall continue to be vested in the Bank for the purposes of and subject to this Act, subject to any debts, trusts and liabilities affecting the property, right or interest;

- (c) all rights accruing or accrued to the Bank in respect of any property vested in the Bank by virtue of this section are vested in the Bank and may be enforced against the Bank;
 - (d) all contracts, agreements, leases and undertakings made and all securities lawfully given to or by the Bank under the repealed Act which, immediately before that day, are in force shall have effect as contracts, agreements, leases and undertakings by and with the Bank as continued under this Act and may be enforced by and against the Bank accordingly;
 - (e) all debts due and moneys payable to the Bank and all claims, liquidated or unliquidated, recoverable against the Bank under the repealed Act shall be debts due and moneys payable by and claims recoverable against the Bank as continued under this Act;
 - (f) any legal or other proceedings that might, but for this section, have been continued or commenced by or against the Bank.
- (2) A reference to the Bank in a law of The Bahamas and in any document in force immediately before the date of the coming into operation of this Act shall be read, deemed and taken to refer to the Bank as continued under this Act.
 - (3) The persons who, immediately before the coming into operation of this Act, were appointed the Governor and Deputy Governor under the repealed Act shall continue under the title of Governor and Deputy Governor respectively under this Act as if those persons had been appointed under this Act on the same terms and conditions for a term expiring on the day on which the appointment under the repealed Act would expire.
 - (4) Any officer or servant appointed or employed by the Bank under the repealed Act shall continue in office or employment with the Bank as continued under this Act on the same terms and conditions as existed before the coming into operation of this Act.

65. Savings.

Any licence, authority, approval or exemption granted by the Bank under the repealed Act which is in force immediately before the coming into force of this Act —

與動產及對該財產之權利與利益，應依本法規定繼續屬於本行，但需承擔影響該財產、權利或利益之債務、信託與負債；

- (c) 依本條規定本行所屬財產所生之權利，屬於本行，且得為向本行執行之標的；
 - (d) 於該日前依廢止之中央銀行法所為之契約、協議、租賃與承諾，以及本行合法提供之擔保，將繼續有效，並作為本行依本法所為之契約、協議、租賃與承諾，且得由本行據以執行或對本行執行；
 - (e) 依廢止之中央銀行法之本行到期債務與應付款項，以及可向本行追償之已清算或未清算債權，應繼續視為本行依本法之到期債務與應付款項，以及可向本行追償之債權。
 - (f) 除本條另有規定外，本行已提起或已對本行提起之法律或其他程序，得繼續進行或開始。
- (2) 巴哈馬法律及本法生效日前有效文件所稱之本行，應解讀為、視為並認定為依本法存續之本行。
 - (3) 依廢止之中央銀行法任命之總裁及副總裁，視為按其任命之相同條件，繼續任命為本法之總裁及副總裁，至依廢止之中央銀行法所任命之任期屆滿之日。
 - (4) 依廢止之中央銀行法任命及雇用之職員，將繼續按本行生效前之相同條件，任職於本行。

第 65 條 保留條款

本行於本法生效前，依廢止之中央銀行法授予之許可、授權、同意或豁免—

- (a) shall continue to have effect after the coming into force of this Act as if granted by the Bank under this Act;
- (b) in the case of a grant for a specific period, shall remain in force for so much of that period as falls after the coming into force of this Act.

66. Validation of acts of the Bank.

Every act or thing done by the Bank under the repealed Act prior to 1st September, 2010 that would have been lawful if section 28(2) had been in force at the time when it was done is declared valid and lawful to the extent it would be valid and lawful if done under section 28(2).

- (a) 於本法生效後繼續有效，視同該許可、授權、同意或豁免係依本法授予；
- (b) 如為特定期間之授予，於本法生效後之該期間內繼續有效。

第 66 條 本行行為之有效性

本行於 2010 年 9 月 1 日前依廢止之中央銀行法所為之行為或事務，如符合第 28 條第(2)項規定，視為依第 28 條第(2)項規定執行，並聲明為有效且合法。

SCHEDULE

(Section 3(4))

**CONSTITUTION AND FUNCTIONING OF
THE BOARD AND THE BANK****1. Role and duties of the Board of Directors.**

- (1) There shall be a Board of Directors responsible for the formulation of the policies of the Bank and oversight of the implementation of such policies and of the operations and internal controls of the Bank.
- (2) The duties and powers of the Board are to —
 - (a) formulate any policy, other than monetary policy, of the Bank for the performance of its functions;
 - (b) make decisions with regard to those matters set out in section 28;
 - (c) adopt an action or measure taken against a person subject to the supervision of the Bank, in accordance with the powers entrusted to the Bank by this Act, the Banks and Trust Companies Regulation Act, 2020, or any other written law;
 - (d) adopt sanctions imposed by the Bank under this Act, the Banks and Trust Companies Regulation Act, 2020, or any other written law;
 - (e) approve bye-laws and regulations issued by the Bank;
 - (f) approve a guideline, note, notice, order, and any other document issued by the Bank, to require or expect compliance by a person outside the Bank;
 - (g) approve the procedures of the Board, Audit Committee, the Dormant Funds Investment Committee, the Investment Committee, the Monetary Policy Committee and any other body of the Bank;
 - (h) approve a procedure for risk management of the Bank;
 - (i) approve the investment policy and guidelines for the management of external reserves by the Bank;
 - (j) decide the categories of assets that shall constitute the external reserve in accordance with section 17;
 - (k) make decisions regarding the establishment and abandonment of a branch office of the Bank and the appointment of an agent and correspondent of the Bank;

附表

(第3條第(4)項)

理事會及本行之組成與運作**1. 理事會之角色及職責**

- (1) 本行應設理事會，負責制定本行之政策，並監督政策之執行，以及本行之運作與內部控制。
- (2) 理事會之職責及權力如下—
 - (a) 除貨幣政策外，制定履行本行職權之政策；
 - (b) 決定第28條所定事項；
 - (c) 依本法、「2020年銀行及信託公司管理法」或其他成文法賦予本行之權力，對本行監管之人採取行動或措施；
 - (d) 採行本行依本法、「2020年銀行及信託公司管理法」或其他成文法所為之裁罰；
 - (e) 核定本行訂定之規章；
 - (f) 核定本行發布之指引、註釋、通知、命令及其他文件，並要求或期待本行以外之人遵循；
 - (g) 核定理事會、審計委員會、閒置資金投資委員會、投資委員會、貨幣政策委員會及本行其他組織之程序；
 - (h) 核定本行風險管理程序；
 - (i) 核定本行外匯存底之投資政策及指引；
 - (j) 依第17條規定決定組成外匯存底之資產類別；
 - (k) 決定本行分行之設立與裁撤，以及本行代理行與往來行之指定；

- (l) approve a personnel policy for the Bank, including a policy for remuneration and terms and conditions of employment;
- (m) approve the annual budget of the Bank;
- (n) approve the exercise of the powers under section 32(3) and (4), and section 33(1);
- (o) approve a statement of the accounts and a report submitted to the Minister under section 35(1);
- (p) approve the acquisition and disposition of real property and other significant assets of the Bank;
- (q) approve the arrangements for printing notes and minting coins and the issuance, re-issuance, and redemption of notes and coins referred to in section 10 and the advice rendered to the Minister under section 11;
- (r) establish committees and determine their composition, duties, and procedures;
- (s) do all such things as are necessary or incidental to the exercise and performance of other powers and functions granted by this Act.

2. Constitution and tenure of Board of Directors.

- (1) The Board of Directors shall consist of the following persons to be appointed by the Governor-General on the advice of the Minister after consultation with the Board —
 - (a) a Governor, who shall be —
 - (i) a person of recognized experience in financial matters;
 - (ii) appointed for a term of five years and eligible for reappointment for no more than two additional terms;
 - (iii) appointed on such terms and conditions as may be set out in the instrument of appointment; and subject to paragraphs 6 and 7, such terms and conditions may not be altered to his disadvantage during his tenure of office;
 - (b) two deputy governors ("**Deputy Governors**") of the Bank each of whom shall be appointed for a term of five years and eligible for reappointment for no more than two additional terms;
 - (c) six other directors, each being a person who —
 - (i) appears to the Governor-General to have wide experience, and to have shown capacity, in financial or commercial

- (l) 核定本行人事政策，包含薪資及雇用條件等；
- (m) 核定本行年度預算；
- (n) 核定第 32 條第(3)項與第(4)項及第 33 條第(1)項所定權力之行使；
- (o) 核定第 35 條第(1)項所定向部長提報之財務報表及報告；
- (p) 核定本行不動產及其他重要資產之取得與處分；
- (q) 核定依第 10 條所為印製鈔券及鑄造硬幣之規劃、鈔券及硬幣之發行、重新發行及收回，以及依第 11 條規定向部長所提之建議；
- (r) 設立委員會並決定其組成、職責及程序；
- (s) 為履行本法賦予之其他權力與職權所必要或附屬事項。

2. 理事會之組成及任期

- (1) 理事會由總督依部長建議並洽商理事會後，任命之下列人員組成—
 - (a) 總裁 1 人，應—
 - (i) 在金融事務方面具有公認之經驗；
 - (ii) 任期為 5 年，期滿得再任至多兩次任期；
 - (iii) 依任命文件所定條件任命；有第 6 點及第 7 點規定之情形時，於其任期內，上開條件不得為不利益之變更；
 - (b) 本行副總裁（以下稱「副總裁」）2 人之任期為 5 年，期滿得再任至多兩次任期；
 - (c) 其他理事 6 人，應有—
 - (i) 總督認定具有廣泛之金融或商業事務、工

matters, industry, law or administration; and

- (ii) shall be appointed for a term of five years and eligible for reappointment for no more than two additional terms.
- (2) Each director shall, subject to the Act and this Schedule, hold and vacate office in accordance with the terms of his appointment.
- (3) The four directors other than the Governor shall be divided into two groups and directors who belong to the first group shall not be appointed at the same time as the directors who belong to the second group.
- (4) A person shall not be appointed a director or Deputy Governor who —
 - (a) is a member of either House of Parliament;
 - (b) is an officer or employee of an agency of the Government or any public entity;
 - (c) has been convicted by a court of an indictable offence or other offence involving dishonesty;
 - (d) has been adjudged or otherwise declared bankrupt under any law in force in The Bahamas or any other jurisdiction;
 - (e) is a director, officer or employee of, or is a shareholder with an interest of one per cent or more in the ordinary paid up share capital of, or has a controlling interest in, any financial institution;
 - (f) on the grounds of personal misconduct, has been —
 - (i) disqualified or suspended by a competent authority from practicing a profession; or
 - (ii) prohibited from being a director or officer of any public entity or business undertaking.
- (5) For the purpose of sub-paragraph (4), a professor of a university shall not be deemed to fall within subparagraph (4)(b).
- (6) The Bank shall cause the names of all the members of the Board, and every change in membership, to be published in the *Gazette*.

3. Role of the Governor and the Deputy Governors.

- (1) The Governor or a Deputy Governor designated by the Board to act as Governor —
 - (a) shall preside as chairman at the meetings of the Board;
 - (b) shall serve as chief executive officer of the Bank, responsible to the Board for the execution of the Bank's policy and the day-to-day management and internal control of the Bank;

業、法律或行政經驗，並顯示其能力；且

(ii) 任期為 5 年，期滿得再任至多兩次任期。

- (2) 理事應依本法及本附表規定，按其任命條件任職及離職。
- (3) 總裁以外之理事應分為 2 組各 4 名理事，第 1 組之理事不得與第 2 組之理事同時任命。
- (4) 有下列情形之一者，不得任命為理事或副總裁—
 - (a) 為國會議員；
 - (b) 為政府機關或公法人之高階人員或職員；
 - (c) 經法院判決犯公訴罪或其他涉及欺罔之罪；
 - (d) 依巴哈馬或其他司法管轄區法律經宣告或裁定破產；
 - (e) 為金融機構之董事、高階人員或職員，或持有金融機構普通股 1% 以上之股份，或對金融機構具有控制權；
 - (f) 因個人不當行為而—
 - (i) 經有權機關撤銷或暫停執業資格；或
 - (ii) 經禁止擔任公法人或企業之董事或高階人員。
- (5) 基於第(4)項之規範目的，大學教授不適用第(4)項第(b)款規定。
- (6) 本行應將理事會成員姓名及成員變更之資訊刊登於政府公報。

3. 總裁及副總裁之角色

- (1) 總裁或理事會指定代理總裁職務之副總裁—
 - (a) 應於理事會會議擔任主席；
 - (b) 應擔任本行執行長，對理事會負責本行政策之執行，以及本行日常管理與內部控制；

- (c) except as may otherwise be provided in this Act, the bye-laws of the Bank or the resolutions of the Board, may —
 - (i) act, contract, and sign instruments and documents on behalf of the Bank; and
 - (ii) pursuant to the resolutions of the Board, delegate the powers referred to in subsubparagraph (i) to other officers of the Bank.
- (2) The Deputy Governors shall perform the functions conferred on them by this Act and, under the supervision of the Governor, such other functions as may be conferred on them by the Board.
- (3) In the event of the Governor's inability to act or a vacancy in the office of the Governor, the Board shall designate one of the Deputy Governors to act as Governor.
- (4) Subject to subparagraph (5), the Governor and Deputy Governors shall devote the whole of their professional services to the Bank and while holding office shall not —
 - (a) receive salary or supplementation thereto from any source other than the Bank; and
 - (b) occupy any other office or employment, whether remunerated or not.
- (5) Notwithstanding subparagraph (4), the Governor and Deputy Governors may —
 - (a) act as a member or director of any board, committee or commission established by the Government whether by statute or otherwise; or
 - (b) become a Governor, director or member of the board, by whatever name called, of any international financial institution or international financial organization of which The Bahamas is a member.

4. Removal from the Board.

- (1) A director or Deputy Governor who falls within paragraph 2(4) shall be removed from office.
- (2) A director or Deputy Governor may be removed from office if the Director or Deputy Governor —
 - (a) has been absent from meetings longer than three consecutive months without the permission of the Board;
 - (b) is incapacitated by physical or mental illness; or
 - (c) is guilty of serious misconduct.

- (c) 除本法、本行規章或理事會決議另有規定外，得—
 - (i) 代表本行行事、締約及簽署文件；
 - (ii) 依理事會決議，將第(i)目之權力授予本行其他高階人員。
- (2) 副總裁應履行本法賦予之職權，並於總裁之監督下，履行理事會賦予之其他職權。
- (3) 總裁無法履行職務或總裁職位出缺時，理事會應指定副總裁 1 人代理總裁職務。
- (4) 除第(5)項規定之情形外，總裁及副總裁應專任於本行，且於任職期間不得—
 - (a) 從本行以外之來源獲得薪資或補貼；以及
 - (b) 擔任其他職位或工作，不論是否受有報酬。
- (5) 縱有第(4)項規定之限制，總裁及副總裁亦得—
 - (a) 擔任政府依法令或其他規定設立之理事會或委員會之成員或理事；或
 - (b) 擔任巴哈馬為成員之國際金融機構或國際金融組織之總裁、理事會（無論其名稱為何）之理事或成員。

4. 理事會成員之解任

- (1) 理事或副總裁有符合第 2 點第(4)項規定之情形者，應予解任。
- (2) 理事或副總裁有下列情形之一者，得予解任—
 - (a) 未經理事會同意，連續缺席會議超過 3 個月；
 - (b) 因身體或精神疾病而無法履行職務；或
 - (c) 犯嚴重不當行為之罪。

- (3) A decision to remove a director or Deputy Governor under subparagraphs (1) and (2) shall be made by the Governor-General on the advice of the Minister after consultation with the Board.
- (4) The Governor-General shall, within twenty-one days of the date of a decision made under subparagraph (1) or (2), provide the person in question with written reasons for the decision.
- (5) The Bank shall cause the reasons for the removal of the Governor from office to be published in the Gazette.

5. Resignation from the Board.

- (1) Subject to subparagraph (2), a member of the Board may resign office on giving to the Minister in writing —
 - (a) in the case of the Governor, not less than three months notice; or
 - (b) in the case of any other director or a Deputy Governor, not less than one month's notice.
- (2) The Minister may waive the period of notice required by subparagraph (1).

6. Vacancies.

- (1) A vacancy in the office of the Governor, Deputy Governor or a director shall be filled within sixty days by the Governor-General appointing a person to the office for the ordinary term in accordance with paragraph 2.
- (2) Where the Governor and Deputy Governors are unable to act, the Governor-General on the advice of the Minister shall appoint a person, eligible to be appointed as a director, to act temporarily in the place of the Governor and Deputy Governor.
- (3) An appointment under subparagraph (2) shall not be for a period exceeding six months.

7. Meetings.

- (1) The Board shall meet at any place and as often as may be required for the performance of its functions and, in any event, at least once in every month.
- (2) A meeting of the Board —
 - (a) may be convened by the Governor or, in his absence, a Deputy

- (3) 第(1)項及第(2)項對理事或副總裁之解任決定，由總督依部長建議並洽商理事會後為之。
- (4) 總督應於為第(1)項及第(2)項決定後之 21 日內，向系爭人員提供書面理由。
- (5) 本行應將總裁解任之理由刊登於政府公報。

5. 理事會成員之辭職

- (1) 理事會成員得以書面向部長辭職，其通知時間除第(2)項規定之情形外—
 - (a) 總裁之辭職，其通知期間不得少於 3 個月；或
 - (b) 其他理事或副總裁之辭職，其通知期間不得少於 1 個月。
- (2) 部長得放棄主張第(1)項所要求之通知期間。

6. 職位之出缺

- (1) 總裁、副總裁或理事之職位出缺時，總督應於 60 日內任命人選擔任該職位，任期為第 2 點之一般任期。
- (2) 總裁及副總裁無法履行職務時，總督應依部長建議，任命符合理事資格之人，暫時代理總裁及副總裁之職務。
- (3) 第(2)項任命之任期不得超過 6 個月。

7. 會議

- (1) 理事會應於履行其職權所需地點並按所需頻率召開會議，且每月至少召開 1 次會議。
- (2) 理事會會議—
 - (a) 得由總裁召開，或於總裁缺席時，由依第 3 點第

Governor designated to act as Governor pursuant to paragraph 3 (3); or

(b) shall be convened on the written requisition of three directors specifying the reasons for which the meeting is required.

- (3) Meetings of the Board shall be presided over by the Governor or, in the event of his absence or disability, by a Deputy Governor designated to act pursuant to paragraph 3(3).
- (4) Four directors, of whom one shall be either the Governor or Deputy Governor designated pursuant to paragraph 3(3), shall form a quorum at any meeting.
- (5) A decision of the Board shall be adopted by a simple majority of the directors present and, in the case of an equality of votes, the person presiding at the meeting shall have and exercise a casting vote.
- (6) Minutes of each meeting of the Board shall be kept in such form as the Board may determine.
- (7) No act or proceeding of the Board shall be invalidated merely by reason of a vacancy in the Board or of a defect in the appointment or qualification of a director.

8. Remuneration of the Board.

- (1) The Bank shall pay to a director such remuneration, by way of salary, honorarium or fees, as the Governor-General shall determine based on a proposal submitted to the Minister by the Board.
- (2) The amount of remuneration determined under subparagraph (1) —
 - (a) shall be stated in the instrument of appointment of the director;
 - (b) not be diminished during the term of office of the director receiving the remuneration; and
 - (c) shall not be determined by reference to the profits of the Bank.

9. Audit Committee.

- (1) There shall be established an audit committee (the "Audit Committee") of the Bank responsible for —
 - (a) overseeing the internal and external audit of the Bank;
 - (b) recommending to the Board a person or firm to be appointed as external auditors and the scope of the external audit;
 - (c) meeting with external auditors to discuss their findings;

(3)項規定指定代理總裁職務之副總裁召開；或

(b) 應依 3 名理事具體敘明會議召開理由之書面要求召開。

- (3) 理事會會議應由總裁擔任主席，總裁缺席或無法履行職務時，由依第 3 點第(3)項規定指定代理總裁職務之副總裁擔任主席。
- (4) 會議之法定人數為理事 4 人，其中 1 人應為總裁或依第 3 點第(3)項規定指定代理總裁職務之副總裁。
- (5) 理事會之決議由出席理事之簡單過半數決定之，於可否票數相同時，會議主席有決定性投票權。
- (6) 理事會之會議紀錄應以理事會所定形式保存。
- (7) 理事會之作為或程序，不因其成員出缺，或理事任命過程或資格有瑕疵而無效。

8. 理事會成員之薪酬

- (1) 本行應按總督依理事會向部長提案所為之決定，支付理事薪酬，包含薪資、酬金或費用。
- (2) 依第(1)項所定薪酬之金額—
 - (a) 應於理事任命文件內載明；
 - (b) 於理事任期內不得減少；
 - (c) 不得以本行利潤為基準而決定。

9. 審計委員會

- (1) 應設本行審計委員會（以下稱「審計委員會」）負責—
 - (a) 監督本行內部及外部審計；
 - (b) 向理事會建議擔任外部審計者之個人或公司，以及外部審計之範圍；
 - (c) 與外部審計者會面，討論其審計結果；

- (d) reviewing with external auditors the annual statement of the accounts of the Bank;
 - (e) resolving disagreements between the management and external auditors regarding the financial reporting; and
 - (f) performing any other functions prescribed by the charter of the Audit Committee.
- (2) The Audit Committee shall consist of the following persons appointed by the Board —
- (a) two directors, neither of whom shall be the Governor;
 - (b) one financial expert who —
 - (i) has not been a director, Deputy Governor, or employee of the Bank for three years preceding the appointment to the Audit Committee;
 - (ii) has recognised expertise in accounting or auditing; and
 - (iii) does not fall within paragraph 2(4) and paragraph 4(2)(a) (b) or (c).
- (3) A financial expert under subparagraph (2)(b) shall be appointed for a term of four years and eligible for re-appointment for no more than two additional terms.
- (4) A member of the Audit Committee —
- (a) shall be removed by the Board if the member falls within paragraph 2(4)(a); and
 - (b) may be removed by the Board if the member falls within paragraph 2(4)(b).
- (5) Without prejudice to this paragraph, the Board shall prescribe duties and procedures of the Audit Committee by establishing a charter ("the Audit Committee Charter").
- (6) The Audit Committee shall report to the Board on the performance of its functions, at least quarterly.

10. Investment Committee.

- (1) There shall be established an investment committee (the "Investment Committee") of the Bank responsible for —
- (a) making recommendations to the Board in respect of the management of the external reserves;

- (d) 與外部審計者檢討本行年度財務報表；
 - (e) 解決管理階層與外部審計者於財務報告方面之歧見；
 - (f) 履行審計委員會章程所定之其他職權。
- (2) 審計委員會應由理事會任命下列人員組成—
- (a) 理事 2 人，其中不得包含總裁；
 - (b) 財務專家 1 人，其：
 - (i) 於經任命為審計委員會成員之前 3 年間未曾擔任本行理事、副總裁或職員；
 - (ii) 於會計或審計方面具有公認之專業知識；且
 - (ii) 無第 2 點第(4)項及第 4 點第(2)項第(a)款、第(b)款或第(c)款之情形。
- (3) 依第(2)項第(b)款規定任命之財務專家任期為 4 年，期滿得再任至多兩次任期。
- (4) 審計委員會成員—
- (a) 有第 2 點第(4)項第(a)款規定之情形者，理事會應將其解任；以及
 - (b) 有第 2 點第(4)項第(b)款規定之情形者，理事會得將其解任。
- (5) 於不影響本點規定之情形下，理事會應制定章程（以下稱「審計委員會章程」），規範審計委員會之職責及程序。
- (6) 審計委員會應至少每季向理事會報告其職權之履行情形。

10. 投資委員會

- (1) 應設本行投資委員會（以下稱「投資委員會」）負責—
- (a) 向理事會提出有關管理外匯存底之建議；

- (b) proposing to the Governor eligible counter-parties, risk limits, and benchmarks in respect of external reserve management;
 - (c) managing the external reserve in accordance with the investment policy and guidelines approved by the Board under this Act;
 - (d) proposing to the Board nominees for the appointment of external managers of the external reserves;
 - (e) overseeing external managers of the external reserve; and
 - (f) performing any other functions prescribed by the approved investment policy and guidelines.
- (2) Members of the Investment Committee shall be appointed by the Governor.
 - (3) Without prejudice to this Act, the Board shall pursuant to the investment policy and guidelines prescribe the responsibilities, composition, and procedures of the Investment Committee.

11. Monetary Policy Committee.

- (1) There shall be a monetary policy committee (the "Monetary Policy Committee") of the Bank —
 - (a) chaired by the Governor; and
 - (b) composed of members appointed by the Governor.
- (2) The Monetary Policy Committee shall —
 - (a) determine the monetary policy of the Bank;
 - (b) approve basic assessments of the conditions of the economy and the financial system; and
 - (c) perform any other functions as may be determined by the Board.
- (3) The Board shall prescribe the responsibilities, composition, and procedures of the Monetary Policy Committee.

12. Dormant Funds Investment Committee.

- (1) There shall be established a dormant funds investment committee ("the Dormant Funds Investment Committee") of the Bank composed of —
 - (a) the Financial Secretary or his designate, *ex officio*;
 - (b) the following persons appointed by the Governor —
 - (i) two officers of the Bank;

- (b) 向總裁提議有關管理外匯存底之合格交易對象、風險限額及基準；
 - (c) 按理事會依本法核定之投資政策及指引，管理外匯存底；
 - (d) 向理事會提議外匯存底之外部管理者指定名單；
 - (e) 監督外匯存底之外部管理者；以及
 - (f) 履行經核定之投資政策及指引所定之其他職權。
- (2) 投資委員會成員應由總裁任命。
 - (3) 於不影響本法之情形下，理事會應依投資政策及指引，規範投資委員會之職責、組成及程序。

11. 貨幣政策委員會

- (1) 應設本行貨幣政策委員會（以下稱「貨幣政策委員會」）—
 - (a) 由總裁擔任主席；且
 - (b) 由總裁任命之成員組成。
- (2) 貨幣政策委員會應—
 - (a) 決定本行貨幣政策；
 - (b) 核定對經濟及金融系統情況之基本評估；以及
 - (c) 履行得由理事會決定之其他職權。
- (3) 理事會應規範貨幣政策委員會之職責、組成及程序。

12. 閒置資金投資委員會

- (1) 應設本行閒置資金投資委員會（以下稱「閒置資金投資委員會」），由下列成員組成—
 - (a) 財政部次長或其指定代表為當然成員；
 - (b) 由總裁任命之下列人員—
 - (i) 本行高階人員 2 人；

- (ii) a financial expert, who meets the criteria prescribed in paragraph 9(2)(b); and
 - (iii) one other person, who has not been a director, Deputy Governor, or employee of the Bank for three years preceding the appointment to the Dormant Funds Investment Committee.
- (2) Members of the Dormant Funds Investment Committee appointed by the Governor, must have related skills, knowledge and expertise necessary for the discharge of their responsibilities, each being a person who in the Governor's opinion, appears to have experience in, and to have shown capacity in, financial or commercial matters, industry, law or administration.
- (3) Each member of the Dormant Funds Investment Committee shall hold office for a term of three years and be eligible for re-appointment for no more than two additional terms.
- (4) The Dormant Funds Investment Committee shall meet at any place and as often as may be required for the performance of its functions and, in any event, at least three times each year.
- (5) Subject to subparagraph (6), the functions of the Committee are to —
- (a) as soon as practicable after its establishment, prepare an investment policy for the Fund, and,
 - (b) not later than April in each year, prepare an investment plan for the Fund, and the first investment plan shall be prepared not later than three months after the establishment of the Committee;
 - (c) periodically review and update as necessary, the policy referred to in subparagraph (a); and
 - (d) submit to the Board for approval, the policy and the plan referred to in subparagraphs (a) and (b) respectively.
- (6) The Governor, in consultation with the Minister of Finance, may issue directions or guidelines to the Dormant Funds Investment Committee concerning the preparation of the investment plan and the investment policy, and the Committee shall comply with those directions and prepare the investment plan and the investment policy in accordance with those guidelines.
- (7) Without prejudice to this Act, the Board shall prescribe the responsibilities and procedures of the Dormant Funds Investment Committee.

- (ii) 符合第 9 點第(2)項第(b)款所定標準之財務專家 1 人；以及
 - (iii) 其他人員 1 人，且於被任命為閒置資金投資委員會成員之前 3 年間未曾擔任本行理事、副總裁或職員。
- (2) 總裁任命之閒置資金投資委員會成員應具有履行其職責必要之相關技能、知識與專業，且總裁認定其具有廣泛之金融或商業事務、產業、法律或行政經驗，並有實績。
- (3) 閒置資金投資委員會成員之任期為 3 年，期滿得再任至多兩次任期。
- (4) 閒置資金投資委員會應於履行其職權所需地點並按所需頻率召開會議，且每年至少召開 3 次會議。
- (5) 於不違反第(6)項規定之情形下，委員會之職責如下—
- (a) 於設立後儘快為基金制定投資政策；
 - (b) 每年 4 月前制定基金投資計畫，且應於委員會設立後 3 個月內制定首次投資計畫；
 - (c) 定期檢討並於必要時更新第(a)款之政策；以及
 - (d) 向理事會提請核定第(a)款及第(b)款之政策及計畫。
- (6) 總裁於洽商財政部長後，得對閒置資金投資委員會發布有關籌備投資計畫及投資政策之指示或指引；該委員會應遵循指示，並依指引籌備投資計畫及投資政策。
- (7) 於不影響本法之情形下，理事會應規範閒置資金投資委員會之職責及程序。

- (8) The Dormant Funds Investment Committee shall report to the Board on the performance of its functions, at least quarterly.

13. Staff and remuneration.

- (1) The Bank may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, such officers, servants and agents as the Board considers necessary for the due discharge of the functions of the Bank.
- (2) Remuneration paid under subparagraph (1) shall not be determined by reference to the profits of the Bank.
- (3) The Bank may, as the Bank determines —
 - (a) pay to or in respect of officers or servants of the Bank pensions or gratuities;
 - (b) make payments towards the provisions for employees of pensions or gratuities; or
 - (c) maintain for employees pension schemes (by being a contributor or otherwise).

14. Seal

- (1) The seal of the Bank shall be kept under the control of the Governor and the affixing thereof shall be authenticated by the signature of the Governor or a Deputy Governor and one other director authorized by the Board to act in that behalf.
- (2) Any document purporting to be a document executed under the seal of the Bank shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

- (8) 閒置資金投資委員會應至少每季向理事會報告其職權之履行情形。

13. 員工及薪酬

- (1) 本行於理事會認定為適當履行本行職權所需者，得按其認為合適之薪酬及條件，任命及雇用高階人員、員工與代理人。
- (2) 依第(1)項規定支付之薪酬，不得以本行利潤為基準而決定。
- (3) 本行得決定—
 - (a) 向本行高階人員或員工支付退休金或津貼或相關事宜；
 - (b) 支付本行職員退休金或津貼之撥款；或
 - (c) 維持職員退休金計畫（以出資者或其他方式為之）。

14. 印信

- (1) 本行印信應由總裁掌管；其蓋用應經總裁或副總裁，以及理事會授權之另一名理事簽署之。
- (2) 蓋用本行印信之文件可作為證據；除有反證外，該文件應視為已生效。

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)
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