

中央銀行專著選譯叢書 NO. 6

各國中央銀行法選輯 (2013 年版)

(下冊)

Collections of Central Bank

Acts of Selected Countries

(2013 Edition) (Volume 2)

《中英對照本》

中央銀行法務室編印
中華民國一〇二年十二月

序

中央銀行之主要任務在於制定並執行國家貨幣政策。一國之貨幣政策不僅影響經濟發展，亦將牽動國際間經濟互動之金融情勢，並反映中央銀行於經濟體制運作中之關鍵角色，影響層面既深且廣；因此，多數國家之中央銀行除促進金融穩定發展外，並以達成物價穩定及協助經濟成長為目標。

各國中央銀行於組織定位、決策架構、職掌及管理制度，受各國政治、經濟及文化條件之差異所影響，並因該國憲政體制、政府組織結構、金融監理制度及金融實務運作情形等因素，各有不同之特色及發展，其中多有可供我國中央銀行制度參考借鏡之處。

本行曾於 65 年間由經濟研究處編印「各國中央銀行法選譯」一書，並續於 81 年、82 年間增刊二輯。其後，法務室並於 92 年、93 年及 98 年分別重行選譯出版歐、亞、美洲及大洋洲等各國中央銀行法之中文版及中英對照版。

近年來，各國為因應全球金融及經濟危機，多採行相關貨幣政策操作及穩定金融措施，各國之中央銀行法亦迭有修正之處。為便於各界對不同國家中央銀行制度之比較參考，本行法務室爰編印「各國中央銀行法選輯(2013年版)」(中英對照本)，選編近年法規內容變動較大及較受國際金融體系矚目國家之中央銀行法；其中「美國聯邦準備銀行法」及「英格蘭銀行法」錄為「上冊」，「法蘭西銀行法」、「德意志聯邦銀行法」、「瑞士國家銀行法」、「丹麥國家銀行法」、「瑞典中央銀行法」、「韓國中央銀行法」、「泰國銀行法」，及「中華民國中央銀行法」錄為「下冊」，並以「中央銀行專著選譯叢書」之系列方式出刊。敬祈各界先進續予指教。

中央銀行總裁

彭淮南 謹識

中華民國 102 年 12 月 2 日

各國中央銀行法選輯(2013年版)翻譯及審校人員

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法國	謝佳雯科長	吳坤山主任、黃阿旺處長
德國	顏敏靜專員	吳坤山主任、黃政聲局長
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泰國	謝淑芬科長	吳坤山主任、黃阿旺處長

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一、Bundesbank Act

德意志聯邦銀行法

Bundesbank Act

德意志聯邦銀行法

法務室 顏敏靜 譯

<i>Part I</i>	<i>Legal form and tasks</i>
<i>Part II</i>	<i>Organisation</i>
<i>Part III</i>	<i>Federal Government and Bundesbank</i>
<i>Part IV</i>	<i>Monetary powers</i>
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第九章	過渡及最終條款

Bundesbank Act

Part I

Legal form and tasks

1 (repealed)

2 Legal form, capital and domicile

The Deutsche Bundesbank is a Federal institution with legal personality under public law. Its capital, amounting to 2.5 billion euro, is owned by the Federal Republic of Germany. The Bank is domiciled in Frankfurt am Main.

3 Tasks

The Deutsche Bundesbank, being the central bank of the Federal Republic of Germany, is an integral part of the European System of Central Banks (ESCB). It shall participate in the performance of the ESCB's tasks with the primary objective of maintaining price stability, shall hold and manage the foreign reserves of the Federal Republic of Germany, shall arrange for the execution of domestic and crossborder payments and shall contribute to the stability of payment and clearing systems. In addition, it shall fulfil the tasks assigned to it under this Act or other legislation.

4 Participating interests

Without prejudice to Article 6 (2) of the Statute of the European System of Central Banks and of the European Central Bank, the Deutsche Bundesbank shall be entitled to participate in the Bank for International Settlements and, subject to the approval of the Federal Government, in other institutions which serve the purposes of supranational monetary policy or international payment and lending operations, or are otherwise suited to assist it in fulfilling its tasks.

德意志聯邦銀行法

2009年2月5日修正施行

第一章 法律定位及任務

第 1 條 (刪除)

第 2 條 法律定位、資本及行址

德意志聯邦銀行（以下簡稱本行）為一具有公法人人格之聯邦機構；資本總額 25 億歐元，屬於德意志聯邦共和國所有。本行所在地設於梅茵河畔之法蘭克福。

第 3 條 任務

本行為德意志聯邦共和國之中央銀行，並為歐洲中央銀行體系之一部分。本行應參與執行歐洲中央銀行體系之任務，以維持物價穩定為首要目標，持有並管理本國之外匯準備，協調國內與跨國境支付之履行，以及促進支付清算系統之穩定。此外，本行亦應執行本法及其他法律所賦予之任務。

第 4 條 參加同業組織

在不違反「歐洲中央銀行體系及歐洲中央銀行法」第 6 條第 2 款之前提下，本行得參加國際清算銀行，亦得經聯邦政府同意，參加其他為不分國界之貨幣政策、國際收支與借貸之目的、或有助於本行執行任務而設立之機構。

Part II Organisation

5 (repealed)

6 (repealed)

7 Executive Board

- (1) The governing body of the Deutsche Bundesbank shall be the Executive Board (*Vorstand*). It shall govern and manage the Bank. It shall adopt an organisational statute which establishes the responsibilities of the members of the Executive Board and the tasks which may be delegated to the Regional Offices (*Hauptverwaltungen*). The Executive Board may allocate responsibility for dealing with specific matters to one of its members.
- (2) The Executive Board shall comprise the President, the Vice-President and four other members. Members of the Executive Board must have relevant professional qualifications.
- (3) The members of the Executive Board shall be appointed by the President of the Federal Republic of Germany. The President, the Vice-President and one other member shall be nominated by the Federal Government; the other three members shall be nominated by the Bundesrat (the upper house of Parliament representing the federal states) in agreement with the Federal Government. The Bundesrat may forward a proposal for the nomination of the Vice-President to the Federal Government. The Federal Government and the Bundesrat shall consult the Executive Board with regard to their nominations. Members shall be appointed for eight years or in exceptional cases for a shorter term of office, but not for less than five years. Appointments and retirements shall be published in the Federal Gazette (*Bundesanzeiger*).
- (4) Members of the Executive Board shall hold office under public law. Their legal relationships with the Bank, and particularly their salaries, retirement pensions and surviving dependants' pensions, shall be regulated by contracts with the Executive Board. These contracts shall be subject to the approval of the Federal Government.

第二章 組織

第 5 條 (刪除)

第 6 條 (刪除)

第 7 條 理事會

- (1) 治理本行之機關為理事會。理事會統轄並管理本行。理事會議決組織規程，以確立其成員之職責及得授權予各區管理處之任務。理事會亦得賦予其成員處理特定事項之職責。
- (2) 理事會由總裁、副總裁及其他成員 4 人組成之；其成員應具備相關專業資格。
- (3) 理事會成員由聯邦共和國總統派充之。其總裁、副總裁及其他成員 1 人由聯邦政府提名，其餘成員 3 人由參議院於獲聯邦政府同意後提名之。參議院得向聯邦政府提出副總裁人選之提名建議。聯邦政府及參議院關於其提名應徵詢理事會之意見。理事之任期為 8 年，遇有特殊情形時，得酌予縮短，但不得少於 5 年。理事之任命及退職，應刊登聯邦公報。
- (4) 理事會成員依公法任職，其與本行之法律關係，包括薪資、退休金及撫卹金，均應規定於其與理事會所訂之契約；該契約並應經聯邦政府之核准。

(5) The Executive Board shall deliberate under the chairmanship of the President or Vice-President. It shall take its decisions by a simple majority of the votes cast. In the event of a tie, the chairman shall have the casting vote. When distributing responsibilities among the members of the Executive Board, no decision may be taken without the President's approval.

8 Regional Offices

- (1) The Deutsche Bundesbank maintains a Regional Office (*Hauptverwaltung*) in each of the following areas:
1. the Federal State of Baden-Württemberg
 2. the Free State of Bavaria
 3. the Federal States of Berlin and Brandenburg
 4. the Free Hanseatic City of Bremen and the Federal States of Lower Saxony and Saxony-Anhalt
 5. the Free and Hanseatic City of Hamburg and the Federal States of Mecklenburg-West Pomerania and Schleswig-Holstein
 6. the Federal State of Hesse
 7. the Federal State of North Rhine-Westphalia
 8. the Federal States of Rhineland-Palatinate and Saarland
 9. the Free States of Saxony and Thuringia
- (2) Each Regional Office is headed by a President, who is subject to the authority of the Executive Board of the Deutsche Bundesbank. His official designation is President of the Regional Office.

9 Advisory Boards at the Regional Offices

- (1) At every Regional Office there shall be an Advisory Board (*Beirat*), which shall meet regularly with the President of the Regional Office and shall confer with him on the execution of the tasks in his area.
- (2) The Advisory Board shall be composed of not more than 14 members, who should have special expertise in the field of banking. Not more than half of its members should be chosen from the various areas of the banking sector, while the other members should be selected from trade and industry, commerce, the insurance sector, the liberal professions, agriculture and from among wage and salary earners. The Advisory Board should meet twice a year.

(5) 理事會開會時以總裁或副總裁為主席。其決議以簡單多數決為之；可否同數時，由主席裁決之；涉及理事會成員之權責劃分事項，未經總裁之核可不得議決之。

第 8 條 區管理處

- (1) 本行應於下列每一地區各設一區管理處：
1. 巴登—烏騰堡邦
 2. 巴伐利亞邦
 3. 柏林及布蘭登堡邦
 4. 不萊梅及下薩克遜尼與薩克森—安哈特邦
 5. 漢堡及梅克連恩堡—西波美拉尼亞與席爾斯維格—霍斯泰茵邦
 6. 赫斯邦
 7. 北萊茵—西發里亞邦
 8. 萊茵地—帕拉第那提與薩爾邦
 9. 薩克森尼與提琳吉亞邦
- (2) 各區管理處置區總裁 1 人，區總裁應遵守理事會授予之權限，其正式之職稱為區管理處總裁。

第 9 條 區管理處之諮詢委員會

- (1) 區管理處應設諮詢委員會，並與區總裁定期討論各該地區內業務之執行。
- (2) 諮詢委員會，由具銀行專業知識之委員 14 人以下組成之；其中自銀行業各領域遴選之委員不得超過半數，其他委員則應自工商業、保險業、自由業、農業及受薪人士中遴選之。諮詢委員會每年應開會 2 次。

- (3) The members of the Advisory Board shall be nominated by the governments of the federal states (*Landesregierungen*) concerned and appointed by the President of the Deutsche Bundesbank for a term of office of three years.
- (4) Meetings of the Advisory Board shall be chaired by the President of the Regional Office. If the subject under discussion is of a confidential nature or if the chairperson has expressly designated it as confidential, those participating in the meetings of the Advisory Board shall be bound to secrecy.

10 Branches

The Deutsche Bundesbank shall be entitled to maintain branches (*Filialen*); these shall report to the Regional Office concerned.

11 Representation

- (1) The Deutsche Bundesbank shall be represented in and out of court by the Executive Board. The provisions of section 31 (2) and section 41 (4) shall be unaffected.
- (2) Declarations of intent shall be binding upon the Deutsche Bundesbank if they are made by two members of the Executive Board or by two authorised representatives. For a declaration of intent made to the Bank to have full legal effect, it shall suffice for it to be made to one person authorised to represent the Bank.
- (3) Proof of authority to represent the Bank may be given by a certificate signed by a notarial official (*Urkundsbeamter*) of the Deutsche Bundesbank.
- (4) Legal proceedings against the Deutsche Bundesbank relating to the business operations of a Regional Office or a branch may also be instituted at the court having jurisdiction at the domicile of that Regional Office.

Part III

Federal Government and Bundesbank

12 Relations between the Bank and the Federal Government

In exercising the powers conferred on it by this Act, the Deutsche Bundesbank shall be independent of and not subject to instructions from the Federal Government. As far as is possible without prejudice to its tasks as part of the European System of Central Banks, it shall support the general economic policy of the Federal Government.

- (3) 諮詢委員會之成員，由各該邦政府提請本行總裁派充之；其任期為3年。
- (4) 諮詢委員會會議，由區總裁擔任主席。參與會議之人員關於具有機密性之議題或經主席裁定為機密之事項，應保守秘密。

第 10 條 分行

本行得設分行；分行應向該管區管理處報告。

第 11 條 代表

- (1) 理事會於法庭上與法庭外，均代表本行。第 31 條第 2 項及第 41 條第 4 項之規定，不受本條規定之影響。
- (2) 理事會成員 2 人或經授權之代表 2 人，所為之意思表示對本行具有拘束力；對本行所為之意思表示，僅需向經授權之代表 1 人為之，即具有完全之法律效力。
- (3) 代表本行之授權證明，以本行公證人所簽發之證書為之。
- (4) 因區管理處或分行之業務而與本行涉訟者，得向該區管理處所在地之管轄法院為之。

第三章 聯邦政府與德意志聯邦銀行

第 12 條 本行與聯邦政府之關係

本行依本法獨立行使職權，不受聯邦政府之指示；在不妨礙其為歐洲中央銀行體系一部分所負任務之情形下，應儘可能支持聯邦政府之一般經濟政策。

13 Cooperation

- (1) The Deutsche Bundesbank shall advise the Federal Government on monetary policy issues of major importance and shall furnish it with information on request.
- (2) The Federal Government should invite the President of the Deutsche Bundesbank to attend its deliberations on important monetary policy issues.

Part IV
Monetary powers

14 Banknote issue

- (1) Without prejudice to Article 106 (1) of the Treaty establishing the European Community, the Deutsche Bundesbank shall have the sole right to issue banknotes in the area in which this Act is law. Banknotes denominated in euro shall be the sole unrestricted legal tender. The Deutsche Bundesbank shall announce publicly the denominations and distinguishing features of the banknotes it issues.
- (2) Without prejudice to Article 106 (1) of the Treaty establishing the European Community, the Deutsche Bundesbank may recall banknotes. Recalled notes become invalid on the expiry of the exchange period announced at the time of recall.

15 (repealed)**16 (repealed)****17 (repealed)****18 Collection of statistics**

In order to fulfil its tasks, the Deutsche Bundesbank shall be entitled to order and collect statistics in the fields of banking and the monetary system from all credit institutions, investment management companies and investment stock corporations. Sections 9, 15 and 16 of the Federal Statistics Act

第 13 條 合作機制

- (1) 本行就重大貨幣政策問題，應知會聯邦政府，並提供其所要求之資訊。
- (2) 聯邦政府應邀請本行總裁參與研商重要貨幣政策問題。

第四章 貨幣權限**第 14 條 紙幣之發行**

- (1) 在不違反「歐洲共同體條約」第 106 條第 1 項規定之前提下，本行於本法範圍內，有專屬發行貨幣之權限。鈔券以歐元為單位，並屬唯一具無限法償效力之貨幣。本行應將發行之各種鈔券面額及區別之特徵予以公告。
- (2) 在不違反「歐洲共同體條約」第 106 條第 1 項規定之前提下，本行得收回流通之鈔券。收回之鈔券，於所定兌換期限屆滿時，失其法償效力。

第 15 條 (刪除)**第 16 條 (刪除)****第 17 條 (刪除)****第 18 條 統計**

本行為執行法定職責，得令所有信用機構、投資管理公司及股權投資公司辦理並向其蒐集銀行及貨幣體系之統計。「聯邦統計法」第 9 條、第 15

(*Bundesstatistikgesetz*) shall apply as appropriate. The Deutsche Bundesbank may publish these statistics for general purposes. Data relating to individual persons or institutions may not be disclosed in such publications. Persons entitled to information under section 13 (1) above may be supplied with data on individual persons or institutions only if, and insofar as, this is provided for in the order under which the statistics are collected.

Part V Scope of business

19 Transactions with credit institutions and other market participants

Without prejudice to Chapter IV of the Statute of the European System of Central Banks and of the European Central Bank (Federal Law Gazette 1992 II pages 1251, 1297), the Deutsche Bundesbank shall be entitled to conduct the following transactions with credit institutions and other market participants:

1. grant loans backed by collateral and trade in the open market by buying and selling claims, marketable securities and precious metals outright (spot or forward) or under repurchase agreements; when the debt falls due, the Bank is entitled to sell pledged assets by auction through one of its employees or through a person authorised to sell by auction or, if the pledged asset has a stock market or market price, to sell it at the current price through one of the aforementioned persons or through a broker and to indemnify itself for expenses, interest and principal out of the proceeds or to acquire the pledged asset, in which case the claims of the Bank in the amount of the stock market or market price lapse; the Bank also has these rights relative to other creditors, relative to the estate of an insolvent debtor and in the event of a previous protective measure taken in respect of the debtor; this also applies if the Bank is acting on behalf of another member of the European System of Central Banks;
2. accept giro account deposits and other deposits;
3. accept assets, in particular securities, for safe custody and management; the Bank is debarred from exercising any voting rights in respect of the securities in its safe custody or under its management;

條及第 16 條之規定，於上述情形準用之。本行得基於一般用途，刊布上述統計資料，前揭刊物不得揭露有關特定個人及機構之資料，但各該資料於蒐集命令中明定提供予第 13 條第 1 項所定有權取得資訊之人者，得依命令所定提供之。

第五章 業務範圍

第 19 條 與信用機構及其他市場參與者之交易

本行於不違反「歐洲中央銀行體系及歐洲中央銀行法」第四章規定之前提下，得與信用機構及其他市場參與者從事下列交易：

1. 辦理擔保融通及於公開市場買賣斷（即期或遠期）或以附買回條件買賣債權、有價證券及貴金屬。當債務到期時，本行得透過所屬人員或經授權之人拍賣擔保品；如擔保品有公開交易市場或具有市價者，本行得透過上述人員或經紀商，以時價出售，並得以其出售所得彌補其執行之費用及本息，或得取得該擔保品之所有權，則本行相當於公開市場價格或市價之請求權即消滅；對於債務人採取保全程序時，本行亦具有與其他債權人就喪失清償能力債務人之財產按債權比例求償之權利。上述規定，於本行代表歐洲中央銀行體系其他成員行使權利時，亦適用之。
2. 收受劃撥帳戶存款及其他存款。
3. 受理有價證券等資產之保管並管理之；本行對所保管或管理之有價證券，不得行使任何表決權。

4. accept cheques, direct debit instructions, bills of exchange, payment orders, securities and interest coupons for collection and, if sufficient cover has been provided, to make payment, except as the Bank may otherwise provide regarding the crediting of the countervalue of cheques, direct debit instructions and payment orders;
5. execute other banking transactions on behalf of third parties if sufficient cover has been provided;
6. buy and sell payment media denominated in currencies other than euro, including bills of exchange and cheques, claims and securities, and gold, silver and platinum;
7. carry out all banking transactions with non-residents.

20 Transactions with public authorities

The Deutsche Bundesbank shall be entitled to conduct the transactions specified in section 19, numbers 2 to 7, with the Federal Republic of Germany, the Federal special funds, the federal states (*Länder*) and other public authorities; for this purpose, the Bank may grant intraday credit. With regard to such transactions the Bank may not charge the Federal Republic of Germany, Federal special funds or the federal states for any expenses incurred or levy any fees.

21 (repealed)

22 Transactions with the general public

The Deutsche Bundesbank shall be entitled to conduct the transactions specified in section 19, numbers 2 to 7, with natural and legal persons in Germany and abroad.

23 Certification of cheques

- (1) The Deutsche Bundesbank may certify cheques drawn on it only if sufficient cover has been provided. Such certification shall make it liable to the bearer for payment; it shall also be liable to the drawer and the endorser for payment.
- (2) Payment of a certified cheque may not be refused, even if insolvency proceedings have been initiated against the drawer in the meantime.

4. 因代收款項而收受之支票、付款通知、匯票、支付命令、有價證券及息票，於收迄款項後支付之。但本行關於支票、付款通知及支付命令之等值存入另為規定者，不在此限。
5. 於接受款項後，得代第三人執行其他金融交易。
6. 買賣歐元以外貨幣之支付工具，包括匯票、支票、債權、有價證券、黃金、白銀及白金。
7. 從事與非居民之所有金融交易。

第 20 條 與政府機關之交易

本行得與德意志聯邦共和國、聯邦特別基金、各邦及其他政府機關為前條第 2 款至第 7 款規定之交易；基於上述之目的，本行得為日中透支。關於上述各項交易，本行不得向德意志聯邦共和國、聯邦特別基金或各邦收取任何費用或報酬。

第 21 條 (刪除)

第 22 條 與一般大眾之交易

本行得於國內、外與自然人及法人從事第 19 條第 2 款至第 7 款所規定之交易。

第 23 條 支票之保付

- (1) 本行僅得於收取備付款後，始可對該支票保付；本行因保付而對執票人、發票人及背書人負付款責任。
- (2) 對於保付支票之付款請求，不得拒絕，即使發票人已進入破產宣告程序亦然。

- (3) The liability arising from the certification shall lapse if the cheque is not presented for payment within eight days of the date of drawing. As regards proof of presentation, Article 40 of the Cheque Act (*Scheckgesetz*) applies.
- (4) The claim arising from the certification shall lapse two years after the end of the period allowed for presentation.
- (5) The jurisdictional and procedural provisions applicable to bills of exchange shall apply as appropriate to the assertion in court of claims arising from the certification.

24 (repealed)

25 Other transactions

The Deutsche Bundesbank should conduct transactions other than those authorised by sections 19, 20, 22 and 23 or on the basis of the Statute of the European System of Central Banks and of the European Central Bank only for the purpose of carrying out and completing authorised transactions, or for its own operations or for its staff.

Part VI

Annual accounts, cost accounting, distribution of profit

26 Annual accounts, cost accounting

- (1) The financial year of the Deutsche Bundesbank shall be the calendar year.
- (2) The accounting system of the Deutsche Bundesbank shall comply with generally accepted accounting principles. The annual accounts shall be drawn up with due regard to the tasks of the Deutsche Bundesbank, in particular those deriving from its being an integral part of the European System of Central Banks, and shall be published with appropriate notes thereon; the liability structure need not be disclosed. Unless the provisions of the second sentence above require otherwise, valuation shall be governed accordingly by the provisions of the Commercial Code (*Handelsgesetzbuch*) relating to corporations. In the course of establishing the profit or loss, the creation of liability items for general risks associated with domestic and foreign business, such as is considered warranted in the light of reasonable commercial judgement and after due consideration of the tasks of the Deutsche Bundesbank, shall remain unaffected.

- (3) 因保付而產生之票據債務，自發票日起 8 日內未為付款之提示者，失其效力；有關提示之證明，適用「支票法」第 40 條之規定。
- (4) 因保付而產生之票據債權，自提示期間屆滿兩年後消滅。
- (5) 適用於匯票之司法及程序規定，於適當情形下，亦可適用於法院審理因保付而產生之票據債權。

第 24 條 (刪除)

第 25 條 其他交易

本行僅於為執行及完成第 19 條、第 20 條、第 22 條及第 23 條規定或依「歐洲中央銀行體系及歐洲中央銀行法」授權之交易，或為其經營之業務，或為其員工之目的，始得從事不屬於各該條文授權之交易。

第六章 年度報告、成本報告及盈餘分配

第 26 條 年度報告、成本報告

- (1) 本行會計年度為曆年制。
- (2) 本行會計制度應依照一般會計原則。其年度報告之製作，應妥為注意本行之任務，包括本行源自歐洲中央銀行體系主要成員之任務，刊載時應予適當之註記，但其負債結構，不予揭露。除本項第 2 句規定者外，應根據「商業法」中有關公司之規定進行評價。於編制損益表時，與國內外企業相關之一般性風險產生之負債項目，如依合理商業判斷及本行任務之考量認為正當者，應予保留不受影響。

- (3) The Executive Board shall draw up the annual accounts as soon as possible. The accounts shall be audited by one or more independent auditors appointed by the Executive Board in agreement with the Federal Court of Auditors (*Bundesrechnungshof*) and subsequently published. The auditors' report serves as the basis for the audit carried out by the Federal Court of Auditors.
- (4) To assist it in its management and administrative tasks, the Deutsche Bundesbank shall prepare a cost account. Before the start of a financial year, the Deutsche Bundesbank shall draw up a standard cost account and an investment plan. At the end of the financial year, it shall make a comparative analysis of the budgeted figures and the actual costs and investment. This analysis shall be reviewed separately by the auditors.
- (5) The annual accounts, the standard cost account, the investment plan, the analysis of the budgeted figures compared with actual costs and investment, and the auditors' reports shall be forwarded to the Federal Ministry of Finance and the Federal Court of Auditors. The annual accounts, the analysis of the budgeted figures compared with actual costs and investment and the auditors' reports shall be presented to the Bundestag (the lower house of Parliament).
- (6) The Federal Court of Auditors shall report its findings under subsection (3) above to the Bundestag.

27 Distribution of profit

The net profit shall be distributed in the following order:

1. 20% of the profit, but at least 250 million euro, shall be transferred to the statutory reserves until they equal 2.5 billion euro; the statutory reserves may only be used to offset falls in value and to cover other losses;
2. the balance shall be paid over to the Federal Republic of Germany.

28 (repealed)

Part VII General provisions

29 Special status of the Deutsche Bundesbank

- (3) 理事會應儘速編制年度報告。該報告應經理事會洽徵聯邦稽核署同意指派獨立稽核官一人以上查核後，隨即刊布之。稽核官之報告，應作為聯邦稽核署執行查核之基礎。
- (4) 為協助本行之經營與管理，本行應準備一份成本報告。本行應於會計年度開始前，草擬一份標準成本報告及投資計畫；並於會計年度終了時，製作預算數與實際成本及投資之比較分析；該分析應分別提交稽核官審核。
- (5) 年度報告、標準成本報告、投資計畫、預算數與實際成本及投資之比較分析及稽核官審查報告，均應送交聯邦財政部及聯邦稽核署。年度報告、預算數與實際成本及投資之比較分析，以及稽核官審查報告，並應送交眾議院。
- (6) 聯邦稽核署應將其依第 3 項規定所為之查核結果向眾議院報告之。

第 27 條 盈餘之分派

純益應依下列次序分派之：

1. 盈餘之 20%，至少為 2 億 5 千萬歐元，應撥充法定準備至相當於 25 億歐元；其法定準備，僅得用於沖銷折價及彌補其他損失。
2. 餘額應撥交德意志聯邦共和國。

第 28 條 (刪除)

第七章 通則

第 29 條 本行之特殊地位

- (1) The Executive Board with the Central Office (*Zentrale*) located at the Bank's legal domicile shall have the status of a supreme federal authority (*oberste Bundesbehörde*). The Regional Offices and branches shall have the status of federal authorities (*Bundesbehörden*).
- (2) The Deutsche Bundesbank and its staff shall enjoy the privileges granted to the Federal Government and its staff in the fields of construction, housing and rent.
- (3) The provisions of the Commercial Code concerning entries in the Commercial Register and the provisions concerning membership of Chambers of Industry and Commerce shall not be applicable to the Deutsche Bundesbank.

30 Notarial officials

The President of the Deutsche Bundesbank may appoint notarial officials for the purposes of section 11 (3). They must be qualified to hold the office of judge.

31 Legal relationships of the civil servants, other salaried staff and wage earners of the Deutsche Bundesbank

- (1) The Deutsche Bundesbank shall employ civil servants (*Beamte*), other salaried staff (*Angestellte*) and wage earners (*Arbeiter*).
- (2) The President of the Deutsche Bundesbank shall appoint the Bank's civil servants. He is the supreme institutional authority (*oberste Dienstbehörde*) and in this capacity shall represent the Bank in and out of court. As the supreme institutional authority, he shall have full disciplinary powers; he shall impose disciplinary measures, unless their imposition is the remit of the relevant courts. The President may delegate his powers provided for in this subsection to a member of the Executive Board, who may then delegate them further.
- (3) The civil servants of the Deutsche Bundesbank shall be Federal civil servants. Except as otherwise provided by this Act, the regulations generally applicable to Federal civil servants shall apply to them. The entry into force of this Act shall supersede the entry into force of the Federal Civil Servants Act (*Bundesbeamtengesetz*).
- (4) The Federal Government shall be authorised to set provisions—by way of a regulation not requiring the consent of the Bundesrat—the legal relationships of the civil servants, other salaried staff and wage earners of the Deutsche Bundesbank if this is required to ensure orderly and efficient banking operations. The regulation pursuant to the first sentence of this subsection may provide only

- (1) 理事會與總行設址於本行法定所在地，具有最高聯邦機關之地位。各區管理處及分行亦具有聯邦機關之地位。
- (2) 關於聯邦政府及其職員所享有辦公廳舍、眷舍及租賃之權益，本行及所屬職員均得享有之。
- (3) 「商法」中關於商業登記及工商同業公會會員之有關規定，於本行不適用之。

第 30 條 公證人

本行總裁基於第 11 條第 3 項規定之目的，得指派公證人。公證人應具備擔任法官之資格。

第 31 條 本行公務員、其他受薪職員及工員之法律關係

- (1) 本行得進用公務員、其他受薪職員及工員。
- (2) 本行總裁有派任本行公務員之權限，亦為本行最高首長，並於法庭內外代表本行。總裁基於最高首長之身分，擁有完全之懲戒權；除經相關法院予以免罰外，總裁得逕為懲戒。本項權限，總裁得授與理事會成員之一，該理事並得再為授權。
- (3) 本行公務員為準聯邦公務員。除本法另有規定者外，關於聯邦公務員之規定，均適用於本行公務員；本法並應優先於「聯邦公務員法」適用之。
- (4) 基於有秩序及有效率金融運作之需要，聯邦政府得不經參議院同意，訂定職員管理規則規範本行公務員、其他受薪職員及工員之法律關係。根據本項第 1 句，職員管理規則僅得規定下列事項：

1. that for civil servants of the Deutsche Bundesbank, the following provisions of the legislation relating to Federal civil servants be departed from:
 - a) section 19, section 22 (6), section 28 (1) and (2), section 33 (2), section 99 (1), second sentence, number 3, and section 100 (1), number 2, of the Federal Civil Servants Act and section 11, number 3 (a), of the Civil Servants' Benefits Act (*Beamtenversorgungsgesetz*);
 - b) sections 42 to 49 of the Federal Civil Servants' Pay Act (*Bundesbesoldungsgesetz*) as amended, insofar as a revocable, non-pensionable bank allowance is granted which does not exceed 9% of the basic salary for staff at the Central Office and 5% for staff at the Regional Offices, and a bonus for exceptional performance is granted as an allowance or a one-off payment at the Central Office, the Regional Offices and the branches;
 - c) the provisions on the granting of maintenance allowances to civil servants undergoing preparatory training;
2. that, insofar as the bank allowance pursuant to number 1 (b) has been abolished or cut with effect from 1 August 2006 by means of the Act Accompanying the 2006 Federal Budget, a compensatory allowance shall be paid in the amount of the difference between the former and the new bank allowance or, in the event of abolition, the full amount of the former bank allowance. The basis for the compensatory allowance shall be the amount of the bank allowance granted on 31 July 2006. For staff on leave of absence on this date, the basis for the compensatory allowance shall be the bank allowance to which they would have been entitled had they not been on leave on this date. The compensatory allowance shall be paid insofar as and for as long as the former entitlement criteria remain fulfilled. With each increase in remuneration, the compensatory allowance shall decrease by half the amount of the increase; this does not apply to increases to adjust remuneration to remuneration paid in the previous Federal territory (ie Federal territory before reunification on 3 October 1990). Remuneration in this sense shall mean the basic salary as well as post and job-based allowances (*Amts- und Stellenzulage*). Transitional and compensatory allowances shall also be counted as remuneration insofar as they are granted on account of the discontinuation or reduction of such remuneration;

1. 下列有關聯邦公務員之規定，不適用於本行公務員：
 - (a) 「聯邦公務員法」第 19 條、第 22 條第 6 項、第 28 條第 1 項與第 2 項、第 33 條第 2 項、第 99 條第 1 項第 2 句第 3 款、第 100 條第 1 項第 2 款及「公務員福利法」第 11 條第 3 款(a)之規定。
 - (b) 修正後之「公務員俸給法」第 42 條至第 49 條，有關得取消及非屬退休金性質之金融津貼，總行職員不得逾其本俸之 9%、區管理處職員不得逾其本俸之 5%；及總行、區管理處與分行因特殊表現而發給津貼或一次性酬金之規定。
 - (c) 對公務員實施職前訓練時，給予生活津貼之規定。
2. 前款(b)所定金融津貼，如因配合 2006 年聯邦預算而訂定之法律，而於 2006 年 8 月 1 日起被廢止或縮減時，應就縮減之差額發給補償津貼，或於廢止時全額發給原金融津貼。補償津貼計算基準為 2006 年 7 月 31 日發給之金融津貼，留職停薪之職員則以如未留職停薪時可得之金融津貼計算之。補償津貼之發給，以達到原金融津貼之發放標準為前提。每次加薪，補償津貼應依增加之金額減半發放，但不包括因應領土變更後兩地差異之調薪（如 1990 年 10 月 3 日統一前之聯邦領土）。本規定所指薪酬，包括基本薪資及因職位與工作而發給之津貼；因薪酬中斷或縮減而發放之過渡期津貼及補償津貼，亦屬之。

3. that the other salaried staff of the Deutsche Bundesbank

- a) shall require prior permission to engage in any of the secondary occupations specified in section 99 (1), second sentence, number 3, and section 100 (1), number 2, of the Federal Civil Servants Act,
- b) accordingly receive the payments specified under number 1 (b) and the compensatory allowance pursuant to number 2 above;

4. that the wage earners shall receive the bonus for exceptional performance specified under number 1 (b) above.

The Federal Government may delegate the power pursuant to the first sentence of this subsection to the Executive Board of the Deutsche Bundesbank by way of a regulation not requiring the consent of the Bundesrat. Regulations issued by the Executive Board of the Deutsche Bundesbank shall require the consent of the Federal Ministry of the Interior (*Bundesministerium des Innern*) and the Federal Ministry of Finance.

- (5) The aggregated bonuses for exceptional performance specified in subsection (4), second sentence, number 1 (b) above may not exceed one-twentieth of the expenditure on the remuneration of the civil servants, other salaried staff and wage earners of the Deutsche Bundesbank. From 1 August 2006, the Bank allowance will not be adjusted in line with general increases in pay.
- (6) The Federal Government shall be authorised, for the purposes of orderly and efficient banking operations, to issue provisions—by way of a regulation—on the educational background and careers of civil servants of the Deutsche Bundesbank as well as provisions for specific career paths (regulations governing career paths, training and examination) of civil servants of the Deutsche Bundesbank. The regulation pursuant to the first sentence of this subsection may depart from the provisions of the legislation relating to Federal civil servants with respect to the duration of the preparatory training, the duration of the probationary period and the duration of the proficiency period for achieving promotion in the Upper Intermediate Service and for qualifying for admission to the Higher Service. The Federal Government may delegate the power pursuant to the first sentence of this subsection to the Executive Board of the Deutsche Bundesbank by way of a regulation. Regulations issued by the Executive Board of the Deutsche Bundesbank regarding educational background and careers shall require the consent of the Federal Ministry of the Interior and the Federal Ministry of Finance; regulations regarding specific career paths (regulations governing career paths, training and examination) shall require the consent of the Federal Ministry of the Interior.

3. 本行其他受薪職員：

- (a) 如從事於「聯邦公務員法」第 99 條第 1 項第 2 句第 3 款及第 100 條第 1 項第 2 款所列之兼職者，應先經報准。
- (b) 受領第 1 款(b)所定之報酬及第 2 款所定之補償津貼。

4. 工員依第 1 款(b)規定，因特殊表現而受領之獎金。

聯邦政府得不經參議院同意，以規定授權理事會本項第 1 句所定權力；理事會訂頒規定，須經聯邦內政部及聯邦財政部同意。

- (5) 依前項第 2 句第 1 款(b)規定發給之特殊表現獎金，合計不得超過本行公務員、其他受薪職員及工員等各級人員報酬支出之二十分之一。自 2006 年 8 月 1 日起，金融津貼不再比照一般調薪幅度調整。
- (6) 聯邦政府得為銀行營運之秩序及效率，訂頒有關本行公務員學經歷及特定職務經歷（職涯發展、訓練及考試規則）之規定。本項規定，就職前訓練期間、試用期間及中級職員升遷與升任高級職員之年資、條件等，得為與聯邦公務員相關法律不同之規定。聯邦政府得以規定授權理事會本項第 1 句之權力。理事會所訂頒有關學經歷之規定，應經聯邦內政部及聯邦財政部之同意；有關特定職務經歷（職涯發展、訓練及考試規則）之規定，應經聯邦內政部之同意。

32 Pledge of secrecy

All persons in the service of the Deutsche Bundesbank shall be pledged to secrecy about the affairs and facilities of the Bank, as well as its business operations. Without permission, they may not testify or make statements in or out of court about such matters of which they have become aware in the course of their work, even after they have left the service of the Bank. Where the interests of the Bank are involved, such permission shall be granted to members of the Executive Board by that Board, and to other members of the Bank's staff by the President who may delegate this power to a member of the Executive Board, who may delegate it further; in respect of a court hearing, permission may be refused only if this is necessary for the good of the Federal Republic of Germany or in the public interest.

33 Public announcements

The Deutsche Bundesbank shall publish announcements intended for the general public, particularly the recall of banknotes and the ordering of statistics, in the Federal Gazette.

34 (repealed)**Part VIII****Provisions relating to punitive measures and to the detention of counterfeit money****35 Unauthorised uttering and use of monetary tokens**

- (1) A term of imprisonment not exceeding five years or a fine will be imposed on anyone who
1. utters without authority monetary tokens (stamps, coins, notes or other instruments capable of being used for payment purposes instead of the coins or banknotes authorised by law) or non-interest-bearing bearer debt securities, even if they are not denominated in euro;
 2. uses for payment purposes items of the type specified in number 1 above that have been uttered without authority.
- (2) An attempt shall be punishable.
- (3) If the offence described in subsection (1) number 2 above has been committed through negligence, it shall be punishable by a term of imprisonment not exceeding six months or a fine not exceeding 180 daily rates.

第 32 條 保密宣誓

凡於本行服務之人員，對於本行之業務與設施及所從事之交易，應謹守秘密。非經許可，不得於法庭內外作證或陳述其於任職期間所知悉之事項；離職後，亦同。上述許可，如涉及本行利益事項者，理事會成員應取得該會同意；其他職員應取得本行總裁同意，總裁得授權理事會成員為之，理事會成員並得再授權他人為之。對於法院之傳訊，除基於德意志聯邦共和國或公眾之利益所必需者外，不得拒絕許可。

第 33 條 公告

本行應將一般公共事項公告之，尤應將鈔券收回及統計規範，刊載於聯邦公報。

第 34 條 (刪除)**第八章 有關罰則及扣留偽幣之規定****第 35 條 券幣之無權發行及使用**

- (1) 下列人員處 5 年以下有期徒刑或罰金：
1. 未經授權而發行貨幣代用品(郵票、硬幣、紙幣或其他得代替法定硬幣或紙幣之支付工具)或無息債券者；上述券幣，非以歐元計價者，亦屬之。
 2. 使用前款未經授權而發行之工具支付者。
- (2) 前項之未遂犯，罰之。
- (3) 因過失犯第 1 項第 2 款之罪者，處 6 個月以下有期徒刑或每日 180 歐元以下之罰金。

36 Detention of counterfeit currency and of monetary tokens or debt securities that have been uttered without authority

- (1) The Deutsche Bundesbank, credit institutions and financial services institutions within the meaning of section 1(1a), second sentence, number 7, of the Banking Act (Kreditwesengesetz) and their employees shall detain without undue delay forged or falsified banknotes or coins (*counterfeit currency*), banknotes and coins which are suspected of being counterfeit and items of the type listed in section 35 which have been uttered without authority. An acknowledgement of receipt is to be given to the party concerned.
- (2) Counterfeit currency and items such as those listed in section 35 shall be without undue delay handed over to the police together with a report. Credit institutions and financial services institutions within the meaning of section 1 (1a), second sentence, number 7, of the Banking Act shall notify the Deutsche Bundesbank thereof.
- (3) Banknotes and coins which are suspected of being counterfeit shall be without undue delay submitted to the Deutsche Bundesbank for examination. If it finds the banknotes or coins to be counterfeit, it shall forward the counterfeit currency to the police with a report and shall inform the credit institution and financial services institutions within the meaning of section 1 (1a), second sentence, number 7, of the Banking Act which detained the currency.
- (4) An administrative offence shall be deemed to have been committed by any party which, intentionally or negligently, does not or not in time
 1. in contravention of subsection (1) first sentence or subsection (2) first sentence detain or hand over counterfeit currency or an item of the type listed there or
 2. in contravention of subsection (3) submit a banknote or coin.
- (5) An administrative offence may lead to the imposition of a fine of up to 100,000 euro.
- (6) The administrative authority within the meaning of section 36 (1), number 1, of the Act on Breaches of Administrative Regulations (*Gesetz über Ordnungswidrigkeiten*) shall be the Deutsche Bundesbank.

37 Confiscation

- (1) Items of the type specified in section 35 that have been uttered without authority may be confiscated.

第 36 條 各種偽造券幣之扣留及未經授權發行之代幣或債券之扣留

- (1) 本行、所有信用機構及銀行法第 1 條(1a)第 7 款所定之金融服務機構及其受僱人，應扣留偽造或變造之紙幣或硬幣、疑似為偽造之紙幣或硬幣，以及前條所定未經授權而發行之支付工具，並製發收據予關係人。
- (2) 信用機構及銀行法第 1 條(1a)第 7 款所定之金融服務機構，應將偽造之貨幣及前條所定未經授權而發行之支付工具，連同報告書交予警察機關，並通知本行。
- (3) 疑似為偽造之紙幣及硬幣應送交本行檢驗；經本行證實其為偽造者，應檢附報告，連同該偽造之紙幣及硬幣送交警察機關，並通知扣留該貨幣之信用機構及銀行法第 1 條(1a)第 2 句第 7 款所定之金融服務機構。
- (4) 任何人不為或未即時為下列行為者，不論是故意或過失，均應被視為觸犯行政罰：
 1. 未依第 1 項或第 2 項之第 1 句規定，扣留或送交偽造之貨幣或該條項所列之物品；
 2. 未依第 3 項規定，送交紙幣或硬幣予本行。
- (5) 前項行政罰得科處 10 萬歐元以下罰款。
- (6) 本行為「行政罰法」第 36 條第 1 項第 1 款所指之裁罰機關。

第 37 條 沒入

- (1) 依第 35 條所定未經授權而擅自發行之物品得沒入之。

(2) Items confiscated under subsection (1) above and counterfeit currency confiscated under section 150 of the Penal Code (*Strafgesetzbuch*) shall be preserved by the Deutsche Bundesbank. If the offender has been identified, they may be destroyed ten years after the judgement ordering their confiscation becomes effective or, if the offender has not been identified, twenty years thereafter.

Part IX Transitional and final provisions

38 Transitional provision for members of the governing bodies of the Bank

With the exception of the President, the members of the Directorate (*Direktorium*) shall leave office upon the entry into force of the Act amending the Bundesbank Act; they shall receive their salaries as retirement pensions for the remainder of their contractual term of office, and thereafter the contractual standard retirement pension, unless a contract pursuant to section 7 (4), second sentence, of the Bundesbank Act, in the wording of the announcement of 22 October 1992 (Federal Law Gazette I, page 1782), contains a divergent provision relative to the consequences of leaving before the end of term of office due to an Act amending the Bundesbank Act. The Presidents of the Land Central Banks (*Landeszentralbanken*) shall become Presidents of the Regional Offices for the remainder of their contractual term of office, and the terms and conditions of their present contracts shall continue to apply. The Vice-Presidents and other members of the Executive Boards (*Vorstände*) of the Land Central Banks whose contracts provide for the termination of their contractual relationships in the event of their leaving office due to an Act amending the Bundesbank Act shall leave office upon the entry into force of the Act amending the Bundesbank Act; with due regard to section 8 of this Act the remaining Vice-Presidents and other members of the Executive Boards shall continue in service for the remainder of their contractual term of office, and the terms and conditions of their present contracts shall continue to apply.

39 Transitional provisions for the Executive Boards of the Land Central Banks and for the Advisory Boards

(1) The members of the Executive Boards of Land Central Banks existing on 1 November 1992, whose areas of operation will change pursuant to section 8 (1), numbers 4, 5, and 8, shall leave office on 1 November 1992. They shall receive their salaries as retirement pensions for the remainder of their contractual term of office, and thereafter the contractual standard retirement pension.

(2) 依前項規定沒入之物品及依「刑法」第 150 條規定沒收之偽幣，由本行保管之。如犯人已被逮捕，並經判決沒收確定滿 10 年者，或犯人未被逮捕，並經判決沒收確定滿 20 年者，得銷燬之。

第九章 過渡及最終條款

第 38 條 本行管理階層成員之過渡規定

除總裁外，原執行理事會成員應自本法修正條文施行日起退職；並得支領剩餘任期之薪資，以作為退職之補償，以及契約期滿後之標準退休金，但依本法第 7 條第 4 項第 2 句（1992 年 10 月 22 日公布之文字，包含有關於本法修正前離職之補償所為之不同規定）約定之契約，如對因法律變更而於任期結束前退職有不同約定者，不在此限。原各邦中央銀行總裁改任各區管理處總裁至原任期屆滿時止，其現行契約之關係及條件仍繼續適用。本法修正時，原契約關係未屆滿之各邦副總裁及其他邦中央銀行理事會成員，其契約載明本法修正時即應退職者，應於本法修正條文施行日起退職，本法第 8 條所定各該區之副總裁及其他理事會成員，繼續任職至其契約期間屆滿時為止，其現行契約之關係及條件繼續適用之。

第 39 條 邦中央銀行理事會及諮詢委員會過渡條款

(1) 於 1992 年 11 月 1 日在職之邦中央銀行理事會成員，其所在區域依第 8 條第 1 項第 4 款、第 5 款及第 8 款規定有所異動者，應自 1992 年 11 月 1 日退職；並得支領契約所定剩餘任期之薪資，作為退職之補償，並支領契約所訂之標準退休金。

- (2) The Advisory Boards of the Land Central Banks existing on 1 November 1992 will be dissolved.

40 Changes in the terms of service

- (1) On the entry into force of this Act, the civil servants, other salaried staff and wage earners of the Bank deutscher Länder, the former Land Central Banks and the Berlin Central Bank (*Berliner Zentralbank*) shall become civil servants, other salaried staff and wage earners of the Deutsche Bundesbank. Permanent civil servants or civil servants on probation shall be given the legal status of permanent civil servants or civil servants on probation under the Federal Civil Servants Act; civil servants on revocable appointments shall be given the legal status of civil servants on revocable appointments under the Federal Civil Servants Act, unless, where the requirements of section 6 (3) of the Federal Civil Servants Act are satisfied, they are appointed as civil servants on probation; the difference between a previous remuneration and the remuneration due after this Act has entered into force shall be made good by a non-pensionable compensatory allowance payable until it has been offset by remuneration increases; increases due to changes in civil status or in locality category and general salary increases resulting from changes in economic conditions shall be disregarded.
- (2) Otherwise, the provisions of part 11 of the Federal Civil Servants Act shall apply. In this connection, the pension of a civil servant of the Deutsche Bundesbank who has been temporarily retired may not, for a period of five years, amount to less than 50% of his pensionable remuneration, calculated on the basis of the top level of his salary band. This shall not apply to the calculation of surviving dependants' pensions.
- (3) On the entry into force of this Act, the retired civil servants, widows, orphans and other pensioners of the Bank deutscher Länder, the former Land Central Banks and the Berlin Central Bank shall become pensioners of the Deutsche Bundesbank. Section 180 of the Federal Civil Servants Act shall apply as appropriate; the entry into force of this Act shall supersede the entry into force of the Federal Civil Servants Act. Section 180 (4) of the Federal Civil Servants Act shall apply to former civil servants of the Bank deutscher Länder, the former Land Central Banks and the Berlin Central Bank and their surviving dependants.

- (2)於 1992 年 11 月 1 日存在之邦中央銀行諮詢委員會，應即解散。

第 40 條 服務條件之變更

- (1) 本法一經施行，德意志國家銀行、前邦中央銀行及柏林中央銀行之公務員、其他受薪職員及工員，均成為本行之公務員、其他受薪職員及工員。正式公務員及試用公務員具有「聯邦公務員法」所稱正式公務員及試用公務員之法律地位；臨時公務員，除符合「聯邦公務員法」第 6 條第 3 項之資格條件，可被指派為試用公務員外，依「聯邦公務員法」之規定，僅具有臨時公務員之法律地位。原領較高薪資與本法施行後薪資之差異，將自非退休金之補償津貼中補足，直至其薪資增至與原薪資相等時為止。其增加之薪資，係因職位或工作地點之變更及由於經濟情況之變動，而導致一般性之加薪者，不予計入。
- (2) 其他事項，應適用「聯邦公務員法」第 11 章之規定。本行臨時退休公務員之補償金，於 5 年內不得低於以其職級之最高薪資為基礎而計算之補償薪資之 50%；其規定不適用於遺族補償金之計算。
- (3) 本法一經施行，德意志國家銀行、前各邦中央銀行及柏林中央銀行之退休公務員、鰥寡、孤兒及其他受領補償金者，均改為本行補償金之受領人。本法之規定優先適用於「聯邦公務員法」；但該法第 180 條之規定，於適當情形下，亦適用之。該法第 180 條第 4 項之規定，仍適用於德意志國家銀行、前各邦中央銀行及柏林中央銀行之前任公務員及其遺族。

- (4) Subsection (3) above shall apply as appropriate to the civil servants of the Deutsche Reichsbank who were re-employed in accordance with their former legal status at an office of the Deutsche Reichsbank in the Federal territory after 8 May 1945 and who retired without having passed into the service of the Bank deutscher Länder, a former Land Central Bank or the Berlin Central Bank, and to their surviving dependants.
- (5) Any claims under the Federal Act regulating the indemnification of government employees for national socialist injustice (*Bundesgesetz zur Regelung der Wiedergutmachung nationalsozialistischen Unrechts für Angehörige des öffentlichen Dienstes*) and the Federal Act regulating the indemnification of government employees living abroad for national socialist injustice (*Bundesgesetz zur Regelung der Wiedergutmachung nationalsozialistischen Unrechts für die im Ausland lebenden Angehörigen des öffentlichen Dienstes*) of persons
1. who were wronged in the area of the Deutsche Reichsbank or
 2. who, being members or former members of the staff of the Bank deutscher Länder, the former Land Central Banks or the Berlin Central Bank, satisfy the requirements of section 22 (3) of the Act regulating the indemnification of government employees for national socialist injustice shall become claims on the Deutsche Bundesbank. This does not apply to the cases under number 1 above if another employer is required to provide indemnification under section 22 (3) of the aforementioned Act.
- (6) Section 41 of this Act shall apply to persons who received or could have received pensions under the Act regulating the legal status of persons covered by the provisions of Article 131 of the Basic Law (*Gesetz zur Regelung der Rechtsverhältnisse der unter Artikel 131 des Grundgesetzes fallenden Personen*).
- (7) (Transitional provision no longer valid.)

41 Legal status of persons covered by the provisions of Article 131 of the Basic Law

- (1) The Deutsche Bundesbank is an “institution” (*Einrichtung*) within the meaning of section 61 of the Act regulating the legal status of persons covered by the provisions of Article 131 of the Basic Law (*Grundgesetz*) in relation to the Deutsche Reichsbank, the Nationalbank für Böhmen und Mähren and foreign central banks (number 19 of schedule A to section 2 (1) of the Act).

- (4) 前項規定於適當情形下，適用於 1945 年 5 月 8 日以後之聯邦領土內，依其原任德意志帝國銀行營業處所之法律地位再任用，並已退休而未再任職於德意志國家銀行、前各邦中央銀行及柏林中央銀行之公務員及其遺族。
- (5) 下列人員依「公務員因國家社會黨侵害賠償法」及「駐外公務員因國家社會黨侵害賠償法」之規定所得請求之賠償，其請求權改為對本行之請求權。但依「公務員因國家社會黨侵害賠償法」第 22 條第 3 項規定，有其他應負賠償責任之僱用人者，則第 1 款之情形不適用之：
1. 於德意志帝國銀行之區域內受侵害者。
 2. 現任或曾任德意志國家銀行、前各邦中央銀行及柏林中央銀行之職員，並符合「公務員因國家社會黨侵害賠償法」第 22 條第 3 項規定之條件者。
- (6) 第 41 條之規定適用於依「基本法第 131 條所定人員法律地位法」已受領或得受領補償金之人。
- (7) (失效之過渡條款)

第 41 條 基本法第 131 條所定人員之法律地位

- (1) 本行為「基本法第 131 條所定人員法律地位法」第 61 條意義範圍內之「機構」，相當於德意志帝國銀行、包曼美倫國家銀行及外國之中央銀行（見前揭法第 2 條第 1 項附表 A 第 19 款）。

- (2) Section 62 of the Act specified in subsection (1) above shall apply as appropriate to civil servants, other salaried staff and wage earners of the Deutsche Reichsbank who were employed at offices of the Deutsche Reichsbank in the Federal territory and the Federal State of Berlin on 8 May 1945 and who
1. lost their post for reasons unconnected with legislation relating to civil servants or employment agreements relating to salaried staff and wage earners, and have not yet been re-employed in accordance with their former legal status or
 2. reached the age of 65, or became unfit for work, before the Act specified in subsection (1) above entered into force, and are not receiving a corresponding, or any, pension for reasons unconnected with legislation relating to civil servants or employment agreements relating to salaried staff and wage earners.
- (3) For retired civil servants of the Deutsche Reichsbank who retired before 1 September 1953 (section 5 (1), number 1, section 6 (2), section 35 (1) and section 48 of the Act specified in subsection (1) above), the previous basis of assessment in accordance with the Federal Civil Servants Act (pensionable remuneration, pension rates) shall be retained, subject to the modifications resulting from sections 7, 8, 29 (2) and (3) and sections 30, 31 and 35 (3) of the Act specified in subsection (1) above and sections 108, 112, 117 (1), section 140 (2) and the first and second sentences of (3), section 156 (1), sections 181a and 181b of the Federal Civil Servants Act; if the calculation of the pensionable period of service is based on a provision corresponding to section 117 (2) of the Federal Civil Servants Act or to section 181 (5) of the Federal Civil Servants Act in the wording applicable on 30 June 1975, section 117 (3) of the Federal Civil Servants Act shall apply as appropriate. The pension shall not exceed 75% of the pensionable remuneration. The same shall apply as appropriate to surviving dependants. Section 64 (1), sixth sentence, second clause, of the Act specified in subsection (1) above shall apply.

- (2) 前項所指法律第 62 條之規定，於適當情形下，適用於德意志帝國銀行於 1945 年 5 月 8 日柏林邦及聯邦領域內所僱用之公務員、其他受薪職員、工員及以下人員：
1. 因公務員法律或受薪職工僱傭契約所訂事由以外之原因而解職，且尚未依其原有法定身分復職者。
 2. 前項所指法律施行前，已滿 65 歲或不適任其職務，且因公務員法律或受薪職工僱傭契約所定事由以外之原因，未受領任何退休金者。
- (3) 於 1953 年 9 月 1 日前退休之德意志帝國銀行公務員(第 1 項所指法律之第 5 條第 1 項第 1 款、第 6 條第 2 項、第 35 條第 1 項及第 48 條)，依「聯邦公務員法」計算退休金之基礎(退休金之基數及比率)，仍予保留。並依第 1 項所指法律之第 7 條、第 8 條、第 29 條第 2 項、第 3 項、第 30 條、第 31 條及第 35 條第 3 項，以及「聯邦公務員法」第 108 條、第 112 條、第 117 條第 1 項、第 140 條第 2 項、第 3 項第 1、2 句、第 156 條第 1 項、第 181 條之 a 及第 181 條之 b 之修正規定辦理之。如退休服務年資之計算，係依「聯邦公務員法」第 117 條第 2 項或 1975 年 6 月 30 日施行之同法第 181 條第 5 項規定者，同法第 117 條第 3 項之規定，於適當情形下適用之。退休金不得超過退休薪資之 75%；撫恤金於適當情形下，亦同。第 1 項所指法律第 64 條第 1 項第 6 句第 2 段規定，亦適用之。

(4) The President of the Deutsche Bundesbank shall be the supreme institutional authority for the persons to whom the provisions of subsections (1) and (2) above apply. In this capacity he shall represent the Bank in and out of court. He shall be entitled to delegate his tasks and powers pursuant to the first and second sentences to a member of the Executive Board. In the cases under subsection (1) above, he shall take the place of the Federal Ministry of Finance insofar as the participation of that Ministry is prescribed in the Act specified therein and in the provisions of the legislation relating to civil servants applicable under that Act.

42 Issue of liquidity paper

- (1) The Federal Republic of Germany shall supply the Deutsche Bundesbank on request with Treasury bills or Treasury discount paper in the denominations and on the terms of the Bank's choice (liquidity paper) up to the maximum amount of 25 billion euro. The liquidity paper is payable at the Bank. The Bank is liable to the Federal Republic of Germany for meeting all obligations arising from the liquidity paper.
- (2) The par value of the liquidity paper issued shall be entered in a special account by the Deutsche Bundesbank. The funds may be used only to redeem liquidity paper that has fallen due or been repurchased by the Bank prior to maturity.
- (3) The Federal Ministry of Finance shall be entitled to issue liquidity paper pursuant to subsection (1) above.
- (4) The Deutsche Bundesbank shall be entitled to issue debt securities denominated in euro in the denominations and on the terms of its choice.

43 (Repeal of and amendments to legal provisions)

44 Dissolution

The Deutsche Bundesbank may be dissolved only by an Act of Parliament. The Dissolution Act shall determine how the assets are to be applied.

45 Other transitional provisions

(4) 本行總裁為適用第 1 項及第 2 項規定之人員之最高主管，於法庭內外代表本行，並得授權予理事會之成員 1 人為前揭任務。如屬第 1 項之情形，依該項所指法律及依該法適用規範公務員法律之規定，而應由聯邦財政部長參與者，由總裁代為之。

第 42 條 流動性票券之發行

- (1) 德意志聯邦共和國應依本行請求，提供由本行指定面額及條件之國庫券或國庫貼現券(流動性票券)，上限為 250 億歐元。該項票券可於本行兌付，本行應對德意志聯邦共和國因履行該等流動性票券所生之債務負責。
- (2) 已發行流動性票券之票面總額，應入於本行特別帳戶；該資金僅得用於買回到期之流動性票券或到期前經本行購回之流動性票券。
- (3) 聯邦財政部長得依第 1 項規定發行流動性票券。
- (4) 本行得發行歐元計價債券；其面額及相關條件，由本行定之。

第 43 條 法律之廢止及修正 (刪除)

第 44 條 解散

本行僅得依國會所制定之法律解散；其資產之處理，依解散法決定之。

第 45 條 其他過渡條款

- (1) Section 2, second sentence, and section 27 number 1, both as amended by the Sixth Act amending the Bundesbank Act, shall be applied to the annual accounts for the first time on the reference day immediately preceding the start of the first year of the Federal Republic of Germany's participation in the third stage of monetary union in accordance with Article 121 of the EC Treaty. Section 26 (2), second and third sentences, as amended by the Sixth Act amending the Bundesbank Act, is to be applied for the first time to the following financial year.
- (2) The reserves formed hitherto pursuant to section 27 number 2, as amended up to the day before the entry into force of the Sixth Act amending the Bundesbank Act as specified in Article 2, second sentence, of the Act, and the statutory reserves exceeding the amount of 5 billion Deutsche Mark, shall be dissolved in the annual accounts on the reference date immediately preceding the start of the first year of the Federal Republic of Germany's participation in the third stage of monetary union pursuant to Article 121 of the EC Treaty. The funds arising from the dissolution of the reserves will be added to the capital until this amounts to 5 billion Deutsche Mark. The excess amount shall be transferred to the net profit.
- (3) Section 2, second sentence, and section 27, number 1, both in the wording of the Seventh Act amending the Bundesbank Act, shall be applied to the annual accounts for the first time as at the reference date immediately succeeding the entry into force of the said Act. The portion of the capital which is in excess of 2.5 billion euro shall be transferred to the statutory reserves. If, following a transfer from the annual accounts as at the reference date immediately succeeding the entry into force of the Seventh Act amending the Bundesbank Act pursuant to the first sentence of this subsection, the statutory reserves exceed 2.5 billion euro, the excess amount shall be transferred to the net profit.
- (4) Notwithstanding section 7 (2), first sentence, of the version applicable as of 20 July 2007, the Executive Board may comprise the President, the Vice-President and five other members until 30 April 2009.
- (5) The staff regulations issued on the basis of section 31 (4) as revised on 11 February 2009 shall continue to apply until the regulation replacing the staff regulations pursuant to section 31 (4) enters into force, but no later than 30 June 2009.

46 (repealed)

47 (Entry into force)

- (1) 本法第 6 次修正之第 2 條第 2 句及第 27 條第 1 款規定，自德意志聯邦共和國參與貨幣聯盟第 3 階段（依據「歐洲共同體條約」第 121 條規定）第 1 年開始前基準日起適用於年度報告。本法第 6 次修正之第 26 條第 2 項第 2 句及第 3 句規定，自下一會計年度起開始適用。
- (2) 於本法第 6 次修正第 2 條第 2 句施行前，依第 27 條第 2 款所提之準備，以及超過 50 億馬克之法定準備，應於德意志聯邦共和國參與貨幣聯盟第 3 階段（依據「歐洲共同體條約」第 121 條規定）第 1 年開始前之基準日，即予結清；其結清所得資金，應增撥資本至 50 億德國馬克為止，所逾金額，應列為純益。
- (3) 本法第 7 次修正之第 2 條第 2 句及第 27 條第 1 款文字，適用於本法施行日後之基準日起之年度報告。其資本逾 25 億歐元之部分，應撥充法定準備。本法第 7 次修正施行後之基準日起之年度報告，依本項第 1 句提撥者，如其法定準備已逾 25 億歐元，其所逾總數應列為純益。
- (4) 自 2007 年 7 月 20 日起適用第 7 條第 2 項第 1 句，惟至 2009 年 4 月 30 日為止，得由總裁、副總裁及其他 5 名成員組成理事會。
- (5) 依 2009 年 2 月 11 日修正之第 31 條第 4 項頒布之職員規定，適用至前揭新規定施行為止，但至遲不得逾 2009 年 6 月 30 日。

第 46 條 (刪除)

第 47 條 (生效)

二、Statute of the Bank
of France
法蘭西銀行法

Statute of the Bank of France

法蘭西銀行法

法務室 謝佳雯 譯

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Statute of the Bank of France

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Chapter I Task

2008年8月4日修正部分條文

1.1. Part I Main tasks

第一章 任務

Article L141-1

The Bank of France is an integral part of the European System of Central Banks instituted by Article 8 of the Founding Treaty of the European Community and participates in fulfilment of the missions and complies with the objectives assigned to it by the Treaty.

Within this framework, and without prejudice to the primary objective of price stability, the Bank of France provides support for the Government's general economic policy.

In carrying out the missions it performs on account of its participation in the European System of Central Banks, the Bank of France, in the person of its Governor or its Deputy Governors may neither solicit nor accept instructions from the Government or from any person.

第一節 基本任務

第 141 條之 1

法蘭西銀行係依「歐洲共同體設立條約」第 8 條所設歐洲中央銀行體系（以下簡稱 ESCB）之一部，並應參與履行及遵守 ESCB 依該條約所賦與之任務。（「法蘭西銀行」以下簡稱本行^{譯註}）

本行於前項架構內，並在不抵觸其維持物價穩定之首要目標範圍內，應支持政府一般經濟政策。

本行於履行因參與 ESCB 所生之任務時，總裁或副總裁不得請求、亦不接受政府或任何人之指示。

Article L141-2

In the conditions determined in the statute of the European System of Central Banks, and Article 30 of the memorandum on the statute of the European System of Central Banks and of the European Central Bank, relating to the transfer of exchange reserve assets to the European Central Bank, and Article 31 of the said memorandum relating to the management of the exchange reserve assets held by the national central banks, the Bank of France holds and manages the State's gold and currency reserves and enters them on the assets side of its balance sheet pursuant to the terms and conditions of an agreement it enters into with the Government.

第 141 條之 2

依「歐洲中央銀行體系條例」，以及「歐洲中央銀行體系及歐洲中央銀行法」議定書第 30 條有關外匯準備資產移交予歐洲中央銀行（以下簡稱 ECB），及第 31 條有關各會員國中央銀行持有外匯準備資產等規定，本行持有及管理本國黃金與外匯準備資產，並依與政府簽署之協議內容，登載於本行資產負債表之資產中。

^{譯註}：為便於閱讀，本篇譯文之「法蘭西銀行」一詞簡稱為「本行」。

Consistent with the provisions of Article 111 of the Founding Treaty of the European Community, and with particular reference to the international organisations within which the Member States may negotiate and to the international agreements they may enter into, and likewise, consistent with Article 6, paragraph 2, of the memorandum on articles of association of the European System of Central Banks and of the European Central Bank relating to the international monetary institutions in which the European Central Bank and, subject to its agreement, the national central banks, are authorised to participate, the Bank of France may, with the consent of the Minister for the Economy, participate in international monetary agreements.

Article L141-3

The Bank of France is prohibited from authorising overdrafts or granting any other type of credit to the Treasury or to any other public body or undertaking. The direct acquisition of their debt instruments by the Bank of France is also prohibited.

The agreements entered into between the Government and the Bank of France determine, when necessary, the terms of repayment of the advances granted to the Treasury by the Bank of France prior to 1 January 1994.

The provisions of the first paragraph do not apply to public credit institutions which enjoy the same treatment as private credit institutions in regard to the provision of liquid assets by the Bank of France.

Article L141-4

I - The Bank of France ensures that the payment systems used in connection with its participation in the European System of Central Banks function correctly and securely, consistent with the proper operation of payment systems as envisaged in Article 105, paragraph 2, of the Founding Treaty of the European Community.

The invocability against third parties and implementation of the rights of the national central banks which are members of the European System of Central Banks and of the European Central Bank in regard to financial instruments, bills, receivables or sums of money pledged, assigned or otherwise provided as a guarantee in their favour are not affected by initiation of the procedures referred to in Book VI of the Commercial Code or any equivalent judicial or amicable procedure based on a foreign legal system, or any civil enforcement proceedings initiated on the basis of French law or a foreign legal system, or the exercise of a right to object.

依「歐洲共同體設立條約」第 111 條有關會員國得協商之國際組織及參與國際協定之規定，及依「歐洲中央銀行體系及歐洲中央銀行法」議定書第 6 條第 2 項有關 ECB 及經其核准之會員國中央銀行得參加國際貨幣機構之規定，本行經本國經濟部長同意得參與國際貨幣協定。

第 141 條之 3

本行對於國庫、其他公共團體及公營事業不得辦理透支或其他任何類型之授信，亦不得直接承購其債券。

本行於必要時應與政府就 1994 年 1 月 1 日前本行對國庫所為融通之還款條件簽訂協定。

當本行提供流動性融通時，第 1 項規定不適用於與民營信用機構享有同等待遇之公營信用機構。

第 141 條之 4

I、本行應於「歐洲共同體設立條約」第 105 條第 2 項有關促進支付系統順利運作之任務架構內，確保支付系統之順利運作及安全。

ESCB 會員國及 ECB 經設質、移轉或以其他方式為其利益取得擔保之金融債券、票據、債權或款項等，所得對抗第三人之效力及其權利之主張，不因依商法第 6 冊或任何依外國法律體系所為裁判或和解之程序，或依本國法、外國法律體系所為之民事強制執行或權利行使而受影響。

The Bank of France ensures that the means of payment as defined in Article L. 311-3, other than fiduciary currency, are secure and that the regulations applicable thereto are pertinent. If it considers that any such means of payment offers insufficient guarantees of security, it may recommend that its issuer take all appropriate measures to remedy the situation. If such recommendations are not followed, it may, having obtained the issuer's observations, decide to draft a negative opinion for publication in the Official Journal.

In performing these missions, the Bank of France carries out the necessary inspections and obtains from the issuer or another party involved the relevant information concerning the means of payment and the terminals or other technical devices associated therewith.

A Payment Card Security Monitoring Panel has been established, which is composed of members of Parliament, representatives of the authorities concerned, payment card issuers and traders' and consumers' associations. Among other things, the Payment Card Security Monitoring Panel monitors the data protection measures taken by the issuers and the traders, the compilation of fraud statistics and technological watch in regard to payment cards with the object of providing a means of combating technical attacks on the security of payment cards. The Panel's secretariat is provided by the Bank of France. The President is appointed from among its members. A Conseil d'Etat decree stipulates its composition and its powers.

The Panel draws up an activity report each year which is sent to the Minister for the Economy, Finance and Industry and is communicated to Parliament.

II- As part of its duties within the European System of Central Banks, and without prejudice to the powers of the Financial Markets Authority and the Banking Commission, the Bank of France oversees the security of the systems used to clear, settle and deliver financial instruments.

Article L141-5

Pursuant to Article 106, paragraph I, of the Founding Treaty of the European Community, which gives the European Central Bank a monopoly regarding authorisation to issue banknotes in the Community, the Bank of France alone is authorised to issue banknotes which are legal tender in Metropolitan France and the Overseas Departments and also on territory of Saint Barthelemy and of Saint Martin.

It exercises these same powers in Mayotte and Saint-Pierre-et-Miquelon.

本行應確保券幣以外依第 311-3 條所定支付工具之安全，及其適用妥適之法規。於本行認定其中任何一種支付工具未提供充足之安全保證時，本行得建議發行者採取一切補救措施。如建議未獲採納，本行得於徵詢發行者之意見後，將負面意見刊載於官方期刊。

於執行此等職務時，本行應徵詢專家意見，並自發行者或其他關係人蒐集有關支付工具及其終端或科技整合設備之相關資訊。

設立由國會議員、有關機關代表、支付卡發行者及商業消費者團體共同組成之支付卡安全監管機構；該機構應監督發行者與從事商業交易者所採取之資料保護措施、詐欺統計之編纂及對支付卡之科技監控，以對抗使用科技方法破壞支付卡之安全。該機構之秘書人員，由本行提供；其主席，由其成員中選出；其組成及職權，由諮政院以命令定之。

該機構每年應擬具施政報告送交主管經濟、財政及工業之部長，並轉送國會。

II、於 ESCB 任務架構內，且不影響金融市場局及銀行委員會之權限範圍內，本行應監督用以結算、清算及支付金融工具之系統之安全性。

第 141 條之 5

依「歐洲共同體設立條約」第 106 條第 1 項賦予 ECB 於共同體境內發行鈔券專屬權利之規定，本行有於法國本土、海外機構，及 Saint Barthelemy 與 Saint Martin 境內發行具有法償效力鈔券之專屬權限。

於 Mayotte 及 Saint-Pierre-et-Miquelon 地區，本行有與前項相同之權限。

When banknotes denominated in francs are withdrawn from circulation, the Bank of France must pay the State the balance not presented at its counters. The Bank of France is responsible for maintaining the fiduciary currency and providing satisfactory circulation thereof throughout the national territory.

Article L141-6

- I - The Bank of France is authorized to obtain from credit institutions, investment firms, undertakings for collective investment in transferable securities, financial companies, insurance and reinsurance companies governed by the Insurance Code and industrial and commercial undertakings any document and information necessary for the accomplishment of its main tasks.
- II - The Bank of France establishes the balance of payments and the external position of France. It contributes to the establishment of the balance of payments and to the global external position of the euro zone within the missions of the European System of Central Banks as well as to the establishment of the statistics of the European Community in the domain of balance of payments, international commerce of services and foreign direct investments.
- III - A decree sets forth the sanctions applicable in case of infringement of the declarative obligations mentioned in I and II.
- IV - The Bank of France, the National Institute for Statistics and Economic Research and ministerial statistic services exchange, in compliance with applicable legal provisions, the data which are necessary for the accomplishment of their respective tasks. The modalities of exchange are determined by contracts.
- Tax administration officers may communicate to the Bank of France the data in their possession which are necessary for the accomplishment of the tasks mentioned in II.

1.2. Part II Other public interest functions and other activities

Article L141-7

The Bank of France also performs other public interest functions. In this context, the Bank of France provides services which are requested by the Government or delivered to third parties with the latter's agreement. At the request of the Government or with its agreement, the Bank of France may also provide services for the Government or for third parties. Such services are charged for in order to cover the Bank's costs.

當法郎鈔券停止流通時，本行應將未於櫃臺兌現之鈔券總餘額支付予政府。

本行負有維護券幣信用及提供其於全國順利流通之職責。

第 141 條之 6

- I、本行有權自信用機構、投資公司、可轉讓證券集合投資事業、金融公司、受保險法規範之保險與再保險公司，以及其他工商事業，取得執行主要任務所必要之文件及資訊。
- II、本行應統計確認法國之國際收支及外匯存底部位；其收支及部位係屬歐元區就依 ESCB 任務所成立之國際收支與國際對外部位之一部分，並列入歐洲共同體就國際收支、國際服務貿易及國外直接投資進行統計範疇之內。
- III、違反上述 I 及 II 之義務規定者，受有懲罰性之裁定。
- IV、本行、國家統計與經濟研究機構及統計主管機關間，於符合適當之法令規定時，可互相交換對執行相關職務所必要之資料。交換資料之模式應以契約明訂之。
- 稅務主管機關得將其所持有關本行為執行第 II 項規定職務所必要之資料，傳送本行。

第二節 其他公益任務及業務

第 141 條之 7

本行亦可執行其他符合公共利益之任務。於前項架構內，本行應提供政府所要求或經政府同意為第三人執行之服務。經政府之要求或同意，本行得為政府或第三人之利益提供服務，並得收取費用，以支應提供各該服務之成本。

The nature of the services referred to above and the charges applicable to them are determined in agreements entered into by the Bank of France and, depending on the case, the Government or the third parties involved.

Article L141-8

The following may hold accounts with the Bank of France:

1. Institutions governed by the provisions of Article L. 511-9;
2. The Treasury, the Issuing Institution of the Overseas Departments, the Overseas Issuing Institution and the Caisse des dépôts et consignations;
3. Investment service providers governed by Part III of Book V;
4. Foreign central banks and foreign credit institutions;
5. International financial institutions and international organisations;
6. Under conditions determined by the General Council, officials of the Bank of France and any other person holding customer accounts at the Bank of France as of 6 August 1993;
7. Any other institution or person expressly authorised to open an account with the Bank of France by a decision of the General Council.

Article L141-9

The Bank of France may carry out, for its own account and for third parties, any transaction relating to gold, means of payment or securities denominated in foreign currencies or defined by reference to a weight in gold.

The Bank of France may lend or borrow sums in euros or in foreign currency to and from foreign banks and foreign or international monetary institutions or bodies.

When such transactions are executed, the Bank of France shall request or provide the guarantees which it considers appropriate.

Chapter II Organisation of the bank

1.3. Part 1 Status of the Bank of France

Article L142-1

The Bank of France is an institution whose capital belongs to the State.

前二項之服務性質及收費條件，由本行視情形與政府或有關之第三人以協議明定之。

第 141 條之 8

下列對象得於本行開立帳戶：

1. 受第 511-9 條規定管理之機構；
2. 國庫、海外領地之鈔券發行機構、海外發行機構及存款保管運用機構；
3. 受第 5 冊第 3 編規定管理之投資服務提供者；
4. 外國中央銀行及信用機構；
5. 國際金融機構及國際組織；
6. 依理事會訂定之條件，本行職員及其他於 1993 年 8 月 6 日前在本行持有顧客帳戶者；
7. 其他依理事會決議明文核准於本行開戶之機構或個人。

第 141 條之 9

本行得為自己或第三人之利益，從事有關黃金、支付工具及以外幣或黃金重量計值之交易。

本行得向外國銀行、外國及國際貨幣機構或組織，貸放或借入歐元或外幣。

本行於從事前二項交易時，應要求或提供保證或擔保品。

第二章 組織

第一節 定位

第 142 條之 1

本行為資本國有之機構。

1.4. Part 2 The General Council

Article L142-2

The Bank of France is administered by a General Council.

It deliberates on questions relating to the management of the Bank of France's activities other than those which come within the scope of its missions for the European System of Central Banks.

It deliberates on the regulations applicable to its staff. The said regulations are submitted to the appropriate ministers by the Governor of the Bank of France for authorisation.

The General Council also deliberates on equity capital use, prepares the provisional and amending cost budgets taking care to provide the Bank with the necessary means to fulfil the missions it performs on account of its participation to the European System of Central Banks, closes off the Bank's balance sheet and accounts and draws up the plans for allocating the profits and fixing the dividend due to the State.

The General Council appoints two auditors entrusted with auditing the accounts of the Bank of France. They are invited to attend the General Council meeting which approves the accounts for the previous year.

Article L142-3

I -The General Council of the Bank of France comprises:

- 1° The Governor and two Deputy Governors of the Bank of France;
- 2° Two members appointed by the President of the National Assembly and two members appointed by the President of the Senate taking into account of their competence and of their professional experience into the financial or economic domains;
- 3° Two members appointed by a Cabinet Decree upon proposal made by the minister in charge of economy, taking into account their competences and professional experience in the financial or economic domains;
- 4° An elected representative of the Bank's employees.

The duration of tenure of these members is six years without prejudice to the provisions of the eighth paragraphs. They are bound by professional secrecy.

As from the 1st of January 2009, half of the members appointed according to the provisions of the second bullet are replaced every three years. At each triennial renewal, one member is appointed by the President of the National Assembly and one member is appointed by the President of the Senate.

The members appointed according to the provisions of the second bullet are replaced at least eight days before their tenure expires. If one of these members is unable to complete his term of office, he is replaced immediately in the manner described in the previous paragraph and he fulfils his functions for the unexpired portion of the term of office of the person he replaces.

第二節 理事會

第 142 條之 2

本行由理事會掌理。

理事會應審議有關本行除 ESCB 所指定任務以外業務之管理。

理事會應審議適用於職員之規章；該等規章並由總裁提交相關部長核備。

理事會應審議資本之運用、規劃臨時性及彈性之成本預算，俾供本行為執行參與 ESCB 之任務所必要之支出、確認本行資產負債表，及研提盈餘之分派與繳庫計畫。

理事會指定兩名稽核人員負責稽查本行帳戶；該等人員並受邀出席理事會審核前一年度帳目之會議。

第 142 條之 3

I、理事會包括下列成員：

1. 本行總裁及兩位副總裁；
2. 由國家議會主席及參議院議長，考量於金融及經濟方面具有能力及專業經驗者，分別指派兩名理事；
3. 由內閣依經濟部長之提議，考量於金融及經濟方面具有能力及專業經驗者，指派兩名理事；
4. 由本行職員選出一名代表。

在不影響第 142 條之 8 所定總裁及副總裁任期之情形下，各理事之任期均為 6 年，且均負有保密義務。

自 2009 年 1 月 1 日起，依前項第 2 款規定任命之理事，每 3 年即應改選半數，且該款理事應由國家議會主席及參議院議長各指派 1 名。

依第 1 項第 2 款規定所任命之理事，應於任期屆滿至少 8 日前指派接任理事。若有理事無法完成其任期者，應即依相同之資格條件指派其繼任者，並續任至原任期屆滿為止。

The functions of the members appointed in application of 2° and 3° above are not exclusive of a private professional activity with the consent of the General Council given at the majority of its members other than the concerned person. The Council examines namely the absence of conflicts of interest and the respect of the principle of independence of the Bank of France. This absence of conflicts of interest imposes that the members do not perform any function and do not have any interest in service providers mentioned in titles I to V of book V. These members cannot accept a parliamentary mandate.

II - The validity of the deliberations is subject to at least six members being present.

The decisions are taken on a majority of the members present. In the event of there being a hung vote, the chairman has a casting vote.

The General Council may delegate powers to the Governor of the Bank of France, who may sub-delegate them under conditions determined by the Council.

A censor, or his deputy, designated by the Minister for the Economy, attends the meetings of the General Council. He may submit proposals for resolutions to the Council for deliberation.

The resolutions adopted by the General Council are final unless they are challenged by the censor or his deputy.

1.6. Part 4 The Governor and the Deputy Governors

Article L142-8

The Bank of France is managed by the Governor of the Bank of France.

The Governor chairs the General Council of the Bank of France.

He prepares and implements the decisions of the General Council.

He represents the Bank in its dealings with third parties; he alone signs all agreements on behalf of the Bank.

He makes all appointments within the Bank, without prejudice to the provisions of Article L.142-3.

He adopts the measures necessary for the implementation of the guidelines of the European Central Bank.

The Governor is assisted by a first and a second Deputy Governor. The Deputy Governors perform the duties which are delegated to them by the Governor. In the event of the Governor being absent or indisposed, the General Council is chaired by one of the Deputy Governors specially appointed for that purpose by the Governor.

The Governor and the two Deputy Governors are appointed by a Cabinet Decree for a term of six years, renewable once. The age limit applicable to the exercise of these functions is set at sixty-five years.

依第 1 項第 2 款及第 3 款規定所任命之理事，經理事會以扣除當事人之多數決同意後，可兼任私人性質之專業工作。理事會並應即審酌該工作不得與本行有利益衝突或違反本行獨立性原則；所謂不得有利益衝突，係指理事不得自第 5 冊第 1 至 5 章所述之服務提供者獲取利益及與之往來。該等理事亦不得接受議會指派之職務。

II、理事會之審議應有至少 6 名理事出席，始生效力。

出席理事多數贊成之意見即為可決。當投票可否同數時，取決於主席。

理事會得將其權限授予本行總裁；總裁並得依理事會所定條件將該權限辦理複委託。

經濟部長指派之監查官或其副手，可出席理事會之會議，並得對決議案提出意見供該會審議。

除監查官或其副手反對外，理事會之決議為最終決定。

第四節 總裁與副總裁

第 142 條之 8

本行由總裁綜理行務。

總裁為本行理事會之主席。

總裁應擬定並執行理事會之各項決議。

總裁對外代表本行，並得代表本行簽訂各項協議。

在不抵觸第 142-3 條規定之前提下，總裁有權任命本行全體職員。

總裁應採取一切必要之手段，以踐行 ECB 之指導原則。

本行第 1 副總裁及第 2 副總裁應輔佐總裁，並執行總裁交付之任務。總裁未出席或無法出席理事會時，應由總裁指定其中 1 位副總裁擔任理事會主席。

總裁及二位副總裁應由內閣任命，任期為 6 年，期滿得續任 1 次。擔任各該職位之年齡限制為 65 歲。

They may be removed from office ahead of time by a majority decision of the members of the General Council, excluding the member concerned, ruling on a duly reasoned proposal from the Council, only if they become incapable of performing their duties or are guilty of serious misconduct.

The functions of the Governor and of the Deputy Governors exclude any other public or private professional activity, salaried or otherwise, with the exception of, if appropriate, with the consent of the General council, teaching or functions performed with international organizations. They cannot assume elective office. If they have civil servant statute, they are placed in secondment and cannot elect to be promoted.

The Governor and the Deputy Governors who stands down for a reason other than removal from office for serious misconduct shall continue to receive his salary for three years. During that period, they cannot engage in professional activities without the consent of the General Council, with the exception of elective public functions or the functions of a member of the Government. In the event of the General Council authorising professional activities, or of they assuming elective public functions which are not national, the Council shall determine the conditions under which all or part of their salary may continue to be paid to them.

1.7. Part 5 Bank of France staff

Article L142-9

The agents of the Bank of France are bound by professional secrecy.

They cannot take or receive an equity holding or any other interest or remuneration of any kind in return for working for or advising a public or private industrial, commercial or financial entity unless a derogation is granted by the Governor. These provisions do not apply to the production of scientific, literary or artistic works.

The General Council of the Bank of France shall determine, under the conditions set out in the third paragraph of Article L.142-2, the rules applicable to the agents of the Banque of France in the domains where the provisions of the Labour Code are incompatible with the statutes or with the public service duties entrusted to it.

Articles L. 2323-19, L. 2323-21, L. 2323-22, L.2323-23, L. 2323-24, L. 2323-26, L. 2323-78, L. 2323-79, L. 2323-80, L. 2323-81, L. 2323-82 et L. 2323-86 of the Labour Code shall not apply to the Bank of France.

總裁及二位副總裁僅於無法執行職務或有重大違失時，得由理事會以正當之理由提案，經扣除當事人以外之其他理事多數決同意後，提前解除其職務。

除具適當性且經理事會同意之教育性或國際組織工作外，無論是否為有給職，總裁及二位副總裁均不得擔任其他公共或私人性質之專業工作；亦不得競選公職。若其原本具備公務人員資格而被借調者，亦不得選擇接受陞遷。

除因重大違失行為而遭解職外，總裁及二位副總裁仍得於卸任後 3 年內繼續領取薪資。其於該期間內，未經理事會同意，不得從事被選任公職或政府閣員以外之專業工作。理事會應就經其同意之專業工作，或接受非全國性公職之情形，訂定繼續支付全部或部分薪資之條件。

第五節 本行職員

第 142 條之 9

本行職員應負業務之保密義務。

本行職員除經總裁核准外，不得因業務行為或提供諮詢服務，而收受公民營企業、商業或金融機構給予之股權或其他利益或任何形式之報酬。但因科學、文學或藝術工作而獲得者，不在此限。

理事會應於第 142 條之 2 第 3 項所訂之條件下，就勞動法之規定與本法或賦予本行之公共服務職責不一致之範疇，決定適用於本行經理人之規範。

本行不適用勞動法第 2323 條之 19、第 2323 條之 21、第 2323 條之 22、第 2323 條之 23、第 2323 條之 24、第 2323 條之 26、第 2323 條之 78、第 2323 條之 79、第 2323 條之 80、第 2323 條之 81、第 2323 條之 82 及第 2323 條之 86 等規定。

The provisions of chapter II and title III of the book IV of the Labour Code, apart from those listed in the foregoing paragraph, shall apply to the Bank of France only with regard to the duties and other activities which, under Article L. 142-2, fall within the competence of the General Council.

The central staff committee and, if applicable, the local staff committees of the Bank of France may appeal to the expert referred to in Article L. 2325-35 of the Labour Code only after the procedure provided for in Article L. 1233-30 of that code has been followed.

The conditions under which Articles L. 2323-83 and L. 2323-87 of that code shall apply to the Bank of France shall be determined by a Council of State decree.

1.8. Part 6 Branches

Article L142-10

The Branches of the Bank of France participate in the implementation of the Bank's assignments. They contribute to maintenance of the fiduciary currency and execution of bank money payments. They also contribute to awareness of the local economic fabric and the dissemination of monetary and financial information. They administer and monitor the records relating to overindebtedness as determined in Article L. 141-7.

In the performance of their duties, they maintain relations with the banks, businesses, chambers of commerce and industry, local authorities and devolved Government departments within their catchment area.

Chapter III Report to the President of the Republic accountability

Article L143-1

The Governor of the Bank of France sends the President of the Republic and Parliament a report at least once each year on the Bank of France's activities, the monetary policy it is pursuing within the framework of the European System of Central Banks and the latter's forecasts.

Pursuant to the provisions of Article 108 of the Founding Treaty of the European Community and the rules of confidentiality of the European Central Bank, the Governor of the Bank of France appears before the finance committees of the two assemblies when so requested, and may ask to appear before them.

The accounts of the Bank of France and the auditors' report are sent to the finance committees of the National Assembly and of the Senate.

除前項所列者外，勞動法第 4 冊第 2 章及第 3 編之規定，僅於依第 142 條之 2 所定有關理事會權限之職責及業務行為，始適用於本行。

本行總行及得適用之分行，其職員工會僅於完成勞動法第 1233 條之 30 所定之程序後，始得向同法第 2325 條之 35 所稱之專家提出申訴。

適用於本行之勞動法第 2323 條之 83 及第 2323 條之 87 所稱之條件，應由諮政院以命令定之。

第六節 分行

第 142 條之 10

本行之分行應參與本行所派任務之執行，及協助維持通貨之信用與支付之履行；亦應掌握當地之經濟結構，及傳遞財金資訊；並應依本法第 141 條之 7 規定，管理及監督有關過度負債之紀錄。

為執行其任務，分行於其所配屬之區域內，應與各銀行、企業、工商協會、地方機關及被移交之政府部門保持聯繫。

第三章 對總統之報告責任

第 143 條之 1

本行總裁應就本行之業務、於 ESCB 架構內執行之貨幣政策及其展望，至少每年 1 次向總統及國會提出報告。

依「歐洲共同體設立條約」第 108 條及 ECB 保密規章之規定，本行總裁應依國會兩議院金融委員會之邀，亦得主動請求到會。

本行決算報告及稽核人員之稽查報告，應送交參眾兩院之金融委員會。

Chapter IV Other provisions

Article L144-1

The Bank of France may make direct contact with undertakings and professional groupings which are prepared to participate in its inquiries. These undertakings and professional groupings may communicate to the Bank of France any information on their financial situation.

The Bank of France may pass on some or all of the information that it holds concerning the financial situation of undertakings to the other central banks, to the other institutions which are responsible for carrying out assignments similar to those entrusted to the Bank in France, and to credit institutions and other financial institutions.

Article L144-2

The Bank of France's transactions and the activities referred to in the second paragraph of Article L. 142-2 are governed by the civil and commercial legislation.

Article L144-2-1

The real estate of Bank of France is subject to the provisions of the General Code of Public Entities Properties applicable to public undertakings of the State.

The movables belonging to Bank of France are not attachable.

Article L144-3

The administrative courts hear cases relating to the Bank of France's internal administration or between the Bank and members of the General Council or its agents.

Article L144-4

A Council of State decree sets forth the present Part's implementing regulations.

It determines the amount of the Bank of France's capital, the procedures for establishing its annual budget, for financing its investments, for presenting and approving the accounts, for allocation of the annual profits and for remuneration of the members of the General Council, as well as the procedures for electing the Bank of France's employees' representative on the General Council.

第四章 附則

第 144 條之 1

本行得要求與有意參予調查研究之事業及專業團隊直接往來。此類事業及專業團隊得提供其財務狀況之所有資訊予本行。

本行得將保有關於上述事業之財務狀況資訊一部或全部提供予其他中央銀行、其他負有與本行職責相近任務之機構，或信用及其他金融機構。

第 144 條之 2

本行所為交易及依第 142 條之 2 第 2 項規定所辦業務，適用民法及商法之規定。

第 144 條之 2 之 1

以本行名義所有之不動產適用於法人財產法之規範。該法亦適用於所有政府之法人機構。

本行之動產不得受扣押處分。

第 144 條之 3

涉及本行內部管理、本行與理事或其代理人間之案件，應受行政法庭之管轄。

第 144 條之 4

本法施行細則由諮政院以命令定之。

前項命令應規定本行資本之數額、編列年度預算之程序、本行之財務投資、決算報告之提出與審議、年度獲利之分派、理事之報酬及選舉本行職員代表充任理事之程序。

Article L144-5

A decree sets forth the maximum length during which the information held by the Bank of France regarding company directors and entrepreneurs, can be communicated to third parties.

第 144 條之 5

本行得公開所持有關於公司負責人及企業主資訊之最長期限，應以命令定之。

三、Federal Act on the
Swiss National Bank
(National Bank Act, NBA)
瑞士國家銀行法

Federal Act on the Swiss National Bank
(National Bank Act, NBA)

瑞士國家銀行法

法務室 鄭靜馨 譯

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Federal Act on the Swiss National Bank (National Bank Act, NBA)

(Status as at 1 March 2012)

Chapter 1: General Provisions

Art. 1 Legal status and name

- 1 The central bank of the Swiss Confederation is a joint-stock company incorporated by special act.
- 2 It shall bear the names
"Schweizerische Nationalbank"
"Banque nationale suisse"
"Banca nazionale svizzera"
"Banca naziunala svizra"
"Swiss National Bank".

Art. 2 Subsidiary application of the Code of Obligations

Unless otherwise provided by this Act, the provisions of the Code of Obligations (CO) relating to joint-stock companies apply.

Art. 3 Head offices, branches, agencies and representative offices

- 1 The National Bank shall have its head offices in Bern and Zurich.
- 2 To the extent required by the country's supply of money, the National Bank shall maintain branches and agencies.
- 3 It may set up representative offices for observing the economy and for maintaining relations in the regions.

瑞士國家銀行法

最後修正施行：2012年3月1日

第 1 章 總則

第 1 條 法律定位與名稱

瑞士聯邦之中央銀行為特別法定股份有限公司。
瑞士聯邦之中央銀行應使用以下名稱（「瑞士國家銀行」以下簡稱本行^{譯註}）
"Schweizerische Nationalbank"
"Banque nationale suisse"
"Banca nazionale svizzera"
"Banca naziunala svizra"
"Swiss National Bank".

第 2 條 責任法之補充適用

除本法另有規定外，本行適用責任法有關股份有限公司之規定。

第 3 條 總行、分行、辦事處及代表處

本行總行應設於伯恩及蘇黎世。
於本國貨幣供給之必要範圍內，本行應維持分行及辦事處。
本行為觀察地區的經濟情勢及維持與地區的關係，得於地區設代表處。

^{譯註}：為便於閱讀，本篇譯文之「瑞士國家銀行」一詞簡稱為「本行」。

Art. 4 Exclusive right to issue banknotes

The National Bank shall have the exclusive right to issue Swiss banknotes.

Art. 5 Tasks

- 1 The National Bank shall pursue a monetary policy serving the interests of the country as a whole. It shall ensure price stability. In so doing, it shall take due account of the development of the economy.
- 2 Within this framework, it shall have the following tasks:
 - a. It shall provide the Swiss franc money market with liquidity.
 - b. It shall ensure the supply and distribution of cash.
 - c. It shall facilitate and secure the operation of cashless payment systems.
 - d. It shall manage the currency reserves.
 - e. It shall contribute to the stability of the financial system.
- 3 It shall participate in international monetary cooperation. For this purpose, it shall work jointly with the Federal Council in accordance with the relevant federal legislation.
- 4 It shall provide banking services to the Confederation. In so doing, it shall act on behalf of the competent federal authorities.

Art. 6 Independence

In fulfilling its monetary tasks according to Article 5 paragraphs 1 and 2, the National Bank and the members of the Bank's bodies shall not be permitted to seek or accept instructions either from the Federal Council or from the Federal Assembly or any other body.

Art. 7 Accountability and information

- 1 The National Bank shall regularly discuss with the Federal Council the economic situation, monetary policy and topical issues of federal economic policy. The Federal Council and the National Bank shall inform each other of their intentions before taking decisions of major importance for economic and monetary policy. The National Bank's annual report and annual accounts shall be submitted to the Federal Council for approval before being approved by the General Meeting of Shareholders.
- 2 The National Bank shall render account of the fulfilment of its tasks pursuant to Article 5 to the Federal Assembly annually in the form of a report. It shall regularly comment on the economic situation as well as its monetary policy to the competent committees of the Federal Assembly.

第 4 條 發行鈔券專屬權

發行瑞士鈔券之權限專屬於本行。

第 5 條 任務

本行應追求符合國家整體利益之貨幣政策，確保物價穩定，並應於其過程中，妥適考量經濟之發展。

在此架構之下，本行任務如下：

- a. 提供瑞士法郎貨幣市場流動性。
- b. 確保現金之供應與配送。
- c. 促進及確保非現金支付系統之運作。
- d. 管理外匯準備。
- e. 維護金融體系之穩定。

本行應參與國際貨幣合作，為達此一目的，並應依相關聯邦法律與聯邦委員會合作。

本行應代表聯邦主管機關對聯邦提供銀行服務。

第 6 條 獨立性

執行第 5 條第 1 項及第 2 項所定之貨幣政策任務時，本行及本行所屬單位之成員不得尋求或接受聯邦委員會、國會或其他任何人之指示。

第 7 條 課責性與資訊

本行應定期與聯邦委員會討論經濟情勢、貨幣政策及聯邦經濟政策之重要議題。聯邦委員會及本行應於作成經濟及貨幣政策之重要決策前通知對方。本行之年報及年度報表應於提請股東會通過前，報請聯邦委員會同意。

本行應每年向國會提出第 5 條所定任務執行情形之報告。本行應定期向國會相關委員會提供經濟情勢及本行貨幣政策之詳細報告。

- 3 It shall regularly inform the public about its monetary policy and shall announce its monetary policy intentions.
- 4 It shall publish its annual report. Furthermore, it shall publish quarterly reports on the development of the real economy and the monetary situation; it shall also publish data significant for monetary policy on a weekly basis.

Art. 8 Exemption from taxation

- 1 The National Bank shall be exempt from direct federal taxes.
- 2 The National Bank shall not be subject to taxation by the cantons. Cantonal and communal fees shall remain reserved.

Chapter 2: Scope of Business

Art. 9 Transactions with financial market participants

- 1 In performing its monetary tasks pursuant to Article 5 paragraphs 1 and 2, the National Bank may:
 - a. maintain interest-bearing and non-interest-bearing accounts for banks and other financial market participants, and take into custody assets;
 - b. open accounts with banks and other financial market participants;
 - c. buy and sell, in the financial markets, Swiss franc or foreign currency denominated receivables and securities as well as precious metals and claims on precious metals (spot or forward) or enter into lending operations therewith;
 - d. issue and repurchase interest bearing bonds of its own (spot and forward) as well as create derivatives on receivables, securities and precious metals according to letter c;
 - e. enter into credit transactions with banks and other financial market participants on condition that sufficient collateral is provided for the loans;
 - f. hold and manage the assets designated in this Article.
- 2 It shall lay down the general terms and conditions for transactions in accordance with paragraph 1.

本行應定期向大眾揭露本行之貨幣政策及政策動向。

本行應出版年報，並就實際經濟發展及貨幣情勢出版季報，且應每週公布對貨幣政策具重要性之數據資料。

第 8 條 稅捐豁免

本行免納聯邦直接稅。

本行無須繳納邦稅，但邦及地方行政區仍得收取費用。

第 2 章 業務範圍

第 9 條 與金融市場參與者之交易

本行執行第 5 條第 1 項及第 2 項所定之貨幣政策任務時，得：

- a. 收受銀行及其他金融市場參與者計息及不計息存款，納為保管資產。
 - b. 於銀行及其他金融市場參與者開立帳戶。
 - c. 於金融市場買入及賣出瑞士法郎或外幣應收款及有價證券、貴金屬、（即期或遠期）貴金屬債權或參與相關貸放業務。
 - d. 發行及附買回本行發行之（即期或遠期）付息債券，以及開發前款所定應收款、有價證券及貴金屬之衍生性金融商品。
 - e. 於徵提足額擔保品之前提下，得對銀行或其他金融市場參與者貸放。
 - f. 持有及管理本條之資產。
- 本行應訂定前項所定交易之一般性條款。

Art. 10 Transactions with other central banks and international organisations
The National Bank may enter into relations with foreign central banks and international organisations and effect with them any form of banking transaction, including raising and granting credits in Swiss francs, foreign currencies and international payment instruments.

Art. 11 Transactions on behalf of the Confederation

- 1 The National Bank may provide banking services to the Confederation. These shall be provided for an adequate consideration. However, the services shall be provided free of charge if they facilitate the implementation of monetary policy. The details shall be laid down in agreements concluded between the respective federal offices and the National Bank.
- 2 The National Bank may not grant the Confederation loans or overdraft facilities; nor shall it be permitted to buy government bonds from new issues. It may permit intraday account overdrafts against sufficient collateral.

Art. 12 Participations and membership rights

To the extent necessary for performing its tasks, the National Bank may participate in the capital of companies and other legal entities and acquire membership rights in such companies and entities.

Art. 13 Transactions for its own operation

In addition to transactions related to its statutory tasks, the National Bank may enter into transactions serving its own operation as well as effecting banking transactions for its staff and its pension fund.

Chapter 3: Monetary Policy Powers

Section 1: Statistics

Art. 14 Collection of statistical data

- 1 For the purpose of fulfilling its statutory tasks and observing developments in the financial markets, the National Bank shall collect the necessary statistical data.

第 10 條 與其他中央銀行及國際組織之交易

本行得與外國中央銀行及國際組織建立關係及進行各種銀行交易，包括瑞士法郎、外國貨幣及國際支付工具之借貸。

第 11 條 代理聯邦之業務

本行得向聯邦提供銀行服務。該等服務應有適當之對價，但如有助於貨幣政策之執行，應無償提供之。其細節由聯邦政府相關部門與本行以協議約定之。
本行不得提供聯邦貸款或透支，亦不得購買政府新發行之債券。本行得於足額擔保之前提下，提供日間帳戶透支。

第 12 條 參與及會員權利

於執行本行任務之必要範圍內，本行得投資公司或其他法人，並取得對該等公司或法人之會員權。

第 13 條 為本行營運之交易

除與法定任務有關之交易外，本行得為本行之營運而從事交易，並得為本行員工及退休基金提供銀行交易。

第 3 章 貨幣政策職權

第 1 節 統計

第 14 條 蒐集統計資料

為執行本行法定任務及觀察金融市場之發展，本行應蒐集必要之統計資料。

- 2 In collecting statistical data, it shall cooperate with the competent federal offices, in particular with the Swiss Federal Statistical Office and the Swiss Financial Market Supervisory Authority, the competent authorities of foreign countries and with international organisations.

Art. 15 Duty to provide information

- 1 Banks, exchanges, securities dealers as well as fund management companies of Swiss investment funds and representatives of foreign investment funds must provide the National Bank with statistical data relating to their activities.
- 2 To the extent necessary for an analysis of financial market developments, for an overview of payment transactions, for drawing up the balance of payments and for statistics on foreign assets, the National Bank may collect statistical data on the business activities from other natural persons or legal entities, including insurance companies, pension funds, investment and holding companies, operators of payment and securities settlement systems pursuant to Article 19 paragraph 1, and Swiss Post.
- 3 The National Bank shall lay down in an ordinance what data is to be provided and with what frequency; furthermore, it shall lay down the organisation and procedure after having heard the reporting institutions.

Art. 16 Confidentiality

- 1 The National Bank must maintain confidentiality with respect to the data collected.
- 2 It shall publish the data collected in the form of statistics. For purposes of confidentiality, the data shall be aggregated.
- 3 The National Bank may communicate the data collected in aggregated form to the authorities and organisations listed in Article 14 paragraph 2.
- 4 The National Bank may exchange the data collected with the competent supervisory authorities of the Swiss financial market.
- 5 In other respects, the Federal Act of 19 June 1992 on Data Protection applies.

Section 2: Minimum Reserves

Art. 17 Purpose and scope of application

本行應與有關之聯邦政府部門，特別是瑞士聯邦統計局、瑞士金融市場監理局，以及外國相關機關與國際組織，合作蒐集統計資料。

第 15 條 提供資訊之義務

銀行、交易所、證券交易商、瑞士投資基金之管理公司及外國投資基金之代表人應提供本行其業務統計資料。

於分析金融市場發展、監督支付系統、編製國際收支、統計外國資產之必要範圍內，本行得向自然人及法人蒐集有關該等業務之統計資料，其對象包括保險公司、退休基金、投資控股公司、第 19 條第 1 項之支付及證券清算系統營運人及郵局等。

本行應以命令明定應提供之資料內容及頻率，並於聽取該等報送資料機構之意見後，規範其組織及程序。

第 16 條 保密

本行應對蒐集之資料保密。

本行應將蒐集之資料以統計資料之形式出版。基於保密之目的，該等資料應經彙總處理。

本行得將所蒐集之資料，以彙總形式傳輸給第 14 條第 2 項之機關及組織。

本行得與瑞士金融市場監理主管機關交換所蒐集之資料。

除前 4 項之規定外，應適用 1992 年 6 月 19 日聯邦資訊保護法之規定。

第 2 節 最低準備金

第 17 條 目的及適用範圍

- 1 In order to facilitate the smooth functioning of the money market, the banks shall keep minimum reserves.
- 2 The National Bank may issue an ordinance to subject issuers of electronic money and other issuers of payment instruments to the minimum reserve requirement if their activities threaten to substantially interfere with the implementation of monetary policy.

Art. 18 Features

- 1 The National Bank shall fix the rate for minimum reserves which the banks must hold on an average of a specific period of time. Minimum reserves shall consist of Swiss franc denominated coins, banknotes and sight deposit accounts which the banks hold with the National Bank.
- 2 The rate for minimum reserves shall not exceed four percent of the banks' short-term Swiss franc denominated liabilities. Short-term liabilities are deemed to be sight liabilities and liabilities with a residual maturity not exceeding three months as well as liabilities vis-à-vis customers in the form of savings or investments (excluding tied-up pension fund monies). To the extent permitted by the purpose of this Act, individual categories of liabilities may be partially or fully exempt from the reserve requirement.
- 3 The National Bank shall apply the provisions on minimum reserves mutatis mutandis to banking groups with collective liquidity management. It may request groups of banks to hold minimum reserves on a consolidated basis.
- 4 The banks shall regularly provide evidence to the National Bank that they are holding the required level of minimum reserves.
- 5 The National Bank shall lay down the details in an ordinance after having heard the competent supervisory authority for the Swiss financial market.

Section 3: Oversight of Payment and Securities Settlement Systems

Art. 19 Purpose and scope of application

- 1 In order to protect the stability of the financial system, the National Bank shall oversee systems for the clearing and settlement of payments and of transactions with financial instruments, in particular securities (payment systems; securities settlement systems).

為促進貨幣市場之順利運作，銀行應提存最低準備金。

電子貨幣及其他支付工具發行者之業務可能實質影響貨幣政策之執行時，本行得以命令規定其應提存最低準備金。

第 18 條 特定事項

本行應訂定銀行於特定期間內平均應提存之最低準備金比率。最低準備金應由瑞士法郎庫存現金及銀行於本行帳戶內之活期存款組成。

銀行之最低準備金比率不得超過其瑞士法郎短期負債之 4%。即期負債、距到期日 3 個月以下之負債及客戶存款或投資（不包括專用於退休基金之資金）之負債，均視為短期負債。於本法立法目的允許之範圍內，負債之個別種類得部分或全部豁免不計提準備金。

本行應將最低準備金之規定準用於採取合併流動性管理之銀行團。本行得要求銀行團合併計提最低準備金。

銀行應定期向本行提供其已按規定提存最低準備金之證明。

本行應於聽取瑞士金融市場監理主管機關之意見後，以命令訂定相關細節。

第 3 節 支付及證券清算系統之監管

第 19 條 目的及適用範圍

為維護金融體系之穩定，本行應監管支付及金融工具（特別是有價證券）交易之結算與清算系統（支付系統、證券清算系統）。

- 2 The oversight shall also extend to payment and securities settlement systems whose operators are domiciled abroad, provided that substantial parts of the operation or leading participants are located in Switzerland.

Art. 20 Modalities

- 1 The operator of a payment system processing high volumes or of a securities settlement system must provide the National Bank, on request, with all necessary information, make available documents and permit the on-site inspection of installations.
- 2 The National Bank may demand that minimum requirements be fulfilled with respect to the operation of payment and securities settlement systems from which risks for the stability of the financial system emanate. These minimum requirements may in particular relate to the organisational basis, the terms and conditions of business, operational security, participants' access to the system, the implications of a system participant's payment difficulties and the payment instrument used.
- 3 The National Bank shall lay down the details in an ordinance after having heard the competent supervisory authority for the Swiss financial market.

Art. 21 Cooperation with supervisory and oversight authorities

- 1 In overseeing payment and securities settlement systems, the National Bank shall cooperate with the competent supervisory authority for the Swiss financial market. It shall coordinate its activities with the supervisory authority and shall hear the authority before submitting recommendations or issuing orders.
- 2 For the purpose of overseeing payment or securities settlement systems from which risks for the stability of the financial system emanate, the National Bank may
 - a. cooperate with foreign supervisory or oversight authorities and request information and documents from these authorities.
 - b. pass on non-public information and documents regarding system operators to foreign supervisory or oversight authorities, provided that these authorities:
 1. use such information exclusively for directly supervising or overseeing such systems or participants in such systems; and
 2. are bound by official or professional secrecy.

監管應及於其營運人住所在國外，但其重要營運或主要參加人位於瑞士之支付及證券清算系統。

第 20 條 監管模式

高營運量支付系統或證券清算系統之營運人必須依本行之要求提供必要之資訊、文件，並接受對其設施之實地檢查。

本行得針對可能對金融體系之穩定造成風險之支付及清算系統，訂定營運之最低標準，特別是關於其組織準則、業務條件、營運安全、參加人對系統之使用、系統參加人之支付困難與其使用之支付工具間之關連性。

本行應於聽取瑞士金融市場監理主管機關之意見後，以命令訂定相關細節。

第 21 條 和監理及監管機關之合作

於監管支付及證券清算系統時，本行應與瑞士金融市場監理主管機關合作。本行採取行動時應協調主管機關，於提出建議或作成處分前，亦應聽取主管機關之意見。

基於對金融體系之穩定會造成風險之支付及證券清算系統之監管目的，本行得：

- a. 與外國監理或監管機關合作，並請求該等機關提供資訊及文件。
- b. 提供有關系統營運人之非公開資訊及文件予外國監理或監管機關，該等機關：
 1. 僅得將該等資訊直接使用於監理及監管該等系統或系統參加人；且
 2. 負職務上或業務上之保密義務。

Section 4: Review and Sanctions

Art. 22 Review of compliance with the duties to provide information and to hold minimum reserves

- 1 When auditing banks, exchanges, securities dealers and investment funds, the statutory auditors shall examine whether the duty to provide information and, in the case of a bank, the duty to hold minimum reserves, have been duly observed. They shall lay down their findings in the auditing report. They shall notify the National Bank and the competent supervisory authority whenever they ascertain any violation, in particular if incorrect information has been provided or if the duty to hold minimum reserves has been breached.
- 2 The National Bank may itself review, or may have auditors review, whether the duty to provide information and the duty to hold minimum reserves have been duly observed. Should any violation of these provisions be ascertained, the person liable to provide information or to hold minimum reserves shall bear the costs of the review.
- 3 The National Bank shall file a complaint with the Federal Department of Finance (the Department) if the duty to provide information or the duty to hold minimum reserves has been breached, or if a review ordered or carried out by the National Bank has been obstructed.

Art. 23 Administrative sanctions

- 1 Any bank that fails to hold the required amount of minimum reserves must pay the National Bank interest on the shortfall for the period during which the required minimum reserve ratio has not been observed. The National Bank shall lay down the relevant interest rate, which may be up to five percentage points above the money market rate for interbank credits for the same period.
- 2 If an operator of a payment or securities settlement system from which risks for the stability of the financial system emanate fails to comply with the stipulated minimum requirements, the National Bank shall report its findings to the Swiss and foreign supervisory and oversight authorities. In so doing, it shall observe the requirements of Article 21 paragraph 2 letter b. Furthermore, it may:

第 4 節 檢查及處罰

- 第 22 條 提供資訊及提存最低準備金義務遵循情形之檢查**
- 於稽核銀行、交易所、證券交易商及投資基金時，法定稽核人應查驗其是否充分遵守提供資訊之義務；對於銀行，並應查驗其是否充分遵守提存最低準備金之義務。法定稽核人應將稽核結果記載於稽核報告。法定稽核人於確認有任何違規，尤其是提供不正確資訊或違反提存最低準備金之義務時，應通知本行及監理主管機關。本行得自行檢查或派稽核人檢查提供資訊及提存最低準備金之義務是否被充分遵守。任何對於該等義務之違反經確認者，提供資訊或提存最低準備金之義務人應負擔檢查費用。違反提供資訊或提存最低準備金之義務或妨礙本行指揮或執行檢查時，本行應向主管之財政部舉發。

第 23 條 行政罰則

未依規定提存最低準備金之銀行應就其未達法定最低準備金提存期間之不足額，計付本行懲罰性利息。本行應訂定計算該項利息之利率，其上限為同期間金融市場銀行間拆借利率加計 5 個百分點。

對金融體系之穩定會造成風險之支付及證券清算系統，其營運人如有未遵守提存最低準備金者，本行應將該項稽核結果向瑞士及外國監理及監管機關通報，其間並應遵守第 21 條第 2 項 b 款之規定。本行得：

- a. refuse to open a sight deposit account for the operator, or terminate an existing sight deposit account;
- b. in the event of a refusal to comply with an enforceable order, publish this order in the Swiss Official Gazette of Commerce ("Schweizerisches Handelsamtsblatt") or bring it to the attention of the public in any other manner, provided such measure has been preceded by a warning.

Art. 24 Criminal provisions

- 1 Anyone who:
 - a. fails to provide the National Bank with the information or the evidence required under Chapter 3 of this Act, or fails to comply with formal requirements, or provides incomplete or inaccurate information or evidence;
 - b. prevents a review ordered or carried out by the National Bank.
 shall be liable to a period of detention or a fine not exceeding 200,000 Swiss francs.
- 2 If the offending party acts through negligence, the penalty shall be a fine not exceeding 100,000 Swiss francs.
- 3 The Department shall prosecute and adjudicate such offences in accordance with the provisions of the Federal Act of 22 May 1974 on Administrative Criminal Law.
- 4 The right to prosecute offences is subject to a five-year prescriptive period.

Chapter 4: Company Law Provisions

Section 1: Structure of the Joint-stock Company

Art. 25 Share capital, shares

- 1 The share capital of the National Bank amounts to 25 million Swiss francs. It is divided into 100,000 registered shares with a nominal value of 250 Swiss francs each. The shares are fully paid up.
- 2 In lieu of individual shares the National Bank may issue certificates covering several shares. In addition, it may dispense with the printing and the delivery of share certificates. The Bank Council shall regulate the details.

- a. 拒絕營運人於本行開立即期存款帳戶，或結清其已開立之即期存款帳戶。
- b. 對於拒絕遵守強制處分者，經事前警告後，於瑞士官方商業公報刊登該處分或以其他方式向大眾公開。

第 24 條 刑罰

有以下情形之一者，處有期徒刑或 20 萬瑞士法郎以下之罰金：

- a. 未提供本行依第 3 章要求之資訊或證明、未遵守正式之命令或提供不完整或不正確之資訊或證明。
 - b. 妨礙本行指揮或執行檢查。
- 因過失犯前項之罪者，處 10 萬瑞士法郎以下之罰金。
- 財政部應依 1974 年 5 月 22 日聯邦行政刑罰法之規定起訴及裁判前二項違規行為。
- 第 1、2 項之違規行為，其追訴時效為 5 年。

第 4 章 公司法規定

第 1 節 股份有限公司結構

第 25 條 股本及股份

本行之股本為 2 千 5 百萬瑞士法郎，分 10 萬股，每股面額 250 瑞士法郎。股款應十足收取。

本行得發行表彰複數股份之股票代替表彰個別股份之股票。此外，本行並得省略股票之印製及交付；其相關細節由理事會定之。

Art. 26 Share register, limitation of transferability

- 1 The National Bank shall recognise as shareholders only persons who are listed in the share register. The Bank Council shall regulate the details of the registration.
- 2 A shareholder's registration is limited to a maximum of 100 shares. This limitation shall not apply to Swiss public-law corporations and institutions or to cantonal banks pursuant to Article 3a of the Federal Act of 8 November 1934 on Banks and Savings Banks.
- 3 Registration shall be refused if the transferee, contrary to a request by the National Bank, does not explicitly declare that he or she has purchased and is holding the shares in his or her own name and for his or her own account.

Art. 27 Listing rules

Provided the shares of the National Bank are listed on a Swiss stock exchange, the competent authorities shall take account of the special nature of the National Bank when applying the listing rules, in particular the provisions on the content and the frequency of financial reporting.

Art. 28 Notifications

The invitation to the General Meeting of Shareholders and notifications to shareholders shall be communicated by letter to the addresses listed in the share register and by a one-off publication in the Swiss Official Gazette of Commerce.

Section 2: Determination and Distribution of Profits**Art. 29** Annual accounts

The annual accounts of the National Bank, consisting of the income statement, the balance sheet and the annex, shall be drawn up in accordance with the provisions of the law on joint-stock companies and the generally accepted accounting principles.

Art. 30 Determination of profits

- 1 The National Bank shall set up provisions permitting it to maintain the currency reserves at a level necessary for monetary policy. In so doing, it shall take into account the development of the Swiss economy.
- 2 The remaining earnings are deemed to be distributable profit.

第 26 條 股份登記及移轉限制

本行應僅承認股東名簿上登記之人為股東；其登記細節由理事會定之。
每一股東以登記 100 股為上限。本項限制於瑞士公法公司及機構，或 1934 年 11 月 8 日聯邦銀行及儲蓄銀行法第 3a 條規定之州立銀行不適用之。受讓人如違反本行之要求，未明示其已購買之股份並以其名義於其帳戶持有者，本行應拒絕其登記。

第 27 條 股票上市規則

本行股票一旦於瑞士股票交易所上市交易，主管機關於適用股票上市公司有關規定時，應將本行之特殊性質列入考慮，尤其在適用有關財務報表之內容及提出頻率之規定。

第 28 條 通知

股東會之開會通知及其他對股東之通知，應依股東名簿記載之地址以郵寄送達，並於瑞士官方商業公報刊登一次。

第 2 節 盈餘之決定及分配**第 29 條** 年度報表

本行之年度報表，包括損益表、資產負債表及附錄，應依股份有限公司之規定及一般公認會計原則製作之。

第 30 條 盈餘之決定

本行應提撥準備，使外匯準備維持貨幣政策所必要之水準，其間並應考慮瑞士經濟之發展。其餘收益為可分配盈餘。

Art. 31 Distribution of profits

- 1 A dividend not exceeding six percent of the share capital shall be paid from the net profit.
- 2 One-third of any net profit remaining after the distribution of a dividend shall accrue to the Confederation and two-thirds to the cantons. The Department and the National Bank shall, for a specified period of time, agree on the amount of the annual profit distribution with the aim of smoothing these distributions in the medium term. The cantons shall be informed in advance.
- 3 The net profit accruing to the cantons shall be distributed in proportion to their resident population. The Federal Council shall regulate the details after having heard the cantons.

Art. 32 Liquidation

- 1 The Swiss National Bank as a joint-stock company may be liquidated by means of a federal act. This act shall also regulate the liquidation procedure.
- 2 In the event of the liquidation of the National Bank, the shareholders shall receive in cash the nominal value of their shares as well as reasonable interest for the period of time since the decision to liquidate the National Bank became effective. The shareholders shall not have any additional rights to the assets of the National Bank. Any remaining assets shall become the property of the new central bank.

Chapter 5: Organisation

Section 1: Corporate Bodies

Art. 33

The corporate bodies of the National Bank shall be the General Meeting of Shareholders, the Bank Council, the Governing Board and the Audit Board.

Section 2: The General Meeting of Shareholders

Art. 34 Schedule

- 1 The ordinary Shareholders' Meeting shall take place every year no later than at the end of June.
- 2 Extraordinary Shareholders' Meetings shall be held whenever the Bank Council so decides or at the request of the Audit Board, or if shareholders jointly representing at least ten percent of the share capital submit a written request stating the agenda and their proposals.

第 31 條 盈餘之分配

低於股本 6% 之股利應自淨利中支付。
分配股利後所餘淨利之三分之一應歸於聯邦，三分之二應歸於州。為達到於中期順利進行盈餘分配之目的，財政部及本行應於特定時間內，對年度盈餘之分配數達成協議，並事先知會州。
歸於州之淨利應依居住人口分配予各州。聯邦委員會應於聽取各州之意見後，訂定相關細節。

第 32 條 清算

本行得依聯邦法規清算之。該法規內容應包括清算之程序。
本行進行清算時，股東應獲得相當於股票面額之現金，及自清算之決議生效時起算之合理利息。
股東對本行資產無任何額外之權利。其餘資產應作為新成立中央銀行之財產。

第 5 章 組織

第 1 節 單位

第 33 條 本行單位為股東會、理事會、執行委員會及監事會。

第 2 節 股東會

第 34 條 行事表

股東常會應於每年 6 月底前召開。
股東臨時會應依理事會之決定、監事會之要求，或合計持有股本 10% 以上股份之股東以載明議程及提案之書面要求召開。

Art. 35 Invitation, agenda

- 1 The President of the Bank Council shall convene the Shareholders' Meeting in writing no later than 20 days before the day of assembly.
- 2 The invitation shall state the items on the agenda as well as the Bank Council's proposals. Agenda items with proposals submitted by shareholders shall also be announced. These proposals must be signed by at least 20 shareholders and must be submitted to the President in writing in due time before the invitation is sent out.
- 3 No decisions shall be passed with respect to proposals on agenda items which have not been announced in the invitation.

Art. 36 Powers

The Shareholders' Meeting shall have the following powers:

- a. It shall elect five members of the Bank Council.
- b. It shall elect the Audit Board.
- c. It shall approve the annual report and the annual accounts.
- d. It shall decide on the allocation of the net profit.
- e. It shall decide on the discharge of the Bank Council.
- f. It may make proposals concerning amendments to this Act or the dissolution of the National Bank to the Federal Council for submission to the Federal Assembly.

Art. 37 Participation

- 1 Any shareholder listed in the share register shall be eligible to attend the Shareholders' Meeting.
- 2 Any shareholder may authorise another shareholder in writing to represent him or her at the Shareholders' Meeting.

Art. 38 Resolutions

- 1 The Shareholders' Meeting shall pass its resolutions and perform elections by an absolute majority of the voting stock present. In case of a tie, the chairperson shall have the casting vote.
- 2 Balloting shall be open. It shall be secret if the chairperson so orders or at the request of at least 20 shareholders present.

第 35 條 開會通知及議程

理事會主席應召集股東會，並於 20 日前以書面通知股東。

股東會開會通知應記載議程及理事會之提案。有關股東提案之議程事項亦須公布。股東提案必須經股東 20 人以上之連署，並於開會通知發出前適時以書面向理事會主席提出。

有關議程事項之提案未經記載於開會通知者，不得議決。

第 36 條 職權

股東會之職權如下：

- a. 選任 5 位理事。
- b. 選任監事會。
- c. 審定年報及年度報表。
- d. 議決盈餘之分配。
- e. 議決解任理事會。
- f. 向聯邦委員會提出本法修正案或本行解散案，由該會報請國會審議。

第 37 條 出席會議

股東名簿上記載之股東得出席股東會議。

股東得以書面授權其他股東代理出席股東會。

第 38 條 決議

股東會應以代表股份之絕對多數投票作成決議及選舉。得票數相同時，由主席投票決定之。

投票應公開，但經主席裁示或出席股東 20 人以上之請求時，得以秘密方式為之。

Section 3: The Bank Council

Art. 39 Election and term of office

- 1 The Bank Council shall consist of eleven members. The Federal Council shall elect six members, the Shareholders' Meeting five.
- 2 The Federal Council shall appoint the President and the Vice-President.
- 3 The term of office shall be four years.
- 4 The members of the Bank Council shall be eligible for re-election. The full term of office of a member shall not exceed twelve years.

Art. 40 Requirements

- 1 To be eligible for election as members of the Bank Council, persons must have Swiss citizenship, an impeccable reputation and a recognised knowledge of the fields of banking and financial services, business administration, economic policy, or an academic field. They need not be shareholders.
- 2 The different parts of the country and language regions shall be adequately represented in the Bank Council.

Art. 41 Resignation, removal from office and election of a substitute

- 1 Members of the Bank Council may resign at any time by giving three months' notice. The resignation shall be submitted to the President of the Bank Council.
- 2 The members elected by the Federal Council shall be replaced as soon as possible; the members elected by the Shareholders' Meeting shall be replaced at the next Shareholders' Meeting. The new members shall be elected for the remainder of the term.
- 3 The Federal Council may remove from office any member elected by it if said member no longer fulfils the requirements for exercising the office or has committed a grave offence. The Federal Council shall elect a substitute according to paragraph 2.

Art. 42 Tasks

- 1 The Bank Council shall oversee and control the conduct of business by the National Bank, notably regarding compliance with the Act, regulations and directives.
- 2 In particular, it shall perform the following tasks:

第 3 節 理事會

第 39 條 選任及任期

理事會由 11 名理事組成；其中 6 名由聯邦委員會選任，5 名由股東會選任。
理事會主席及副主席由聯邦委員會指派。
理事會任期為 4 年。
理事得連選連任。同一理事之總任期不得超過 12 年。

第 40 條 資格條件

於銀行及金融服務、企業經營、經濟政策或學術領域具有良好聲譽及公認專業之瑞士公民，得被選任為理事。候選人無須具有股東資格。
理事會應能適當地代表國家不同之地區及語區。

第 41 條 辭職、解任及選任遞補人員

理事得隨時辭職，但須於 3 個月前通知。辭職應向理事會主席提出。
出缺之理事為聯邦委員會選任者，應儘速補足；為股東會選任者，應於下次股東會選任補足。補任理事以出缺理事之剩餘任期為任期。
聯邦委員會選任之理事不再具備執行其職務所需之資格條件，或犯重罪者，聯邦委員會得解除其職務，並依第 2 項之規定選任遞補人員。

第 42 條 任務

理事會應監督並控管本行業務，尤其是關於本法、規章及指令之遵循。
理事會尤應執行下列任務：

- a. It shall lay down the internal organisation of the National Bank; notably, it shall issue the organisation regulations and submit these to the Federal Council for approval.
 - b. It shall decide on the opening or closing of branches, agencies and representative offices.
 - c. It may set up advisory councils at the bank offices for observing the economic situation in the regions.
 - d. It shall approve the level of provisions.
 - e. It shall oversee the investment of assets and risk management.
 - f. It shall approve the annual report and the annual accounts for submission to the Federal Council and the Shareholders' Meeting.
 - g. It shall prepare the Shareholders' Meeting and implement its resolutions.
 - h. It shall draw up the proposals for the election of the members of the Governing Board and their deputies and may submit petitions for the removal of any such elected persons to the Federal Council.
 - i. It shall appoint the members of the management at the head offices, branches and representative offices; they shall be employed on the basis of private-law employment contracts.
 - j. It shall lay down the remuneration of its members and the salaries of the members of the Governing Board in a set of regulations. Article 6a paragraphs 1 – 6 of the Federal Personnel Act of March 2000 shall apply mutatis mutandis.
 - k. It shall lay down the principles for the salaries of staff members in salary regulations.
 - l. It shall lay down the rules on the legally binding authority to sign on behalf of the National Bank in a set of regulations.
- 3 The Bank Council shall pass decisions in all matters not allocated to another body by statute or the organisation regulations.

Section 4: Governing Board

Art. 43 Election and term of office

- 1 The Governing Board shall consist of three members, to whom deputies shall be assigned.
- 2 The members of the Governing Board and their deputies shall be appointed by the Federal Council on the recommendation of the Bank Council. Their term of office shall be six years. Re-election is possible.
- 3 The Federal Council shall designate the chairperson and the vice-chairperson of the Governing Board.

- a. 規劃本行之內部組織，尤其應擬訂內部組織規章提請聯邦委員會核定。
- b. 決定分行、辦事處或代表處之設立或關閉。
- c. 審酌地區之經濟情勢，於本行辦公處所設置諮詢委員會。
- d. 核定準備之水準。
- e. 監管資產投資及風險管理。
- f. 核准陳報予聯邦委員會及股東會之年報及年度報表。
- g. 準備股東會議並執行其決議。
- h. 向聯邦委員會提出執行委員及其副手之選舉案及免職案。
- i. 核派總行各單位、分行及代表處主管，該等人員應依私法僱用契約僱用之。
- j. 訂定規章規定理事之報酬及執行委員之薪資。2000年3月聯邦人事法第6a條第1項至第6項之規定準用之。
- k. 訂定有關薪資之規章規定職員薪資之標準。
 - l. 訂定依法代表本行簽章之相關規定。本行章程及其他組織規章未規定由本行其他單位決行之事務，概由理事會決定之。

第4節 執行委員會

第43條 選任及任期

執行委員會由委員3人組成，委員各有副手1人。執行委員及其副手由理事會提名，聯邦委員會任命，任期為6年，得連選連任。聯邦委員會應指定執行委員會之主席及副主席。

Art. 44 Requirements

- 1 Personalities with an impeccable reputation and a recognised knowledge of monetary, banking and financial issues can be elected as members of the Governing Board. They must, moreover, hold Swiss citizenship and be resident in Switzerland.
- 2 They may not exercise any other business activity nor hold a federal or cantonal office. The Bank Council may authorise exceptions in cases where a mandate is in the Bank's interest.
- 3 The requirements contained in this Article shall also apply to the deputies of the members of the Governing Board.

Art. 45 Removal from office and election of a substitute

- 1 A member of the Governing Board or a deputy can be removed from office by the Federal Council following a proposal by the Bank Council during his or her term of office if said person no longer fulfils the requirements for exercising this office or has committed a grave offence.
- 2 In such a case, the Federal Council shall elect a substitute according to Article 43. The substitute member shall be elected for the remainder of the current term.

Art. 46 Tasks

- 1 The Governing Board is the supreme management and executive body. It shall represent the National Bank vis-à-vis the public and fulfil the accountability obligation pursuant to Article 7.
- 2 In particular, it shall perform the following tasks:
 - a. It shall take conceptional and operational monetary policy decisions.
 - b. It shall decide on the composition of the required currency reserves including the proportion of gold.
 - c. It shall decide on the investment of assets.
 - d. It shall exercise the monetary policy powers according to chapter 3.
 - e. It shall perform the tasks relating to international monetary cooperation.
 - f. It shall decide on the salaries of the staff at the head offices, branches and representative offices; staff is hired on the basis of private-law employment contracts.
 - g. It shall confer authority to sign and limited commitment authority on employees.
- 3 The allocation of the tasks shall be determined by the organisation regulations.

第 44 條 資格條件

於貨幣、銀行及金融領域具有良好聲譽及公認專業之人，得被選任為執行委員。執行委員必須為居住於瑞士之瑞士公民。

執行委員不得從事其他業務或任職於聯邦或州政府。但經理事會為本行之利益而同意者，不在此限。

本條之限制對於執行委員之副手亦適用之。

第 45 條 解任及選任遞補人員

執行委員或其副手不再具備執行其職務所需之資格條件或犯重罪者，經理事會提請聯邦委員會同意後，於任期屆滿前解任之。

有前項情形者，聯邦委員會應依第 43 條之規定，就所餘任期選任遞補人員。

第 46 條 任務

執行委員會為本行最高管理及行政機關，代表本行向公眾履行第 7 條之課責性義務。

執行委員會尤應執行下列任務：

- a. 作成觀念上及執行上之貨幣政策決策。
- b. 決定法定外匯準備之組合，包括黃金所占之比例。
- c. 決定資產之投資。
- d. 依第 3 章之規定執行貨幣政策之職權。
- e. 執行與國際貨幣合作有關之任務。
- f. 決定總行、分行及代表處職員之薪資，該等職員應依私法僱用契約僱用之。
- g. 授與職員簽署權及有限制之授權。

任務之分工應以組織規章定之。

Section 5: The Audit Board

Art. 47 Election and requirements

- 1 The Shareholders' Meeting shall elect the Audit Board. It may consist of one or more natural or legal persons. The auditors shall be elected for a term of one year. Re-election is possible.
- 2 The auditors must meet special professional requirements pursuant to Article 727b CO, and they must be independent of the Bank Council, the Governing Board and the controlling shareholders.

Art. 48 Tasks

- 1 The Audit Board shall examine whether the bookkeeping and the annual accounts as well as the proposal for the allocation of the net profit comply with the statutory requirements.
- 2 The Audit Board shall be entitled to inspect at any time all aspects of the National Bank's business. The Bank shall hold all the usual documents at its disposal and provide any information necessary for fulfilling the auditing obligation.

Section 6: Secrecy, Exchange of Information and Liability

Art. 49 Secrecy

- 1 The members of the bank bodies, the employees and the agents of the National Bank shall be bound by official and professional secrecy.
- 2 Official and professional secrecy must be kept even after a person has ceased to be a member of a bank body or an employee of the Bank.
- 3 Anyone who violates official or professional secrecy shall be liable to imprisonment or a fine.
- 4 Anyone who discloses a secret with the written consent of his or her superior shall not be liable to prosecution.

Art. 50 Exchange of information

The National Bank is authorised to provide the competent supervisory authorities of the Swiss financial market with information and documents which are not publicly accessible and which they need to fulfil their tasks.

第 5 節 監事會

第 47 條 選任及資格條件

股東會應選任監事會成員。監事會由 1 位或數位自然人或法人組成。監事任期為 1 年，得連選連任。

監事應符合責任法第 727b 條規定之特殊專業資格，並應獨立於理事會、執行委員會及有控制權股東。

第 48 條 任務

監事會應檢查簿記及年度會計，以及淨利之分配提案是否合於法令規定。

監事會得隨時查核本行之任何業務。本行一般性文件均應任監事會處置，本行並應提供該會為執行其稽核義務所需之任何資訊。

第 6 節 保密、資訊交換及責任

第 49 條 保密

本行單位之成員、本行職員及其代理人應遵守職務上或業務上之保密義務。

本行單位之成員及本行職員於去職後，仍具有職務上或業務上之保密義務。

任何人違反職務上或業務上之保密義務，均應負有期徒刑或罰金之刑責。

任何人依其上級之書面同意而揭露秘密者，不罰。

第 50 條 資訊交換

本行得提供瑞士金融市場監理主管機關履行其任務所需之未公開資訊及文件。

Art. 51 Liability

- 1 Liability of the National Bank, its bodies and employees shall be governed by the Federal Act of 14 March 1958 on the Liability of the Federal Government, the Members of its Authorities and its Public Officials.
- 2 To the extent that the National Bank, its bodies and employees act in a private law capacity, liability shall be governed by private law.

**Chapter 6:
Procedure and Legal Remedies**

Art. 52 Orders

- 1 The National Bank shall issue its decisions pursuant to Articles 15, 18, 20, 22 and 23 of this Act and Article 8 of the Banking Act of 8 November 1934 in the form of an order.
- 2 Final and conclusive orders on the payment of sums of money shall be equivalent to court judgments enforceable in terms of Article 80 of the Federal Act of 11 April 1889 on Debt Collection and Bankruptcy.

Art. 53 Access to courts

- 1 An appeal may be filed with the Federal Administrative Court against:
 - a. orders of the National Bank pursuant to Article 52 paragraph 1;
 - b. decisions of the Federal Council concerning the removal from office of a member of the Bank Council, of the Governing Board or of a deputy, pursuant to Articles 41 and 45 of this Act.
- 2 An action may be brought before the Federal Supreme Court in the event of disputes between the Confederation and the cantons regarding the agreement on the distribution of profits pursuant to Article 31.

Art. 54 Jurisdiction of the civil courts

Private-law disputes between the National Bank and third parties are subject to the jurisdiction of the civil courts.

第 51 條 責任

本行、本行單位及本行職員之責任，依 1958 年 3 月 14 日聯邦有關聯邦、聯邦機關及官員責任法之規定。
本行、本行單位及職員之私法行為，其責任依私法定之。

第 6 章 程序及法律救濟

第 52 條 處分

本行應依第 15 條、18 條、20 條、22 條、第 23 條及 1934 年 11 月 8 日銀行法第 8 條之規定，以處分之方式作出決定。
支付一定金額之終局處分，應與 1889 年 4 月 11 日聯邦債務收取及破產法第 80 條所定得為強制執行之法院判決具有相同效力。

第 53 條 行政救濟

不服下列決定，得向聯邦行政法院提出行政救濟：
a. 本行依第 52 條第 1 項所為之處分。
b. 聯邦委員會依第 41 條及第 45 條所為有關理事、執行委員或其副手之解任決定。
聯邦與州之間有關第 31 條盈餘分配之爭議，得向聯邦最高法院提出訴訟。

第 54 條 民事法院之管轄

本行與第三人間之私法爭議由民事法院管轄。

Chapter 7: Final Provisions

Section 1: Repeal and Amendment of Existing Legislation

Art. 55 The existing legislation that is repealed or amended is listed in the Annex.

Section 2: Transitional Provisions

Art. 56 Payment and securities settlement systems

Operators of payment systems with a large volume of payments or of securities settlement systems must report to the National Bank within three months after this Act has come into force.

Art. 57 Reduction of share capital and transfer of reserve fund

- 1 Articles 732 – 735 CO do not apply to the reduction of the National Bank's share capital from the current 50 million Swiss francs to 25 million Swiss francs in the future (Art. 25).
- 2 The reserve fund shall be transferred to the provisions according to Article 30 paragraph 1.

Art. 58 Debt register claims

- 1 Claims entered in the Federal debt register at the time of its abolition shall be converted into bonds of the respective issue by the Swiss National Bank, and shall be held in safekeeping free of charge for the last registered creditor.
- 2 Claims which are converted into bonds when this Act comes into force shall be entered in the balance sheet in accordance with the Act heretofore in effect. The bonds may be entered in the balance sheet by the last registered creditor at cost price. If the acquisition cost is higher than the redemption value, the difference must be written off at least in annual amounts distributed equally over the entire term. If the acquisition cost is lower, the difference may be settled in even annual payments at the most.

第 7 章 最終條款

第 1 節 現行法律之廢止及修正

第 55 條 現行法律經廢止或修正者，列於附表（略）。

第 2 節 過渡條款

第 56 條 支付及證券清算系統

高營運量支付系統或證券清算系統之營運人，應於本法施行後三個月內向本行報告。

第 57 條 股本之減少及公積之移轉

責任法第 732 條至第 735 條之規定，於本行股本自目前之 5 千萬瑞士法郎減至未來之 2 千 5 百萬瑞士法郎時，不適用之。
公積應依第 30 條第 1 項之規定移轉予準備金。

第 58 條 債權登記

聯邦債務登記系統廢止時，於該系統登記之債權，應轉換為本行各該次發行之債券，並應無償為其最後登記之債權人保管於金庫。
於本法修正施行後轉換為債券之債權，應依本法修正前之規定記載於資產負債表。債券得依成本價格記載於最後登記之債權人之資產負債表。如取得成本高於兌償價值，其差額至少應於年度總額平均於各期打銷。如取得成本低於兌償價值，其差額最多得於年度支出平均結清。

Section 3: Referendum and Commencement

Art. 59

- 1 This Act is subject to the optional referendum.
- 2 The Federal Council shall decide on the commencement date.

第 3 節 公投及施行

- 第 59 條** 本法受選擇性公投之約束。
本法之施行日期，由聯邦委員會定之。

四、The Sveriges Riksbank Act 瑞典中央銀行法

The Sveriges Riksbank Act

瑞典中央銀行法

法務室 鄭雅卉 譯

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The Sveriges Riksbank Act

Lagen (1988:1385) om Sveriges riksbank - as from 1 July 2011

(Unauthorized translation)

Chapter 1

Objective and governance

Art. 1. The Riksbank (the Swedish Central Bank), which pursuant to Chapter 9, Article 13 of the Instrument of Government is the country's central bank and a public authority under the Riksdag (the Swedish Parliament), may only conduct, or participate in, such activities for which it has been authorised by Swedish law.

Art. 2. Pursuant to Chapter 9, Article 13 of the Instrument of Government, the Riksbank is responsible for monetary policy.

The objective of the Riksbank's activities shall be to maintain price stability. The Riksbank shall also promote a safe and efficient payments system. The Riksbank may issue regulations within the scope of its responsibility for monetary policy. The Riksbank may also issue regulations that concern activities connected with the Riksbank's payment system or cash-provision mandate.

Art. 3. Pursuant to Chapter 9, Article 13 of the Instrument of Government, the Riksbank has a General Council of eleven members, appointed by the Riksdag.

A Chairman and a Vice-Chairman are appointed by the members among themselves.

Art. 4. Pursuant to Chapter 9, Article 13 of the Instrument of Government, the activities of the Riksbank are managed by an Executive Board, consisting of six members, who are appointed by the General Council for a period of five or six years. The General Council appoints the Chairman of the Executive Board, who at the same time shall be the Governor of the Riksbank, and at least one Vice-Chairman, who at the same time shall serve as Deputy Governor of the Riksbank.

瑞典中央銀行法

2011年7月1日修正施行

第一章 目標及管理

第 1 條 國家銀行(瑞典中央銀行，以下簡稱本行^{譯註})，依據政府憲章第 9 章第 13 條之規定，為瑞典之中央銀行，隸屬於國會，以瑞典法律授權之範圍為限，得執行或參與各項業務。

第 2 條 依據政府憲章第 9 章第 13 條規定，本行掌理貨幣政策。
本行經營目標在於維持物價穩定。
本行並應促進支付系統之安全及效率。
本行於所掌貨幣政策範圍內，得發布應遵行事項之辦法；並得發布有關支付系統及現金支付委託之相關辦法。

第 3 條 依據政府憲章第 9 章第 13 條規定，本行設理事會，置理事 11 人，由國會任命之。
理事會置主席及副主席各 1 人，由理事互推之。

第 4 條 依據政府憲章第 9 章第 13 條規定，本行業務由常務理事會掌理之。常務理事會置理事 6 人，由理事會任命之，任期 5 年或 6 年。理事會任命常務理事會主席，並為本行總裁；任命副主席至少 1 名，並為本行副總裁。

^{譯註}：為便於閱讀，本篇譯文之「國家銀行」一詞簡稱為「本行」。

When required, in the absence or incapacity of the Governor, the General Council shall determine in which order the Deputy Governors shall serve in his place.

Art. 4.a. If the Riksbank becomes aware of a critical situation such as described in Chapter 10, Article 9, second paragraph of the Capital Adequacy and Large Exposures Act (2006:1371), the Riksbank shall immediately inform the relevant authorities within the EEA with responsibility for group-based supervision in accordance with articles 125 and 126 of the Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions (recast), most recently amended through the Directive 2010/78/EU of the European Parliament and of the Council.

Art. 5. Matters which are not to be decided by the General Council are determined by the Executive Board. The Executive Board may decide that matters may be determined by the Governor of the Riksbank or by another official at the Riksbank.

Chapter 2 The General Council

Art. 1. A member of the General Council may not

1. be a Cabinet minister,
2. be a member of the Riksbank's Executive Board,
3. be a member or deputy of a board of directors of a bank or any other company subject to supervision by the Financial Supervisory Authority, or
4. hold any other employment or assignment which makes him unsuitable as a member of the General Council.

Nor may a member of the General Council be a minor, or a declared bankrupt, or be subject to a prohibition against carrying on a business, or have a trustee in accordance with Chapter 11, Article 7, of the Code relating to Parents, Guardians and Children.

If a member takes an employment or assignment that may come into conflict with the provisions of the first paragraph, the Riksdag shall, on a proposal by the Riksdag Committee on Finance sever the member from the assignment as member of the General Council. Any employment or assignment taken up by a member shall be reported to the Riksdag.

於必要時，理事會應決定於總裁不能行使職權時，副總裁代理總裁之優先順序。

第 4a 條 本行於發覺有「資本適足及大額曝險法」第 10 章第 9 條第 2 項所定之緊急情形時，應即通知歐洲經濟區內相關權責機關集體監管，並符合歐洲議會及理事會 2006 年 6 月 14 日發布第 2006/48/EC 號第 125 條及第 126 條關於從事企業信用評等機構(複核)之指令，及最近一次歐洲議會及理事會修訂之第 2010/78/EU 號指令。

第 5 條 非由理事會決議之事項，應由常務理事會決定之。常務理事會得決定該事項應由總裁或本行其他人員決行之。

第二章 理事會

第 1 條 下列人員不得充任理事：

1. 內閣閣員，
2. 本行常務理事會理事，
3. 受金融監理局監督之銀行或其他任何公司之董事或代理董事，或
4. 擔任其他使其不適合擔任理事之職務者。

未成年人、受破產宣告者、受監護宣告者，或具有依「父母、監護人及兒童法」第 11 章第 7 條所定受託人資格之人，不得擔任理事。

理事接受工作或任務抵觸第 1 項規定者，國會應依國會財政委員會之提議，解除其理事資格。理事擔任任何職務均應向國會報告。

This provision is included in the supplementary rule 8.7.1 of the Riksdag Act.

Art. 2. The right of the General Council to sever a member of the Executive Board from his employment follows from Chapter 9, Article 13, of the Instrument of Government.

An appeal against a decision on severance from the employment shall be made within two months of the decision being served. The Governor of the Riksbank may bring a case before the European Court of Justice. Other members of the Executive Board may appeal at the Supreme Court.

The Supreme Court may annul a decision on severance from employment.

If an appeal is not made within the time prescribed in the second paragraph, the party has lost the right to appeal.

Art. 3. Minutes shall be taken at meetings of the General Council. The General Council has a quorum when not less than eight members are present. Each member who takes part in the final handling of a matter is obliged to also take part in the decision. However, no member is obliged to vote for more than one proposal. In decisions on severing a member of the Executive Board from his employment, at least eight of the members of the General Council shall agree on the decision.

Art. 4. The General Council may submit consultation opinions on behalf of the Riksbank within its area of competence.

Chapter 3

The Executive Board

Art. 1. A member of the Executive Board may not

1. be a member of the Riksdag,
2. be a Cabinet minister,
3. be employed at the Government Offices,
4. be employed by the central administration of a political party,
5. be a member or deputy member of a board of directors of a bank or any other company subject to supervision by the Financial Supervisory Authority, or

本條納入「國會法」補充條款 8.7.1 之規範。

- 第 2 條 理事會免除常務理事會理事職務之權限，係依據政府憲章第 9 章第 13 條規定。理事對於國會所為免除職務之決定不服者，應於決定作成後 2 個月內，提起上訴。總裁得向歐洲法院提起上訴，其餘理事得向最高法院提起上訴。最高法院得宣告免職之決定無效。當事人未於第 2 項所定期間內上訴者，喪失其上訴權利。

- 第 3 條 理事會會議應作成會議紀錄。理事會會議應有理事 8 人以上出席會議。參與議案終局決定之理事應參加會議，惟無投票贊成一案以上之義務。解除常務理事職務之決議，應經理事至少 8 人以上之決議。

- 第 4 條 理事會得於職掌範圍內，代表本行提出諮詢意見。

第三章 常務理事會

- 第 1 條 下列人員不得充任常務理事：
1. 國會議員，
 2. 內閣閣員，
 3. 任職於政府部門之人員，
 4. 任職於政黨中央行政部門之人員，
 5. 受金融監理局監督之銀行或其他公司之董事或代理董事，或

6. hold any other employment or assignment which makes him unsuitable as member of the Executive Board.

Nor may a member of the Executive Board be a minor, or a declared bankrupt, or be subject to a prohibition against carrying on a business, or have a trustee in accordance with Chapter 11, Article 7, of the Code relating to Parents, Guardians and Children.

If a member takes an employment or assignment which can come into conflict with the provisions of the first paragraph, he shall immediately notify the General Council.

For a period of one year after a member has ceased to serve on the Executive Board, he may not hold such employment or carry out such assignments as are referred to in the first paragraph, 5 and 6, without the consent of the General Council.

Art. 2. Members of the Executive Board may neither seek nor take instructions when fulfilling their monetary policy duties.

Art. 3. Minutes shall be taken at meetings of the Executive Board.

The Executive Board has a quorum when at least half of its members are present. However, matters that require urgent treatment may be decided upon by two members if they are in agreement. Each member who takes part in the final treatment of an item shall also take part in the decision. However, no member is obliged to vote for more than one proposal.

The Chairman and Vice-Chairman of the General Council have the right to be present at the Executive Board's meetings with the right to speak, but without the right to make proposals and vote.

Chapter 4

Common provisions for the General Council and the Executive Board

Art. 1. If the Riksbank's activities give rise to a question of statutory amendment or any other governmental measure, the General Council or the Executive Board may within their respective area of competence make a proposal concerning the matter to the Riksdag, in accordance with the supplementary rule 3.8.3 in the Riksdag Act or to the Government.

Before making a proposal to the Riksdag or the Government, the General Council and the Executive Board shall consult one another.

6. 擔任其他使其不適合擔任常務理事之職務者。
未成年人、受破產宣告者、受監護宣告者，或具有依「父母、監護人及兒童法」第 11 章第 7 條所定受託人資格之人，不得擔任常務理事。

常務理事接受工作或任務抵觸第 1 項規定者，應即通知理事會。

常務理事於解任後 1 年內，未經理事會同意，不得從事第 1 項第 5 款及第 6 款所定之職務。

第 2 條 常務理事於執行本行之貨幣政策任務時，不得尋求或接受任何指示。

第 3 條 常務理事會會議應作成會議紀錄。
常務理事會會議應有半數以上之常務理事出席；但緊急事項得由已獲授權之 2 人以上常務理事決定之。參與議案終局決定之常務理事應參加會議，惟無投票贊成一案以上之義務。
理事會主席及副主席得出席常務理事會會議，並有發言權，但無提案及表決權。

第四章 理事會及常務理事會之共通條款

第 1 條 因本行業務所提之法律修正案或其他政府措施之問題，理事會或常務理事會得分別就其職掌部分，依「國會法」補充條款 3.8.3 之規定，向國會或政府提出有關之建議案。
理事會及常務理事會於向國會或政府提出有關建議案前，應先彼此互為諮詢。

Art. 2. Communications issued by the General Council or the Executive Board to the Riksdag or the Government must include information detailing the members who have taken part in the decision and the person who has submitted the facts of the matter. If a dissenting vote is given in the matter, this shall be indicated in the communication or be evident from an appended extract from the minutes of the meeting.

Art. 3. In matters of major importance connected with the stability of the payments system or involving the supervisory activities of the Financial Supervisory Authority, the Riksbank shall consult with the Authority. In such a consultation, the Riksbank shall provide the Financial Supervisory Authority with the necessary information.

Art. 4. The Chairman and the Vice-Chairman of the General Council and the members of the Executive Board shall notify the Riksdag in writing

1. holdings of financial instruments as stipulated in Chapter 1, Article 1, of the Financial Instruments Trading Act (1991:980),
2. holdings of shares in a partnership or an economic association except tenancy associations, and shares in similar foreign legal entities,
3. ownership, wholly or partly, of business premises pursuant to Chapter 2, Article 14, of the Income Tax Act (1999:1229),
4. agreements of a financial nature with previous employers, such as agreements on wage and pension benefits, which are paid during the period covered by the assignment on the General Council or the employment on the Executive Board, and
5. credits and other liabilities and the conditions for these.

Notification of assets and agreements according to the first paragraph 2-4 need not be made if they together do not exceed a market value of SEK 500,000. The same applies to credits and other liabilities according to the first paragraph 5 if these together are less than SEK 500,000.

Notification according to the first paragraph shall be made when the assignment or employment is commenced. If, according to the second paragraph, notification of assets and agreements or credits and other liabilities needs not be made at this time, notification shall be made at the latest within four weeks of exceeding the threshold stipulated in the second paragraph.

第 2 條 理事會或常務理事會向國會或政府所提之意見，應載明參與決策過程之成員，及提出相關事實者之詳細資料。有關議案之不同意見，亦應於所提建議案中載明，或於會議紀錄之摘要附件中敘明。

第 3 條 本行就有關支付系統穩定性，或涉及金融監理局監理業務之重大事項，應諮詢該局之意見，並提供必要之資料。

第 4 條 理事會主席、副主席及常務理事會理事應將下列事項以書面通知國會：

1. 持有「金融證券交易法」第 1 章第 1 條規定之金融證券。
2. 持有合夥或公司及相類之外國法人團體之股份，但租賃公司不在此限。
3. 為「所得稅法」第 2 章第 14 條商業用設施全部或一部之所有人。
4. 與先前雇主所訂有關任職理事會或常務理事會期間之薪資及退休福利等財務協議。
5. 信用及其他債務相關事項。

前項第 2 款至第 4 款有關財產及協議事項，其市值未超過 500,000 瑞典克朗者，毋庸通知國會；第 5 款有關信用及其他債務總額，未達 500,000 瑞典克朗者，亦同。

第 1 項之通知，應於開始任職時提出。依第 2 項之規定，有關財產及協議或信用及其他債務事項，雖於任職當時毋須通知，但應於超出該項所訂門檻後 4 週內提出通知。

Notification shall thereafter be made for every change that entails that

1. an asset as stipulated in the first paragraph 1 has been acquired,
2. the total value of assets and agreements pursuant to the first paragraph 2-4 or the total value of credits and other liabilities pursuant to the first paragraph 5 has changed by more than SEK 100,000 since notification was last made on condition that the total value or amount after the change is not less than SEK 500,000, or
3. a change in conditions has taken place with respect to credits and other liabilities that have been notified.

Notification of such changes as stipulated in the fourth paragraph shall be made no later than four weeks after the change has taken place.

Art. 5. Stipulations governing the remuneration to members and deputy members of the General Council are contained in the Act (1989:185) on Fees, etc. for Assignments within the Riksdag, its Authorities and Bodies.

Salaries and other employment benefits for members of the Executive Board are established by the General Council.

Art. 6. The General Council and the Executive Board may not convene in a region occupied by a foreign power.

Chapter 5

Notes and coins

Art. 1. Pursuant to Chapter 9, Article 14, of the Instrument of Government, the Riksbank has the exclusive right to issue banknotes and coins. The General Council shall determine the design of the banknotes and coins which the Riksbank issues.

Banknotes and coins issued by the Riksbank are legal tender.

Sweden's monetary unit is the krona. The krona is divided into one hundred öre.

有下列異動之情形者，應為通知：

1. 取得第 1 項第 1 款所列財產。
2. 依第 1 項第 2 款至第 4 款所列財產及協議，或依第 1 項第 5 款所列信用及其他債務事項，於前次提出報告後，其總價值之異動幅度逾 100,000 瑞典克朗者（但以異動後總價值或數額未低於 500,000 瑞典克朗者為限）。
3. 已通知之信用及其他債務情形發生情事變更者。

前項所列有關異動情形之通知，至遲應於異動事由發生後 4 週內提出。

第 5 條 有關理事會理事及代理理事報酬之規定，由執行國會或其相關機構任務之工作酬勞法中定之。常務理事會之理事薪資及工作津貼等相關辦法，由理事會定之。

第 6 條 理事會及常務理事會之會議，不得於外國管轄之地區召開。

第五章 鈔券及硬幣

第 1 條 依據政府憲章第 9 章第 14 條之規定，本行享有獨家發行鈔券及硬幣之權限。本行發行之鈔券及硬幣之規格圖案，由理事會定之。本行發行之鈔券及硬幣，具有法償效力。瑞典之貨幣單位為克朗（krona），每 1 克朗為 100 歐爾（öre）。

Art. 2. Banknotes may be issued in denominations of twenty, fifty, one hundred, two hundred, five hundred and one thousand kronor.

Coins may be issued in denominations of one krona, two kronor, five kronor and ten kronor.

Furthermore, commemorative and jubilee coins may be issued in other denominations.

Art. 3. The Riksbank shall be responsible for the provision of Sweden's banknotes and coins.

The Riksbank may conduct the operations referred to in the first paragraph together with another party.

For the purpose of improving efficiency in cash management, the Riksbank may provide remuneration or interest-free credit to companies that have separated and stored banknotes and coins according to the Riksbank's instructions.

Art. 4. Banknotes and coins that are damaged or worn may be redeemed by the Riksbank. The Riksbank may pay compensation for banknotes that are completely spoiled.

In special circumstances, the Riksbank may redeem banknotes and coins that have ceased to be legal tender.

Art. 5. Banknotes and coins that have been altered or manipulated must not be circulated.

Chapter 6

Monetary policy and the payment system

Art. 1. Banking institutions, as referred to in this Act, are commercial banks, savings banks, co-operative banks, and foreign banking companies which, pursuant to Chapter 4, Article 1 or 4 of the act on banking and financing business (lagen (2004:297) om bank-och finansieringsrörelse), conduct banking activities from a branch registered in Sweden.

Financial institutions, as referred to in this Act, are banking institutions, credit market companies, securities institutions, the First to Fourth National Swedish Pension Funds according to the National Swedish Pension Funds Act (2000:

第 2 條 鈔券發行之面額得分為 20、50、100、200、500 及 1000 克朗。

硬幣發行之面額得分為 1 克朗、2 克朗、5 克朗 及 10 克朗。

紀念幣得以其他面額發行之。

第 3 條 本行掌理瑞典鈔券及硬幣之供應。

前項貨幣供應業務，本行得與其他人共同為之。 為促進貨幣有效管理之目的，本行得提供酬金或 無息貸款予依本行指示分散與貯備鈔券及硬幣之 公司。

第 4 條 本行得收回遭毀損之鈔券及硬幣，並得對完全毀 損之鈔券給予補償。

於特殊情形下，本行得回收已不具法償效力之鈔 券及硬幣。

第 5 條 經偽造或變造之鈔券及硬幣，不得流通。

第六章 貨幣政策及支付系統

第 1 條 本法所稱銀行機構，係指商業銀行、儲蓄銀行及 合作銀行，及依「銀行及金融業務法」第 4 章第 1 條或第 4 條在瑞典登記經營銀行業務之外國銀 行分行。

本法所稱之金融機構，係指銀行機構、信用市場 公司、證券機構、依據「瑞典國民退休基金法」 所訂之第 1 至第 4 瑞典國民退休基金、依據「瑞 典第 6 國民退休基金法」所訂之瑞典第 6 國民退

192), the Sixth National Swedish Pension Fund according to the Sixth National Swedish Pension Fund Act (2000:193), insurance companies that have a licence to conduct insurance business in this country in accordance with the Insurance Business Act (2010:2043), the Swedish Ships' Mortgage Bank and foreign companies which, pursuant to Chapter 4, Article 1,3 or 4 of the Act on banking and financing business (lagen om bank-och finansieringsrörelse), conduct business activities from a branch registered in Sweden.

Art. 2. The Riksbank shall follow developments on the foreign exchange and credit markets and implement necessary monetary policy measures.

Art. 3. Prior to the Riksbank making a monetary policy decision of major importance, the minister appointed by the Government shall be informed.

Art. 4. The Riksbank shall submit a written report on monetary policy to the Riksdag Committee on Finance at least twice a year.

The Riksbank shall make public statistical data concerning foreign exchange and credit conditions on a continual basis.

Art. 5. In pursuance of its monetary policy, the Riksbank may

1. grant credit against adequate collateral and receive deposits,
2. purchase, sell and mediate securities, foreign exchange and rights and obligations linked to such assets,
3. issue its own instruments of debt.

Generally applicable interest terms for such lending and borrowing according to the first paragraph 1, shall be made public.

Art. 6. In pursuance of its monetary policy, the Riksbank may decide to impose minimum reserve requirements on financial institutions.

Minimum reserve requirement means that a certain share, not exceeding fifteen per cent of the financial institution's investments or liabilities, calculated in a manner stipulated by the Riksbank, shall for a specific period be covered by funds of a corresponding value that, with or without interest compensation, shall be deposited in a Riksbank account on behalf of the institution concerned. To an extent determined by the Riksbank the financial institution's cash holdings, shall be equal to such funds.

休基金、依「保險業務法」取得營業許可之保險公司、瑞典船舶抵押貸款銀行及依「銀行及金融業務法」第4章第1條、第3條或第4條在瑞典登記經營業務之外國銀行分行。

第 2 條 本行應監督外匯及信用市場之發展，並採行必要之貨幣政策措施。

第 3 條 本行於作成重大貨幣政策決定前，應知會政府任命之閣員。

第 4 條 本行每年應向國會財政委員會至少提交二次貨幣政策書面報告。
本行應持續公布外匯及信用狀況之統計資料。

第 5 條 為執行貨幣政策，本行得辦理下列業務：
1. 對於合格擔保品提供融通並收受存款。
2. 從事證券、外匯及與該等資產有關權利義務之自營及經紀業務。
3. 發行本行債券。
前項第1款所定拆借款所適用之利息條件，應公告之。

第 6 條 為執行貨幣政策，本行得訂定金融機構最低準備金。
最低準備金，係指依本行所定方式，計算金融機構各項投資或負債，其中一定比率(不得超過15%)於特定期間應有等值資金作為準備，存放於各該金融機構在本行開立之帳戶。本行對該存款並得決定是否支付利息。在本行所定之範圍內，各金融機構之現金準備數額應等於該等資金。

For foreign financial institutions that are entitled to conduct business activities from a branch registered in Sweden, the minimum reserve requirement is calculated on the basis of the investments or liabilities of the particular branch.

Art. 7. The Riksbank may make available systems for settlement of payments and participate in other ways in the settlement of payments.

In order to promote the function of the payment system, the Riksbank may grant intraday credit to participants in the system. Credit may only be granted against adequate collateral. The State does not need to provide collateral.

Art. 8. In exceptional circumstances, the Riksbank may, with the aim of supporting liquidity, grant credits or provide guarantees on special terms to banking institutions and Swedish companies subject to the supervision of the Financial Supervisory Authority.

Art. 9. Upon the request of the Riksbank, a credit institution or another company which is subject to the supervision of the Financial Supervisory Authority shall provide the Riksbank with such information as the Riksbank considers necessary to

1. follow developments in foreign exchange and credit markets,
2. oversee the stability of the payments system.

Upon the request of the Riksbank Swedish issuers of securities shall provide the Riksbank with such information on the securities issued as the Riksbank considers necessary for the purposes stated in the first paragraph.

The performer of a currency transaction with a foreign counterpart or the holder of assets and liabilities with a foreign connection, whether on behalf of another party or on own account has an obligation to provide the Riksbank with such information and to present the Riksbank with such documents concerning the transaction as are needed as a basis for the Riksbank's balance of payments statistics and international investment position statistics.

More detailed regulations concerning the reporting obligation under the first, second and third paragraphs may be issued by the Riksbank.

經登記許可在瑞典執行業務之外國銀行分行，其最低準備金係以該分行之投資或負債為計算基礎。

第 7 條 本行得建置支付清算系統，並參與其他方式之清算。

為提升支付系統功能，本行得對參加單位辦理日間融通。除政府外，上述融通應徵提相當擔保。

第 8 條 本行基於維持流動性之目的，於特殊情況下，得以特定條件對銀行機構及其他受金融監理局監理之本國公司融通或提供保證。

第 9 條 基於下列目的，信用機構或其他受金融監理局監理之公司應依本行之要求，提供本行認為必要之資訊：

1. 監督外匯及信用市場之發展。
2. 監督支付系統之穩定。

依前項所定之目的，經本行要求之證券發行者，應提供本行認為與其發行證券有關之必要資訊。基於本行國際收支統計及瑞典國際投資部位統計之需要，與外國進行交易之貨幣交易執行者，或涉及與外國進行交易之資產負債所有人，無論係代表他方或己方，有義務就有關交易事項向本行提供資訊及相關文件。

關於前 3 項所列資訊報告義務之細部規定，本行得另訂之。

Chapter 7 Foreign exchange policy

Art. 1. The Riksbank shall decide on the application of the foreign exchange rate system decided upon by the Government.

Art. 2. In pursuance of its foreign exchange policy, the Riksbank is to hold assets in foreign currencies, foreign claims and gold.

Art. 3. In pursuance of its foreign exchange policy, the Riksbank may

1. purchase, sell and mediate foreign currencies, foreign government securities, other liquid debt instruments in foreign currency and gold, as well as rights and obligations linked to such assets,
2. issue its own debt instruments denominated in foreign currency for the purposes referred to in Chapter 5, Article 1, second paragraph of the Swedish Budget Act (2011:203).

Art. 4. In pursuance of its foreign exchange policy, the Riksbank may obtain foreign credit and credit in foreign currency, grant credit to other central banks, grant credit within the framework of activities at the Bank for International Settlements and grant credit for the European Union's Medium-Term Financial Assistance for Member States' Balances of Payments.

In pursuance of its foreign exchange policy, the Riksbank may, subject to authorization from the Riksdag, grant credit to other international financial bodies of which Sweden is a member and reach agreements with non-central-bank parties concerning long-term international borrowing arrangements.

Subject to authorization from the Riksdag, the Riksbank may make capital contributions from its own funds to the International Monetary Fund.

Subject to authorization from the Riksdag, the Riksbank may also participate, in other ways than those stated in Articles 2 and 3, in funding within the framework of the International Monetary Fund's activities. However, no authorization is necessary if the funding is for foreign exchange policy purposes or if there are special circumstances.

第七章 外匯政策

第 1 條 本行應採行政府所決定之匯率制度。

第 2 條 本行為執行外匯政策，得視情形持有外國通貨、國外債權及黃金等資產。

第 3 條 本行為執行外匯政策，得辦理下列業務：

1. 從事有關外國通貨、外國政府債券、其他流動性外幣債券、黃金及與上述資產相關權利義務之自營或經紀業務；
2. 依「瑞典預算法」第 5 章第 1 條第 2 項所定之目的，發行以外國通貨計價之本行債券。

第 4 條 本行為執行外匯政策，得獲取國外信用及外幣信用、對他國中央銀行授信、在國際清算銀行營運架構內授信，並在歐盟會員國國際收支中期財務援助方案內授信。

本行為執行外匯政策，經國會授權，得對以瑞典為會員國之其他國際金融組織授信，並與非中央銀行之機構簽訂國際長期貸款協定。
經國會授權，本行得以自有資金挹注國際貨幣基金。

經國會授權，除第 2 條及第 3 條所定方式外，本行得提供資金予國際貨幣基金營運體系。但該資金之提供如係為外匯政策目的或為特殊情事，則無須經授權。

Art. 5. The Riksbank may acquire the Special Drawing Rights resulting from Sweden's participation in the International Monetary Fund. In addition, it is the responsibility of the Riksbank to fulfil obligations resulting from Sweden's participation in this system.

Art. 6. The Riksbank may serve as a liaison body in relation to international financial institutions of which Sweden is a member.

Art. 7. The Riksbank may, with or without interest compensation, receive deposits in foreign currency or gold from, and make such deposits with, banks, foreign bank companies, central banks, credit market companies, foreign credit institutions, the Bank for International Settlements and the International Bank for Reconstruction and Development. The Riksbank may also receive such deposits from other sovereign states and intergovernmental bodies.

The Riksbank may also reach agreements with respect to obligations and rights that are linked to the deposits described in the preceding paragraph.

Chapter 8 Other tasks

Art. 1. The Riksbank shall accept payments to and make disbursements for the state.

The Riksbank may accept deposits from the state.

The Riksbank shall not extend credit to or purchase debt instruments directly from the state, another public body or an institution of the European Union.

The Riksbank may, however, pursuant to Chapter 6, Article 7 paragraph 2, grant intraday credit to the state. Subject to other provisions in this Act, the Riksbank may also grant credit to and purchase debt instruments from financial institutions owned by the state or another public body.

Art. 2. Within the framework of the Riksbank's tasks as central bank, the Riksbank may purchase equity, shares in economic associations and similar rights and assume the obligations linked to such rights.

第 5 條 本行得獲取因瑞典加入國際貨幣基金而取得之特別提款權，並應履行瑞典因加入該體系而發生之義務。

第 6 條 本行得擔任以瑞典為會員之國際金融組織之聯絡機關。

第 7 條 本行得收受銀行、外國銀行、外國中央銀行、信貸市場公司、外國信用機構、國際清算銀行及國際復興開發銀行之計息或不計息外幣或黃金存款，並得將此類存款存入上述機構。本行亦得收受他國政府及政府間組織之此類存款。本行得簽訂與前項存款權利義務有關之協定。

第八章 其他任務

第 1 條 本行應為政府辦理收付款項。
本行得收受政府存款。
本行不得對政府、其他公共團體或歐盟機構直接授信或購買債券。
本行得依第 6 章第 7 條第 2 項規定，給予政府日間融通；亦得依本法其他規定，對公營金融機構或其他公共團體所有之金融機構授信或購買債券。

第 2 條 本行於中央銀行之職權範圍內，得購買資產、經濟組織之股份及類似權利，並負擔與該等權利有關之義務。

The Riksbank may not, without authorisation from the Riksdag make such acquisitions or enter into such obligations as referred to in the first paragraph if this is done to fulfil other tasks than the Riksbank's tasks as central bank.

Art. 2a. The Riksbank may decide to sell equity, shares in economic associations and similar rights.

If these sales are made to fulfil other tasks than the Riksbank's tasks as central bank, however, the Riksdag must give authorisation in cases where the sale entails a reduction in the state's ownership of companies where the state has at least half of the votes or if the sale is of significant public interest.

Art. 3. The Riksbank may, itself or through a company owned by the Riksbank, conduct printing operations, paper manufacture and the production of banknotes as well as the manufacture of coins, medals and similar objects.

Art. 4. The Riksbank may acquire and sell premises and equipment intended for activities which are conducted by the Riksbank or in which it takes part.

If the acquisition or sale is made to fulfil other tasks than the Riksbank's tasks as central bank, the Riksdag must give authorisation in cases where the value of property exceeds SEK 20 million.

To protect a claim, the Riksbank may acquire all types of property. Such property shall be sold as soon as is appropriate and not later than when it can be done without incurring a loss.

Art. 5. The Riksbank may conduct services, against payment, linked to its activities as a central bank.

Art. 6. The Riksbank may, following individual reviews, agree to a composition and make decisions concerning the write-off, write-down or remission of its claim.

本行採購或負擔與前項有關之義務，如非屬本行之職權範圍，則未經取得國會授權，不得為之。

第 2a 條 本行得決議出售資產、經濟組織之股份及類似權利。

上述交易如係屬執行本行基於中央銀行職權範圍以外之其他任務，於該交易致國家減少原持股過半公司之股份，或該交易涉及重大公共利益者，應經國會個別授權，始得為之。

第 3 條 本行得自行或透過附屬公司經營印刷、造紙、印製鈔券及鑄造硬幣、紀念章與其他類似物品之業務。

第 4 條 本行為經營或參與業務之需要，得採購或銷售財產及設備。

本行之採購或銷售目的，如逾本行作為中央銀行之職權範圍，於財產價值逾 2,000 萬克朗時，應取得國會之個別授權。

本行為保全債權，得取得各類財產；並應在適當時機且尚未發生損失前，儘速處分該等財產。

第 5 條 本行得提供與中央銀行業務有關之服務，並酌收費用。

第 6 條 本行得於個案審查之後，同意債權之沖銷、削減或免除。

Chapter 9 Administrative provisions

Art. 1. The Riksbank conducts its activities at a head office in Stockholm, where the General Council and the Executive Board also have their seat.

The Riksbank may also conduct activities at branch offices, in that number and at those locations which are determined by the Riksbank.

Art. 1a. The Executive Board is responsible for the Riksbank's activities and shall ensure that they are conducted efficiently and in accordance with the applicable laws, that they are reported in a reliable and fair manner and that the Riksbank is economical with public finances.

The Executive Board shall ensure that the Riksbank has an internal governance and control that function adequately.

Internal governance and control here means the process aimed to ensure that the Riksbank will with reasonable certainty meet the requirements described in the first paragraph. This process shall include the stages risk analysis, control procedures, follow-ups and documentation.

Art. 2. The Riksbank shall have an Audit Unit governed by the General Council.

The General Council's auditing shall be aimed at issues within the Council's area of responsibility.

The Riksbank shall also have an internal audit function. The Executive Board shall decide on guidelines and an audit plan for the internal audit function and measures to be taken as a result of the internal audit's observations and recommendations.

Art. 2a. The internal audit function shall independently examine, on the basis of an analysis of the risks in the Riksbank's activities, the Executive Board's internal governance and control to ensure that the Riksbank with reasonable certainty can meet the requirements stated in the first paragraph of Chapter 9, Article 1a.

The internal auditing shall be conducted according to good auditing practice.

第九章 管理條款

第 1 條 本行之總行、理事會及常務理事會均設在斯德哥爾摩，並在當地執行業務。
本行得在分行營業；其數目及地點，由本行決定之。

第 1a 條 常務理事會應以誠信公平之方式，確保本行之營運效率符合所適用之法律規定，及公共財政之節約政策。
常務理事會應確保本行之內部治理及控管得以適當運作。
前項內部治理及控管，係指用以確保本行將合理地確實達到第 1 項所定要求之程序；該程序包含階段風險評估、控管程序、後續事宜及相關文件。

第 2 條 本行之審計單位由理事會管理之。
理事會所稽核事項，以其職權範圍所及者為限。
本行亦應具有內部稽核制度。常務理事會應依內部稽核單位之觀察或建議報告，提出有關內部稽核制度及措施之綱領及稽核計畫。

第 2a 條 內部稽核制度應依本行營運風險之分析為基礎，獨立檢核常務理事會之內部治理及控管，以確保本行合理地確實達到本章第 1a 條第 1 項所定之要求。
內部稽核之執行應遵守良好之稽核作業守則。

Art. 3. Pursuant to the conditions contained in Article 6 (2) and (3) of the Public Employment Act (1994:260), the Riksbank may, in special circumstances, decide that only Swedish nationals may be employed by the Riksbank.

Art. 4. The General Council decides the Rules of Procedure for the Riksbank.

The Executive Board decides on the Riksbank's business plan.

In addition, the Riksbank makes decisions on an individual basis in matters concerning personnel and persons appointed for specific assignments at the Riksbank, to the extent that such matters are not governed by legislation or decisions of the Riksdag or the Riksdag Administration.

Art. 5. The members of the General Council and such personnel and persons appointed for specific assignments at the Riksbank as determined by the Riksbank shall submit to the Riksbank a written report of their holdings of financial instruments and of changes in such holdings as stipulated in Chapter 1, Article 1, of the Financial Instruments Trading Act (1991:980). The same applies to changes in such holdings. The reporting obligation according to this Article does not, however, apply to the Chairman and Vice-Chairman of the General Council and the members of the Executive Board.

Art. 6. The Riksbank shall have a Staff Disciplinary Board, chaired by the Governor of the Riksbank. In addition to personnel representatives, the other members of the Disciplinary Board shall be appointed by the Riksbank. The following matters, which concern others than members of the Executive Board, shall be decided upon by the disciplinary board:

1. dismissal from employment on account of personal circumstances, though not concerning probationary appointments,
2. disciplinary measures,
3. notification of prosecution,
4. suspension.

The Staff Disciplinary Board has a quorum when the chairman and at least half of the other members are present.

Art. 7. In the planning and implementation of its peacetime activities, the Riksbank must adhere to the demands made by the national defence requirements.

第 3 條 依「公共就業法」第 6 條第 2 項及第 3 項所定條件，本行得於特殊情形下，限由瑞典國民任職於本行。

第 4 條 理事會應訂定議事規則。
常務理事會掌理本行營運計畫之訂定。
本行得以個案方式核定有關本行人事、特定職務之任用事項；但以非屬法律、國會及行政部門所轄者為限。

第 5 條 理事會之理事及本行特定職務之任用人員，就其持有「金融證券交易法」第 1 章第 1 條所定之金融證券，應向本行提出書面報告；其持有情形發生異動時，亦同。但本條所定之報告義務，於理事會主席、副主席及常務理事會之理事，不適用之。

第 6 條 本行應設置職工紀律委員會，並由總裁擔任主席。除職工代表外，紀律委員會之其他成員，由本行派任之。除常務理事會之理事外，有關本行職工之下列事項，應由職工紀律委員會決定之：
1. 非試用期內因職工個人因素之解職。
2. 紀律考核辦法。
3. 起訴之通知。
4. 停職。
職工紀律委員會之會議，應有主席及半數以上之其他委員出席。

第 7 條 本行於規劃及執行平時之業務時，應遵守國防上之要求。

In defence planning, the Riksbank shall consult with the Financial Supervisory Authority on matters concerning financial services and with the National Board of Trade on matters relating to foreign trade.

Art. 8. The Riksbank has the right to compensation for amounts, corresponding to input tax in accordance with the Value Added Tax Act (mervärdesskattelagen 1994:200), which are attributable to its activities.

However, the Riksbank does not have the right to compensation if the input tax is covered by limitations in the right to deduction in accordance with Chapter 8, Articles 9,10, 15 or 16 of the Value Added Tax Act.

Art. 9. The Riksbank may make charges for copies, duplicates and printouts of public documents. These charges shall be determined under the guidance of the regulations applying to authorities under the Government.

Chapter 10

Budget, allocation of profit and discharge from liability

Art. 1. The Riksbank shall have capital in an amount of one thousand million kronor, a reserve fund of 500 million kronor and a contingency fund.

Art. 2. The Riksbank's accounting year is the calendar year.

Each year before the end of December, the Executive Board shall draft a budget for the Riksbank's administrative activities during the following accounting year. The Executive Board shall submit the budget to the Riksdag Committee on Finance and the Swedish National Audit Office as well as the General Council for information.

Art. 3. The Riksbank is required to keep accounts. This requirement shall be met in accordance with generally accepted accounting principles. In addition, the European Central Bank's guidelines on the legal framework for accounting and financial reporting within the European System of Central Banks shall be applied.

本行所為之國防規劃，有關金融服務事項，應與金融監理局會商；有關對外貿易事項，應與國家貿易委員會會商。

第 8 條 可歸責於本行之業務行為所致之損失，本行有權補償相當於「增值稅法」所定進項稅額之數額。前項進項稅額依「增值稅法」第 8 章第 9 條、第 10 條及第 15 條或第 16 條之規定，可為扣除額之範圍所涵蓋者，本行無須為前項之補償。

第 9 條 本行得對公開文件檔案之複製及列印予以收費；其相關收費標準，應遵循政府有權機構所定之規則。

第十章 預算、盈餘分配及債務履行

第 1 條 本行之資本額為 10 億克朗，另有準備金 5 億克朗及 1 個緊急基金。

第 2 條 本行會計年度為曆年制。
常務理事會於每年 12 月底前，應編製下年度本行行政業務預算，並提交國會財政委員會、瑞典國家審計局及本行理事會參考。

第 3 條 本行應妥善保存帳冊，並遵循可被接受之一般會計原則；同時，並符合歐洲中央銀行於歐洲中央銀行體系下，所發布之準則中關於會計及財務報告之法律架構規範。

Each year, before 22 February, the Executive Board shall submit an Annual Report of the Riksbank's activities during the preceding accounting year to the Riksdag, the Swedish National Audit Office and the General Council. The General Council shall make proposals to the Riksdag and the Swedish National Audit Office on the allocation of the profit of the Riksbank. The Annual Report shall comprise a Profit and Loss Account, a Balance Sheet and a Directors' Report. The Directors' Report shall contain an account of foreign exchange and monetary policies and of how the Riksbank has promoted a safe and efficient payments system.

The Executive Board shall present in the Annual Report an assessment of whether the internal governance and control is considered satisfactory.

Art. 4. The Riksbank's Profit and Loss Account and Balance Sheet are approved by the Riksdag, which also determines the allocation of the Riksbank's profit. If the value of the reserve fund has declined to less than SEK 500 million, at least ten per cent of the profit for the year shall be allocated to the reserve fund until it has retained a level of this amount.

The Riksdag determines whether the General Council shall be discharged from liability for its activities and the Executive Board for its management of the Riksbank. Discharge from liability may only be denied if there are reasons to make claims of financial liability against a member of the General Council or the Executive Board, or if the member should be prosecuted for criminal actions in connection with his assignment or employment.

Art. 5. The Riksbank shall annually report to the Riksdag what measures the Bank has taken in view of the Swedish National Audit Office's observations.

Chapter 11 Fees, penalties, etc.

Art. 1. A financial institution that does not fulfil its established minimum reserve requirement shall pay a special fee to the State.

The Riksbank rules in matters concerning such special fees.

常務理事會應於每年 2 月 22 日前，將上年度本行之業務年報提交國會、瑞典國家審計局及本行理事會。理事會應向國會及瑞典國家審計局提出關於本行盈餘分配之建議。本行之業務年報應包含損益表、資產負債表、業務主管報告書；業務主管報告書應包含外匯及貨幣政策之說明，及本行如何促進支付系統之安全及效能。

常務理事會所提交之年度報告中，應包含對於內部治理及控管是否妥適之評估。

第 4 條 本行之損益表及資產負債表應經國會核准，並由其議決本行盈餘之分配。準備金低於 5 億克朗時，應提撥該年度盈餘 10% 以上充作準備金，至其總額達 5 億克朗時止。

國會得決議是否免除理事會對本行之業務責任及常務理事會對本行之管理責任；其免除責任決議之否決，僅於理事會或常務理事會理事就其職務有可歸責之財務責任，或應受刑事追訴之情況時，始得為之。

第 5 條 本行應於每年定期向國會報告有關本行配合瑞典國家審計局之檢查所採行之措施。

第十一章 費用及罰金等

第 1 條 金融機構未履行最低準備金規定者，應支付特別費予政府。

前項特別費之規定，由本行定之。

Art. 2. The special fee pursuant to Article 1 shall correspond to the daily interest on the deficit, amounting to twice the lending rate that the Riksbank is implementing on credit granted to banking institutions in accordance with Chapter 6, Article 5. In special circumstances, the fee may be reduced totally or partly.

Art. 2a. The Riksbank may issue injunctions or prohibitions as necessary to ensure that the provision in Chapter 5, Article 5, or regulations issued pursuant to Chapter 1, Article 2 or Chapter 6, Article 9 are observed. In decisions on injunctions or prohibitions the Riksbank may set a penalty.

In cases such as those referred to in Chapter 5, Article 5, the prohibition may be communicated to each party that has significantly contributed to the circulation and in so doing has been aware that the banknotes or coins have been altered or manipulated.

Art. 3. Any person failing to fulfil an obligation pursuant to Chapter 6, Article 9, to provide information or present documents, or who provides incorrect information when the obligation is fulfilled, shall be sentenced to a fine, unless the offence is subject to punishment under the Penal Code. If a penalty has been imposed pursuant to Chapter 11, Article 2a, however, punishment may not be exacted for actions covered by the penalty.

Minor infringements shall not be penalised.

Art. 4. The Riksbank shall, without prejudice to the stipulations laid down in Chapter 31, Article 1, first paragraph of the Public Access to Information and Secrecy Act (2009:400), notify the police or the public prosecution authority if information emerges in its activities, as referred to in these stipulations, that gives cause to assume that a crime has been committed.

In special circumstances, the Riksbank may refrain from submitting such information.

Art. 5. The procedure for appealing against a decision by the General Council to sever a member of the Executive Board from his or her appointment is regulated in Chapter 2, Article 2.

Decisions made by the Riksbank in accordance with Article 2a can be appealed to the administrative court.

第 2 條 依前條規定所收取之特別費，應依現金準備不足數額，依據第 6 章第 5 條本行授權銀行機構信用貸款利率 2 倍之範圍內，按日計息。於特殊情形時，其費用得酌減全部或一部。

第 2a 條 本行得於必要時發布指令或禁令，以確保第 5 章第 5 條及依第 1 章第 2 條或第 6 章第 9 條所發布規則之遵守；如有違反上述指令或禁令時，本行得處以罰鍰。
就關於本法第 5 章第 5 條之情形，前項禁令適用於有關鈔券及硬幣之流通，及已知係遭偽造或變造所涉各主體。

第 3 條 違反第 6 章第 9 條有關提供資料之義務，或提供虛偽不實之資料者，除已受刑事處罰外，應處以罰鍰。但已依本章第 2a 條規定處以罰鍰所涵蓋之行為，得不再另予處罰。
違規情節輕微者，不罰。

第 4 條 於未違反「政府資訊公開及保密法」第 31 章第 1 條第 1 項之規定下，如有資料顯示本行之相關業務足認有犯罪情事者，本行應即通知警察或檢察機關。
本行於特殊情形下，得不提出前項所述資料。

第 5 條 對理事會就常務理事所為免職決定之訴願程序，應依第 2 章第 2 條之規定辦理。
對於本行依本章第 2a 條所為之決定，得向行政法院提起上訴。

Other decisions made by the Riksbank in accordance with this Act may only be appealed to the extent and in the order stipulated in the act concerning appeals against administrative decisions made by the Riksdag Administration and the Riksdag's agencies (lagen (1989:186) om överklagande av administrativa beslut av riksdagsförvaltningen och riksdagens myndigheter).

(Note: Where the Swedish name of an act is given in brackets, no English translation is available at present.)

其他本行依據本法所為之決定，僅得比照有關國會行政署及其相關機關所為行政處分之救濟程序，提起訴願。

**五、THE NATIONAL BANK
OF DENMARK ACT
丹麥國家銀行法**

THE NATIONAL BANK OF DENMARK ACT

丹麥國家銀行法

法務室 歐坤寧 譯

Objects of the Bank

General Capital Fund, Domicile

Management

The Royal Bank-Commissioner

Bank-Note Issue

Redemption of the Notes of the Bank, etc

Other Functions of the Bank

Accounts and Distribution of Profit

General Provisions

Agreement concerning the Taking Over of

The National Bank in Copenhagen

The Abolition of the Royal Charter, etc.

Transitorial Provisions

Commencement

設立宗旨

資本、所在地

管理

皇家銀行長官

本行鈔券之發行

本行鈔券之收回等

本行之其他業務

財務報表與盈餘分配

一般條款

接收哥本哈根國家銀行之有關規定

皇家憲章等之廢除

過渡條款

生效日

THE NATIONAL BANK OF DENMARK ACT

Objects of the Bank

§ 1.

"Danmarks Nationalbank" (The National Bank of Denmark) which, at the coming into force of this Act, confer § 33, takes over the "Nationalbanken i Kjobenhavn" (The National Bank in Copenhagen) shall as the Central Bank of this country have the object in conformity with this Act and the regulations given under this Act to maintain a safe and secure currency system in this country, and to facilitate and regulate the traffic in money and the extension of credit.

General Capital Fund, Domicile

§ 2.

The General Capital Fund of the Bank shall be Kroner 50 millions.
The Head Office and Domicile of the Bank shall be in Copenhagen.

Management

§ 3.

The management of the Bank shall be committed to a Board of Directors, a Committee of Directors and a Board of Governors.

The members of the Board of Directors, the Committee of Directors and the Board of Governors shall be Danish subjects with domicile in Denmark, besides they shall be of age, enjoy the reputation and confidence prerequisite to the offices (appointments, tasks) and not be deprived of the right to dispose of their estate.

* Act No. 116 of 7th April 1936 as amended by Act No. 166 of 13th April 1938, Act No. 88 of 15th March 1939, Act No. 67 of 15th March 1967, Act No. 174 of 30th April 1969 and Act No. 579 of 1st June 2010. No consolidated act has been made by the Ministry of Economic Affairs, and this is an unofficial compilation prepared by Danmarks Nationalbank.
Pursuant to Ordinance No. 284 of 9th September 1961 the legislation concerning Danmarks Nationalbank has been placed under the Ministry of Economic Affairs, and the duties falling on the Minister of Trade, Industry and Shipping and the Royal Bank-Commissioner according to the said legislation have been transferred to the Minister of Economic Affairs.

丹麥國家銀行法*

設立宗旨

第 1 條

丹麥國家銀行（以下簡稱本行^{譯註}）於本法參照第 33 條規定生效時，接收哥本哈根國家銀行，成為本國之中央銀行，並遵照本法及依本法所訂規定，以維持國內貨幣制度之穩定，便利及管制貨幣流通與信用擴張為宗旨。

資本、所在地

第 2 條

本行資本總額定為 5000 萬克朗（Kroner）。
本行總行之所在地應設於哥本哈根。

管理

第 3 條

本行由理事會、常務理事會及總裁委員會共同管理之。
理事會、常務理事會及總裁委員會之成員應具丹麥國籍、在丹麥境內有住所、成年、享有擔任該職務所必需之聲譽、信賴（任命與任務），且未受禁治產宣告。

* 1936 年 4 月 7 日第 116 號立法歷經 1938 年 4 月 13 日第 166 號、1939 年 3 月 15 日第 88 號、第 1967 年 3 月 15 日第 67 號、1969 年 4 月 30 日第 174 號及 2010 年 6 月 1 日第 579 號等立法修正。經濟事務部未作成統一的官方版本，此版本係由丹麥國家銀行加以編輯而成。

根據 1961 年 9 月 9 日第 284 號法令，有關丹麥國家銀行之立法業已劃歸經濟事務部，且商業部長及皇家銀行監管人依上述立法所賦予之職責業已移歸經濟事務部長。

譯註：為便於閱讀，本篇譯文之「丹麥國家銀行」一詞簡稱為「本行」。

§ 4.

The Board of Directors shall consist of 25 members, viz.:

- a) 8 members with a seat in the "Rigsdag". These are to be elected according to the rules of § 45 of the Constitution. In case one of these members resigns his seat in the "Rigsdag" a new election shall be held for the remaining term of office of the resigning member. The resigning member keeps his seat in the Board of Directors until a successor has been elected.
- b) 2 members of which one shall be an economist the other a lawyer. These members, who must not be members of the "Rigsdag", shall be appointed by the Minister of Trade, Industry and Shipping.
- c) 15 members with a thorough knowledge of trade. These members, who must not be members of the "Rigsdag", shall be elected by the entire Board of Directors, so that 3 members retire every year. Due regard shall be paid at the election to establish a comprehensive representation of trade, also comprising the workers occupied in trade, and to secure a representation of the geographical divisions of the country.

The members mentioned in a) - c) shall be elected or appointed for 5 years. In case a member retires before the expiration of his term of office, a new member shall be elected for the rest of the term.

The Board of Directors shall elect for one year at a time a chairman and a deputy-chairman.

Before amendments of the provisions governing the Bank be made, the Board of Directors shall have an opportunity of giving its opinion.

§ 5.

The Committee of Directors shall be composed of the 2 members of the Board of Directors mentioned in § 4 b) together with 5 members elected for 1 year at a time by the Board of Directors from among its members.

The proportional representation system shall be applied in conformity with rules laid down in the By-laws of the Bank, in the case 3 members of the Board of Directors demand it.

The Committee of Directors shall elect for one year at a time a chairman and a deputy-chairman. The election shall be approved of by the Minister of Trade, Industry and Shipping.

§ 6.

The Board of Governors shall consist of 3 members. One of the Governors shall be nominated by the King, and the other Governors appointed by the Board of Directors on the recommendation of the Committee of Directors. The first mentioned Governor shall be chairman of the Board of Governors.

第 4 條

理事會由理事 25 名組成，其中：

- a) 8 名理事為依「憲法」第 45 條規定所選出之國會議員。其任一理事離開國會之職務者，應選出繼任者續任至原任期屆滿為止。原理事於繼任者未產生前，應繼續擔任原理事職務。
- b) 2 名理事由貿易產業運輸部長任命非國會議員之經濟學者及律師各 1 人。
- c) 15 名理事由理事會選出，每年改選 3 名；渠等不得同時具有國會議員身分，且應能廣泛代表各行業，並具備專業知識；其中，應包括勞工代表及各行政區代表。

依前項第 a 款至第 c 款規定所選出或任命之理事，任期為 5 年。任一理事於任期屆滿前離職者，應選出新任理事續任至原任期屆滿為止。

理事會每年應改選主席、副主席 1 次。

於修訂任何涉及本行之條款前，理事會應有表達意見之權。

第 5 條

常務理事會由依第 4 條第 1 項第 b 款任命之 2 名理事，及理事會自其理事中選出、任期 1 年之 5 名組成之。

理事會中有 3 名理事要求實施比例代表制者，該代表制應依本法施行細則規定辦理之。

常務理事會每年應改選主席、副主席 1 次；其選舉，應經貿易產業運輸部長核准之。

第 6 條

總裁委員會由總裁 3 名組成之。其中 1 名由國王指定，其他 2 名經常務理事會推薦，由理事會任命之。國王指定之成員，應擔任總裁委員會之主席。

The Governors shall reside in Copenhagen or in places closely connected with Copenhagen. They shall not have a seat in the management of trade organisations or companies nor carry on or take part in the working of private trading activities. The Governors shall be under the obligation to send in their resignation before the expiration of the month in which they complete their 70th year.

The Royal Bank-Commissioner

§ 7.

The Minister of Trade, Industry and Shipping in his capacity of Royal Bank-Commissioner shall supervise that the Bank fulfils its obligations under this present Act and under the ordinances and provisions given pursuant to this present Act.

The Royal Bank-Commissioner presides at the meetings of the Board of Directors. He shall have admission to the meetings of the Committee of Directors and to be supplied with information concerning the Bank to the extent he might desire.

Decisions of particularly far-reaching character cannot be taken at a meeting of the Committee of Directors when the Royal Bank-Commissioner is not present, unless he has been informed in advance that the case will be dealt with at the meeting.

Bank-Note Issue

§ 8.

The Bank shall have the sole right to issue notes.

The notes issued by the Bank shall be legal tender between man and man and for payments and disbursements which take place in public pay-offices.

When the Minister of Trade, Industry and Shipping gives his permission notes may be called in, and they shall then cease to be legal tender from the date which might be fixed by ordinance from the Minister of Trade, Industry and Shipping. After the expiration of twelve months from this date the called in notes shall lose the validity as against the Bank, provided that the Bank shall have the right to redeem the notes also after this time if circumstances justify it.

The denominations, text and form shall be approved of by the Minister of Trade, Industry and Shipping.

§ 9.

The Bank shall be permitted to put into circulation the amount of notes which the traffic in money at any time may be found to require.

總裁應居住於哥本哈根或其近郊，且不得兼任企業組織或公司之管理職務，亦不得參與民間商業活動；並應於年滿 70 歲之當月份前提出辭呈。

皇家銀行長官

第 7 條

貿易產業運輸部長應以皇家銀行長官之身分，監管本行依本法及依本法所頒布之命令履行其義務。

皇家銀行長官擔任理事會會議之主席，並得出席常務理事會會議，且得要求提供其所需要之本行有關資料。

皇家銀行長官未出席常務理事會時，除事先已被告知會議討論事項者外，該次會議不得決議重大事項。

本行鈔券之發行

第 8 條

本行享有發行鈔券之獨占權。

本行發行之鈔券對私人間及公開交易之支付，具法償效力。本行發行之鈔券經貿易產業運輸部長核准者，得發布命令予以收回；並自該命令所訂之日起，終止其為法償貨幣，且自收回之日起 12 個月後對本行喪失效力。但本行仍得視情況需要，於期限後贖回。

本行發行之鈔券，其面額、內容及形式應由貿易產業運輸部長核准。

第 9 條

本行得隨時視情況需要，增加鈔券之流通量。

Provided that the Bank shall possess free from any encumbrance:

- a) A gold fund, as set forth in § 10.
- b) Assets of the nature laid down in § 11 at a value, corresponding to not less than that part of the active note circulation which is not covered by the gold fund.

§ 10.

The gold fund shall cover at least 25 per centum of the total active note circulation. It may consist of:

- a) Gold, be it in coin or ingots, either in the custody of the Bank or handed over by the Bank to the Royal Mint to be coined or melted.
- b) Gold, which properly secured has been deposited abroad or which is in transit through, to or from foreign countries. Provided that such gold shall not count when the Bank's right to dispose thereof is restricted. The gold under this subsection shall not exceed 5% of the total active note circulation.

For up to 5 per centum of the note circulation non-interest carrying net-credit-balances on demand with foreign Central Banks, approved of in that respect by the Royal Bank-Commissioner, may take the place of gold.

The value of legal tender gold coin shall be determined by the nominal value, the value of other gold coin and of gold in ingots by the contents of fine gold, the price of the gold in Danish currency being calculated in conformity with the provisions of the Currency Act. Credit balances in foreign currency shall not be calculated at a higher price than that quoted on the Royal Exchange on the day of settlement.

§ 11.

As the basis for that part of the note circulation which is not covered by the gold fund may serve gold and net-credit-balances on demand with foreign banks, provided they have not been included under § 10, bills of exchange, Treasury bills, bonds and debentures subject to quotation on the Royal Exchange, besides advances for which proper security has been given.

§ 12.

The Bank shall at the expiration of every month report to the Royal Bank-Commissioner on the funding of the active note circulation.

本行依前項規定增加鈔券之流通量時，應依下列規定辦理：

- a) 依第 10 條規定，提存黃金準備。
- b) 未提存黃金準備部分，應提存第 11 條所定之資產。

第 10 條

黃金準備至少應占全部發行鈔券之 25 %；並得由下列項目組成之：

- a) 本行所保管或交由皇家造幣廠鑄造或熔化之黃金硬幣或黃金條塊。
- b) 適當存放於國外或運往國內外途中之黃金；但本行對其處分權受有限制之黃金，不得計入。依本款所提存準備之黃金，不得超過全部發行鈔券之 5 %。

存放於外國中央銀行之無息活期帳戶淨貸方餘額，經皇家銀行長官核准者，得取代黃金充作準備。但以發行鈔券額度之 5 % 為上限。

法償金幣之價值，應依面值而定；其他金幣及黃金條塊之價值，應依黃金純度而定；丹麥通貨中之黃金價值，應依「通貨法」之規定計算之。外幣帳戶貸方餘額之計算，不得高於清算日皇家交易所訂定之價格。

第 11 條

未提存黃金準備之鈔券，得以存放於外國銀行之黃金及活期帳戶之淨貸方餘額充當其準備；但已依前條規定充當準備者，不得計入。依皇家交易所報價計算之匯票、國庫券、債券、債權憑證，以及提供上述合格票券作為擔保之墊款，亦得充當準備。

第 12 條

本行應於每月月底向皇家銀行長官報告發行鈔券提存準備之狀況。

In case of any deviation from the rules governing the funding of the notes of the Bank under §§ 9-11 it shall be the duty of the Bank to redress the deviation within the expiration of the succeeding month.

§ 13.

Under special circumstances the Board of Directors shall, after having obtained the permission of the Minister of Trade, Industry and Shipping, for a period of up to 3 months at a time be allowed to deviate from the funding rules prescribed. A decision to this effect shall be adopted by at least 2/3 of all the members of the Board of Directors. It shall be the duty of the Bank as soon as possible to re-establish the normal funding proportion.

Redemption of the Notes of the Bank, etc

§ 14.

The Bank shall be under the obligation to redeem at its Head-Office on demand the notes issued by the Bank at their face value either with legal tender gold coin or with gold-ingots of ordinary fineness and weight, when notes are delivered in items corresponding to the value of an ingot.

The Bank shall likewise be under the obligation to buy at its Head-Office from any person who might desire it ingots of fine gold at a price corresponding to the gold price fixed by the Currency Act with the deduction of 1/4 per centum seigniorage.

The above provision can only be suspended by Act.

§ 14 a.¹

1. The Bank collects, compiles and disseminates statistical information within its competence and is allowed to use this information when necessary in order for the Bank's fulfilment of its tasks, cf. § 1.
2. The Bank can request that the following legal persons and individuals pass on information they possess to the Bank within a certain period, if it is necessary for the Bank to receive the information for the fulfilment of its tasks mentioned in subsection 1:
 - 1) Legal persons and individuals domiciled in Denmark who conduct financial business subject to the Financial Business Act or other financial legislation.

¹ The provision takes effect as from 1 July 2010 and will not be applicable to the Faroe Islands or Greenland for the time being.

本行如有違反第 9 條第 2 項所定鈔券發行提存準備之情事，應於次月月底前更正。

第 13 條

理事會於特殊情況經徵得貿易產業運輸部長同意後，得不受有關發行準備規定之限制；但每次期限最常不得超過 3 個月。上述決議應經理事會成員 2/3 以上之決議通過。本行應儘速恢復正常發行準備之比率。

本行鈔券之收回等

第 14 條

本行鈔券之發行係依黃金條塊之價值而定者，本行總行負有依其面值以法償金幣或黃金條塊公定之成色及重量予以全數贖回之義務。

本行總行對任何意圖出售其純金條塊之人，負有依「通貨法」所定黃金價格扣除 0.25 % 鑄幣稅後之價格予以買回之義務。

前項規定，須依本法始得停止適用。

第 14 a 條¹

- 本行為履行本法第 1 條所定任務之需，於所掌事項範圍內，負責蒐集、彙編及發布統計資料；並得利用之。
- 本行依前項規定而有取得資料之需要者，得要求下列法人及自然人於一定期限內報送其持有之資料予本行：
- a) 居住於丹麥，並依「金融業務法」或其他金融法令從事金融業務之法人及自然人。

¹ 本規定於 2010 年 7 月 1 日生效，且暫不適用於法羅群島及格陵蘭。

- 2) Legal persons and individuals domiciled in Denmark who have outstanding debts and/or assets abroad.
- 3) Legal persons and individuals domiciled in Denmark who have either issued or own securities, or carry out trading or clearing and settlement of financial products.
- 4) Branches etc. situated in Denmark that are not legal persons or individuals, but apart from that fall within the definitions in paragraphs a-c.
3. The persons mentioned in subsection 2 will be fined if they fail to pass on the information requested by the Bank in due time, or if they intentionally or with gross negligence pass on false information. Companies etc. (legal persons) can be held criminally liable according to part 5 of the Danish Criminal Code.
4. The Bank is allowed to pass on confidential statistical information to the extent and with the amount of detail that is deemed necessary in order to fulfil its tasks in relation to:
 - a) The European System of Central banks (ESCB),
 - b) The European Systemic Risk Board (ESRB)
5. Information that can be passed on according to subsection 4 consists of information which is not in summary or collective form and which makes it possible either directly or indirectly to identify the persons mentioned in subsection 4.

Other Functions of the Bank

§ 15.

The functions of the Bank shall especially comprise reception of money on folio-account and current-account, reception of deposits in safe custody, granting of advances and discounting of bills of exchange besides traffic in gold, foreign currency and securities.

The granting of advances shall only take place on satisfactory security and normally for 1-3 months but not exceeding 6 months. Renewal of advances may take place.

Further provisions governing the general functions of the Bank shall be laid down in the By-laws of the Bank.

§ 16.

The Bank shall receive payments and make disbursements for the State. The monthly balance sheet shall give the figures of the credit and/or debit balances of the State with the Bank.

- b) 居住於丹麥，且有國外未償還債務或資產之法人及自然人。
- c) 居住於丹麥，且有發行或持有債券，或完成交易或金融商品之結算及清算之法人及自然人。
- d) 於丹麥境內不具法人或自然人資格之分支機構等，但不包括符合 a 至 c 款定義者。

前項所定之人未能於期限內報送本行所要求之資料，或因故意或重大過失報送錯誤資料者，應處罰鍰。公司等法人，並應依「丹麥刑法」第 5 編規定，科處刑事責任。

本行為履行職務，於必要時，得儘量將相關統計明細資料密送下列機構：

- a) 歐洲中央銀行體系。
- b) 歐洲系統風險委員會。

依前項規定密送之資料，不得為摘要或總結之形式，並應能直接或間接確認前項規定所稱之人。

本行之其他業務

第 15 條

本行之業務，除黃金、外幣及證券之買賣外，應包括收受有價證券帳戶與活存帳戶之資金、收受保管中之保證金，及以票據為擔保之融通與貼現業務。

本行之融通業務，僅得以合格票據為擔保，期間以 1 至 3 個月為原則，最長不得超過 6 個月。融通到期，得更新之。其他有關本行一般業務之規定，應以施行細則定之。

第 16 條

本行經理國庫收付業務。每月編制之資產負債表，應詳列國庫與本行間之借貸餘額。

Accounts and Distribution of Profit

§ 17.

The financial year of the Bank shall be the calendar year. As soon as possible after the expiration of the financial year the books shall be balanced and the accounts for the year expired drawn up. The accounts shall contain a working account and a balance sheet.

The accounts shall under careful consideration of existing values and obligations and with the undertaking of necessary writings-off and allocations be rendered as proper and cautious business practice dictates.

Securities admitted to public quotation on the Royal Exchange shall not be entered at a higher value than the latest buying rate quoted at the close of the financial year.

Securities not admitted to public quotation on the Royal Exchange shall be entered at the supposed value on the day of settlement, but the value shall not exceed the price at which they were acquired.

Foreign currency shall not be entered at a higher value than the rate of exchange quoted at the close of the financial year.

Real estate shall not be booked at a higher value than the buying price with addition of costs of improvements and deductions corresponding to the depreciation through age and use and not exceeding the value assessed for land and building tax.

The booked value of other assets shall not exceed the market value.

The accounts when approved by the Board of Directors shall be sent to the Minister of Trade, Industry and Shipping together with a report on the work of the Bank during the year expired.

When the accounts have been approved by the Royal Bank-Commissioner, they shall be published together with the Bank's report for the year expired.

§ 18.

The accounts for the financial year shall be audited by 2 chartered accountants appointed by the Minister of Trade, Industry and Shipping for 1 year at a time.

§ 19.

The profit earned by the Bank shall go to the Exchequer if it be not allocated to the Reserve Fund or to special guarantee funds.

財務報表與盈餘分配

第 17 條

本行之會計年度應為曆年制。會計年度終了時，應儘速進行決算，並編制財務報表。財務報表應包括營運資金及資產負債表。

財務報表應審慎評估資產現值及負債，並應依正當營業情況為必要之沖銷及提撥。

獲准於皇家交易所公開上市之證券，不得以高於該會計年度終了時該證券最後買進之價格入帳。

未獲准於皇家交易所公開上市之證券，應於清算日按推定之價格入帳，但不得高於其取得之價格。

外幣不得以高於該會計年度終了時收盤之匯率入帳。

不動產不得以高於買進價格加計建物改良成本，並扣除折舊費用後之價格入帳，且不得高於估徵土地及建物稅後之價值。

其他資產之帳面價值，不得高於其市價。

財務報表經理事會核准，應連同本行之年度業務報告送交貿易產業運輸部長。

財務報表經皇家銀行長官（即貿易產業運輸部長）核准後，應連同本行年報公布之。

第 18 條

會計年度之財務報表，每年應由貿易產業運輸部長指定特許會計師 2 人審核 1 次。

第 19 條

本行盈餘未充當公積或特別保證基金者，應全數繳納國庫。

Out of the profit of the financial year the Exchequer shall prior to other payments receive Kr. 1 million.

Thereafter 25 per centum of the remainder shall be allocated to the Reserve Fund if this fund be less than Kr. 25 millions.

The rest of the profit shall be paid to the Exchequer under the observation of the following rules:

If the rest of the profit does not exceed Kr. 4 millions, one half of the amount shall be paid to the Exchequer and the other half written off the General Capital Fund Certificate. In case the rest of the profit exceeds Kr. 4 millions, Kr. 2 millions shall be paid and the remainder written off the General Capital Fund Certificate. When this certificate has been redeemed in full the total rest of the profit goes to the Exchequer unless the Board of Directors with the approval of the Royal Bank-Commissioner decides to allocate a part of the amount to reserves.

In case the losses of preceding years might have entailed drawing on the General Capital Fund all payments to the Exchequer shall be suspended until the loss of the General Capital Fund has been recovered.

In case the losses of preceding years might have reduced the Reserve Fund to less than the amount it constituted when the Bank commenced business, the payment under subsection 2 of this section shall be made, otherwise the whole profit shall be used to increase the Reserve Fund until it has regained the original size.

General Provisions

§ 20.

The Minister of Trade, Industry and Shipping may at the request of the Board of Governors of the Bank supply the Board with such information concerning Banks, Savings-Banks and the Stock Exchange as is to be had from the Bank Inspectorate, Savings-Banks Inspectorate and the Stock Exchange Inspectorate and which the Bank and the Minister find of interest for the Bank in its capacity as the Central Bank of the country.

In the same manner the Minister may on application from the aforesaid Inspectorates and for their use ask for such information from the Bank as is of interest for the work of supervision.

§ 21.

The Bank shall be exempt from paying all direct taxes and rates whatever. Provided that the Bank shall pay taxes upon real estate which is not used for its own activity and such levies as have the character of consideration for special contributions.

會計年度盈餘中之 100 萬克朗，應優先繳交國庫。

公積如低於 2500 萬克朗時，盈餘於扣除前項部分後，應提撥 25 % 轉入公積。

其他盈餘應依下列規定繳庫：

該盈餘未超過 400 萬克朗者，其中 1/2 繳交國庫，1/2 贖回資本憑證。該盈餘超過 400 萬克朗者，其中 200 萬克朗繳交國庫，其餘用於贖回資本憑證。當資本憑證全數贖回時，除理事會經皇家銀行長官同意提撥部分盈餘充當公積外，盈餘應全數繳交國庫。

因歷年虧損而以資本抵補時，於抵補之資本獲彌補前，應停止繳交國庫。

歷年虧損致公積低於本行開業時所成立之金額時，除依據第 2 項規定繳交外，其餘盈餘均應轉入公積，迄至最初之金額為止。

一般條款

第 20 條

貿易產業運輸部長得應本行總裁委員會之要求，提供該委員會自各銀行、儲蓄銀行及證券交易所檢查人員所獲得有關銀行、儲蓄銀行及證券交易所之資料，及本行與貿易產業運輸部長發現有利於本行作為丹麥央行地位之資料。

貿易產業運輸部長得應前項檢查人員之要求，要求本行提供有利於其檢查工作之相關資料。

第 21 條

本行免納直接稅及地方稅捐。但非供本行業務使用之不動產及特別捐，不在此限。

§ 22.

The Bank may use unstamped paper for its notes and books and for the drafts, bonds and other documents executed in the course of banking.

§ 23.

When evidence placed before the Bank shows to the satisfaction of the Bank that a receipt for money received on deposit or a memorandum of deposit probably has been lost, the Bank shall be entitled by a notification, which is to be inserted in the first number of the "Statstidende" (the Government Gazette) published in a quarter of a year, to call the bearer to appear within 3 months. If nobody appears the Bank may pay the amount of the document to the person who is the rightful creditor according to the books of the Bank.

§ 24.

In case a contract of suretyship has been given for the repayment of an advance granted by the Bank and the borrower makes default in payment of principal, instalment or interest, notification hereof shall not later than 6 months after the maturity of the contribution mentioned be sent by registered mail to each of the sureties or to the surety or sureties authorized by the others to receive such notification on behalf of all the sureties. Omission to do so shall have the effect that the Bank loses its claim on the sureties to the extent to which the remedy of the sureties as against the borrower has been reduced in value through the omission.

§ 25.

The Bank shall be subject to the provisions laid down in the Bank Act No. 122 of the 15th April 1930, section 9, subsection 1-4 and 6-9, provided that the Governors of the Bank and Branch-Managers shall not obtain advances in the Bank or the guarantee of the Bank for advances or be sureties for debts to the Bank. Furthermore section 21 of the same Act shall apply correspondingly with regard to this present Act, the regulations given under this present Act, and the resolutions of the Board of Directors.

§ 26.

The Board of Directors shall on the recommendation of the Committee of Directors and subject to confirmation by the Minister of Trade, Industry and Shipping draw up the By-laws of the National Bank of Denmark, by which rules shall be laid down governing the functions and the management of the Bank and the salaries and old age pensions for the Board of Governors and the Staff etc. and the duties of the Auditors.

The By-laws may be amended by the Board of Directors subject to confirmation by the Minister of Trade, Industry and Shipping. The amendments shall be valid when passed by a simple majority of the whole Board of Directors.

第 22 條

本行之鈔券、帳冊及執行銀行業務過程中之匯票、債券及其他文件，得免納印花稅。

第 23 條

有證據足以證明存款憑證可能遺失時，本行得於每季出刊之政府公報中催告持證人於 3 個月內提示；如無人提示，本行得依帳冊記載支付予合法債權人該憑證之金額。

第 24 條

本行就融通之償還訂有保證契約，而債務人不履行本息及分期付款支付義務者，本行應於各該款項到期後六個月內，以掛號信函通知各保證人或受其他保證人委託代理全部保證人收受通知之保證人；如未通知各該保證人時，在保證人對主債務人減少保證責任之範圍，喪失對保證人之請求權。

第 25 條

本行應遵守 1930 年 4 月 15 日第 122 號「銀行法」第 9 條第 1 項至第 4 項及第 6 項至第 9 項之規定，本行總裁及分行經理不得接受本行之融通、本行保證之融通或擔任對本行債務之保證人。同法第 21 條之規定應適用於本法、依本法所訂規則及理事會決議。

第 26 條

理事會應依據常務理事會之建議制定「丹麥國家銀行施行細則」，並經貿易產業運輸部長之認可；該細則應規定本行功能、行政事務、總裁委員會及職員等之薪資、退休年金及稽核人員之職務等。

施行細則得由理事會修正，並經貿易產業運輸部長之認可。修正案應經理事會全體理事多數決通過後生效。

Agreement concerning the Taking Over of The National Bank in Copenhagen

§ 27.

By agreement between the National Bank in Copenhagen on one side and the Minister of Trade, Industry and Shipping and the Minister of Finance as representatives of the National Bank of Denmark on the other side it may be decided that all the assets and liabilities, rights and duties of the old Bank shall pass to the new Bank against a consideration in the form of bonds which are to be redeemed within a certain number of years. The Government guarantee the interest and redemption of the bonds. The consideration which the shareholders of the old Bank receive in the form of bonds shall not as far as any part thereof is concerned be included in the taxable income of the holder in question.

At the same time the new Bank commences business the old Bank shall cease to exist. The winding-up proceedings shall be conducted by the National Bank of Denmark. The statutory winding-up rules need not be observed. The aforesaid bonds shall be issued to bearer. The bonds as well as transfers endorsed thereon besides all other documents made for the purpose of the taking over shall be exempt from stamp-duty nor shall any fee be paid for the registration at the Courts of Law.

The Abolition of the Royal Charter, etc.

§ 28.

The Royal Charter of the 4th July 1818, confer Act No. 157 of the 12th July 1907, Act No. 483 of the 30th August 1919 and Act No. 201 of the 20th of May 1933 shall be repealed. The duty of the Bank to pay to the Exchequer the profit derived from the exemption to redeem with gold the notes issued by the Bank shall likewise fall away.

The statutory provisions which otherwise apply to the National Bank in Copenhagen shall in future apply to the National Bank of Denmark.

Transitorial Provisions

§ 29.

The General Capital Fund of § 2 shall be paid by the Government in the form of a General Capital Fund Certificate at the coming into force of this present Act. By degrees as funds out of the annual profit be allocated to the General Capital Fund corresponding amounts shall be written off the General Capital Fund Certificate.

接收哥本哈根國家銀行之有關規定

第 27 條

哥本哈根國家銀行與代表丹麥國家銀行之貿易產業運輸部長及財政部長得以協議約定舊銀行之所有資產、負債、權利及義務，應以特定年限贖回之債券形式轉移予新銀行。政府應保證債券付息及贖回。舊銀行股東所獲債券形式之對價，不得計入該股東之課稅所得內。

新銀行開始營業之同時，舊銀行應停止營業。舊銀行之清算程序，由丹麥國家銀行執行之；且不適用法定清算規則。前述債券應以無記名方式發行。債券、經背書轉讓之債券及其他為接收目的而製作之文件，均免納印花稅及法院登記費。

皇家憲章等之廢除

第 28 條

1818 年 7 月 4 日之「皇家憲章」（參照 1907 年 7 月 12 日第 157 號法律，1919 年 8 月 30 日第 483 號法律及 1933 年 5 月 20 日第 201 號法律）應予廢止。本行因免除以黃金回贖其發行鈔券，所產生盈餘繳庫之責任，亦告終止。

有關其他適用於哥本哈根國家銀行之規定，應適用於丹麥國家銀行。

過渡條款

第 29 條

第 2 條所定之資本額，應由政府於本法生效時以資本憑證之形式支付之。每年應提撥至資本中之盈餘，應用於贖回資本憑證。

The payment of interest on the bonds mentioned in § 27 shall be made out of the working account of the Bank before the profit of the year be ascertained.

§ 30.

The members of the Board of Directors elected at the meeting of shareholders of the old Bank shall pass over to the Board of Directors of the new Bank and take over the tasks laid upon the members mentioned in § 4 c). They shall remain on the Board of Directors until their term of office expires under the rules hitherto in force. At the new elections which the Board of Directors holds until the expiration of the month of July 1938 the provisions of § 4 c) shall not apply in the case of a re-election.

§ 31.

When the bonds of § 27 are to be allotted to the shareholders of the National Bank in Copenhagen they shall be delivered to the person who holds the shares with legal title in due form.

In exchange of shares registered in the name of the holder in the books of the Bank bonds may also be handed out under the observance of the following rules:

- a) When evidence placed before the Bank shows to the satisfaction of the Bank that a share-certificate probably has been lost the National Bank of Denmark shall be entitled by a notification in the "Statstidende", the Government Gazette, to call the person who might be in possession of the share-certificate to appear within 6 months. If nobody appears the Bank may deliver the bonds corresponding to the share-certificate to the person registered in the books of the Bank as proprietor of the share-certificate.
- b) In case of defects in the transfers of title endorsed on a share-certificate the National Bank of Denmark shall, if it is of opinion that the asserted ownership of the bearer is well founded, be entitled to call the person or persons who might have any objections to the bearer's property in the share-certificate to appear within the aforesaid notice. If no objections are made the Bank may deliver the bonds to the bearer of the share-certificate.

When evidence placed before the Bank shows to the satisfaction of the Bank that a share-certificate, which according to the books of the Bank is made out to bearer, probably has been lost, and the person notifying the loss possesses the coupons belonging to the share, the National Bank of Denmark shall be entitled to pay to such person the interest due on the bonds corresponding to the share. If the Bank does not find to its satisfaction that the share-certificate has been destroyed, the interest shall not be paid to him till the 1st February 1937. If nothing to invalidate the right of the person notifying such loss has transpired within the expiration of 5 years from the taking effect of this Act the Bank may deliver the bonds to him.

第 27 條所指債券之付息，應於該年盈餘確定前自營運資金撥付之。

第 30 條

舊銀行股東會所選出之理事，應轉任新銀行理事會理事，且接續第 4 條第 1 項第 3 款所指理事之職務。舊銀行之理事應留任至現行法規所定任期屆滿為止。1938 年 7 月任期屆滿之理事會改選時，第 4 條第 1 項第 3 款之規定不適用之。

第 31 條

第 27 條所指債券分配予哥本哈根國家銀行之股東時，應交付所持股票係以正確格式表彰合法名稱之人。

為交付債券予登記於本行名冊之股東，得依下列規定辦理之：

- a) 有證據足以證明股權憑證可能遺失時，本行得於政府公報中催告股票持有人於 6 個月內提示；如無人提示，本行得將相當股權憑證之債券交予本行股東名冊中，登記為股票所有權之人。
- b) 股權憑證於背書轉讓時有瑕疵，且持票人主張之權利具正當理由者，本行得於前款公報中催告對持票人之權利有異議之人，應於上述期間內聲明之；如無人聲明異議，本行得交付債券予該股權憑證之持有人。

有證據足資證明依據本行股東名冊為無記名之股票已遺失，且通知本行股票遺失之人持有該股票之股利憑單者，本行得支付該持有人相當股票價值之債券之到期利息。如證據不足證明其股權憑證已毀壞者，不得向其支付 1937 年 2 月 1 日前之所生股息。本法生效後 5 年內，如未發生使該股票遺失之人喪失其權利之情事，本行得將債券交付之。

In case cash amounts are to be allotted to the shareholders payment shall be made against the production of the dividend coupon for the year current at the taking effect of this present Act.

After the expiration of 5 years from the taking effect of this Act all rights to claim bonds in exchange of the old shares or cash allotments shall be forfeited, and the undelivered bonds and cash amounts shall fall to the National Bank of Denmark without compensation to the former shareholders. Amounts gained in this way shall be allocated to the Reserve Fund of the Bank.

§ 32.

In the period till the expiration of the year 1948 the above provisions can only be amended by the consent of a majority of all the members of the Board of Directors, confer however § 14, last subsection.

Commencement

§ 33.

§ 27, subsection 1, shall take effect at once. Otherwise the Act shall take effect on such date as may be fixed in the agreement mentioned in § 27. The Minister of Trade, Industry and Shipping shall publish the date of the taking effect of this Act.*

Subsection 2. The Act shall enter into force for Greenland on 1 st July 1967.*

* In pursuance of Ordinance No. 152 of the 28th May 1936 announced by the Ministry of Trade, Industry and Shipping the Act came into force on the 28th May 1936.

§ 2 of Act No. 67 of the 15th March 1967 contains the following provision: "The Minister for Greenland shall promulgate rules governing the continued validity of the existing Greenland credit notes for a transitional period".

以現金分配予各股票持有人者，應於本法生效之當年，依提示之股利憑單支付之。

舊股票轉換債券或現金分配請求權，於本法生效5年後，因不行使而消滅。未交付之債券及現金應歸本行所有，無需補償原股東；其中現金部分應撥入本行之公積金。

第 32 條

於 1948 年底以前，參照第 14 條第 3 項之規定，上述各條文之修正應經理事會過半數之同意。

生效日

第 33 條

第 27 條第 1 項規定自即日起生效。本法其他條文自第 27 條所指協定之日起生效。貿易產業運輸部長應公布本法之生效日。

本法應於 1967 年 7 月 1 日於格陵蘭施行。*

* 根據貿易產業運輸部長於 1936 年 5 月 28 日第 152 號發布之命令，本法應自即日起生效。

1967 年 3 月 15 日第 67 號本法修正案第 2 條規定：「格陵蘭地區首長應發布於過渡時期規範現行格陵蘭地區信用票據繼續有效之規則」。

六、BANK OF KOREA ACT
韓國銀行法

BANK OF KOREA ACT**韓國銀行法**

法務室 謝淑芬 譯

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BANK OF KOREA ACT**Law No.11380 Promulgated on Mar. 21 2012****Chapter I General Provisions****Article 1 (Purpose)**

- (1)The purpose of this Act shall be to establish the Bank of Korea and to contribute to the sound development of the national economy by pursuing price stability through the formulation and implementation of efficient monetary and credit policies.
- (2)The Bank of Korea shall pay attention to financial stability in carrying out its monetary and credit policies.

Article 2 (Juridical Person)

The Bank of Korea shall be a special juridical person having no capital.

Article 3 (Neutrality of the Bank of Korea)

The monetary and credit policies of the Bank of Korea shall be formulated neutrally and executed autonomously and the independence of the Bank of Korea shall be respected.

Article 4 (Harmonization with Government Policy)

- (1)The monetary and credit policies of the Bank of Korea shall be carried out in harmony with the economic policy of the Government insofar as this does not detract from price stability.
- (2)In implementing monetary and credit policies, the Bank of Korea shall emphasize the market mechanism.

Article 5 (Overtness and transparency of the Bank of Korea)

The Bank of Korea shall make efforts to secure overtness and transparency in the conduct of its business and management of its operations.

Article 6 (Setting of the Operational Direction for Monetary and Credit Policies)

- (1)The Bank of Korea shall set a price stability target in consultation with the Government.

韓國銀行法**2012年3月21日公布第11380號法律修正部分條文****第1章 總則****第1條 (目的)**

- (1)為設立韓國銀行，並透過制定及執行有效率之貨幣及信用政策，追求物價穩定，以促進國家經濟之健全發展，制定本法。（「韓國銀行」以下簡稱本行^{譯註}）
- (2)本行執行貨幣與信用政策時，應注意金融穩定。

第2條 (法人)

本行為無資本之特殊法人。

第3條 (本行之中立性)

本行應中立地制定並自主地執行貨幣及信用政策，其獨立性應受尊重。

第4條 (與政府政策之協調等)

- (1)於不妨礙物價穩定之範圍內，本行之貨幣及信用政策應與政府經濟政策配合執行。
- (2)執行貨幣及信用政策時，本行應重視市場機制。

第5條 (本行之公開與透明)

本行經營業務及管理操作時，應致力確保公開與透明。

第6條 (貨幣及信用政策操作計畫之制定)

- (1)本行應與政府協商，訂定物價穩定目標。

譯註：為便於閱讀，本篇譯文之「韓國銀行」一詞簡稱為「本行」。

- (2)The Bank of Korea shall set and publish the operational direction for monetary and credit policies every year.
- (3)The Bank of Korea shall do its best to achieve the price stability target as provided for in Paragraph (1).

Article 7 (Offices)

The Bank of Korea shall have its main office in Seoul Special Metropolitan City and may, when it deems necessary for the performance of its business, maintain branch offices and agencies as prescribed by its Articles of Incorporation.

Article 8 (Articles of Incorporation)

- (1)The Articles of Incorporation of the Bank of Korea shall specify matters as prescribed in the following Clauses:
1. Purpose;
 2. Name;
 3. Matters concerning its main office, branch offices and agencies;
 4. Matters concerning the executive officers and employees;
 5. Matters concerning business and the conduct thereof;
 6. Matters concerning the budget and accounting;
 7. Methods of public announcement and publication; and
 8. Matters as prescribed by the Presidential Decree.
- (2)The Bank of Korea may amend its Articles of Incorporation upon the deliberation and decision of the Monetary Policy Committee in accordance with the provisions of Article 12.

Article 9 (Registration)

- (1)The Bank of Korea shall register as prescribed by the Presidential Decree.
- (2)The Bank of Korea shall be duly established upon the completion of registration at the location of the main office.
- (3)No disputes shall be entered into with third parties concerning matters which are subject to registration until after such registration.

Article 10 (Prohibition of Use of Similar Name)

No juridical or natural person other than the Bank of Korea shall use as its name, "Bank of Korea" or any other similar name.

- (2)本行應於每年訂定發布貨幣及信用政策之營運方針。
- (3)本行應盡全力達成依第(1)項所定之物價穩定目標。

第 7 條 (辦公處所)

本行設總行於首爾市，於執行業務之必要時，得依據其章程之規定，設立分行及辦事處。

第 8 條 (章程)

- (1)本行之章程應明定下列各款事項：
1. 目的；
 2. 名稱；
 3. 有關其總行、分行及辦事處事項；
 4. 有關業務執行幹部及受雇職員事項；
 5. 有關業務及其經營事項；
 6. 有關預算及會計事項；
 7. 公開及公布方法；以及
 8. 大統領令規定之事項。
- (2)本行得經依第 12 條規定所設立之貨幣政策委員會之審議及核定，修正本行章程。

第 9 條 (登記)

- (1)本行應依據大統領令之規定登記之。
- (2)本行應於總行所在地完成登記後設立之。
- (3)應登記事項，未經登記，不得對抗第三人。

第 10 條 (相似名稱使用之禁止)

除本行外，任何法人或自然人均不得使用「韓國銀行」或其他相似名稱。

Article 11 (Scope of Banking Institutions)

- (1)The term "banking institutions" in this Act means banks referred to in Article 2 of the Banking Act and bank holding companies referred to in the Financial Holding Companies Act.
- (2)The credit and banking sector of the National Federation of Fisheries Cooperatives shall be deemed a banking institution.
- (3)Insurance companies and companies which engage exclusively in mutual savings bank business or in trust business shall not be deemed banking institutions.

Chapter II Monetary Policy Committee**Section 1 Composition of the Monetary Policy Committee****Article 12 (Establishment)**

The Monetary Policy Committee shall be established in the Bank of Korea as its policy-making body.

Article 13 (Composition)

- (1)The Monetary Policy Committee shall be composed of the following seven members:
 1. Governor of the Bank of Korea;
 2. Senior Deputy Governor of the Bank of Korea;
 3. One member recommended by the Minister of Strategy and Finance;
 4. One member recommended by the Governor of the Bank of Korea;
 5. One member recommended by the Chairman of the Financial Services Commission;
 6. One member recommended by the Chairman of the Korea Chamber of Commerce and Industry; and
 7. One member recommended by the Chairman of the Korea Federation of Banks, an incorporated association.
- (2)The Governor of the Bank of Korea (hereinafter referred to as the "Governor") shall concurrently serve as the Chairman of the Monetary Policy Committee (hereinafter referred to as the "Chairman").
- (3)The members as prescribed by Clauses 3 through 7 of Paragraph (1) shall be appointed by the President from among persons with ample experience of, or excellent knowledge concerning, finance, economy and industry on the recommendation of each pertinent organization in accordance with the provisions of the Presidential Decree.
- (4)The members of the Monetary Policy Committee (hereinafter referred to as "Members") shall be standing members.

第 11 條 (銀行機構之範圍)

- (1)本法所稱「銀行機構」係指銀行法第 2 條所指銀行，以及金融控股公司法所指銀行控股公司。
- (2)全國漁業合作聯盟之信用及銀行部門應視為銀行機構。
- (3)保險公司、專營相互儲蓄銀行業務或信託業務之公司，不得視為銀行機構。

第 2 章 貨幣政策委員會**第 1 節 貨幣政策委員會之組成****第 12 條 (設立)**

本行應設立貨幣政策委員會作為其決策單位。

第 13 條 (組成)

- (1)貨幣政策委員會應由下列 7 名委員組成：
 1. 本行總裁；
 2. 本行資深副總裁；
 3. 由策略財政部長推薦之人員 1 名；
 4. 由本行總裁推薦之人員 1 名；
 5. 由金融服務委員會主任委員推薦之人員 1 名；
 6. 由大韓商工協進會會長推薦之人員 1 名；以及
 7. 由社團法人全國銀行聯合會會長推薦之人員 1 名。
- (2)本行總裁（以下簡稱總裁）應同時擔任貨幣政策委員會主席（以下簡稱主席）。
- (3)第(1)項第 3 款至第 7 款委員，應由各該相關組織依大統領令之規定，推薦對於金融、經濟及產業具有豐富經驗或卓越學識之人，由大統領任命之。
- (4)貨幣政策委員會之委員（以下簡稱委員）應為常設委員。

Article 14 (Chairman)

- (1)The Chairman shall represent the Monetary Policy Committee and shall preside at meetings of the Monetary Policy Committee. The Chairman shall be in charge of affairs concerning administration of the Monetary Policy Committee.
- (2)When the Chairman is unable to preside for some unavoidable reason, the Member designated in advance by the Monetary Policy Committee shall assume the duties and responsibilities of the Chairman.

Article 15 (Terms of the Members)

The Members as prescribed by Clauses 3 through 7 of Paragraph (1) of Article 13 shall have terms of four years and may be reappointed for consecutive terms.

Article 16 (Term of a Vacating Member)

Any vacancy occurring among the Members as prescribed by Clauses 3 through 7 of Paragraph (1) of Article 13 during the person's term of office shall be filled by a new Member. The term of the new Member shall, however, be for the remainder of the term of the vacating Member.

Article 17 (Disqualification for Membership)

Persons who fall under any of the following Clauses may not be Members:

1. Persons not of the nationality of the Republic of Korea; or
2. Persons who fall under any of the Clauses of Article 33 of the State Public Officials Act.

Article 18 (Guarantee of the Members' Status)

- (1)No Member shall be discharged from his/her office against his/her own will unless he/she falls under any of the following Clauses:
1. In case he/she falls under any of the Clauses of Article 17;
 2. In case he/she cannot perform his/her duties on account of mental or physical disability; or
 3. In case he/she has been become inappropriate to fulfill his/her duties as a Member by violating his/her functional obligations under this Act.
- (2)Actions conducted by a disqualified Member prior to dismissal for reasons as prescribed by Paragraph (1) shall not lose their validity.

第 14 條 (主席)

- (1)主席應代表貨幣政策委員會、主持貨幣政策委員會會議，並負責有關貨幣政策委員會之行政事務。
- (2)當主席因不可避免之原因無法擔任會議主席時，貨幣政策委員會預先指定之委員應承擔主席之義務與責任。

第 15 條 (委員任期)

第 13 條第(1)項第 3 款至第 7 款規定之委員，其任期為四年，並得續派連任之。

第 16 條 (出缺委員任期)

第 13 條第(1)項第 3 款至第 7 款規定之委員，於其任期屆滿前出缺時，應由新委員遞補。但新委員之任期至出缺委員所餘任期屆滿為止。

第 17 條 (委員消極資格)

下列各款人員不得擔任委員：

1. 未具有韓國國籍者；或
2. 屬於國家公職人員法第 33 條任何一款之人員。

第 18 條 (委員身分之保障)

- (1)除有下列各款情形之一者外，不得違反委員意願而解除其職務：
1. 有第 17 條各款情事之一；
 2. 因心理或身體障礙無法履行其職責；或
 3. 因違反本法賦予之功能義務而不適於履行其職務。
- (2)不適格之委員於因第(1)項所定情事而被解職前所為之行為仍應有效。

Article 19 (Prohibition of the Members' Political Activities)

In spite of the provisions of Article 6 of the Political Parties Act, a Member shall not join a political party, nor participate in any political activity.

Article 20 (Prohibition of Concurrent Holding of Offices by the Members, etc)

A Member shall not hold concurrently any of the following offices nor engage in any business for profit-making:

1. Member of the National Assembly or assemblies of local autonomous entities;
2. Public official of central or local government; or
3. Any other office that brings remuneration.

Section 2 Operations of the Monetary Policy Committee**Article 21 (Meetings)**

- (1) Meetings of the Monetary Policy Committee shall be called by the Chairman when the Chairman considers it necessary to call meetings or when at least two Members so request.
- (2) The decisions of a Monetary Policy Committee meeting shall be adopted by the attendance of at least five Members and a simple majority of those present unless other provisions of this Act require a special method of decision-making.
- (3) Any Member may submit a proposal with the concurrence of at least two Members. The Chairman may, however, submit a proposal to the Monetary Policy Committee on his/her own motion.

Article 22 (Attendance for Statement of Opinions, etc)

- (1) Deputy Governors of the Bank of Korea may attend and state their opinions at meetings of the Monetary Policy Committee.
- (2) The Monetary Policy Committee may ask relevant experts to participate in its meetings and hear their opinions.

Article 23 (Abstention from the Session)

Any Member must abstain from deliberation and decision-making concerning proceedings which fall under any of the following Clauses:

1. Proceedings of the Monetary Policy Committee involving his/her personal or commercial interests; or
2. Proceedings of the Monetary Policy Committee involving the personal or commercial interests of his/her spouse or relatives within the fourth degree of consanguinity or second degree of affinity.

第 19 條 (委員政治活動之禁止)

委員不得加入政黨或參與任何政治活動，不適用政黨法第 6 條之規定。

第 20 條 (委員兼任職務之禁止等)

委員不得兼任下列任一職務或從事任何營利業務：

1. 國會或地方自治團體議會之成員；
2. 中央或地方政府公職人員；或
3. 任何其他受有報酬之職務。

第 2 節 貨幣政策委員會之運作**第 21 條 (會議)**

- (1) 貨幣政策委員會會議應於主席認為必要時，或至少委員 2 人之要求，由主席召集之。
- (2) 貨幣政策委員會會議之決議，除本法就決議方式另有特別規定外，應有至少 5 名委員出席及出席委員簡單多數決行之。
- (3) 任何委員之提案至少須有委員 2 人之附議。但主席得單獨對貨幣政策委員會提案。

第 22 條 (出席會議陳述意見等)

- (1) 本行副總裁得出席貨幣政策委員會會議並陳述意見。
- (2) 貨幣政策委員會得邀請相關專家參與會議並聽取其意見。

第 23 條 (迴避)

委員於審議及表決下列各款情形之一議案時，應行迴避：

1. 貨幣政策委員會之議案涉及其個人或商業利益；或
2. 貨幣政策委員會之議案涉及其配偶或四親等以內之血親或二親等以內之姻親之個人或商業利益。

Article 24 (Preparation of Formal Record of Resolutions, etc)

- (1) Whenever the Monetary Policy Committee makes a decision, it shall prepare a formal record thereof and those Members party to the decision shall put down their names and affix their seal imprint or sign it.
- (2) The Monetary Policy Committee shall draw up the minutes of each Committee meeting and publish them in such manner as may be determined by the Monetary Policy Committee.
- (3) The provisions of Paragraph (2) notwithstanding, the Monetary Policy Committee shall submit the following materials without making public disclosure upon request of the relevant standing committee of the National Assembly. However submission under Clause 2 may be restricted to only after four years have passed since the date of the relevant meeting of the Monetary Policy Committee.
 1. A formal record of decisions made by the Monetary Policy Committee; or
 2. The minutes in their entirety - redacted to preserve anonymity.

Article 25 (Liability of Damages)

- (1) Where the Bank of Korea suffers damage caused by the Monetary Policy Committee whether wilfully or through negligence, all Members present at the meeting involved shall be individually and jointly liable to the Bank of Korea for such damage. This shall not apply, however, to Members who clearly expressed their dissent at the meeting.
- (2) The Auditor shall represent the Bank of Korea in a suit for the indemnification of the damage stipulated in Paragraph (1).

Article 26 (Immediate Action)

- (1) In the event of internal disorder, an external contingency, a natural disaster or an acute financial or economic crisis which requires immediate action and when there is insufficient time to call a meeting of the Monetary Policy Committee, the Governor may take such action as may be necessary within the authority of the Monetary Policy Committee.
- (2) When action as provided for in Paragraph (1) is taken, the Governor shall call a meeting of the Monetary Policy Committee as soon as possible thereafter to report on it.
- (3) The Monetary Policy Committee may then confirm, modify or suspend the action provided for in Paragraph (1).

Article 27 (Operation of Meetings)

Matters concerning the operation of meetings of the Monetary Policy Committee shall be determined by the Presidential Decree.

第 24 條 (正式決議紀錄之製作等)

- (1) 貨幣政策委員會作成決議時，應製作正式紀錄，參與決議之委員應具名並簽名或蓋章。
- (2) 貨幣政策委員會應就每一次委員會會議製作會議紀錄，並依貨幣政策委員會決定之方式公布之。
- (3) 縱有第(2)項之規定，貨幣政策委員會仍應依國會相關常設委員會之要求，提交下列未公開揭露之資料。但第 2 款資料僅得於貨幣政策委員會相關會議決議日 4 年後提交：
 1. 貨幣政策委員會所為決議之官方紀錄；或
 2. 完整會議紀錄－編輯保留匿名。

第 25 條 (損害賠償責任)

- (1) 因貨幣政策委員會之故意或過失致本行受有損害者，出席該次會議之所有委員，應就該項損害對本行負連帶責任。但於該次會議中明白表示異議者，不在此限。
- (2) 監事應代表本行提起第(1)項所定損害賠償之訴訟。

第 26 條 (緊急處置)

- (1) 於內部失序、外部突發事件、天然災害或嚴重的金融或經濟危機而須採取緊急處置，且未及召開貨幣政策委員會會議時，總裁得於貨幣政策委員會權限範圍內採取必要處置。
- (2) 總裁於採取第(1)項之處置後，應儘快召開貨幣政策委員會會議並向其報告。
- (3) 貨幣政策委員會得予以追認、修正或停止第(1)項之處置。

第 27 條 (會議運作)

有關貨幣政策委員會會議之運作事項，應依大統領令定之。

Section 3 Powers of the Monetary Policy Committee

Article 28 (Decisions on Monetary and Credit Policies)

The Monetary Policy Committee shall deliberate and decide on matters involving the following Clauses on monetary and credit policies:

1. Basic matters concerning the issue of Bank of Korea banknotes;
2. The reserve ratio, period and method of maintaining the minimum reserves to be observed by each banking institution;
3. The standards for, and interest rates of, the rediscounts of bills, and other credit operations which the Bank of Korea conducts with banking institutions;
4. Basic matters concerning emergency credit to banking institutions by the Bank of Korea;
5. Designation of banking institutions to which the Bank of Korea may refuse to supply credit;
6. Basic matters concerning the purchase and sale or lending and borrowing of Government bonds, securities guaranteed by the Government, and so forth in the open market;
7. Basic matters concerning the issue, sale, repurchase and redemption of Bank of Korea Monetary Stabilization Bonds;
8. Basic matters concerning the establishment and operation of the Bank of Korea Monetary Stabilization Account;
9. Basic matters concerning loans to for-profit enterprises other than banking institutions when severe impediments arise to obtaining funds from financial institutions or there is a strong likelihood of their arising;
10. Basic matters for the operation and management of the payment systems according to the provisions of Article 81;
11. Requests to banking institutions and institutions operating payment systems for materials subject to the proviso that this is necessary for the formulation of monetary and credit policies and the smooth operation of the payment systems;
- 11-2. Matters concerning the support to settle temporary shortages of settlement funds according to the provision of Article 81-2;
- 11-3. Requests to the institutions listed in Article 87 for materials subject to the proviso that this is necessary for the formulation of monetary and credit policies;
12. Requests for the Financial Supervisory Service to conduct on-site examination and joint examination with the Bank of Korea on banking institutions subject to the proviso that this is necessary for the formulation of monetary and credit policies;
13. Maximum rates of interest or payments of any sort which banking institutions may provide to their customers on different types of deposits or on other obligations;
14. Maximum rates of interest or fees of any sort which banking institutions may charge on different types of loans, advances or other credit operations or for services rendered to their customers;

第 3 節 貨幣政策委員會之職權

第 28 條 (貨幣及信用政策之決議)

貨幣政策委員會審議並核定涉及下列各款之貨幣及信用政策事項：

1. 有關本行紙幣發行之基本事項；
2. 每一銀行機構應遵守維持最低準備金之比率、期間及提存方式；
3. 票據重貼現及本行與銀行機構所為其他信用操作之利率與標準；
4. 有關本行給予銀行機構緊急信用之基本事項；
5. 本行得拒絕對其提供信用之銀行機構之指定；
6. 有關於公開市場買賣或借貸政府債券、政府保證有價證券之基本事項；
7. 有關本行貨幣穩定債券之發行、銷售、買回及還本付息之基本事項；
8. 有關本行貨幣穩定帳戶之設立及操作之基本事項；
9. 當銀行機構以外之營利事業向銀行機構取得資金發生或極可能發生嚴重阻礙時，相關貸款之基本事項；
10. 有關依第 81 條規定辦理支付系統營運及管理之基本事項；
11. 要求銀行機構及辦理支付系統業務機構提供資料，但以貨幣與信用政策之制定以及支付系統之順利運作所需者為限；
- 11-2. 有關依第 81-2 條規定支援清算資金暫時短缺之事項；
- 11-3. 要求第 87 條所列機構之資料，但以制定貨幣與信用政策必要者為限；
12. 要求金融監督局對銀行機構進行實地檢查及與本行進行共同檢查，但以貨幣及信用政策之制定所需者為限；
13. 銀行機構就各種存款或其他負債得給付客戶之利息或各種支付之最高利率；
14. 銀行機構就各種放款、墊款、其他授信或提供客戶服務而得收取之最高利率或費用；

15. Restriction of maximum maturities of loans and types of collateral that may be required against such loans of banking institutions;
16. Restriction of ceilings on the volume of aggregate or individual categories of loans and investments of banking institutions, when it is necessary for the national economy, for example, in the event of severe monetary expansion;
17. Prior approval for loans of banking institutions, when it is necessary for the national economy, for example, in the event of severe monetary expansion; and
18. Other matters within the competence of the Monetary Policy Committee as laid down by this Act or other legislation.

Article 29 (Decisions on Operations of the Bank of Korea)

The Monetary Policy Committee shall deliberate and decide on matters set out in the following Clauses concerning the operations of the Bank of Korea:

1. Amendment of the Articles of Incorporation of the Bank of Korea;
2. Structure and organization of the Bank of Korea;
3. Budget and closing statements of the Bank of Korea;
4. Standards of remuneration of employees of the Bank of Korea; and
5. Other matters concerning the operation of the Bank of Korea within the competence of the Monetary Policy Committee as laid down by this Act or the Articles of Incorporation.

Article 30 (Establishment of Regulations)

The Monetary Policy Committee may establish regulations necessary for the performance of its duties.

Article 31 (Assistance in Members' Business)

The Monetary Policy Committee may have employees of the Bank of Korea assist Members in their business.

Chapter III Executive Organs and Auditor

Section 1 Executive Organs

Article 32 (Executive Officers)

The Bank of Korea shall have as its executive officers one Governor, one Senior Deputy Governor, and five or fewer Deputy Governors.

15. 銀行機構放款最長期限及就各該放款得收取擔保品類型之限制；
16. 因嚴重通貨膨脹期間等國家經濟之需要，對銀行機構放款及投資之總額或個別項目金額之上限；
17. 因嚴重通貨膨脹期間等國家經濟之需要，對銀行機構放款之事前核准；以及
18. 依本法或其他法律規定，為貨幣政策委員會權限內之其他事項。

第 29 條 (本行營運事項之核定)

貨幣政策委員會審議及核定下列各款有關本行之營運事項：

1. 本行章程之修正；
2. 本行之組織架構；
3. 本行之預算及決算報告；
4. 本行職員之薪酬標準；以及
5. 依本法或章程規定，為貨幣政策委員會權限範圍內有關本行營運之其他事項。

第 30 條 (規章之訂定)

貨幣政策委員會基於執行職務之需要，得訂定規章。

第 31 條 (委員事務之協助)

貨幣政策委員會得命本行職員協助委員處理其事務。

第 3 章 執行單位及監事

第 1 節 執行單位

第 32 條 (業務執行幹部)

本行之業務執行幹部為總裁 1 人、資深副總裁 1 人及副總裁 5 人以下。

Article 33 (Governor)

- (1)The Governor shall be appointed by the President following deliberation by the State Council and a Personnel Hearing in the National Assembly.
- (2)The term of the Governor shall be four years and he/she may be reappointed for a single consecutive term.

Article 34 (Powers and Duties of the Governor)

- (1)The Governor shall represent the Bank of Korea and exercise general control over its business.
- (2)The Governor shall conduct the policies formulated by the Monetary Policy Committee, and exercise such other powers as may be vested in him by this Act and the Articles of Incorporation of the Bank of Korea.
- (3)The Governor shall keep the Monetary Policy Committee currently informed concerning matters which require its attention and provide materials and advice necessary for deliberation and decision-making concerning its policies.

Article 35 (Appointment of Representatives)

- (1)The Governor may appoint the Senior Deputy Governor, the Deputy Governors or other employees as representatives in all juridical or extra-judicial actions pertaining to the business of the Bank of Korea.
- (2)The range of employees eligible as representatives in judicial actions as provided for in Paragraph (1) shall be determined by the Presidential Decree.

Article 36 (Senior Deputy Governor)

- (1)The Senior Deputy Governor shall be appointed by the President on the recommendation of the Governor.
- (2)The term of the Senior Deputy Governor shall be three years, and he/she may be reappointed for a single consecutive term.

Article 36-2 (Deputy Governors)

- (1)The Deputy Governors shall be appointed by the Governor.
- (2)The terms of the Deputy Governors shall be three years, and they may be reappointed for a single consecutive term.

Article 37 (Duties of the Senior Deputy Governor, etc)

The Senior Deputy Governor shall assist the Governor, and the Deputy Governors shall assist the Governor and the Senior Deputy Governor, and each shall undertake his/her respective duties in such manner as may be determined by the Articles of Incorporation of the Bank of Korea.

第 33 條 (總裁)

- (1)總裁經國務院及國會人事聽證會審議後，由大統領任命之。
- (2)總裁任期 4 年，期滿得續派連任一次。

第 34 條 (總裁之權限及職務)

- (1)總裁代表本行並綜理行務。
- (2)總裁執行貨幣政策委員會制定之政策，並行使本法及本行章程賦與之權限。
- (3)總裁應隨時知會貨幣政策委員會其應注意之事項，並提供審議及制定政策所需之資料及建議。

第 35 條 (代表人之指派)

- (1)總裁得指派資深副總裁、副總裁或其他職員為本行業務有關訴訟與非訟事件之代理人。
- (2)擔任第(1)項所定訴訟事件代理人之職員，其資格條件以大統領令定之。

第 36 條 (資深副總裁)

- (1)資深副總裁由總裁提名，報請大統領派充之。
- (2)資深副總裁之任期為 3 年，期滿得續派連任一次。

第 36-2 條 (副總裁)

- (1)副總裁由總裁指派之。
- (2)副總裁之任期為 3 年，期滿得續派連任一次。

第 37 條 (資深副總裁等之職務)

資深副總裁輔佐總裁，副總裁襄助總裁與資深副總裁，並分別依本行章程所定方式履行其職務。

Article 38 (Discharge of Deputy Governors)

The Governor shall discharge a Deputy Governor under any of the following Clauses:

1. If he/she has been declared bankrupt by the Court;
2. If he/she has been sentenced to imprisonment or more severe punishment, or sentenced to a fine or more severe punishment because of a violation of this Act or other financial legislation(including foreign financial legislation);
3. If he/she is unable physically or mentally to perform his/her official functions; or
4. If he/she has violated this Act, the Presidential Decree issued in association with this Act, or the Articles of Incorporation of the Bank of Korea.

Article 39 (Appointment and Discharge of Employees)

The Governor shall appoint and discharge employees of the Bank of Korea.

Article 40 (Responsibilities of Executive Organs)

- (1)The Governor, the Senior Deputy Governor, the Deputy Governors and employees shall faithfully carry out the policies formulated by the Monetary Policy Committee.
- (2)The Monetary Policy Committee may demand that the Governor correct his/her own conduct or that of the Senior Deputy Governor, the Deputy Governors and employees, or reprimand them where necessary.

Article 41 (Restrictions on Concurrent Holding of Offices)

The Governor, the Senior Deputy Governor, the Deputy Governors, and employees shall not engage in any business activity for profit other than their respective positions, and may not engage in any other position without the consent of those authorized to appoint them.

Article 42 (Duties of Probity and Confidentiality)

- (1)The Governor, the Senior Deputy Governor, the Deputy Governors and employees should not compel banking institutions or their staff members to provide credit, and in relation to their duties should not take money or other valuables or any benefit from banking institutions or their staff members.
- (2)The Governor, the Senior Deputy Governor, the Deputy Governors and employees, or any person who was formerly in such a position should not divulge to outsiders confidential matters which they may learn about in the course of their duties, nor should they use such information for any purpose other than their duties.

第 38 條 (副總裁之解任)

副總裁有下列各款情形之一者，總裁應將其解任：

1. 經法院宣告破產；
2. 被判處徒刑以上刑罰，或因違反本法或其他金融法律（包括外國金融法律）被判處罰金以上刑罰；
3. 身體或心理狀況無法履行其職責；或
4. 違反本法、依本法所發布之大統領令或本行章程。

第 39 條 (職員之派任與解任)

總裁得派任及解任本行職員。

第 40 條 (執行單位之責任)

- (1)總裁、資深副總裁、副總裁及職員應忠誠執行貨幣政策委員會所制定之政策。
- (2)貨幣政策委員會得令總裁改正其自身、資深副總裁、副總裁及職員之作為，必要時，並得予以懲戒。

第 41 條 (兼任職務之限制)

總裁、資深副總裁、副總裁及職員不得從事其本職以外之營利活動，且未經其派任者之同意，不得兼任其他職位。

第 42 條 (清廉與保密義務)

- (1)總裁、資深副總裁、副總裁及職員不得強迫銀行機構或其職員提供信用，且不得以其職務關係而向銀行機構或其職員收取金錢或其他貴重物品或利益。
- (2)總裁、資深副總裁、副總裁及職員或曾擔任該等職位之人不得洩漏其於職務知悉之機密事項，亦不得為職務以外之目的而使用該資訊。

Section 2 Auditor

Article 43 (Appointment)

- (1) There shall be one Auditor in the Bank of Korea.
- (2) The Auditor shall be appointed by the President on the recommendation of the Minister of Strategy and Finance.

Article 44 (Term)

The term of the Auditor shall be three years and he/she may be reappointed for a single consecutive term.

Article 45 (Duties)

- (1) The Auditor shall constantly audit the operations of the Bank of Korea and from time to time report the results of the audit to the Monetary Policy Committee.
- (2) The Auditor shall prepare a comprehensive audit report and submit it to the Government and the Monetary Policy Committee each year.
- (3) The Governor shall consult with the Auditor about the appointment and removal of employees necessary for the Auditor to perform his/her duties. This shall not apply, however, to the appointment and removal of lower-ranking employees as determined by the Articles of Incorporation of the Bank of Korea.

Article 46 (Restrictions on Concurrent Holding of Offices of the Auditor, etc)

The provisions of Article 38, 41 and 42 shall apply in cases of discharge, restriction on concurrent holding of offices and duties of probity and confidentiality of the Auditor.

Chapter IV Operations of the Bank of Korea

Section 1 Issue of Bank of Korea Banknotes

Article 47 (Issue of Currency)

The Bank of Korea shall have the sole right to issue currency.

Article 47-2 (Currency Unit)

- (1) The currency unit of the Republic of Korea shall be the "won."

第 2 節 監事

第 43 條 (派任)

- (1) 本行應置監事 1 人。
- (2) 監事由策略財政部長提請大統領派充之。

第 44 條 (任期)

監事任期為 3 年，期滿得續派連任一次。

第 45 條 (職務)

- (1) 監事應隨時查核本行之營運，並向貨幣政策委員會報告查核結果。
- (2) 監事每年應作成詳盡查核報告，提送政府及貨幣政策委員會。
- (3) 總裁應就職員之派任與解任與監事協商，俾利監事執行其職務；但不適用於依本行章程所定基層職員之任免。

第 46 條 (監事兼任職務之限制等)

第 38 條、第 41 條及第 42 條之規定，於監事之解任、限制兼任職務、清廉與保密義務，準用之。

第 4 章 本行之營運

第 1 節 本行紙幣之發行

第 47 條 (通貨發行)

本行有發行通貨之專屬權。

第 47-2 條 (通貨單位)

- (1) 大韓民國之貨幣單位為「韓圓」。

- (2) The "won" is the unit of calculation and it is divided into 100 "jeon."
 (3) The currency unit(원) shall be expressed in English as "won."
 (4) The centesimal unit(전) shall be expressed in English as "jeon."

Article 48 (Currency of Bank of Korea Banknotes)

Banknotes issued by the Bank of Korea shall be legal tender for all transactions without limitation.

Article 49 (Denomination of Bank of Korea Banknotes, etc)

The Bank of Korea may issue banknotes in any dimension, form or denomination in such manner as may be determined by the Monetary Policy Committee, subject to the approval of the Government.

Article 49-2 (Concentrated Management of Counterfeit or Altered Bank of Korea Banknotes)

- (1)The Bank of Korea may undertake the concentrated management of counterfeit or altered banknotes after the completion of investigations and legal proceedings concerning them.
 (2)Pursuant to Paragraph (1), the Bank of Korea shall determine matters necessary to the concentrated management of counterfeit or altered banknotes in consultation with the institutions concerned.

Article 50 (Banknotes in the Possession of the Bank of Korea)

Bank of Korea banknotes held by the Bank of Korea shall not form part of either the assets or liabilities of the Bank of Korea.

Article 51 (Collection of Claims of the Bank of Korea, etc)

- (1)The Bank of Korea shall accept its banknotes in collection of claims and receipt of deposits. The Bank of Korea shall, however, accept deposits only from those parties entitled to hold deposits with it.
 (2)The Bank of Korea shall on demand repay deposits with it immediately in its own banknotes. If there is any agreement on a time requirement governing the repayment of said deposits, however, the repayment may be made on or after the repayment date.

Article 52 (Exchange of Bank of Korea Banknotes, etc)

- (1)The Bank of Korea shall exchange, on demand, Bank of Korea banknotes of any denomination for its banknotes of any other denomination requested as long as its holdings of the said banknotes permit.

- (2)「韓圀」為計算單位，1「韓圀」為100「錢」。
 (3)貨幣單位(원)之英文以"won"表示。
 (4)百分之一單位(전)之英文以"jeon"表示。

第 48 條 (本行紙幣之法償性)

本行發行之紙幣對所有交易具有無限法償效力。

第 49 條 (本行紙幣面額等)

本行得依貨幣政策委員會決議並經政府核定之規格、形式或面額發行紙幣。

第 49-2 條 (偽造或變造本行紙幣之集中管理)

- (1)偽造或變造本行紙幣之調查與法律程序完成後，該等紙幣由本行集中管理之。
 (2)依據第(1)項規定，有關偽造或變造紙幣須集中管理之事項，由本行洽商相關機構定之。

第 50 條 (本行持有之紙幣)

由本行持有之本行紙幣不構成本行資產或負債之一部分。

第 51 條 (本行債權收取等)

- (1)本行於收取債權及收受存款時，應收受其發行之紙幣。但本行應僅得收受有權在本行開設存款帳戶者之存款。
 (2)本行應於存戶提領存款時，立即以紙幣支付之。如該存款定有償還期限者，得於到期日或到期日後支付之。

第 52 條 (本行紙幣兌換等)

- (1)本行於其持有本行紙幣之範圍內，應隨時以求兌之面額紙幣兌換其所發行之其他面額紙幣。

(2)The Bank of Korea shall permanently withdraw from circulation any of its banknotes which because of wear and tear or dirtiness or for any other reason are unfit for circulation, and replace them with new banknotes.

Article 53 (Issue of Coins)

(1)The Bank of Korea may issue coins.
(2)The provisions of Articles 48 through 52 shall mutatis mutandis apply to coins as provided for in Paragraph (1).

Article 53-2 (Prohibition of Damaging Coins)

No person may with the intent of gain damage coins by way of melting, crushing, compressing, etc. for other usage unless having the express permission of the Bank of Korea.

Article 53-3 (Issue of Commemorative Currency)

The Bank of Korea may issue banknotes or coins to commemorate a figure deserving to be widely honored for his/her achievements, events or ceremonies which are meaningful within and without the country, cultural properties, etc.

Section 2 Deposits and Reserves of Banking Institutions

Article 54 (Acceptance of Deposits by the Bank of Korea)

The Bank of Korea may accept and hold deposits on behalf of banking institutions.

Article 55 (Deposit of Reserves)

(1)Banking institutions shall maintain a level of reserves higher than the ratio of reserves to their deposit liabilities and other liabilities defined by the Presidential Decree(hereinafter referred to as "liabilities subject to reserve requirements") as provided for in Article 56.
(2)The Bank of Korea may pay interest on the reserves as provided for in Paragraph (1) in such manner as may be determined by the Monetary Policy Committee.

Article 56 (Determination of Reserve Ratio, etc)

(1)The Monetary Policy Committee may fix and, when it deems desirable, alter the minimum reserves ratio which each banking institution must maintain (hereinafter referred to as "ratio of reserves").

(2)本行對於破損、污損或其他原因而不適流通之本行紙幣，應予以收回終止其流通，並以新紙幣取代之。

第 53 條 (硬幣之發行)

(1)本行得發行硬幣。
(2)第 48 條至第 52 條之規定，於第(1)項所定硬幣，準用之。

第 53-2 條 (禁止損毀硬幣)

任何人不得意圖營利，以熔解、碾、壓等方式損毀硬幣。但經本行明示許可者，不在此限。

第 53-3 條 (紀念貨幣之發行)

本行得就值得榮耀其成就之人物、國內外具有意義之事件或慶典、文化資產等，發行紀念性券幣。

第 2 節 銀行機構之存款及準備金

第 54 條 (收受存款)

本行得收受銀行機構轉存款。

第 55 條 (準備金之提存)

(1)銀行機構應提存第 56 條所定存款負債及大統領令定義之其他負債（以下簡稱應提準備負債）準備金比率以上之準備金。
(2)本行得依貨幣政策委員會所定方式支付第(1)項準備金之利息。

第 56 條 (準備金比率之決定等)

(1)貨幣政策委員會得訂定個別銀行機構應提存之最低準備金比率（以下簡稱準備金比率）；必要時，並得予以調整。

(2)The ratio of reserves, except as provided for in Article 57, shall not be more than fifty percent, and shall be applied uniformly to all banking institutions.

Article 57 (Marginal Reserves)

The Monetary Policy Committee may, in periods of pronounced monetary expansion and when it deems necessary, require banking institutions to maintain marginal minimum reserves, over and above those which correspond to the ratio of reserves to liabilities subject to reserve requirements, of up to one hundred percent against any increase in liabilities subject to reserve requirements above the amount outstanding as of the date specified by the Monetary Policy Committee.

Article 58 (Ratios of Reserves to Each Class or Size of Liabilities Subject to Reserve Requirements)

Subject to the provisions of Articles 55 and 57, the Monetary Policy Committee may, when it deems necessary, fix different ratios of reserves by class or by scale against the liabilities subject to reserve requirements.

Article 59 (Computation of Minimum Reserves)

- (1)The amount of the required minimum reserves to be held by each banking institution shall be computed monthly in such manner as may be determined by the Monetary Policy Committee.
- (2)In the computation of the required minimum reserves of each banking institution, its head office, branches and offices in the Republic of Korea shall be considered a single unit.

Article 60 (Imposition of Penalty, etc)

- (1)Whenever the amount of the reserves held by any banking institution during a period for the maintenance of the minimum reserves set by the Monetary Policy Committee under the provisions of Clause 2 of Article 28 falls below the required minimum reserves computed according to the provisions of Article 59, the banking institution shall pay to the Bank of Korea a penalty of two percent of the amount of the average deficiency during that period.
- (2)If the reserve deficiency persists for three continuing minimum reserve maintenance periods, the Monetary Policy Committee may prohibit the delinquent banking institution from making new loans and investments or from paying out dividends to its shareholders until its reserves have been maintained at the required for one minimum reserve maintenance period.

Article 61 (Increase of the Ratio of Reserves)

Whenever the Monetary Policy Committee raises the ratio of reserves, it shall do so in as gradual and orderly a manner as possible, and give all banking institutions appropriate advance notice.

(2)除第 57 條規定外，準備金比率不得超過百分之五十，且應統一適用於全體銀行機構。

第 57 條 (額外準備金)

貨幣擴張期間，貨幣政策委員會於必要時，得要求銀行機構就特定日起新增應提準備負債餘額，依最高百分之百之應提準備負債準備金比率，提存額外最低準備金。

第 58 條 (各類或各種規模應提準備負債之準備金比率)

依據第 55 條及第 57 條規定，貨幣政策委員會於必要時，得就各類或各種規模之應提準備負債訂定不同準備金比率。

第 59 條 (最低準備金之計算)

- (1)各銀行機構提存之法定最低準備金數額，應依貨幣政策委員會所定方式每個月計算一次。
- (2)計算各銀行機構應提存之最低準備金時，其在韓國之總行、分行及辦事處視為一個單位。

第 60 條 (課處罰鍰等)

- (1)銀行機構於貨幣政策委員會依第 28 條第 2 款規定所定最低準備金提存期間所提存之準備金數額，低於依第 59 條規定計算之法定最低準備金者，該機構應就該期間內之平均不足額繳納百分之二之罰鍰予本行。
- (2)銀行機構提存準備金不足如持續達 3 期者，貨幣政策委員會得禁止該機構從事新放款與投資，或禁止其對股東發放股利，直至該機構已依規定提存準備金持續 1 期為止。

第 61 條 (準備金比率之提高)

貨幣政策委員會提高準備金比率時，應儘可能以循序漸進之方式為之，並於事前妥為周知全體銀行機構。

Article 62 (Use of Reserves)

The reserves held by banking institutions in the Bank of Korea may be used as a fund for the settlement of balances with the Bank of Korea or other banking institutions in such manner as may be determined by the Monetary Policy Committee.

Article 63 (Reserve Assets Scheme)

The Monetary Policy Committee may, when it deems necessary, require each banking institution to hold, apart from the reserves, special reserve assets in such manner as may be determined by the Presidential Decree.

Section 3 Loans to Banking Institutions**Article 64 (Credit Operations with Banking Institutions)**

(1) The Bank of Korea may conduct the following credit operations with banking institutions in such manner as may be determined by the Monetary Policy Committee:

1. The re-discounting, discounting, buying and selling of promissory notes, bills of exchange, and other credit securities which banking institutions have acquired, provided that the instruments mature within one year from the date of their acquisition by the Bank of Korea, and
2. The making of loans against the following kinds of collateral for fixed periods which shall not exceed one year:
 - (a) Credit securities specified in Clause 1;
 - (b) Negotiable securities representing obligations of, or obligations guaranteed by, the Government;
 - (c) Negotiable securities representing obligations of the Bank of Korea; or
 - (d) Other securities specified by the Monetary Policy Committee.

(2) All credit securities re-discounted, discounted, bought or accepted as collateral in accordance with the provisions of Paragraph (1) shall bear the endorsement or be accompanied by a certificate of assignment of title from the banking institution from which they are received.

Article 65 (Emergency Credit to Banking Institutions)

(1) The Bank of Korea may conduct emergency credit operations with banking institutions with at least four Members concurring in any of following cases. In these cases, the Bank of Korea may, in addition to the assets specified in Paragraph (1) of Article 64, qualify any assets of banking institutions as temporarily acceptable collateral.

1. Conducting emergency credit operations with banking institutions whose liquidity conditions have deteriorated due to imbalances between fund raising and use of funds; or
2. Conducting credit operations temporarily with banking institutions which are expected to experience pronounced difficulty in carrying out their operations due to temporary shortages of funds for payment caused by a breakdown of an electronic information processing system or other accidental mishap.

第 62 條 (準備金之使用)

銀行機構提存於本行之準備金，得依貨幣政策委員會所定之方式作為其與本行或其他銀行機構差額清算之用。

第 63 條 (準備資產制度)

貨幣政策委員會於必要時，得要求各銀行機構於準備金外，依據大統領令所定方式提存特別準備資產。

第 3 節 對銀行機構之放款**第 64 條 (對銀行機構之融通)**

(1) 本行得依據貨幣政策委員會所定方式對銀行機構辦理下列融通：

1. 重貼現、貼現及買賣銀行機構取得之本票、匯票或其他信用工具。但自本行取得各該工具之日起，到期日不得超過 1 年；以及
2. 對於提供下列擔保品者，辦理 1 年以內之定期放款：
 - (a) 第 1 款所定之信用工具；
 - (b) 可轉讓之政府債券或經政府保證債券；
 - (c) 可轉讓之本行債券；或
 - (d) 貨幣政策委員會指定之其他有價證券。

(2) 依據第(1)項規定重貼現、貼現、買進或收受作為擔保品之信用工具，應由各該銀行機構背書或出具權利移轉證明。

第 65 條 (對銀行機構之緊急融通)

(1) 本行於下列情況得經至少委員 4 人之同意，以第 64 條第(1)項所定資產及暫定屬可得接受之銀行合格資產為擔保品，對銀行機構提供緊急融通：

1. 對於因籌資與資金使用間失衡而導致流動性條件惡化之銀行機構，辦理緊急融通；或
2. 因電子資訊處理系統故障或其他意外事故引起支付資金暫時短缺，有導致銀行機構經營困難之虞時，暫時對銀行機構辦理融通。

- (2)The Monetary Policy Committee may restrict loans and investments of a banking institution in receipt of credit as specified in the provisions of Clause 1 of Paragraph (1) as long as such borrowings are outstanding.
- (3)The Bank of Korea may, when it deems necessary, check and confirm the operations and status of the assets of a banking institution in connection with its extension of credit as provided for in Paragraph (1).
- (4)The Bank of Korea shall hear the opinions of the Government before making decisions on emergency credit as provided for in Paragraph (1).

Article 66 (Refusal of Credit by the Bank of Korea)

- (1)The Bank of Korea may reject any application for credit presented to it by a banking institution if the Monetary Policy Committee deems that the applicant banking institution has had, as compared with other banking institutions, excessive recourse to the credit of the Bank of Korea or has been pursuing unsound loan and investment policies.
- (2)Should the Monetary Policy Committee consent to the extension of credit to a banking institution as mentioned in Paragraph (1), it may impose higher discount and interest rates on such.

Article 67 (Restrictions on Credit of the Bank of Korea)

The Bank of Korea shall, in periods of severe monetary expansion, restrict its credit extension to banking institutions, and grant new credit only in unavoidable circumstances, while endeavoring to contract the volume of its outstanding credit to banking institutions as speedily as possible.

Section 4 Purchases and Sales of Securities in the Open Market

Article 68 (Open Market Operations)

- (1)For the purpose of conducting monetary and credit policies, the Bank of Korea may, in accordance with the provisions of the Monetary Policy Committee, sell and buy or lend and borrow for its own account in the open market:
1. Government bonds of the Republic of Korea;
 2. Securities whose full redemption and interest payments are guaranteed by the Government; and
 3. Other securities of types specified by the Monetary Policy Committee.
- (2)The securities provided for in each Clause of Paragraph (1) shall be confined to those which are freely negotiable and whose terms of issuance are being completely fulfilled.

- (2)接受第(1)項第 1 款融通之銀行機構，未清償該項債務之前，貨幣政策委員會得限制其放款及投資。
- (3)本行於必要時得對銀行機構查核及確認與第(1)項所定融通相關之業務及資產狀況。
- (4)本行作成第(1)項緊急融通之前，得聽取政府意見。

第 66 條 (拒絕融通)

- (1)貨幣政策委員會認為申請融通之銀行機構，相較於其他銀行機構，已過度依賴本行之融通，或採取不健全之放款及投資政策時，本行得拒絕其融通之申請。
- (2)貨幣政策委員會同意對第(1)項所指銀行機構辦理融通時，得對該融通收取較高之貼現率及利率。

第 67 條 (融通之限制)

本行於嚴重貨幣擴張期間，除致力儘速縮減對銀行機構未收回融通額度外，應限制對銀行機構之融通，非有不得已情形，不得辦理新增融通。

第 4 節 於公開市場買賣有價證券

第 68 條 (公開市場操作)

- (1)為執行貨幣及信用政策，本行得依據貨幣政策委員會之規定，於公開市場為自己買賣或借貸下列有價證券：
1. 大韓民國政府債券；
 2. 由政府保證本息之有價證券；
 3. 其他經貨幣政策委員會指定之有價證券。
- (2)第(1)項各款所列有價證券，以得自由流通且發行條件得完全實現者為限。

Article 69 (Bank of Korea Monetary Stabilization Bonds)

- (1) The Bank of Korea may, in accordance with the provisions of legislation and the Monetary Policy Committee, issue Bank of Korea Monetary Stabilization Bonds (hereinafter referred to as "Monetary Stabilization Bonds") in the open market.
- (2) The Bank of Korea may repurchase Monetary Stabilization Bonds in the open market or redeem them at par by lot before maturity.
- (3) The interest rates, maturities and repayment conditions of Monetary Stabilization Bonds shall be determined by the Monetary Policy Committee.
- (4) The redemption by lot provided for in Paragraph (2) may be executed only when the Monetary Policy Committee deems it necessary.
- (5) The Bank of Korea shall immediately retire and cancel Monetary Stabilization Bonds repurchased or redeemed. This shall not apply, however, to purchases under the condition of resale.
- (6) The provisions of Article 50 shall apply to Monetary Stabilization Bonds held by the Bank of Korea. This shall not apply, however, to purchases under the condition of resale.

Article 70 (Establishment of the Bank of Korea Monetary Stabilization Account)

- (1) The Bank of Korea may, in accordance with the provisions of the Monetary Policy Committee, establish the Bank of Korea Monetary Stabilization Account and require banking institutions to hold special deposits in it.
- (2) Amounts deposited in the Bank of Korea Monetary Stabilization Account shall not be regarded as the reserves specified in Section 2 of Chapter IV.

Section 5 Business with the Government and Government Agencies**Article 71 (Depositary of the Government)**

The Bank of Korea, as the depositary of the Government of the Republic of Korea, shall handle national revenue deposits in accordance with the provisions of the National Treasury Management Act.

Article 72 (Custody)

The Bank of Korea may accept custody of securities, documents or other valuable objects belonging to the Government.

第 69 條 (本行貨幣穩定債券)

- (1) 本行得依據法律與貨幣政策委員會之規定，於公開市場發行本行貨幣穩定債券（以下簡稱貨幣穩定債券）。
- (2) 本行得於公開市場買回貨幣穩定債券，或於其到期日前依面額分批贖回之。
- (3) 貨幣穩定債券之利率、到期日及還款條件，應由貨幣政策委員會定之。
- (4) 僅限於貨幣政策委員會認為必要時，始得依第(2)項規定分批贖回之。
- (5) 本行買回或贖回之貨幣穩定債券應立即註銷作廢，但依再賣出條件而買回者，不在此限。
- (6) 第 50 條之規定應適用於本行所持有之貨幣穩定債券，但依再賣出條件買回者，不在此限。

第 70 條 (本行貨幣穩定帳戶之開設)

- (1) 本行得依據貨幣政策委員會之規定開設本行貨幣穩定帳戶，並要求銀行機構存放特別存款於該帳戶。
- (2) 存放於本行貨幣穩定帳戶之金額，不得視為第 4 章第 2 節所定之準備金。

第 5 節 與政府及政府機關之業務**第 71 條 (政府公庫)**

本行擔任大韓民國政府之保管機關，應依國庫管理法之規定經管國家歲入存款。

第 72 條 (保管)

本行得收受保管政府所有之有價證券、契據及貴重物品。

Article 73 (Handling of Government Business)

The Bank of Korea may, in accordance with the provisions of legislation, assist in the collection of national revenues, and handle business related to the issue, sale, or redemption of securities representing obligations of the Government.

Article 74 (Fee)

The Bank of Korea may charge a fee or commission for the handling of Government business within the actual cost of such services.

Article 75 (Credit to the Government, etc)

- (1)The Bank of Korea may render credit to the Government on overdrafts or in other forms, and may directly subscribe to Government bond issues.
- (2)The aggregate of all loans and direct subscriptions to Government bonds specified in Paragraph (1) shall not exceed the amount of the indebtedness which, together with any borrowing by the Government from other banking institutions and the public, has been authorized by the National Assembly.
- (3)The interest rates and other terms of the credit as provided for in Paragraph (1) shall be determined by the Monetary Policy Committee.

Article 76 (Direct Subscription to Securities Guaranteed by the Government)

- (1)The Bank of Korea may directly subscribe to securities whose redemption in full and interest payments are guaranteed by the Government.
- (2)The interest rates and other terms of the subscription to such securities as specified in Paragraph (1) shall be determined by the Monetary Policy Committee.

Article 77 (Deposits from and Loans to Government Agencies)

- (1)The Bank of Korea may accept deposits from, and make loans to, government agencies.
- (2)The term "government agencies" as used in Paragraph (1) shall be defined as juridical persons which are designated by the Government to execute on its behalf projects or functions of a public character in the fields of production, purchase, sale or distribution.
- (3)The redemption in full and interest payments of the loans stipulated in Paragraph (1) shall be guaranteed by the Government.
- (4)The Monetary Policy Committee shall determine the interest rates and other terms of loans by the Bank of Korea to government agencies.

第 73 條 (政府業務之處理)

本行得依據法律規定，協助收取國家歲收，並經營政府債券之發行、銷售或還本付息業務。

第 74 條 (手續費)

本行得就其處理政府業務所提供服務之實際成本範圍內，收取手續費或佣金。

第 75 條 (對政府授信等)

- (1)本行得以透支或其他方式提供政府信用，並得直接認購政府發行之公債。
- (2)第(1)項所定全部放款及直接認購政府債券之總額，連同政府向其他銀行機構及大眾之借款，不得超過國會授權政府之負債限額。
- (3)第(1)項所定信用之利率或其他條件，由貨幣政策委員會定之。

第 76 條 (直接認購經政府保證之有價證券)

- (1)本行得直接認購由政府擔保本息之有價證券。
- (2)認購第(1)項所定有價證券之利率及其他條件，由貨幣政策委員會定之。

第 77 條 (政府機關之存放款)

- (1)本行得對政府機關收受存款及辦理放款。
- (2)第(1)項所稱「政府機關」，係指經政府指定在生產、承購、銷售或分配領域，代表其執行具公共特性之計畫或功能之法人。
- (3)第(1)項所定放款之還本付息應由政府保證。
- (4)貨幣政策委員會應決定本行對政府機關放款之利息及其他條件。

Article 78 (Restrictions on Credit to Government Agencies)

The Bank of Korea shall, in periods of monetary expansion, endeavor to restrict its credit to government agencies and to contract the outstanding volume of such credit.

Section 6 Business with the Public**Article 79 (Restrictions on Transactions with the Public)**

The Bank of Korea shall not, except as provided for in this Act, accept deposits from, make loans to, or purchase the obligations of juridical persons or individuals other than the Government, government agencies and banking institutions. It may, however, in such manner as may be determined by the Monetary Policy Committee, accept deposits from juridical persons where this is deemed necessary for the performance of its business.

Article 80 (Credit to For-profit Enterprises)

- (1) When severe impediments arise to obtaining funds from financial institutions including a severe contraction of credit or when there is a strong likelihood of their arising, the Bank of Korea may, with at least four Members concurring, render credit to any for-profit enterprise such as those engaged in financing business other than banking institutions, the provisions of Article 79 notwithstanding.
- (2) The credit service provided for in Paragraph (1) shall observe such terms and conditions as are stipulated by the Monetary Policy Committee.
- (3) The provisions of Paragraphs (3) and (4) of Article 65 shall apply to the credit as provided for in Paragraph (1).

Section 7 Business Concerning Payment Systems**Article 81 (Business Concerning Payment Systems)**

- (1) For the purpose of promoting the safety and efficiency of the payment system as a whole, the Bank of Korea may determine all the necessary matters concerning the payment systems that it operates.
- (2) Concerning the payment systems that are operated by institutions other than the Bank of Korea, the Bank of Korea may if necessary request such operating institutions or the supervisory body responsible to take measures for the improvement of the operating rules, etc.
- (3) For the purpose of the smooth operation of overall payment systems, the Bank of Korea may require institutions operating payment systems referred to in Paragraph (2) to provide materials related to payments and settlements. In such cases the operating institutions shall comply.

第 78 條 (對政府機關授信之限制)

通貨膨脹期間，本行應致力於限制其對政府機關之授信，並縮減該等授信之未償金額。

第 6 節 與公眾之業務**第 79 條 (與公眾交易之限制)**

除本法另有規定外，本行不得對政府、政府機關與銀行機構以外之法人或個人收受存款、辦理放款或購買其債務。但本行於執行業務之必要時，得依貨幣政策委員會所定之方式收受法人存款。

第 80 條 (對營利事業授信)

- (1) 向銀行機構取得資金發生或極可能發生嚴重阻礙時，包括嚴重信用緊縮在內，本行於經至少委員 4 人之同意，得對銀行機構以外諸如從事融資業務之營利事業辦理授信，而不適用第 79 條規定。
- (2) 第(1)項所定之授信業務應遵守貨幣政策委員會所規定之條件。
- (3) 第 65 條第(3)項及第(4)項之規定，應適用於第(1)項所定之授信。

第 7 節 支付系統業務**第 81 條 (支付系統業務)**

- (1) 為促進整體支付系統之安全及效率，本行得決定其所經營支付系統之所有必要事項。
- (2) 本行以外機構所經營之支付系統，本行認為必要時，得要求該營運機構或責成其監督單位採取措施改善其營運規則等。
- (3) 為整體支付系統之順利運作，本行得要求第(2)項規定之支付系統營運機構提供支付清算之相關資料。各該機構應遵照辦理。

(4)The Bank of Korea may require participant institutions of payment systems operated by the Bank of Korea referred to in Paragraph (1) to provide any relevant materials.

Article 81-2 (Support to Settle Temporary Shortages)

The Bank of Korea may as determined by the Monetary Policy Committee temporarily provide intraday funds to participant institutions of payment systems operated directly by the Bank of Korea to meet shortage of funds.

Section 8 Other Business

Article 82 (Foreign Exchange Business, etc)

The Bank of Korea may, subject to the authorization of the Minister of Strategy and Finance, engage in the following business:

1. Foreign exchange business operations and the holding of foreign exchange;
2. Acceptance of deposits from foreign banking institutions, international financial organizations, foreign governments and their agencies, or United Nations' organizations; and
3. Buying and selling precious metals.

Article 82-2 (Management Procedures for Foreign-Currency Denominated Assets)

The Governor must hear the opinion of the Monetary Policy Committee in advance about major plans regarding the management of foreign-currency denominated assets.

Article 83 (Advice on Foreign Exchange Rate Policy, etc)

The Bank of Korea shall exercise an advisory function concerning the Government's policies on exchange rates, the foreign currency loans and deposits of banking institutions, and the setting of foreign exchange overbought and oversold position limits on them.

Article 84 (Correspondent Agreements)

The Bank of Korea may conclude correspondent agreements with banking institutions as determined by the Monetary Policy Committee.

Article 85 (Representing the Government at International Organizations)

The Bank of Korea shall, in accordance with the directions of the Government, represent the Government in all or any dealings, negotiations or transactions with international monetary or financial organizations of which the Republic of Korea is a member.

(4)本行得要求其依第(1)項規定所經營之支付系統之各參加機構提供相關資料。

第 81-2 條 (支援清算暫時短缺)

本行得依貨幣政策委員會之決議，暫時提供日間透支予本行直接經營支付系統之參加機構，以支應其資金之短缺。

第 8 節 其他業務

第 82 條 (外匯業務等)

本行得依策略財政部長之授權，從事下列業務：

1. 經營外匯業務及持有外匯；
2. 收受外國銀行機構、國際金融組織、外國政府及其機關，或聯合國組織之存款；
3. 買賣貴金屬。

第 82-2 條 (外匯資產之管理程序)

有關外匯資產管理之重大計畫，總裁應於事前聽取貨幣政策委員會之意見。

第 83 條 (匯率政策之建議等)

本行應就有關匯率、銀行機構之外幣貸款與存款，以及限制外匯買超與賣超部位之政府政策，履行顧問之職責。

第 84 條 (聯行合約)

本行得依貨幣政策委員會之決定，與銀行機構締結聯行合約。

第 85 條 (於國際組織代表政府)

本行應依據政府指示，代表政府與大韓民國所參與之國際貨幣或金融組織，進行各種往來、協商或交易。

Article 86 (Collection and Compilation of Statistics, etc)

The Bank of Korea may, when necessary for the formulation of its monetary and credit policies, collect and compile statistics on money and banking, public finance, prices, wages, production, the balance of payments and other basic economic statistical series, and conduct economic research and for such purposes request any materials or information from the Government organization and any juridical or individual person.

Chapter V Requests for Examinations of Banking Institutions, etc**Article 87 (Right to Request Materials)**

The Bank of Korea may, when the Monetary Policy Committee deems it necessary for the implementation of its monetary and credit policies, request institutions which fall under any of the following Clauses to submit any materials. Adequate consideration shall be given to the operational burden imposed on the requested institutions concerned by keeping the information to be supplied to the minimum required.

1. Banking institutions referred to in Article 11;
2. Institutions engaged in financing business other than banking institutions that enter into current deposit account agreements with the Bank of Korea; or,
3. Institutions not falling under either Clauses 1 or 2, as set out in the Presidential Decree considering the scale of assets of institutions from among those defined as financial institutions in Article 2 of the Act on Structural Improvement of the Financial Industry.

Article 88 (Request for Examination, Joint Examination, etc)

- (1) The Bank of Korea may, when the Monetary Policy Committee deems it necessary for the implementation of its monetary and credit policies, require the Financial Supervisory Service set up under the Act on the Establishment, etc. of the Financial Services Commission (hereinafter referred to as "the Financial Supervisory Service") to examine banking institutions within a determined specific range and, when necessary, it may require the Financial Supervisory Service to have employees of the Bank of Korea participate on a joint basis in the examination of banking institutions. In such cases the Financial Supervisory Service shall comply without delay as determined by the Presidential Decree.
- (2) The Bank of Korea may request the Financial Supervisory Service to submit the findings of examinations carried out in accordance with the provisions of Paragraph (1) and on the basis of these findings to take the necessary corrective measures against the banking institutions concerned. In such cases the Financial Supervisory Service shall comply.

第 86 條 (統計資料之蒐集與編製等)

本行因制定貨幣及信用政策之需要，得蒐集並編製貨幣與銀行、公共財政、物價、薪資、生產、國際收支平衡表等統計資料及其他基本經濟統計系列資料，並從事經濟研究，及為此等目的，向政府組織及任何法人或自然人要求提供任何資料或資訊。

第 5 章 要求檢查銀行機構等**第 87 條 (要求提供資料權)**

於貨幣政策委員會基於執行貨幣及信用政策之必要時，本行得要求符合下列任何一款規定之機構提供任何資料。為兼顧被要求機構營運上之負擔，應以最低限度要求其提供資料。

1. 第 11 條所定銀行機構；
2. 銀行機構以外，從事融資業務並與本行簽訂活期存款帳戶合約之機構；
3. 非屬第 1 款或第 2 款規定之機構，係金融業結構改善法第 2 條定義之金融機構，並於考量其資產規模後，以大統領令列示之機構。

第 88 條 (要求檢查及共同檢查等)

- (1) 於貨幣政策委員會基於執行貨幣及信用政策之必要時，本行得要求依據金融服務委員會設置法所設置之金融監理局（以下簡稱金融監理局）於決議之特定範圍內檢查銀行機構；必要時，並得要求金融監理局會同本行職員共同檢查銀行機構。金融監理局應即依照本行之要求辦理。
- (2) 本行得要求金融監理局提交其依第(1)項規定辦理檢查之結果，並依據該等結果對相關銀行機構採取必要之糾正措施。金融監理局應即依照本行之要求辦理。

Article 89 (Request for Reconsideration of a Decision of the Financial Services Commission)

- (1) The Monetary Policy Committee may, when it has a different view, request the Financial Services Commission to reconsider a financial supervisory decision it has taken if it has a direct bearing on monetary and credit policies.
- (2) When the Financial Services Commission takes the same decision as its previous one on a matter whose reconsideration has been requested under the provisions of Paragraph (1) with at least two-thirds of all Members concurring, the decision mentioned in Paragraph (1) shall become effective.

Chapter VI Relationship with the Government, etc**Article 90 (Governor's Attendance at the State Council)**

- (1) The Governor may attend and state his/her opinion on matters related to money and credit at the State Council.
- (2) The Government may request the Governor to attend the State Council.

Article 91 (Government Official's Presence at the Meeting of the Monetary Policy Committee)

The Vice Minister of Strategy and Finance, or the Vice Chairman of the Financial Services Commission may be present and state their opinions at meetings of the Monetary Policy Committee. However, the Vice Chairman of the Financial Services Commission may be present and state his/her opinion only on matters related to the responsibilities of the Financial Services Commission.

Article 92 (Request for Reconsideration of a Decision of the Monetary Policy Committee)

- (1) Where the Minister of Strategy and Finance considers the decisions taken by the Monetary Policy Committee in conflict with the Government's economic policy, he may request the Committee to reconsider them.
- (2) When the Monetary Policy Committee takes the same decision as its previous one on a matter requested for reconsideration under the provisions of Paragraph (1) with at least five Members concurring, the final decision shall rest with the President.
- (3) When the Minister of Strategy and Finance makes a request as provided for in Paragraph (1), he must at once announce this publicly according to the provisions stipulated by the Presidential Decree.

Article 93 (Government's Consultation with the Monetary Policy Committee)

The Government shall consult with the Monetary Policy Committee whenever it formulates important policies related to money and credit.

第 89 條 (要求覆議金融服務委員會之決議)

- (1) 對於金融服務委員會所為與貨幣及信用政策有直接關聯之決議，貨幣政策委員會有不同意見時，得要求覆議。
- (2) 金融服務委員會對於第(1)項之要求覆議事項，經全體委員至少三分之二同意作成與先前相同之決議時，第(1)項所指決議即生效力。

第 6 章 與政府間之關係等**第 90 條 (總裁列席國務會議)**

- (1) 總裁得列席國務會議，陳述其對於貨幣及信用相關事項之意見。
- (2) 政府得要求總裁列席國務會議。

第 91 條 (政府官員列席貨幣政策委員會會議)

策略財政部副部長或金融服務委員會副主任委員得列席貨幣政策委員會會議並陳述意見。但金融服務委員會副主任委員僅得就與該委員會職掌相關事項列席並陳述其意見。

第 92 條 (要求覆議貨幣政策委員會之決議)

- (1) 策略財政部長認為貨幣政策委員會之決議與政府經濟政策衝突時，得要求覆議。
- (2) 貨幣政策委員會對於第(1)項之要求覆議事項，經至少委員 5 人同意作成與先前相同之決議時，應由大統領作最後之裁決。
- (3) 策略財政部長提出第(1)項之覆議要求時，應依據大統領令之規定立即向大眾公布。

第 93 條 (政府與貨幣政策委員會之諮商)

政府制定與貨幣及信用相關之重要政策時，應與貨幣政策委員會諮商。

Article 94 (Exchange of Information)

The Minister of Strategy and Finance, the Monetary Policy Committee and the Financial Services Commission may, when it is deemed necessary for the formulation of policy, request materials from each other. Each authority shall comply with the request unless it has a particular reason for not doing so.

Article 95 (Audit by the Board of Audit and Inspection)

The Bank of Korea shall be audited by the Board of Audit and Inspection every year.

Article 96 (Report to the National Assembly)

- (1) The Bank of Korea shall compile at least twice a year reports on the implementation of its monetary and credit policies and reports on the status of the nation's macro-financial stability, and submit them to the National Assembly.
- (2) The Governor shall attend, and answer the questions of, the National Assembly or any of its Committees at the request of the National Assembly or its Committee concerning the reports provided for in Paragraph (1).

Chapter VII Accounting, etc**Section 1 Accounting****Article 97 (Fiscal Year)**

The fiscal year of the Bank of Korea shall correspond to that of the Government.

Article 98 (Budget and Closing Statements)

- (1) The budget of the Bank of Korea for each fiscal year shall be confirmed by a decision of the Monetary Policy Committee.
- (2) In the budget in Paragraph (1), budget allocations for expenses classified as salaries under the Presidential Decree shall require the prior consent of the Minister of Strategy and Finance, upon which they shall be promptly reported to the relevant standing committee of the National Assembly.
- (3) The Bank of Korea shall submit an itemized budget as provided for in Paragraph (2) to the Minister of Strategy and Finance at least sixty days before the start of each fiscal year.

第 94 條 (資訊交換)

策略財政部長、貨幣政策委員會及金融服務委員會得視制定政策之必要，彼此索取資料。各該機關除有未便辦理之特殊理由外，均應配合提供。

第 95 條 (審計委員會之稽核)

本行每年應接受審計委員會之稽核。

第 96 條 (向國會報告)

- (1) 本行每年應至少 2 次造具貨幣與信用政策執行報告及國家總體金融穩定狀況報告，並提送國會。
- (2) 總裁應依國會或其委員會之要求，列席國會或其委員會，並就第(1)項所定報告之相關問題備詢。

第 7 章 會計等**第 1 節 會計****第 97 條 (會計年度)**

本行之會計年度應與政府會計年度一致。

第 98 條 (預算與決算報告)

- (1) 本行每一會計年度之預算應經貨幣政策委員會之決議確認。
- (2) 第(1)項預算中，有關依大統領令所為薪資等費用支出之預算分配，應經策略財政部長事前同意，並應立即向國會相關常設委員會報告。
- (3) 本行應於每一會計年度開始前至少 60 天，向策略財政部長提交第(2)項所定分項列舉預算書。

(4)The Governor shall within two months of the close of each fiscal year submit a set of the Bank of Korea's externally-audited closing statements (including financial statements, supplementary schedules and audit report from an accounting corporation as stipulated in Article 23 of the Certified Public Accountant Act) for the fiscal year separately to the relevant standing committee of the National Assembly and to the Minister of Strategy and Finance.

Article 99 (Disposal of Surplus)

- (1)The Bank of Korea shall allocate to the reserves annually thirty percent of any net profit after allowance has been made for the depreciation of assets.
- (2)The Bank of Korea may, with the approval of the Government, establish reserve funds for specific purposes when net profit remains after compliance with the provisions of Paragraph (1).
- (3)After making allocation of its net profit in accordance with the provisions of Paragraphs (1) and (2), the Bank of Korea shall pay what remains of the net profit into the General Revenue Account of the Government.

Article 100 (Recoupment of Loss)

Any loss incurred by the Bank of Korea during any fiscal year shall be offset from the reserves and, should these be insufficient, the deficiency shall be made up by the Government in accordance with the National Fiscal Management Act.

Section 2 Balance Sheet and Annual Report, etc

Article 101 (Public Announcement of the Balance Sheet)

- (1)The Bank of Korea shall publish within the first twenty days of each month a general balance sheet, showing in appropriate detail its assets and liabilities as of the last working day of the preceding month. Where the general balance sheet is as of the last working day of the fiscal year, the Bank of Korea may publish it within two months after the close of the said fiscal year.
- (2)The general balance sheets referred to in Paragraph (1) shall be signed by, or bear the seal impressions of, the Governor, the Auditor and the person responsible for their preparation.

(4)總裁應於每一會計年度終了後2個月內，分別向國會相關常設委員會及策略財政部長提交一套經外部稽核之本行該會計年度決算書（包括公認會計師法第23條所定會計師事務所出具之財務報表、補充附表與稽核報告）。

第99條（盈餘分配）

- (1)本行應每年將扣除資產貶值後之純益提撥百分之三十作為準備。
- (2)本行依第(1)項規定辦理後仍有純益者，得經政府許可，為特定目的設立準備基金。
- (3)本行依據第(1)項與第(2)項規定分配純益後，應將剩餘之純益撥至政府總歲入帳戶。

第100條（損失填補）

本行於會計年度發生之損失應由準備抵沖之，若不足抵沖，其差額應由政府依據國家財政管理法補足。

第2節 資產負債表與年度報告書等

第101條（資產負債表之公布）

- (1)本行應於每月前20天公布總資產負債表，揭示其至前一個月最後一個工作天為止之適當資產及負債詳細資料；並得於每一會計年度終了後2月內，公布至該會計年度最後一個工作天為止之總資產負債表。
- (2)第(1)項所定之總資產負債表應由總裁、監事及表報造具人員簽名或蓋用其職章。

Article 102 (Publication of the Annual Report)

- (1)The Bank of Korea shall, within three months after the end of each fiscal year, submit to the Government its annual report and publish it. This annual report shall outline its business status, its monetary policy and the Government's foreign exchange policy, and analyze the economic and financial situation of the country during the fiscal year.
- (2)The annual report in Paragraph (1) shall be approved by a resolution of the Monetary Policy Committee.

Article 103 (Prohibition of Profit-making Activities, etc)

The Bank of Korea may not participate, directly or indirectly, in profit-making activities, or the ownership or management of any profit-making enterprise, and may not purchase or permanently own real property unless it is necessary for the conduct of its business.

Chapter VIII Supplementary Provisions**Article 104 (Penal Provision)**

Any person (including the Auditor under the provisions of Article 46) who violates the provisions of Paragraph (2) of Article 42 shall be subject to a term of imprisonment not exceeding three years or to a fine not exceeding twenty million won.

Article 105 (Penal Provision)

Any person who violates the provisions of Article 10 shall be subject to a term of imprisonment not exceeding one year or to a fine not exceeding ten million won.

Article 105-2 (Penal Provision)

Any person who damaged coins violating the provisions of Article 53-2 shall be subject to a term of imprisonment not exceeding six months or to a fine not exceeding five million won.

Article 106 (Treatment as Public Officials in Application of the Punitive Provisions of Related Acts)

- (1)The Members, the Deputy Governors, the Auditor and employees of the Bank of the Korea shall be deemed public officials for the purpose of application of the punitive provisions of the Criminal Code or other laws.
- (2)The meaning of employees referred to in Paragraph (1) shall be determined by the Presidential Decree.

第 102 條 (年度報告書之刊布)

- (1)本行應於會計年度結束後 3 個月內向政府提交年度報告書並刊布之。年度報告書應摘述本行之業務狀況、貨幣政策及政府之外匯政策，並分析該會計年度之國家經濟與金融情勢。
- (2)第(1)項年度報告書應經貨幣政策委員會可決。

第 103 條 (營利活動之禁止等)

本行不得直接或間接參與營利活動、或營利事業之所有權或管理，且除從事業務所必要者外，不得購買或永久擁有不動產。

第 8 章 補充規定**第 104 條 (刑事罰)**

任何人 (包括第 46 條所定之監事) 違反第 42 條第(2)項規定者，處 3 年以下有期徒刑或科二千萬韓圜以下罰金。

第 105 條 (刑事罰)

任何人違反第 10 條規定者，處 1 年以下有期徒刑或科一千萬韓圜以下罰金。

第 105-2 條 (刑事罰)

任何人違反第 53-2 條規定損毀硬幣者，處 6 個月以下有期徒刑或科五百萬韓圜以下罰金。

第 106 條 (適用相關法律之處罰規定時，視同公務員)

- (1)貨幣政策委員會委員、副總裁、監事及職員，適用刑法及其他法律處罰規定時，視為公務員。
- (2)第(1)項所指職員之定義，應以大統領令定之。

ADDENDA**Article 1 (Enforcement Date)**

This Act shall be effective from April 1, 1998.

Article 2 (Application of Restriction on the Reappointment of the Senior Deputy Governor and the Auditor)

The revised provisions of Paragraph (2) of Article 36 and Paragraph (3) of Article 44 shall take effect from the first appointment of a Senior Deputy Governor and an Auditor in each case under this Act.

Article 3 (General Interim Measures)

- (1) Authorizations, approvals, decisions, orders, dispositions and other administrative decisions made by the Monetary Board on the basis of the former provisions before the entry into effect of this Act shall be deemed granted by the Monetary Policy Committee on the basis of this Act.
- (2) Applications, reports and other activities to the Monetary Board based on the former provisions before the entry into effect of this Act shall be deemed as those to the Monetary Policy Committee based on this Act.

Article 4 (Interim Measures Concerning the Members and Executive Officers, etc)

The Chairman and the Members, the Governor, the Deputy Governor, the Assistant Governors, and the Auditor of the Bank of Korea serving as of the entry into effect of this Act shall exercise their respective functions under this Act until such time as a Chairman and the Members, a Governor, a Senior Deputy Governor, Deputy Governors and an Auditor have been appointed on the basis of this Act.

Article 5 (Special Measures Concerning the Terms of Members)

Among the Members initially appointed under this Act, the terms of the Members provided for in Clauses 2 through 4 of Paragraph (1) of Article 13 shall be two years, the revised provisions of Article 15 notwithstanding.

Article 6 (Modification of Articles of Incorporation)

The Bank of Korea shall modify its Articles of Incorporation to correspond with the revisions contained in this Act and obtain authorization from the Minister of Finance and Economy concurrently with this Act's entry into effect.

附 則**第 1 條 (施行日期)**

本法應自 1998 年 4 月 1 日施行。

第 2 條 (副總裁與監事再任命限制之適用)

第 36 條第(2)項及第 44 條第(3)項之修正規定，應於依據本法分別首次任命副總裁與監事時施行。

第 3 條 (一般過渡措施)

- (1) 貨幣政策委員會於本法施行前，依據舊規定所作之授權、核准、決議、命令、處分及其他行政決定，應視為係貨幣政策委員會基於本法所為。
- (2) 本法施行前，依據舊規定向貨幣政策委員會所為之申請、報告及其他行為，應視為係基於本法向貨幣政策委員會所為。

第 4 條 (有關委員與業務執行幹部之過渡措施等)

本法施行時，擔任本行貨幣政策委員會之主席、委員、總裁、副總裁、助理總裁及監事者，應依據本法履行其各自職責，直至依據本法選任出主席、委員、總裁、副總裁、助理總裁及監事時為止。

第 5 條 (有關委員任期之特別措施)

依本法首次選任之委員中，屬第 13 條第(1)項第 2 款至第 4 款所定之委員者，其任期為 2 年，不適用第 15 條之修正規定。

第 6 條 (章程之變更)

本行應於本法施行之同時獲得財政經濟部長之授權變更章程，使其與本法之修正一致。

Article 7 (Amendments of Other Acts) (Omitted)**Article 8 (Relation with Other Legislation)**

When any legislation cites any provisions of the former Bank of Korea Act as of this Act's entry into effect, it shall be deemed as citing the relevant provisions of this Act. Citing an Assistant Governor of the Bank of Korea shall be deemed as citing a Deputy Governor of the Bank of Korea. And citing the Office of Bank Supervision or the Office of Bank Supervision of the Bank of Korea shall be deemed as citing the Financial Supervisory Service. Citing the Superintendent of Banks of the Bank of Korea or the Superintendent of Banks shall be deemed as citing the Governor of the Financial Supervisory Service.

ADDENDA <Act No. 6018, Sep. 7, 1999>**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2000. (Proviso Omitted)

Articles 2 through 21 (Omitted)**ADDENDA <Act No. 6256, Jan. 28, 2000>****Article 1 (Enforcement Date)**

- (1) This Act shall enter into force on July 1, 2000. (Proviso Omitted)
 (2)(Omitted)

Articles 2 through 14 (Omitted)**ADDENDA <Act No. 6274, Oct. 23, 2000>****Article 1 (Enforcement Date)**

This Act shall enter into force one month after the date of its promulgation.

Articles 2 through 6 (Omitted)**第 7 條 (其他法律修正) (刪除)****第 8 條 (與其他法令之關係)**

本法施行前，任何法律引用舊韓國銀行法之任何規定時，視為引用本法之相關規定。所引「韓國銀行助理總裁」應視為引用「韓國銀行副總裁」。所引「銀行監理局」或「韓國銀行之銀行監理局」應視為引用「金融監理局」。所引「韓國銀行之銀行監理局局長」或「銀行監理局局長」應視為引用「金融監理局局長」。

附則 < 1999 年 9 月 7 日第 6018 號法律 >**第 1 條 (施行日期)**

本法應自 2000 年 7 月 1 日施行。(但書刪除)

第 2 條至第 21 條 (刪除)**附則 < 2000 年 1 月 28 日第 6256 號法律 >****第 1 條 (施行日期)**

- (1) 本法應自 2000 年 7 月 1 日施行。(但書刪除)
 (2) (刪除)

第 2 條至第 14 條 (刪除)**附則 < 2000 年 10 月 23 日第 6274 號法律 >****第 1 條 (施行日期)**

本法應自公布日後 1 個月施行。

第 2 條至第 6 條 (刪除)

ADDENDA <Act No. 6429, Mar. 28, 2001>

Article 1 (Enforcement Date)

This Act shall enter into force on the date as determined by the Presidential Decree within two-year period after the date of its promulgation. (Proviso Omitted)

Articles 2 through 11 (Omitted)

ADDENDA <Act No. 6836, Dec. 30, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2003.

Articles 2 through 7 (Omitted)

ADDENDA <Act No. 6971, Sep. 3, 2003>

(1)(Enforcement Date)

This Act shall enter into force on January 1, 2004.

(2)(Interim Measures Concerning the Terms of the Member and the Senior Deputy Governor)

The terms of the Member of the Monetary Policy Committee appointed under the former Clause 7 of Paragraph (1) of Article 13 and the Senior Deputy Governor appointed under the former Paragraph (1) of Article 36, as of the entry into effect of this Act, shall be until December 31, 2003, the former provisions notwithstanding.

ADDENDA <Act No. 8050, Oct. 4, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2007.

Articles 2 through 12 (Omitted)

附則< 2001 年 3 月 28 日第 6429 號法律>

第 1 條 (施行日期)

本法應自公布日後 2 年內，另以大統領令定施行日期。(但書刪除)

第 2 條至第 11 條 (刪除)

附則< 2002 年 12 月 30 日第 6836 號法律>

第 1 條 (施行日期)

本法應自 2003 年 1 月 1 日施行。

第 2 條至第 7 條 (刪除)

附則< 2003 年 9 月 3 日第 6971 號法律>

(1) (施行日期)

本法應自 2004 年 1 月 1 日施行。

(2) (委員任期及資深副總裁任期之過渡措施)

本法施行時依舊規定第 13 條第(1)項第 7 款規定任命之貨幣政策委員會委員任期及依舊規定第 36 條第(1)項規定任命之資深副總裁任期，應至 2003 年 12 月 31 日為止，而不適用舊規定。

附則< 2006 年 10 月 4 日第 8050 號法律>

第 1 條 (施行日期)

本法應自 2007 年 1 月 1 日施行。

第 2 條至第 12 條 (刪除)

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted)

Articles 2 through 7 (Omitted)

ADDENDA <Act No. 8863, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 through 5 (Omitted)

ADDENDA <Act No. 10303, May 17, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force 6 months after the date of its promulgation.

Articles 2 through 9 (Omitted)

ADDENDA <Act No. 10522, Mar. 31, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force on March 2, 2012. (Proviso Omitted)

Articles 2 through 28 (Omitted)

ADDENDA <Act No. 11051, Sep. 16, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.

附則< 2008年2月29日第8852號法律>

第1條 (施行日期)

本法應自公布日施行。(但書刪除)

第2條至第7條 (刪除)

附則< 2008年2月29日第8863號法律>

第1條 (施行日期)

本法應自公布日施行。

第2條至第5條 (刪除)

附則< 2010年5月17日第10303號法律>

第1條 (施行日期)

本法應自公布日後6個月施行。

第2條至第9條 (刪除)

附則< 2011年3月31日第10522號法律>

第1條 (施行日期)

本法應自2012年3月2日施行。

第2條至第28條 (刪除)

附則< 2011年9月16日第11051號法律>

第1條 (施行日期)

本法應自公布日後3個月施行。

Article 2 (Application of the Submission of Closing Statements)

The matters concerning external-audit in the revised provision of Paragraph (4) of the Article 98 shall be applied from the closing of the fiscal year 2011.

Article 3 (Amendments of Other Acts)

(1) The Banking Act shall be amended as follows.

In Paragraph (1) of Article 30, the term "deposit liabilities" shall be replaced by "liabilities subject to reserve requirements referred to in Article 55 of the Bank of Korea Act", "reserves against deposits" by "reserves", and "reserve assets for deposits" by "reserve assets".

(2) The Industrial Bank of Korea Act shall be amended as follows.

In Article 33-4, the title and the term "reserves against deposits" shall be replaced by "reserves".

ADDENDA <Act No. 11380, Mar. 21, 2012>**Article 1 (Enforcement Date)**

This Act shall enter into force one month after the date of its promulgation. However, the revised provision of Paragraph (1) of the Article 33 shall be effective from May 30, 2012.

Article 2 (Application of Personnel Hearing on the Governor by the National Assembly)

The revised provision of Paragraph (1) of Article 33 shall be applied from the first appointment of a Governor after the entry into effect of this Act.

第 2 條 (提交決算書之適用)

有關第 98 條第(4)項修正條文之外部稽核事項，應自 2011 年會計年度終了時起適用之。

第 3 條 (其他法律之修正)

(1) 銀行法應修正如下，

第 30 條第(1)項之「存款負債」一語應以「韓國銀行法第 55 條提及之應提準備負債」代之，「存款準備金」應以「準備金」代之，且「存款之準備資產」應以「準備資產」代之。

(2) 韓國工業銀行法應修正如下，

第 33-4 條之「存款準備金」用語與標題應以「準備金」代之。

附則 < 2012 年 3 月 21 日第 11380 號法律 >**第 1 條 (施行日期)**

本法應自公布日後 1 個月施行。但第 33 條第(1)項修正條文應自 2012 年 5 月 30 日起施行。

第 2 條 (國會對總裁人事聽證規定之適用)

本法施行後之第一任總裁，應適用第 33 條第(1)項之修正規定。

七、BANK OF THAILAND ACT
泰國銀行法

BANK OF THAILAND ACT**泰國銀行法**

法務室 謝淑芬 譯

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第 1 節	發行政府鈔券及銀行券
第 2 節	執行貨幣政策
第 3 節	BOT 資產之經理
第 4 節	擔任政府之銀行及有價證券管理人
第 5 節	擔任金融機構之銀行
第 6 節	建立或支援支付系統之建置
第 7 章	防止職員之利益衝突
第 8 章	監督
第 9 章	會計、檢查、稽核與報告
第 10 章	罰則

BANK OF THAILAND ACT**B.E. 2485**

**IN THE NAME OF HIS MAJESTY KING ANANDA MAHIDOL
THE COUNCIL OF REGENCY**

**(by notification of the President of the Assembly of the People's Representatives,
dated 4th August B.E. 2480 and 16th December B.E. 2484)**

ADITAYA DIBHA ABHA PRIDI BHANOMYONG

Enacted on the 28th day of April B.E. 2485;

Being the 9th year of the Present Reign.

Whereas the Assembly of the People's Representatives has passed a resolution that it is expedient to constitute to central bank in the Kingdom,

Be it therefore enacted by the King by and with the advice and consent of the Assembly of the People's Representatives, as follows:-

Chapter 1**Preliminary**

Section 1 This Act shall be called the “Bank of Thailand Act, B.E. 2485.”

Section 2 This Act shall come into force on and from the day following the date of its publication in the Government Gazette.

Section 3 In this Act¹

“Financial Institution” means

- (1) a commercial bank,
- (2) a finance company,
- (3) a credit foncier company,
- (4) any other juristic person prescribed by the Minister in the Government Gazette.

“International Monetary Fund” means the International Monetary Fund under the Agreement on the International Monetary Fund, of which Thailand is a member.

“Governor” means the Governor of the Bank of Thailand.

“Deputy Governor” means the Deputy Governor of the Bank of Thailand.

“Officer” means the Officer of the Bank of Thailand.

¹ As amended by Section 3 of the Bank of Thailand Act (No.4) B.E. 2551

泰國銀行法

(眾議院主席於佛曆 2480 (西元 1937) 年 8 月 4 日及佛曆 2484
(西元 1941) 年 12 月 16 日公告)

泰王於佛曆 2485 (西元 1942) 年 4 月 28 日制定

最新修正：佛曆 2551 (西元 2008) 年

眾議院決議通過於泰國境內設立中央銀行。本法經泰王
會商眾議院同意，制定如下：

第 1 章 總則

第 1 條 本法稱為「佛曆 2485 (西元 1942) 年泰國銀行法」。

第 2 條 本法自公告於政府公報日之次日起生效。

第 3 條 本法¹所稱「金融機構」係指：

- (1) 商業銀行。
 - (2) 融資公司。
 - (3) 信貸公司。
 - (4) 部長於政府公報指定之任何其他法人。
- 「國際貨幣基金」係指依國際貨幣基金協議之規定，泰國為其會員國之國際貨幣基金。
- 「總裁」係指泰國銀行總裁。
- 「副總裁」係指泰國銀行副總裁。
- 「職員」係指泰國銀行職員。

¹ 佛曆 2551 (西元 2008) 年泰國銀行法 (第 4 號) 第 3 條修正之。

“Employee” means the Employee of the Bank of Thailand.

“Minister” means the Minister in charge of the enforcement of this Act.

Section 4² The Minister of Finance shall have charge and control of the execution of this Act and shall have a power to promulgate the ministerial regulations and notifications for the implementation of this Act.

The ministerial regulations and notifications shall be effective after being published in the Government Gazette.

Chapter 2³ Constitution and Objectives

Section 5 There shall be constituted a central bank called “the Bank of Thailand”, hereby referred to as “the BOT”.

The BOT is a juristic person which is a state agency, and is neither a government agency nor state enterprise under the law on budgetary procedure and other laws.

Section 6 The BOT shall have its head office in Bangkok and may establish branch offices or representative offices in any other place in the Kingdom and, with the prior approval of the Minister, may establish outside the Kingdom.

Section 7 The BOT's objectives are to carry on such tasks as pertain to central banking in order to maintain monetary stability, financial institution system stability and payment systems stability.

To undertake the tasks in paragraph one, the implementation of economic policy of the government shall be taken into consideration.

Section 8 The BOT shall be empowered to transact businesses to attain the objectives under Section 7 and such powers shall include the following businesses:

- (1) the issue and management notes of the government and bank-notes;
- (2) the formulation and implementation of monetary policies;
- (3) the management of the assets of the BOT;

² As amended by Section 3 of the Bank of Thailand Act (No.4) B.E. 2551

³ As amended by Section 5 of the Bank of Thailand Act (No.4) B.E. 2551.

「受僱人員」係指泰國銀行受僱人員。

「部長」係指負責本法施行之部長。

第 4 條² 財政部長掌理及控管本法之執行，並有權就本法之施行，訂定部長之法規與公告。
部長之法規與公告於刊登政府公報後生效。

第 2 章³ 設立與目標

第 5 條 茲設立中央銀行並定名為「泰國銀行」，以下稱「BOT」。
BOT為國家機關之法人，非屬預算程序法及其他法律所定之政府機關或國營企業。

第 6 條 BOT總行位於曼谷，得於泰國境內設立分行或辦事處；經部長核准，得於泰國境外設立分行或辦事處。

第 7 條 BOT之目標係在於執行中央銀行任務，以維持貨幣穩定、金融機構體系穩定及支付系統穩定。
從事第 1 項任務時，應考量政府經濟政策之執行。

第 8 條 為達成第 7 條所定目標，BOT 有權辦理下列業務：
(1)發行及經理政府鈔券與銀行券。
(2)制定及執行貨幣政策。
(3)經理 BOT 資產。

² 佛曆 2551 (西元 2008) 年泰國銀行法 (第 4 號) 第 3 條修正之。

³ 佛曆 2551 (西元 2008) 年泰國銀行法 (第 4 號) 第 5 條修正之。

- (4) the acting as a banker and the securities registrar to the government;
- (5) the acting as a banker to financial institutions;
- (6) the establishment or supporting of the establishment of a payment system;
- (7) the supervision and examination of financial institutions;
- (8) the management and administration of the exchange rate under the exchange rate regime, including the management and administration of the assets of the Currency Reserve, as prescribed in the law on currency.
- (9) the control of foreign exchange as prescribed in the law on foreign exchange control.
- (10) the undertaking under other laws as prescribed to be the authorities of the BOT.
- (11) other act in relation to or in conjunction with the management to attain the objectives of the BOT.

The BOT may have ownership, the right of possession or other real rights and may manage assets or claims or may establish of rights or may do any juristic act either within or outside the Kingdom.

Section 9 The BOT shall be prohibited from undertaking the following acts;

- (1) engaging in trade or otherwise have a direct interest in any commercial or industrial or other beneficial undertakings directly with the public, provided that the BOT may acquire interest in the course of the satisfaction of any of its claims.
- (2) purchasing or holding shares of any other financial institution or company, except for
 - (a) the shares in the Bank for International Settlements or international financial institutions;
 - (b) the shares acquired as a result of a debt settlement or a guarantee of loans granted to financial institutions as prescribed by this Act.
- (3) purchasing or possessing any immovable property, except
 - (a) in so far as is necessary for its own business premises or for the purpose of its own business;
 - (b) those acquired as a result of a debt settlement or a guarantee of credit granting.
- (4) granting loans in any other case beyond the prescription in this Act.
- (5) being employed in the printing of notes of the Government, bank-notes, bonds, stamp duty and other printings which have a security feature system against counterfeiting, including the distribution of printing ink or tools in relation to the printing of such things, except in the case where it is in

- (4) 擔任政府之銀行及有價證券登記機構。
 - (5) 擔任金融機構之銀行。
 - (6) 建立或支援支付系統之建置。
 - (7) 監督及檢查金融機構。
 - (8) 在匯率機制下，經理及管理匯率；其包含依貨幣法經理及管理貨幣準備資產。
 - (9) 依外匯管制法管制外匯。
 - (10) 從事其他法律所定屬 BOT 之權限。
 - (11) 與達成 BOT 目標相關之其他經理行為。
- BOT 於泰國境內外得享有所有權或其他實際權利，並得經理資產或債權、設定權利或從事法律行為。

第 9 條 BOT 不得為下列行為：

- (1) 直接與大眾從事交易、或享有任何商業、產業或其他受益事業之直接利益，但 BOT 得於滿足自身債權過程中取得利益。
- (2) 購買或持有任何金融機構或公司之股份，但下列股份除外：
 - (a) 國際清算銀行或國際金融機構之股份；
 - (b) 因依本法規定對金融機構所為授信之債務清償或授信擔保品而取得之股份。
- (3) 購買或擁有任何不動產，但下列不動產除外：
 - (a) 自行營業場所或營業目的所需者；
 - (b) 因債務清償或授信擔保品而取得者。
- (4) 逾越本法規定之授信。
- (5) 從事政府鈔券、銀行券、債券、印花稅之印製及具備防偽安全機制之其他印製，包括散佈與該等物品相關之印製用油墨或工具；但經 BOT 理事會核准，與泰國政府、外國政府、國際組

corporation with Thai government, Foreign governments, International organizations, Financial Institutions or juristic persons established by any specific laws and upon the approval of the BOT Board.

Any interest or immovable property acquired by the BOT in accordance with paragraph one (1) or (3)(b) shall be disposed within 5 years from the date of acquisition, unless such immovable property will be used for premises or for the purpose of the BOT's business.

Section 10 For the purpose of providing the statistic of balance of payment, international investment position and the financial statistic of the country, the BOT shall be empowered to order persons who conduct international monetary transactions and international investment transactions to submit the information relating the said transactions to the BOT in accordance with the rules and conditions prescribed by the BOT and published in the Government Gazette.

Section 11 The BOT's business shall not be subject to the law on labor protection, the law on social security, the law on worker's compensation and the law on labor relation. Nevertheless, the BOT shall arrange to have rules or regulations providing the officers and employees the benefits not less than those prescribed in the law on labor protection, the law on social security, the law on worker's compensation and the law on labor relation.

Chapter 3⁴ Capital and Reserve

Section 12 The initial capital of the BOT shall be Baht 20 million. The capital of the BOT may be increased or reduced by the approval of the Cabinet.

Section 13 The reserves of the Bank of Thailand shall consist of;
(1) ordinary reserves intended to cover possible loss;
(2) reserves derived from the revaluation of assets and liabilities; and
(3) other reserves for particular purposes as may be established by the BOT Board upon the approval of the Minister.

⁴ As amended by Section 7 of the Bank of Thailand Act (No.4) B.E. 2551.

織、金融機構或依法設立法人合作而為前述行為者，不在此限。

BOT 依第 1 項第(1)款或第(3)款第 (b) 目規定取得之利益或不動產，應於取得日起 5 年內處分之。但該不動產係作為 BOT 營業場所或供營業目的之用者，不在此限。

第 10 條 為提供國際收支統計、國際投資部位及國家金融統計之目的，BOT 有權命令從事國際貨幣交易與國際投資交易之人士依 BOT 訂定並公布於政府公報之規則及條件，提交前述交易之相關資訊予 BOT。

第 11 條 BOT 業務不受勞動保護法、社會安全法、勞工補償法及勞資關係法之拘束。但 BOT 應訂定得提供職員與受僱人員不低於勞動保護法、社會安全法、勞工補償法及勞資關係法所定利益之規則或規定。

第 3 章 資本及公積⁴

第 12 條 BOT 之原始資本額應為 20,000,000 泰銖。BOT 資本經內閣核准得予增減。

第 13 條 BOT 公積包括下列各款：
(1) 為彌補可能損失之普通公積；
(2) 資產負債重估所衍生之公積；
(3) BOT 理事會經部長核准，為特定目的所設立之其他公積。

⁴ 佛曆 2551 (西元 2008) 年泰國銀行法 (第 4 號) 第 7 條修正之。

Section 14 The net annual profits of the BOT after deduction of accumulated loss, if any, shall be provided in the following order for:

- (1) ordinary reserve amounting to 25 per centum;
- (2) other reserves for particular purposes, as specified by the BOT Board, upon the approval of the Minister.

Any remaining net profits after the BOT's operation in paragraph one shall be paid in as state revenues.

Section 15 In the case where the operation of the BOT in any year results in loss, such loss shall be compensated by the ordinary reserve.

Section 16 For the revaluation of assets and liabilities of the BOT, the profits or losses derived from such revaluation shall be accumulated in or deducted from the reserves prescribed under Section 13 (2).

Chapter 4⁵ Boards

Section 17 For the implementation of the BOT's authority in accordance with Section 8, the following boards shall be established:

- (1) the Bank of Thailand Board, hereby referred to as the "BOT Board", functioning in general control over the management of the BOT;
- (2) the Monetary Policy Board, functioning in formulating and monitoring the implementation of monetary policies of the country;
- (3) the Financial Institutions Policy Board, functioning in formulating and monitoring the implementation of the supervision and examination of financial institutions;
- (4) the Payment Systems Board, functioning in formulating and monitoring the implementation of the policies on payment systems that are under the supervision of the BOT, and on clearing system among financial institutions.

The members of the Boards in paragraph one shall consist of ex officio members, experts as prescribed in this Chapter on each Board. In this regard, the experts shall be professional or have suitable experience for holding positions in such Boards.

⁵ As amended by Section 9 of the Bank of Thailand Act (No.4) B.E. 2551.

第 14 條 BOT 扣除累積損失後之年度純益，應依序提列下列公積：

- (1) 總計百分之25之普通公積；
- (2) BOT 理事會所定並經部長核准之其他特定目的公積。

第 1 項所定 BOT 營運剩餘純益應歸入國家收入。

第 15 條 BOT 年度營運如發生損失，應由普通公積抵沖。

第 16 條 重估 BOT 資產負債時，該重估所衍生之利得或損失應累積計入第 13 條第(2)款規定之公積，或扣減之。

第 4 章 委員會⁵

第 17 條 為依第 8 條規定執行 BOT 權限，應設立下列委員會：

- (1) BOT 理事會，綜理 BOT 之營運；
- (2) 貨幣政策委員會，制定及監督國家貨幣政策之執行；
- (3) 金融機構政策委員會，制定及監督金融機構監理及檢查之執行；
- (4) 支付系統委員會，制定及監督該等受 BOT 監督之支付系統及金融機構間清算系統之政策執行。

第 1 項所定委員會之委員，應包括本章就各委員會規定之當然委員、專家。專家應具備專業或擔任該等委員會職位之合宜經驗。

⁵ 佛曆 2551 (西元 2008) 年泰國銀行法 (第 4 號) 第 9 條修正之。

Section 18 The experts of the Boards under Section 17 shall have Thai nationality and not have the following prohibited characteristics;

- (1) having been adjudged as an incompetent or quasi-incompetent person;
- (2) being declared bankrupt or having been declared a dishonest bankrupt;
- (3) having been imprisoned by a final court judgment unless such punishment is for an offence committed through negligence or for a petty offence;
- (4) being or having been a political official unless vacating from the office for not less than 1 year;
- (5) being or having been a holder of any position in any political party or being an officer of any political party unless vacating from the office for not less than 1 year;
- (6) being a director or holding any position in financial institutions, unless holding position as specified by law;
- (7) being a director or an executive or a person with power of management or having significant interest in the juristic person having interest over the BOT's business.

Section 19 The experts of the Boards under Section 17 shall hold office for a term of 3 years and may be reappointed, but shall not hold office for more than 2 consecutive terms.

In the case where one of the experts vacates office before the expiration of his or her term, a replaced member shall be appointed, unless the remaining term is less than 90 days. The replaced appointee shall hold office for the remaining term of the members already appointed.

Upon the expiration of the term of office mentioned in paragraph one, if no appointment of new board members has been made, the retiring experts shall retain their offices and continue to perform their duties until the newly appointed members take charge of their duties. Nevertheless, such retaining shall not exceed the period of 120 days.

Section 20 In addition to the retirement from office on the expiration of the term, any experts of the Boards under Section 17 shall vacate upon;

- (1) death;
- (2) resignation;
- (3) being of 70 years of age;

第 18 條 第 17 條所定委員會之專家應具泰國國籍且無下列各款消極資格：

- (1) 經宣告為無行為能力人或準無行為能力人；
- (2) 受破產宣告者或曾受詐欺破產宣告者；
- (3) 受終審法院有期徒刑判決，但因過失犯或犯輕罪而受罰者，不在此限；
- (4) 擔任或曾任政務人員，但離職已逾 1 年者，不在此限；
- (5) 擔任或曾任任何政黨之任何職位、或為任何政黨職員，但離職已逾 1 年者，不在此限；
- (6) 擔任金融機構之董事或任何職位，但依法擔任該職位者，不在此限；
- (7) 於對 BOT 業務享有利益之法人擔任董事或執行長、或有權管理該法人或對該法人享有重大利益者。

第 19 條 第 17 條所定委員會之專家，其任期為 3 年，並得續派連任之，但續任任期以兩屆為限。

委員於其任期屆滿前出缺時，應選任替補委員，但其剩餘任期少於 90 天者，不在此限。替補委員之任期至出缺委員所餘任期屆滿為止。

第 1 項所定任期屆滿而尚未選任新的委員時，任期屆滿退任之委員應予留任，並繼續履行其職務至新選任委員承接其職務為止；但留任期間不得超過 120 天。

第 20 條 第 17 條所定委員會之專家除因任期屆滿而退職外，有下列各款情形之一者，應出缺其職務：

- (1) 死亡；
- (2) 辭職；
- (3) 屆齡 70 歲；

- (4) disqualification or having any prohibited characteristics under Section 18;
- (5) absence from the board meetings without reasonable excuse for more than 3 consecutive meetings;
- (6) being removed by the Minister upon the recommendation of the BOT Board due to serious misconduct or gross incompetence in the performance of duties, provided that explicit reason shall be specified in the order.

Section 21 At the Boards' meeting under Section 17, the presence of not less than one-half of the total members of the Boards shall form a quorum.

At a meeting, if the Chairman is absent or is unable to perform his or her duty, the Deputy-Chairman shall be in charge. In the case where there is more than 1 Deputy-Chairman, the Deputy-Chairman with the highest seniority shall be in charge. However, in the absence of both the Chairman and Deputy-Chairman, the meeting shall be postponed.

Decisions shall be taken by a majority of votes; each board member shall have 1 vote. In the case of tie, the Chairman shall be entitled to cast an additional deciding vote.

Section 22 For the Boards' meeting under Section 17, if there is a particular matter involving personal benefit of the Chairman or the board members, they shall disclose such matter to the BOT Board, the Monetary Policy Board, the Financial Institutions Policy Board, the Payment Systems Board, as the case may be.

The disclosure, consideration and decision in relation to personal benefit of the Chairman or the board members shall be in accordance with the rules and procedures as prescribed by the BOT Board.

Section 23 The Chairman and the board members shall receive meeting allowance or other remuneration as specified by the Minister. The meeting allowance and remuneration shall be deemed to be expenses for the operation of the BOT.

Division I The Bank of Thailand Board

Section 24 The BOT Board shall consist of the Chairman appointed by His Majesty the King, the Governor, 3 Deputy-Governors, the Secretary of the Office of the National Economic and Social Development, the Director of the Fiscal Policy Office and 5 experts appointed by the Minister.

- (4) 不符資格或有第 18 條所定消極資格者；
- (5) 無正當理由連續 3 次未出席委員會會議；
- (6) 因重大不法行為或嚴重無法履行職務，經部長依 BOT 建議予以解職者，但處分令應具體說明解職之明確理由。

第 21 條 第 17 條所定委員會之會議，應以全體委員過半數出席為法定最低出席人數。

主席未出席會議或無法履行其職務時，應由副主席負責主席職務。如副主席超過 1 名，應由最資深之副主席負責。但主席與副主席均缺席時，該會議應予延期。

委員會會議之決議採多數決；每位委員有一表決權。可否同數，取決於主席。

第 22 條 第 17 條所定委員會會議如涉及主席或委員個人利益之特別事項，該委員應視情況向 BOT 理事會、貨幣政策委員會、金融機構政策委員會、支付系統委員會揭露該等事項。

主席或委員個人利益之揭露、考量與決定，應依 BOT 理事會所定規則與程序為之。

第 23 條 主席與委員應收取會議津貼或部長規定之其他報酬；其會議津貼與報酬應視為 BOT 之營運支出。

第 1 節 BOT 理事會

第 24 條 BOT 理事會應由國王派任之主席、總裁、3 名副總裁、國家經濟暨社會發展辦公室秘書長、財政政策辦公室主任及部長派任之 5 名專家組成。

The Governor shall hold office as the Deputy-Chairman and shall appoint an officer as the secretary.

Section 25 The BOT Board shall have the powers and duties to generally control the business and operations of the BOT in order to attain the objectives under Section 7, except for the business and operations that are in charge of the Monetary Policy Board, the Financial Institutions Policy Board, and the Payment System Board, including the following duties;

- (1) considering and approving the operation and budgetary plan and assessing the undertaking of business and operations of the BOT, including the assessment of the general operation of the Governor;
- (2) issuing regulations on the organization structure and human resource administration;
- (3) issuing regulations on the nomination, consideration, and selection of the experts to be board members in the Monetary Policy Board, the Financial Institutions Policy Board, and the Payment System Board;
- (4) issuing regulations on the prevention of personal benefit involvement and the code of conduct of the board members for performing their legal duties in the Boards in accordance with Section 17, the Governor, the officer and the employee;
- (5) issuing regulations on authorization, administration or other affairs;
- (6) issuing regulations on budget, expense and procurement;
- (7) issuing regulations in relation to setting a remuneration and other monies, including the granting of loan, financial granting, and other benefits to the officers, employees or other retired persons and their family;
- (8) issuing regulations on the management of assets in the Currency Reserve under the law on currency and assets of the BOT as to Division 3, Chapter 6;
- (9) considering and approving the establishment and dissolution of the branch offices or representative offices;
- (10) determining the scope of the operations of the Audit Committee as to Section 55;
- (11) supervising the preparation of financial statement, annual reports and other reports of the BOT as prescribed in this Act;
- (12) doing other matters as prescribed in this Act or other laws.

總裁應擔任副主席，並應指派 1 名職員擔任秘書。

- 第 25 條** 除貨幣政策委員會、金融機構政策委員會與支付系統委員會負責之業務與營運外，為達成第 7 條所定目標，BOT 理事會應統籌管控 BOT 業務與營運之權利與職責，其職掌如下：
- (1) 考量及核准 BOT 業務與營運之營運及預算計畫，以及評估 BOT 業務與營運之進行，包括總裁之一般營運評估；
 - (2) 發布有關組織架構與人力資源管理之法規；
 - (3) 發布有關貨幣政策委員會、金融機構政策委員會與支付系統委員會委員提名、考量與選擇之法規；
 - (4) 發布有關防止依第 17 條規定履行委員會法定職責之委員會委員、總裁、職員與受僱人員涉及個人利益涉及行為規範之法規；
 - (5) 發布有關其他事項之授權、行政管理之法規；
 - (6) 發布有關預算、支出與採購之法規；
 - (7) 發布有關設定報酬與其他金錢之法規，包括給予職員、受僱人員或其他退休人員及其家屬之貸款、財務給與及其他利益；
 - (8) 發布有關經理貨幣法之貨幣準備資產及第 6 章第 3 節之 BOT 資產之法規；
 - (9) 考量及核准分行或代表辦事處之設立與裁撤；
 - (10) 決定第 55 條稽核委員會之運作範圍；
 - (11) 監督本法所定 BOT 財務報表、年報與其他報告之編製；
 - (12) 從事本法或其他法律規定之其他事項。

Section 26 Section 18, Section 19 and Section 20 shall apply to the Chairman of the BOT Board *mutatis mutandis*.

Section 27 For the initial term, when the experts hold their office until the expiration of 1 year and 6 months, 3 of them shall be retired by means of drawing lots. Retirement from the office by means of drawing lots shall be deemed retirement upon the expiration of the term of office.

Section 28 In the case where the Chairman or any expert of the BOT Board vacates his or her office before the expiration of the term, the Minister shall arrange the appointment of the selective committee in accordance with Section 28/1 within 30 days from the date of such vacation.

In the case where a new Chairman or expert has not been appointed yet, the remaining members shall perform their duties as possible unless the remaining number is less than 7.

Section 28/1 In the case where there shall be the appointment of the Chairman and any expert in the BOT Board, the Minister shall appoint a selective committee comprising 7 members with duty to select the suitable persons to be appointed as members of the BOT Board. The Governor shall appoint an officer as the secretary.

The selective committee in paragraph one shall be appointed from the persons who have held previous position as the Secretary of the Ministry of Finance, the Secretary of the Ministry of Commerce, the Secretary of the Ministry of Industry, the Director of the Bureau of Budget, the Secretary of the Council of State, the Secretary of the Office of the National Economic and Social Development, the Director of the Fiscal Policy Office, the Governor of the BOT or the Secretary of the Securities and Exchange Commission.

The selective committee shall not be a political official and have no personal benefit or interest in contravention to the duties imposed by this Act at the time of the appointment and during their duties.

The selective committee shall choose one of its members to be a Chairperson. The Chairperson and the selective committee shall be granted the meeting allowance and other remuneration as specified by the Minister. The meeting allowance and other remuneration shall be deemed to be expenses for the operation of the BOT.

第 26 條 BOT 理事會主席準用第 18 條、第 19 條及第 20 條之規定。

第 27 條 專家首次任期任滿 1 年 6 個月時，應以抽籤方式決定其中 3 名專家退休。依抽籤方式退休者，應視為任期屆滿退休。

第 28 條 BOT 理事會主席或專家於任期屆滿前出缺者，部長應自出缺日起 30 天內，依第 28 條之 1 規定安排選任委員會。
尚未派任主席或委員前，其餘委員應儘可能履行其職責，但委員人數少於 7 人者，不在此限。

第 28 條之 1 於有派任 BOT 理事會主席或專家之情況時，部長應指派 7 名成員組成選任委員會，負責選擇得受任命為 BOT 理事會委員之合格人員。總裁應指派 1 名職員擔任秘書。

前項選任委員會成員，應指派曾任財政部秘書長、商務部秘書長、工業部秘書長、預算局局長、內閣秘書長、國家經濟暨社會發展辦公室秘書長、財政政策辦公室主任、BOT 總裁、或證券交易委員會秘書長之人擔任。

選任委員會成員非屬政務人員，其受指派時及任職期間之個人利益不應與本法賦與之職責相牴觸。

選任委員會應自其成員中選出 1 名主席。

主席與選任委員會成員應受支給會議津貼及部長規定之其他報酬；其會議津貼與其他報酬應視為 BOT 之營運支出。

Section 28/2 The selective committee shall, within 30 days from the date of their appointment, determine the regulations on the meeting of the selective committee, the nomination, the consideration and the selection of the experts to be a Chairman or members of the BOT Board. The regulations shall, at least, sufficiently prescribe information in relevant to the knowledge and experience of the experts for the purpose of performing their duties and any involving benefit of such persons that may contravene the performance of the BOT Board, in order to assist the consideration of the selective committee.

The regulations in paragraph one shall be valid notwithstanding the expiration of the term of such determining selective committee.

The amendment, cancellation or re-determination of regulations shall be done upon the votes of not less than half of the total member of the committee. The selective committee shall disclose the regulations in the manner that could be accessed by public.

Section 28/3 At the meeting of the selective committee, the presence of not less than two third of the total members shall form a quorum.

Section 28/4 The selective committee shall vacate from office when the selection process and the appointment of the experts to be a Chairman or experts, as the case may be, has been completed.

Section 28/5 The Governor and the Secretary of the Ministry of Finance shall propose the name list of a person, with Thai nationality and no prohibited characteristics as prescribed under Section 18 and having knowledge and experience for the purpose of performing their duties in the BOT Board, to the selective committee to elect the suitable persons to be appointed as a Chairman or expert of the BOT Board, as the case may be. In the name list, the Governor may nominate not more than 2 times of the total number of experts, and the Secretary of the Ministry of Finance may nominate not more than the total number of experts.

After the selective committee has selected the suitable persons, in the case of Chairman, the name shall be proposed to the Minister to submit to the Cabinet for consideration. Soon after approving the name list, the Cabinet shall tender the name list to His Majesty the King for the appointment. In the case of experts, the name shall be proposed to the Minister to consider and appoint.

第 28 條之 2 選任委員會應自受指派之日起 30 天內，訂定選任委員會會議、提名、審議與選擇專家擔任 BOT 理事會主席或委員之法規。該法規至少應充分規定有關專家履行職務之知識經驗，以及該等人員可能抵觸 BOT 理事會職掌之相關利益之資訊，以協助選任委員會之審議。

選任委員會任期雖屆滿，第 1 項法規應仍有效。該法規之修正、廢止或重訂，應以委員會全體委員過半數表決為之。選任委員會應以大眾可見聞之方式揭露該法規。

第 28 條之 3 選任委員會會議，應以全體委員 2/3 出席為法定最低出席人數。

第 28 條之 4 完成選任程序並已任命專家擔任主席或委員時，選任委員會應解職。

第 28 條之 5 總裁與財政部秘書長應提出具泰國國籍，且無第 18 條所定消極資格，並具有履行 BOT 理事會職務知識經驗之人員名單，供選任委員會選出得擔任 BOT 理事會主席或專家之適當人選。前述名單中，由總裁提名者不得超過專家總數之 2 倍，由財政部秘書長提名者，不得超過專家總數。選任委員會選出適當人選後，主席人選由部長轉請內閣審議。內閣核可之主席名單應報請國王派充之。專家人選應提請部長審議並派任之。

Division II
The Monetary Policy Board

Section 28/6 The members of the Monetary Policy Board shall consist of the Governor, as the Chairman, 2 Deputy-Governors determined by the Governor; one of which shall be assigned by the Governor to be a Deputy-Chairman, and 4 experts with professional knowledge in the field of economic or banking appointed by the BOT Board.

The Governor shall appoint an officer to be a secretary.

Section 28/7 The Monetary Policy Board shall have powers and duties conferred as follows;

- (1) determining targets of national monetary policy, provided that the fundamental state policies, national economic and monetary status shall be taken into consideration;
- (2) determining policies of managing the currency exchange under the exchange rate regime as to the law on currency;
- (3) determining any necessary measure in compliance with the target and policies in (1) and (2);
- (4) monitoring the BOT's implementation according to (3) to be correct and efficient.

The Monetary Policy Board shall report its operation to the Cabinet for every 6 month period.

Section 28/8 By December of each year, the Monetary Policy Board, with a corporative agreement with the Minister, shall determine targets of monetary policy for the following year which shall be regarded as the guideline for the State and the BOT for the purpose of implementing any measure to maintain the price stability. The Minister shall propose the agreed targets of monetary policy to the Cabinet for approving. Upon the approval, it shall be published in the Government Gazette.

In the case where it is appropriate or necessary, the Monetary Policy Board may edit, change or add targets of monetary policy, provided that those stated in paragraph one shall be complied with.

第 2 節 貨幣政策委員會

第 28 條之 6 貨幣政策委員會委員應由總裁、總裁指定之 2 名副總裁及 BOT 理事會任命具經濟或銀行領域專業知識之 4 名專家組成；總裁擔任主席，並指定其中 1 名副總裁擔任副主席。
總裁應指派 1 名職員擔任秘書。

第 28 條之 7 貨幣政策委員會之職權如下：

- (1) 經審酌國家基本政策、國家經濟與貨幣狀況，決定國家貨幣政策目標；
- (2) 依貨幣法之匯率制度，決定貨幣兌換之經理政策；
- (3) 決定為遵循第(1)款與第(2)款所定目標與政策之必要措施；
- (4) 監督 BOT 能正確及有效率地執行第(3)款之規定。

貨幣政策委員會應每 6 個月向內閣報告其運作情形。

第 28 條之 8 貨幣政策委員會應於每年十二月前，依其與部長之合作協議，決定下年度之貨幣政策目標，並應以該目標為國家與 BOT 執行維護物價穩定措施之指導方針。部長應將經協議之貨幣政策目標報請內閣核定。內閣核定之貨幣政策目標，應於公報公布之。
貨幣政策委員會於必要或適當時，得依前項規定修正、變更或增加貨幣政策。

Division III The Financial Institutions Policy Board

Section 28/9 The members of the Financial Institutions Policy Board shall consist of the Governor, as the Chairman, 2 Deputy-Governors determined by the Governor; one of which shall be assigned by the Governor to be a Deputy-Chairman, the Director of the Fiscal Policy Office, the Secretary of the Insurance Commission, the Secretary of the Securities and Exchange Commission and 5 experts appointed by the BOT Board.
The Governor shall appoint an officer to be a secretary.

Section 28/10 The Financial Institutions Policy Board shall have powers and duties to formulate and execute policies concerning supervising and examining the financial institutions and monitoring the BOT's operation in accordance with Section 8 (5) and (7); including the following duties;

- (1) determining policies concerning financial institutions;
- (2) determining policies on opening and closing branches of the financial institutions;
- (3) determining financial proportion, which financial institutions are subject to comply with under the law on financial institutions businesses;
- (4) giving an opinion or recommendation concerning the establishment of a new financial institution.

The Financial Institutions Policy Board shall report the operation to the BOT Board within the period indicated by the BOT Board.

Division IV The Payment Systems Board

Section 28/11 The members of the Payment Systems Board shall consist of the Governor, as the Chairman, 2 Deputy-Governors determined by the Governor; one of which shall be assigned by the Governor to be a Deputy-Chairman, the President of the Thai Bankers' Association and 3 experts appointed by the BOT Board.

The Governor shall appoint an officer to be a secretary.

Section 28/12 The Payment Systems Board shall have powers and duties to formulate policies concerning a payment system that is under the supervision of the BOT and the clearing system between financial institutions, for the purpose of security and effectiveness, and monitoring the BOT's operation under Section 8 (6).

第 3 節 金融機構政策委員會

第 28 條之 9 金融機構政策委員會應由總裁、總裁指定之 2 名副總裁、財政政策辦公室主任、保險委員會秘書長、證券交易委員會秘書長及 BOT 理事會任命之 5 名專家組成；總裁擔任主席，並指定其中 1 名副總裁擔任副主席。
總裁應指派 1 名職員擔任秘書。

第 28 條之 10 金融機構政策委員會應制定並執行有關金融機構監理與檢查之政策，以及有關監督 BOT 依第 8 條第(5)款及第(7)款規定運作之政策，包括下列職權：

- (1) 決定金融機構政策；
- (2) 決定金融機構開放型與封閉型分行之政策；
- (3) 決定金融機構依金融機構業務法所應遵循之財務比例；
- (4) 提供有關新金融機構設立之意見或建議。

金融機構政策委員會應於 BOT 理事會指示期間內向 BOT 理事會報告運作情形。

第 4 節 支付系統委員會

第 28 條之 11 支付系統委員會委員應由總裁、總裁指定之 2 名副總裁、泰國銀行公會理事長及 BOT 理事會任命之 3 名專家組成；總裁擔任主席，並指定其中 1 名副總裁擔任副主席。
總裁應指派 1 名職員擔任秘書。

第 28 條之 12 為第 8 條第(6)款所定 BOT 營運之安全與效率，以及監督目的，支付系統委員會應制定有關 BOT 監理之支付系統及金融機構間清算系統之政策。

The Payment Systems Board shall report the operation to the BOT Board within the period as indicated by the BOT Board.

Chapter 5 The Governor

Section 28/13 The Governor shall be responsible for the management and administration of the BOT's operation to attain the objectives prescribed under Section 7, including the implementation of laws, regulations and policies prescribed by the Boards under Section 17.

The Governor shall have authority over the officers and the employees.

Section 28/14 The Governor shall be appointed by His Majesty the King upon the recommendation of the Cabinet.

In the case where there shall be the appointment of the Governor, the Minister shall appoint a selective committee consisting of 7 members who have held previous positions stipulated under Section 28/1 functioning to nominate not less than 2 suitable persons to be selected as a Governor. The Minister shall appoint any person as a secretary.

For the appointment of the Governor for a term of office, the selective committee shall propose the nominated name in paragraph 2 to the Minister for consideration not less than 90 days prior to the expiration of the term.

In the case where the Governor vacates office before the expiration of his or her term, the Minister shall appoint a selective committee under paragraph two within 15 days from the date of the vacation.

Section 28/2, Section 28/3 shall apply to the selective committee in paragraph two *mutatis mutandis*.

The selective committee in paragraph two shall vacate from office when the selection process and appointment of the Governor has been completed.

Section 28/15 The Governor shall have knowledge and professional skill in the field of economics or banking and finance.

Section 28/16 For the performance of duties, the Governor shall be independent in the management and administration of the BOT's affairs.

支付系統委員會應於 BOT 理事會指示期間內向 BOT 理事會報告運作情形。

第 5 章 總裁

第 28 條之 13 總裁負責經理及管理 BOT 運作，以達成第 7 條所定目標，包括實施第 17 條各委員會訂定之法律、法規與政策。
總裁有權指揮職員與受僱人員。

第 28 條之 14 總裁由內閣提名，國王派充之。
總裁之選任，由部長指派 7 名曾任第 28 條之 1 所定職位之人組成選任委員會，並負責提名 2 名以上得受選任為總裁之適當人選。部長應指派 1 名秘書。
選任委員會應於總裁任期屆滿前 90 天，提出第 2 項人選名單送請部長為總裁任命之審議。
總裁於任期屆滿前出缺者，部長應自出缺日起算 15 天內指派第 2 項選任委員會。
第 28 條之 2 與第 28 條之 3 之規定，於第 2 項選任委員會準用之。
完成總裁之選任程序與派任時，第 2 項選任委員會應解職。

第 28 條之 15 總裁應具備經濟或銀行與金融領域之知識與專業技能。

第 28 條之 16 總裁履行職務時，得獨立經理及管理 BOT 事務。

Section 28/17 The Governor must have Thai nationality and not have the following prohibited characteristics;

- (1) being of more than 60 years of age on the date the Cabinet had a resolution to submit the name to His Majesty the King for the appointment;
- (2) having been adjudged as an incompetent or quasi-incompetent person;
- (3) being declared bankrupt or having been declared a dishonest bankrupt;
- (4) having been sentenced to imprisonment by a final judgment unless such punishment is for an offence committed through negligence or for a petty offence;
- (5) being an officer or employee;
- (6) being or having been a political official unless vacating from the office for not less than 1 year;
- (7) being or having been a holder of any position in any political party or being an officer of any political party unless vacating from the office for not less than 1 year;
- (8) being a director or having a position in a financial institution or any juristic person established by any specific law , except for a position specified by law;
- (9) being a director or an executive or a person with power of management or having significant interest in the juristic person having interest over the BOT's business.

Section 28/18 The Governor shall hold office for a term of 5 years from the date of the appointment and may be reappointed for not more than 1 term.

Section 28/19 In addition to the retirement from office on the expiration of the term prescribed under Section 28/18, the Governor shall vacate upon;

- (1) death;
- (2) resignation;
- (3) possessing qualifications or restrictions contravening the provisions of Section 28/17;
- (4) being removed by the Cabinet upon the recommendation of the Minister due to wrongful misconduct or dishonest performance of duties;
- (5) being removed by the Cabinet upon the recommendation of the Minister or by the proposal of the Minister upon the recommendation of the BOT Board due to gross incompetence in the performance of duties or incapability, provided that explicit reason shall be specified in the order.

第 28 條之 17 總裁必須具備泰國國籍，且無下列消極資格：

- (1)內閣決議提請國王派任之日，年齡逾 60 歲；
- (2)曾受無行為能力或準無行為能力之宣判；
- (3)受破產宣告或曾受不名譽破產宣告；
- (4)曾受有期徒刑判決確定，但因過失犯或犯輕罪而受罰者，不在此限；
- (5)為職員或受僱人員；
- (6)擔任或曾任政務人員，但離職已逾 1 年者，不在此限；
- (7)擔任或曾任任何政黨之任何職務、或為任何政黨職員，但離職已逾 1 年者，不在此限；
- (8)擔任金融機構或依特別法所設法人之董事或任何職位，但依法擔任該職位者，不在此限；
- (9)法人董事或執行長、或對該法人具經理權或有重大利益，而該法人對 BOT 業務享有利益者。

第 28 條之 18 總裁任期自派任之日起算 5 年，得續派連任 1 次。

第 28 條之 19 總裁除依第 28 條之 18 規定於任期屆滿退職外，有下列各款情形之一者，應出缺其職務：

- (1)死亡；
- (2)辭職；
- (3)違反第 28 條之 17 之積極資格或消極資格規定；
- (4)依部長針對總裁不法行為或未誠實履行職務之建議，經內閣免除其職務者；
- (5)依部長建議或部長依 BOT 理事會就總裁完全無法履行職務或失能之建議所為提案，經內閣免除其職務者，該項命令應敘明免職之確切理由。

Section 28/20 The Governor vacating office shall not hold any position in financial institutions within 2 years from the date of vacation.

Section 28/21 For the BOT's business concerning any third party, the Governor shall be a representative of the BOT. In this regard, the Governor may authorize an officer to undertake any particular business in accordance with the regulations prescribed by the BOT Board.

Section 29 The Governor shall have salary, position award and other benefits as prescribed by the Minister. To determine the salary, consideration shall be taken as to the prohibition of holding a position in any financial institution as specified under Section 28/20.

Chapter 5 bis Financial Institutions Development Fund

Section 29 bis In this Chapter:

“Financial Institution” means

- (1) a commercial bank under the law on commercial banking;
- (2) a finance company, a finance and securities company or a credit foncier company under the law on the under taking of finance business, securities business and credit foncier business;
- (3) any other institution undertaking business concerning finance as prescribed by the Minister in the Government Gazette.

“Fund” means the Financial Institutions Development Fund.

“Manager” means the manager of the Fund.

Section 29 ter A fund shall be established in the Bank of Thailand and called the “Financial Institutions Development Fund”. The Fund shall be a juristic person with the purpose of reconstructing and developing the financial institution system to accord its strength and stability. It shall have the “Department of Financial Institutions Development Fund” as its competent authority and shall be separated and kept wholly distinct from the Bank's other business.

Section 29 quarter The Fund shall be composed of:

第 28 條之 20 總裁自離職之日起 2 年內不得擔任金融機構之任何職務。

第 28 條之 21 BOT 對第三人之業務，以總裁為 BOT 之代表人；總裁並得依 BOT 理事會所定法規，授權 1 名職員從事特定業務。

第 29 條 總裁享有部長所定之薪水、工作獎金及其他利益；其薪水之訂定，應審酌第 28 條之 20 有關禁止總裁於金融機構任職之規定。

第 5 章之 2 金融機構發展基金

第 29 條之 2 本章所稱「金融機構」係指：

- (1) 商業銀行法規定之商業銀行；
- (2) 承作金融業務、有價證券業務與不動產信託業務法規定之金融公司、證券融資公司或不動產信託公司；
- (3) 從事部長於政府公報所定金融業務之其他機構。
「基金」係指金融機構發展基金。
「經理人」係指基金經理人。

第 29 條之 3 BOT 應設立金融機構發展基金。基金為法人，負責金融機構體系之重建與發展，以調節該體系之實力與穩定性。基金之主管機關為金融機構發展基金部，並應與 BOT 其他業務完全區隔。

第 29 條之 4 基金應由下列各款組成：

- (1) monies accepted under Section 29 quinque and Section 29 septem;
- (2) monies and properties given by donors;
- (3) other monies and properties devolved on the Fund; and
- (4) the Fund's earnings.

Section 29 quinque Each financial institution shall, in accordance with the rules, procedures and within the period of time prescribed by the Fund Management Committee, remit to the Fund a sum of money at the rate prescribed by the Fund Management Committee, with the approval of the Cabinet. Such rate shall not be more than one half of 1 per cent of the total amount of deposits, borrowings or funds received during the year by a financial institution from the public, as the case may be, which is outstanding at the end of the preceding 6 month financial period in which the remittance is to be made.

In the case where the Fund guarantees to the creditors of the financial institutions, the Fund Management Committee shall require the financial institutions to remit to the Fund a sum of money at the rate of not more than one half of one per cent of the debt outstanding guaranteed by the Fund and hold by such financial institutions at the end of the preceding 6 month financial period. Such remittance shall be made at the same time the remittance as prescribed in paragraph one is to be made.

The rate under the first paragraph may be prescribed differently according to type of financial institution.

For the purpose of computation of the remittance to the Fund, deposits or borrowings received by a financial institution from the Fund shall be excluded.

Where the Fund has sufficient money and property to conduct business in accordance with its purposes, the Fund Management Committee may declare that money shall cease to be remitted to the Fund.

Section 29 sex Any financial institution which fails to make the remittance to the Fund in accordance with Section 29 quinque accurately and in full shall pay in accordance with rules and procedures prescribed by the Fund Management Committee a surcharge not exceeding twice the amount of money yet to be remitted.

Section 29 septem The Bank of Thailand shall from time to time consider allocating to the Fund any suitable amount of reserves under Section 9.

The Bank of Thailand may advance to the Fund such sums as are deemed necessary, but such sums shall be repaid by the Fund within the time prescribed by the Court, which may also prescribe that the Fund shall pay remuneration in return for such advances.

- (1) 依第 29 條之 5 及第 29 條之 7 之規定所收取之款項；
- (2) 捐贈者給予之金錢與財產；
- (3) 其他移交予基金之金錢與財產；及
- (4) 基金之收入。

第 29 條之 5 各金融機構應依基金管理委員會所定規則、程序及期間，並按基金管理委員會訂定且經內閣核准之比率匯款予基金。該比率不得超過金融機構於年度期間向大眾收取而於匯款之該會計年度之前 6 個月結束時尚未償付之存款、借款或資金總額之 0.5%。

基金對金融機構之債權人為保證時，基金管理委員會應要求金融機構就基金保證且金融機構於該會計年度之前 6 個月結束時持有之未償債務金額之 0.5% 匯款予基金。該筆匯款應與第 1 項匯款同時匯出。

第 1 項比率得因金融機構之種類而為不同規定。計算應給予基金之匯款，應扣除金融機構自基金收取之存款或借款。

當基金有十足之金錢與財產從事其目的業務時，基金管理委員會得宣布停止匯款予基金。

第 29 條之 6 金融機構未依第 29 條之 5 之規定全額匯款予基金者，應依基金管理委員會所定規則與程序，繳交不超過其未匯款金額 2 倍之罰款。

第 29 條之 7 BOT 應經常審酌由第 9 條所定公積中撥給基金適當之金額。

BOT 得給予基金必要之融通。但基金應於法院所定期限內償還該款項。法院亦得規定基金應就該融通支付報酬。

Section 29 octo⁶ The Fund is empowered to conduct its business within the scope of its purposes under Section 29 ter, and such shall include the powers to:

- (1) hold ownership or possessory or any real right, build, buy, acquire, sell, dispose of, hire, lease, hire-purchase, lease under hire-purchase agreement, borrow, lend, accept pledges, accept mortgages, exchange, transfer, accept transfer of or engage in any act concerning properties, within or outside the Kingdom, including to accept properties from donors;
- (2) guarantee or certify, accept, give aval to or intervene to honour bills;
- (3) hold deposit with financial institutions as the Fund Management Committee deems necessary and appropriate;
- (4) borrow money, issue bills and bonds;
- (5) make investment for the purpose of earning income as permitted by the Fund Management Committee;
- (6) undertake all business in connection with or incidental to attainment of the objectives of the Fund.

Section 29 novem There shall be a committee called the “Fund Management Committee” consisting of the Governor as Chairman, the Permanent Secretary for Finance as Deputy Chairman and not less than five, but not more than nine, other committee members appointed by the Minister.

The Manager shall be the Secretary of the Fund Management Committee.

Section 29 decim Committee members appointed by the Minister shall retain office for a term of 3 years.

If a committee member appointed by the Minister vacates his or her office before the expiration of his or her term or if the Minister appoints an additional committee member during the term of office of existing committee members, the replacement appointee or the additional appointee shall retain office for the remaining term of the existing committee members.

On the expiration of the term of office mentioned in the first paragraph, if no appointment of new committee members is yet made, the retiring committee members shall retain their offices and conduct their duties until new appointees take charge of their duties.

⁶ As amended by Section 10 of the Bank of Thailand Act (No.4) B.E. 2551.

第 29 條之 8⁶ 基金於第 29 條之 3 所定目的範圍內，得經營下列業務：

- (1) 享有所有權或其他實際權利、建築、購買、取得、出售、處分、動產租賃、不動產租賃、動產租購、不動產租購、借用、出借、受理抵押、受理質押、交換、移轉、受理移轉或從事任何有關泰國境內外財產之行為，包括接收捐贈人財產；
- (2) 票券之保證或保付、承兌、保兌或參加承兌；
- (3) 收受基金管理委員會認為必要且適當之金融機構存款；
- (4) 借款、發行票券及公債；
- (5) 為賺取收入，從事基金管理委員會許可之投資；
- (6) 從事其他有關為達成基金目標或附隨之業務。

第 29 條之 9 基金管理委員會由總裁、財政部常務次長及部長任命之 5 至 9 名其他委員組成。由總裁擔任主席，財政部常務次長擔任副主席。經理人擔任基金管理委員會秘書長。

第 29 條之 10 部長任命之委員會委員任期 3 年。部長任命之委員會委員於任期屆滿前出缺，或部長於現任委員會委員之任期期間，任命增額委員會委員，該繼任或增額委員之任期至現任委員會委員之任期屆滿為止。第 1 項所定任期屆滿時尚未任命新的委員會委員時，任期屆滿之委員會委員應留任，並履行其職務至新受任者接任其職務為止。

⁶ 佛曆 2551（西元 2008）年泰國銀行法（第 4 號）第 10 條修正之。

A retiring committee member shall be eligible for reappointment, but for not more than 2 consecutive terms.

Section 29 undecim Besides retiring from office on the expiration of the term under Section 29 decim, any committee member shall vacate his or her office when he or she;

- (1) dies;
- (2) resigns;
- (3) is ordered to leave by the Minister;
- (4) is declared bankrupt;
- (5) is adjudged incompetent or quasi-incompetent;
- (6) is sentenced to imprisonment by a final judgment unless such punishment is for an offence done in negligence or for a petty offence.

Section 29 duodecim For a meeting of the Fund Management Committee, the quorum shall consist of not less than half of the members of the Committee. Decisions shall be taken by a majority of votes, each committee member having 1 vote. In the case of a tie, the Chairmen shall be entitled to cast an additional deciding vote.

Section 29 tredecim The Fund Management Committee shall have the authority and duty to lay down policies and take general control and superintendence of the affairs of the Fund. Such authorities and responsibilities shall include:

- (1) issuing regulations of the purpose of complying with Section 29 ter, Section 29 quinque and Section 29 octo;
- (2) issuing regulations concerning meetings and operations of the Fund Management Committee;
- (3) issuing regulations governing the performance of duties of the Manager; and
- (4) considering any other matters assigned by the BOT.

Section 29 quattuordecim The Chairman and members of the Fund Management Committee shall receive such remuneration as prescribed by the Minister.

Section 29 quindecim The Manager shall be appointed or removed by the Fund Management Committee.
The Manager shall be appointed from an officer of the BOT.

委員會委員任期屆滿，得續派連任，但續任任期以兩屆為限。

- 第 29 條之 11** 委員會委員除依第 29 條之 10 規定於任期屆滿退職外，有下列各款情形之一者，應出缺其職務：
- (1) 死亡；
 - (2) 辭職；
 - (3) 部長命其離職；
 - (4) 受破產宣告；
 - (5) 受無行為能力或準無行為能力之宣告；
 - (6) 受有期徒刑判決確定，但因過失犯或犯輕罪而受罰者，不在此限。

- 第 29 條之 12** 基金管理委員會會議，應以過半數委員為法定最低出席人數。
委員會會議之決議採多數決，每位委員有一表決權。可否同數，取決於主席。

- 第 29 條之 13** 基金管理委員會負責制定政策、控制及監督基金事務，其職掌如下：
- (1) 發布有關遵循第 29 條之 3、第 29 條之 5 及第 29 條之 8 規定之規則；
 - (2) 發布基金管理委員會會議及運作規則；
 - (3) 發布規範經理人履行職務之規則；
 - (4) 審議 BOT 指派之其他事務。

- 第 29 條之 14** 基金管理委員會之主席及委員得接受部長規定之報酬。

- 第 29 條之 15** 經理人由基金管理委員會任免之。
經理人應自 BOT 職員中選任之。

Section 29 sedecim It shall be the Manager's duty to administer the affairs of the Fund in accordance with the objectives and responsibilities of the Fund and in accordance with the policy or regulations prescribed by the Fund Management Committee.

In administering the affairs of the Fund, the Manager shall be responsible to the Fund Management Committee.

Section 29 septendecim The Manager shall be the representative of the Fund in regard to the Fund's external affairs and in this respect the Manager may, in accordance with the regulations prescribed by the Fund Management Committee, specifically authorize a representative or any person to act on his behalf.

Section 29 duodeviginti⁷ The monies of the Fund shall be spent only on conducting business to attain the objectives of the Fund and for the Fund's administrative expenditures including any remuneration under this Chapter as prescribed by the Fund Management Committee.

Section 29 undeviginti The Fund shall lay down and observe a proper accounting system, maintain regular internal auditing and books of account which itemize:

(1) receipts and payments;

(2) assets and liabilities;

showing accurately and properly its state of affairs including the origin of such items.

Section 29 viginti The Office of the Auditor-General shall be the Fund's auditor and shall each year audit the Fund's accounts including its finances.

Section 29 unetviginti The auditor shall present an audit report to the Minister within 90 days of the end of the financial year, a copy of which shall also be sent to the Bank of Thailand.

Chapter 6⁸

Operation within the scope of the BOT's powers and duties

Division I

Issues Notes of the Government and Bank-Notes

Section 30 The notes of the Government shall be issued by the BOT in compliance with the law on currency.

⁷ As amended by Section 11 of the Bank of Thailand Act (No.4) B.E. 2551.

⁸ As amended by Section 13 of the Bank of Thailand Act (No.4) B.E. 2551.

第 29 條之 16 經理人應依基金之目的與職責及基金管理委員會所定之政策或規則，管理基金事務。

經理人應就管理基金事務，對基金管理委員會負責。

第 29 條之 17 經理人對外代表基金，並得依基金管理委員會所定規則具體授權代表人或代表其行為之人。

第 29 條之 18⁷ 基金之款項僅得用於從事為達成基金目標之業務，以及用於支付本章基金管理委員會所定包括報酬在內之基金行政支出。

第 29 條之 19 基金應擬訂並遵守適當之會計制度、維持定期內部稽核，並依下列項目記帳，以正確且適當表達包括該等項目原始憑證之事項：

(1) 收入與支出；

(2) 資產與負債。

第 29 條之 20 審計局為基金之審計官，每年應審核包括基金財務在內之帳冊。

第 29 條之 21 審計官應於會計年度終了 90 天內提交審計報告予部長，並副知 BOT。

第 6 章⁸ BOT 權限與職責範圍內之經營

第 1 節 發行政府鈔券及銀行券

第 30 條 BOT 依貨幣法之規定發行政府鈔券。

⁷ 佛曆 2551 (西元 2008) 年泰國銀行法 (第 4 號) 第 11 條修正之。

⁸ 佛曆 2551 (西元 2008) 年泰國銀行法 (第 4 號) 第 13 條修正之。

Section 31 The BOT shall have the sole right to issue bank-notes within the Kingdom.

The bank-notes issued by the BOT in paragraph one shall be deemed as the notes under the law on currency. The issue and management of such bank-notes shall be governed by the aforementioned law.

Section 32 The bank-notes issued by the BOT shall be deemed to be currency under the provisions of the Criminal Code.

Division II Implementation of monetary policies

Section 33 The BOT shall implement monetary policies as determined by the Monetary Policy Board, with powers and duties as follows;

- (1) accepting of money on fixed or current account deposit in accordance with rules prescribed by the Monetary Policy Board;
- (2) determining interest rate in lending money to financial institutions under Section 41(1);
- (3) buying ,selling as well as entering into a swap transaction on currencies with financial institutions, foreign financial institutions or international financial institutions;
- (4) borrowing foreign exchange for the purpose of maintaining the valuation of currency by means of issuing bills which have a fixed date of payment or bonds or by other means and arranging to have collateral for money so borrowed as approved by the Minister;
- (5) borrowing money for the implementation of monetary policies as well as providing collateral thereto;
- (6) subscribing, buying, selling as well as entering into a swap transaction on securities in so far as is necessary to control money supply of;
 - (a) government securities or securities guaranteed as to principle and interest by the Ministry of Finance;
 - (b) debentures, bonds or other debt instruments issued by government enterprises or financial institutions established by any specific law as prescribed by the BOT;
 - (c) bills, bonds or other debt instruments issued by the BOT;

第 31 條 BOT 享有於泰國境內獨家發行銀行券之權。
第 1 項 BOT 發行之銀行券，應視為依貨幣法發行之鈔券。銀行券之發行與管理應受前述法律之規範。

第 32 條 BOT 發行之銀行券，應視為刑法條文所稱之貨幣。

第 2 節 執行貨幣政策

第 33 條 BOT 應執行貨幣政策委員會決定之貨幣政策，其職掌如下：

- (1) 依貨幣政策委員會所定規則，收受定期或活期存款之金錢；
- (2) 決定依第 41 條第(1)款規定對金融機構融通之利率；
- (3) 與金融機構、外國金融機構或國際金融機構買賣及進行貨幣交換交易；
- (4) 為維護幣值，以發行固定付款日票券、公債或其他方式借入外匯，並就部長核准之借款準備擔保品；
- (5) 為執行貨幣政策而借款，並提供擔保品；
- (6) 為控制下列貨幣供給之需，認購、買賣及從事證券交換交易：
 - (a) 財政部保證本金與利息之政府有價證券或有價證券；
 - (b) 政府企業或依 BOT 所定特別法設立之金融機構發行之公司債、債券或其他債務工具；
 - (c) BOT 發行之票券、債券或其他債務工具；

- (d) other debt instruments as prescribed by the BOT;
- (7) borrowing or lending with or without remuneration of securities in (6), in the case of lending, it shall have first-rate collateral assets as prescribed by the BOT as the collateral.
- (8) selling or disposing of properties under the possession of the BOT for the purpose of activating the right to claim, in whole or in part;
- (9) undertaking other business in connection with or incidental to the implementation of monetary policies as prescribed by the Monetary Policy Committee.

The sale in paragraph one (3) and (6) may contain the provisions indicating that;

- (1) the seller shall deliver properties and the buyer shall make a payment immediately within the specified period;
- (2) the seller shall deliver properties and the buyer shall make a payment at a particular time in the future for the specified amount and price;
- (3) providing the right of one party to call another party to enter into a sale contract within a period of time or at a particular time in the future for the specified amount and price;
- (4) the buyer shall sell back and the seller shall buy back the properties at a particular time in the future for the specified amount and price;
- (5) other provisions prescribed by the BOT.

For the purpose of paragraph one (3) and (6), a swap transaction is a contract to which the parties agree exchange the obligations to receive or pay interest or to exchange the obligations to receive or pay different currencies within a specific period of time.

Section 34 For the purpose of implementation of monetary policies, in addition to liquid assets to be maintained as specified by other laws, the BOT may order financial institutions to maintain cash reserve at the BOT, in accordance with the rules and interest rate specified by the BOT.

(d) BOT 規定之其他債務工具。

- (7) 有償或無償借入或出借第(6)款之有價證券；出借時，應以 BOT 所定第一級擔保資產為擔保品；
- (8) 為活化全部或部分請求權權利，出售或處分 BOT 所持有之財產；
- (9) 從事與執行貨幣政策委員會所定貨幣政策相關或附隨之其他業務。

第 1 項第(3)款及第(6)款所稱出售之可能意涵包括：

- (1) 賣方應交付財產且買方應於規定期間內立即付款；
- (2) 賣方應交付財產且買方應於未來特定時間支付一定金額與價金；
- (3) 提供一方當事人得要求他方當事人於一定期間內或於未來特定時間就一定金額與價金簽訂買賣契約之權利；
- (4) 於未來特定時間依一定金額與價金，買方應賣回且賣方應買回財產；
- (5) BOT 規定之其他條款。

就第 1 項第(3)款及第(6)款之目的而言，交換交易係指雙方當事人同意於特定期間內交換收取或支付利息之義務、或交換收取或支付不同貨幣之義務。

第 34 條 為執行貨幣政策，除其他法律明定應予以維護之流動資產外，BOT 得命令金融機構依 BOT 所定規則及利率，提存現金準備金於 BOT。

Division III
Management of the Assets of the BOT

Section 35 The BOT shall have powers and duties to manage the BOT's assets; including to make an investment for the purpose of earning income in accordance with the rules prescribed by the BOT Board, provided that consideration shall be taken on financial security, liquidity, income and risk management.

The assets in Currency Reserve under the law on currency shall not be regarded as the assets in paragraph one.

Section 36 For the management under Section 35, in case of the investment in foreign assets, only the following assets shall be eligible;

- (1) gold;
- (2) currency of a country accepting the obligations prescribed in Chapter 8 on Agreement on the International Monetary Fund, which must be in the form of deposit with a commercial bank outside the Kingdom, a foreign financial institutions outside the Kingdom, an international financial institution, or in the form of money deposits at a custodian outside the Kingdom, in accordance with the characteristics or qualifications prescribed by the BOT Board;
- (3) foreign securities payable in foreign currency as stated in (2), only the following securities;
 - (a) securities of a foreign government, an organization of a foreign government, an international financial institution or international organization;
 - (b) securities which guaranteed as to the performance of obligations by a foreign government, an international financial institution or international organization;
 - (c) instruments issued by an international financial institution, of which Thailand is a member, as evidence that the holder thereof is participating with such institution in making available loans to member government or organizations of member governments of the said institution to the amount indicated in the instruments;
 - (d) securities issued by other foreign organization or juristic person as prescribed by the BOT Board;

第 3 節 BOT 資產之經理

第 35 條 BOT 有權力及義務經理 BOT 資產；包括為依 BOT 理事會所定規則賺取收入之目的而進行投資在內，但應考慮財務安全、流動性、收入與風險管理。

貨幣法規定之貨幣準備資產，不得視為第 1 項所稱資產。

第 36 條 第 35 條規定之經理如為國外資產之投資，僅限於下列合格資產：

- (1) 黃金；
- (2) 國際貨幣基金協議第 8 章所定接受債務國之貨幣，且須為存放於泰國境外商業銀行、泰國境外外國金融機構、國際金融機構之存款、或存放於泰國境外保管行之現金存款，該等機構應符合 BOT 理事會所定之特性與資格；
- (3) 應以第(2)款所述外國貨幣支付之外國有價證券，僅限於下列有價證券：
 - (a) 外國政府、外國政府組織、國際金融機構或國際組織之有價證券；
 - (b) 外國政府、國際金融機構或國際組織以之為債務履行擔保之有價證券；
 - (c) 泰國為其會員國之國際金融機構所發行之工具，並以該工具作為參與該機構提供會員國政府或會員國政府組織融資之憑證，且於該工具明定融資額度；
 - (d) BOT 理事會規定之其他外國組織或法人發行之有價證券。

- (4) right to purchase reserve tranche under the law on authorization on the operation in relevant to the International Monetary Fund and the international banks;
- (5) Special Drawing Right under the law on Authorization and Regulation of Certain Operation concerning Special Drawing Right in the International Monetary Fund;
- (6) other assets paid as subscription to the International Monetary Fund which may not be regarded as Currency Reserve under the law on currency;
- (7) other assets as prescribed by the BOT Board.

Section 37 The BOT shall quarterly submit the performance report on the management of the BOT's assets to the BOT Board.

Division IV

Acting as the Banker and the Securities Registrar to the Government

Section 38 The BOT shall act as the banker to the government with the powers and authorities as follows;

- (1) accepting monies for account of the Ministry of Finance and make payments up to the amount outstanding to the credit of the account, no charge being payable by the Ministry of Finance and no interest being payable by the BOT to the Ministry of Finance on such account;
- (2) providing custodial service of monies, securities and other articles of value and collect the proceeds, whether principal or interest, of any such securities for the benefits of the Government;
- (3) executing money exchange, foreign remittance and other banking business as pertain to the government;
- (4) acting as the government's representative in the following business;
 - (a) the purchase and sale of gold and silver;
 - (b) the purchase, sale and transfer of bills of exchange, securities and share certificates;
 - (c) the control and centralization of foreign exchange;
 - (d) the transaction of any other government business which may be entrusted to it.

Section 39 The BOT may act as the securities registrar of the government and shall have powers to undertake the following matters;

- (4) 有關國際貨幣基金及國際銀行操作之授權法律所規定之購買準備等級之權利；
- (5) 有關國際貨幣基金特別提款權之某些操作法規與授權法規所規定之特別提款權；
- (6) 向國際貨幣基金認購時支付之其他資產，該等資產不得視為貨幣法之貨幣準備；
- (7) BOT 理事會所定之其他資產。

第 37 條 BOT 應按季向 BOT 理事會提出有關經理 BOT 資產之績效報告。

第 4 節 擔任政府之銀行及有價證券管理人

第 38 條 BOT 擔任政府之銀行，其權責如下：

- (1) 收受財政部帳戶之金錢及支付該帳戶之未償付款項，財政部無須支付費用且 BOT 無須支付利息予財政部；
- (2) 為政府利益，提供金錢、有價證券及其他貴重物品之保管服務，以及收取任何該有價證券之本金或利息收益；
- (3) 執行與政府相關之貨幣兌換、國外匯款與其他銀行業務；
- (4) 於下列業務擔任政府代表：
 - (a) 買賣黃金與白銀；
 - (b) 買賣及轉讓匯票、有價證券與股權證明書；
 - (c) 控管並集中外匯；
 - (d) 委託 BOT 之任何其他政府業務交易。

第 39 條 BOT 得擔任政府之有價證券管理人，並有權從事下列業務：

- (1) the distribution of securities of the government;
- (2) the making payments of principal and interest according to the conditions of the securities distributed under (1);
- (3) other matters in relation to the undertaking according to (1) and (2).

Section 40 The BOT may be the banker to state enterprises or other state agencies or be the Securities Registrar of the state enterprises, financial institutions established by any specific law or other state agencies. The provisions of Section 38 or Section 39 shall apply, as the case may be, *mutatis mutandis*.

Division V Acting as the Banker to Financial Institutions

Section 41 With respect to the acting as the banker to financial institutions, the BOT shall have powers and duties as follows;

- (1) granting loans to financial institutions with maturity not exceeding 6 months with first-rate collateral assets as prescribed by the BOT under Section 33 (7), in accordance with the rules and conditions specified by the BOT;
- (2) being a custodian of monies, securities or other articles of value of financial institutions; including the collection of proceeds, whether principal or interest, of any such securities;
- (3) ordering any financial institutions to submit a report concerning assets, liabilities, contingent liabilities as prescribed by the BOT and may require any financial institution to explain or clarify such report.

The granting of loans in paragraph one shall include the purchase with a right to sell back transaction of first-rate collateral assets under Section 33 (7) from the financial institution.

Section 42 In the case where any financial institution faces liquidity problem which may seriously endanger the stability of economic and monetary system as a whole and the BOT consider that the granting of loans or giving financial assistance to such financial institution may help maintaining the stability of economic and monetary system, the BOT, upon the approval of the Financial Institutions Policy Board and the approval of the Cabinet, may grant loan or give financial assistance by other means to the said financial institution.

- (1) 分配政府有價證券；
- (2) 依第(1)款所定有價證券分配條件，支付本金與利息；
- (3) 與第(1)款及第(2)款規定業務相關之其他事項。

第 40 條 BOT 得為國營企業或其他國家機構之銀行，或為國營企業、依任何特定法律設立之金融機構或其他國家機構之有價證券管理人，並準用第 38 條或第 39 條之規定。

第 5 節 擔任金融機構之銀行

- 第 41 條** BOT 擔任金融機構之銀行時，其權責如下：
- (1) 以 BOT 所定規則與條件，給予金融機構不超過 6 個月天期之融通，並以 BOT 依第 33 條第 (7) 款所定第一級擔保資產為擔保；
 - (2) 擔任金融機構之金錢、有價證券或其他貴重物品保管人，包括收取任何該等有價證券本金或利息收益；
 - (3) 命令任何金融機構提交 BOT 所定之資產、負債、或有負債報告，並得要求金融機構說明或釐清該報告。
- 第 1 項所定融通包括向金融機構購買第 33 條第 (7) 款所定第一級擔保資產賣回交易之權利。

第 42 條 任何金融機構面臨可能嚴重危及整體經濟與貨幣體系穩定之流動性問題，且 BOT 認為給予該金融機構融通或財務協助可能有助於維持經濟與貨幣體系穩定時，BOT 經金融機構政策委員會核准及內閣核准，得以其他方法給予前述金融機構融通或財務協助。

In the case where the financial institution hold shares or properties of any other financial institution or any juristic person which may be used as collateral, such shares or properties shall be used to guarantee the granting of loans or financial assistance in paragraph one, in accordance with rules, procedures and conditions prescribed by the Financial Institutions Policy Board.

The granting of loans or assistance in paragraph one shall include the purchase, purchase with a right to sell back contract, discounting or re-discounting of bills or transferable instruments and undertaking the contingent liabilities for the benefit of the financial institution.

Section 43 The BOT shall have a special preferential right in precedence against other general preferential rights for the obligations arisen from the granting of loans or financial assistance under Section 42 and against monies, securities or properties of the financial institution and shares or properties of other juristic persons used as collateral, only those in the possession of the BOT.

Division VI

Establishment or Support of the establishment of Payment Systems

Section 44 The BOT shall establish or support the establishment of payment systems including the clearing system among financial institutions and the management of such systems, for the purpose of the security and effectiveness of the systems, in accordance with the rules and conditions prescribed by the BOT.

Section 45 In the operation concerning the payment systems which has been established by the BOT under Section 44, in the case where the BOT deems necessary to grant loans, it shall comply with the rules and conditions as prescribed by the Payment Systems Board. In case of the granting of loan for intra-day liquidity, the BOT may or may not charge interest or remuneration or may or may not call for collateral thereto.

Chapter 7

Prevention of the Conflict of Interest of the Officers

Section 46 The Governor, the Boards, the officers and employees shall not conduct any act which may cause the conflict of their personal interest and the BOT's interest, or may contravene the performance of duties.

金融機構持有得供擔保之其他金融機構或法人股票或財產時，該股票或財產應依金融機構政策委員會所定規則、程序與條件，充當第 1 項融通或財務協助之擔保品。

第 1 項之融通或財務協助應包括為金融機構之利益，對其票據或可轉讓工具之購買、購買附賣回契約之權利、貼現或重貼現，以及對其或有負債之保證。

第 43 條 BOT 因第 42 條融通或財務協助所產生之債務，以 BOT 持有充當擔保品之金融機構金錢、有價證券或財產及其他法人之股票與財產為限，BOT 享有優先於其他一般優先權債務之特殊優先權。

第 6 節 建立或支援支付系統之建置

第 44 條 BOT 應建立並支援建置包含金融機構間清算系統在內之支付系統，並為該等系統之安全與效率目的，依 BOT 所定規則與條件經理該等系統。

第 45 條 經營 BOT 依第 44 條規定所建立之支付系統時，如 BOT 認為有融通之需，其應遵守支付系統委員會所定規則與條件。BOT 得有償或無償給予擔保或無擔保之日間透支。

第 7 章 防止職員之利益衝突

第 46 條 總裁、理事會、職員與受僱人員不得從事任何可能使其個人利益與 BOT 利益衝突或與其履行職務抵觸之行為。

Section 47 In performing of duties, an officer or employee shall disclose information, concerning conflict of interest with respect to the matters assigned to him or her, to the Governor, the BOT Board, the Monetary Policy Board, the Financial Institutions Board or the Payment Systems Board, as the case may be. He or she shall not consider or participate in the meeting in relation to such matter until there is a decision regarding the solution on the matter, in accordance with the regulations prescribed by the BOT Board.

Section 48 The officers or employees shall not hold any position or be employed or accept to conduct any business in financial institutions, except allowed in accordance with the regulations prescribed by the BOT upon the approval of the BOT Board.

Chapter 8 Supervision

Section 49 The general supervision of the affairs of the BOT is vested in the Minister.

Section 50 For the maintenance of economic stability, monetary stability or financial institutions system stability, the Minister and the Governor may arrange a consultation as deemed appropriate.

Section 51 Where there is an incident which may cause effects or serious damages to the economic stability, monetary stability or financial institutions system stability, the BOT shall, to the Minister, report the facts of the case, assess possible impacts or damages, analyze problems and propose solutions promptly, for further consideration.

For the purpose of preventing or alleviating the incident which may cause effects or serious damages to the economic stability, monetary stability or financial institutions system stability, the Minister may order the BOT to report the facts of the case, analyze problems and propose solutions for further consideration.

Section 52 In the case where the net position of international reserve is below the minimum level to maintain the monetary and exchange rate stability, the BOT shall promptly report to the Minister, along with proposing the solutions of such problem. Then, the Minister shall further submit to the Prime Minister for acknowledgement.

第 47 條 職員或受僱人員履行職務時，應視情況揭露有關分派予該職員或受僱人員、總裁、BOT 理事會、貨幣政策委員會、金融機構委員會或支付系統委員會事項之利益衝突資訊。於依 BOT 理事會所定法規就該事項作成解決方案前，該等人士不得審議或參與有關該事項之會議。

第 48 條 職員或受僱人員不得任職於或受僱於金融機構、或同意從事金融機構之任何業務，但依 BOT 理事會核准之 BOT 所定法規許可者，不在此限。

第 8 章 監督

第 49 條 財政部負責 BOT 事務之一般監督。

第 50 條 為維護經濟穩定、貨幣穩定或金融機構體系穩定，部長與總裁得安排適當之協商。

第 51 條 發生可能影響或嚴重損害經濟穩定、貨幣穩定或金融機構體系穩定之意外事故時，BOT 應立即向財政部報告事件之事實、評估可能之影響或損害評估、分析問題並提出解決方案，供進一步考量。為防止或減輕可能影響或嚴重損害經濟穩定、貨幣穩定或金融機構系統穩定之意外事故，部長得命令 BOT 報告事件之事實、評估可能之影響或損害、分析問題並提出解決方案，供進一步考量。

第 52 條 當國際準備部位低於維持貨幣與匯率穩定之最低水準時，BOT 應立即向部長報告，並提出問題之解決方案。部長則應提請首相確認。

Chapter 9 Accounting, Examination, Auditing and Reporting

Section 53 The financial year of the BOT shall be the calendar year.

Section 54 The accounting of the BOT shall be in compliance with the Generally Accepted Accounting Principles except for a particular matter which the BOT Board has prescribed to be in conjunction with general practices of other central banks.

Section 55 There shall be a group of Auditing Committee consisting of not less than 3 and not more than 5 persons appointed by the BOT Board, 2 of those shall be the experts in the BOT Board and one of those shall be an external person, for the purpose of supervising the BOT's business and quarterly reporting to the BOT Board and the Minister.

Section 56 The Office of the Auditor-General shall be the Accounting Auditor of the BOT.

Section 57 Within 3 months from the end of a financial year, the BOT shall annually submit the financial statement of the BOT, Currency Reserves, notes issuance business, of which has been certified by the Governor and examined and opined by the Auditor, to the Minister for publication in the Government Gazette.

Apart from financial statement to be submitted in paragraph one, the BOT shall submit the report of the BOT Board on the summary of the operation of the BOT throughout the year to the Minister.

Section 58 The BOT shall provide the report indicating the official international reserve position, whether in the aggregated position, the net position and the net forward position, by monthly publishing in the Government Gazette.

Section 59 At the end of each week, the BOT shall publish a weekly report on the BOT's position, regarding financial condition, currency reserve and bank-notes issuance business, and submit to the Minister for publication in the Government Gazette.

第 9 章 會計、檢查、稽核與報告

第 53 條 BOT 之會計年度為曆年制。

第 54 條 除 BOT 理事會就與其他中央銀行一般實務相關聯之特定事項另有規定外，BOT 之會計應遵循一般公認會計原則。

第 55 條 BOT 理事會應任命 3 人至 5 人之稽核委員會，其中應有 2 名 BOT 理事會專家及 1 名外部人員，監督 BOT 業務並按季向 BOT 理事會及部長報告。

第 56 條 審計局為 BOT 之會計稽核單位。

第 57 條 BOT 每年應於會計年度結束後 3 個月內，將經總裁批准並經稽核單位檢查及表示意見之 BOT 財務報表、貨幣準備、鈔券發行業務狀況，提交部長公布於政府公報。
除依第 1 項規定提出之財務報表外，BOT 應向部長提出有關 BOT 整年度營運摘要之 BOT 理事會報告。

第 58 條 BOT 應按月於政府公報公布官方國際準備部位報告，包括總部位、淨部位與淨遠期部位等。

第 59 條 BOT 應於每週結束時公布有關財務狀況、貨幣準備與銀行券發行業務之 BOT 部位週報，並提交部長公布於政府公報。

Section 60 For the purpose of maintenance of economic stability, monetary stability or financial institutions system stability, the BOT shall provide a monthly report on the economic condition with any relevant information to the Minister, along with the analysis and the operational guideline thereon.

Section 61 For every 6 months period, the BOT shall provide the report on economic condition, monetary policies, financial institutions policies, payment system policies, the operational guideline and the assessment, to the Minister in order to submit to the Cabinet for recognition. Such report shall be made within 60 days from the date of June 30th and December 31st of each year.

Chapter 10 Penalties

Section 62 No person other than the BOT shall use the term “national”, “state”, “Thailand”, “central”, as part of the name or description of a bank, whoever violates the aforesaid provision shall be liable to imprisonment for a term not exceeding 1 year or a fine not exceeding 100,000 Baht or both and a further fine of not exceeding 3,000 Baht per day, for everyday during which such violation continues.

Section 63 Any person violates or fails to comply with Section 10 shall be liable to a fine not exceeding 100,000 Baht.

Section 64 Whoever violates Section 28/20 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding 500,000 Baht or both.

Section 65 Any financial institution which violates or fails to comply with Section 34 shall be liable to a fine not exceeding 100,000 Baht and a further fine of not exceeding 3,000 Baht per day, for everyday during which such violation continues or until the time the correction has been made.

第 60 條 為維持經濟穩定、貨幣穩定或金融機構體系穩定，BOT 應提供部長經濟狀況月報與相關資料，以及其分析與操作指導方針。

第 61 條 BOT 應每 6 個月提供部長經濟狀況、貨幣政策、金融機構政策、支付系統政策、操作指導方針與評估報告，以提請內閣認可。該報告應於每年 6 月 30 日及 12 月 31 日起算 60 天內為之。

第 10 章 罰則

第 62 條 除 BOT 外，銀行之名稱或描述不得使用「國家」、「國立」、「泰國」、「中央」等用語。違反前述規定者，處 1 年以下有期徒刑或科或併科 100,000 泰銖以下罰金，且於違規行為持續期間，每日併科 3,000 以下泰銖罰金。

第 63 條 違反或不遵守第 10 條規定者，應科 100,000 泰銖以下罰金。

第 64 條 違反第 28 條之 20 規定者，處 1 年以下有期徒刑或科或併科 500,000 泰銖以下罰金。

第 65 條 金融機構違反或不遵守第 34 條規定者，科 100,000 泰銖以下罰金，且於違規行為持續期間或直到已改正違規行為為止，每日併科 3,000 泰銖以下罰金。

Section 66 The Governor, the Boards, the officer or employee, having the duty to purchase, manufacture, manage or keep any property dishonestly misappropriates such property for himself or herself or other persons, or dishonestly allows other persons take such property, shall be liable to imprisonment for a term of 5 to 20 years or a life imprisonment or a fine of 500,000 Baht to 2 millions Baht or both.

Section 67 The Governor, the Boards, the officer or employee, wrongfully exercising his or her functions to coerce or induce any person to deliver or to procure a property or any other benefit for himself or herself or other persons, shall be liable to imprisonment for a term of 5 to 20 years or life imprisonment or a fine of 500,000 Baht to 2 millions Baht or both.

Section 68 The Governor, the Boards, the officer or employee, wrongfully demanding, accepting or agreeing to accept for himself or herself or other persons a property or any other benefit for exercising or not exercising any of his or her functions whether such exercise or non-exercise of functions is wrongful or not, shall be liable to imprisonment for a term of 5 to 20 years or life imprisonment or a fine of 500,000 Baht to 2 millions Baht or both.

Section 69 The Governor, the Boards, the officer or employee, performing or omitting any act in one's own function in consideration of the property or any other benefit demanded, accepted or agreed to accept by oneself before being appointed as official in that post, shall be liable to imprisonment for a term of 5 to 20 years or life imprisonment or a fine of 500,000 Baht to 2 millions or both.

Section 70 The Governor, the Boards, the officer or employee, having the duty in the purchase, execution, management or keep of any thing dishonestly exercises any of his or her functions damaging the BOT, shall be liable to imprisonment for a term of 5 to 20 years or life imprisonment or a fine of 500,000 Baht to 2 millions or both.

第 66 條 其職務為購買、製造、管理或保管任何財產之總裁、委員會、職員或受僱人員，為自己或他人不實挪用該財產，或不實允許他人拿取該財產者，處 5 年以上 20 年以下有期徒刑或科或併科 500,000 至 2,000,000 泰銖罰金。

第 67 條 總裁、委員會、職員或受僱人員不法行使其職務，為自己或他人脅迫或誘使任何人交付或取得財物或任何其他利益者，處 5 年以上 20 年以下有期徒刑或科或併科 500,000 至 2,000,000 泰銖罰金。

第 68 條 總裁、委員會、職員或受僱人員以職務之行使或不行使，為自己或他人不法要求、收受或同意收受財物或任何其他利益者，無論該職務之行使或不行使是否違法，處 5 年以上 20 年以下有期徒刑或科或併科 500,000 至 2,000,000 泰銖罰金。

第 69 條 總裁、委員會、職員或受僱人員於受任命該職務之前，以自身要求或接受或同意接受之財物或任何其他利益為對價，行使或不行使職務者，處 5 年以上 20 年以下有期徒刑或科或併科 500,000 至 2,000,000 泰銖罰金。

第 70 條 其職務為購買、執行、管理或保管任何事物之總裁、委員會、職員或受僱人員不實行使職務而損及 BOT 者，處 5 年以上 20 年以下有期徒刑或科或併科 500,000 至 2,000,000 泰銖罰金。

Section 71 The Governor, the Boards, the officer or employee, having the duty of managing or looking after any activity, takes the interest for the benefit of himself or herself or other persons concerning such activity, except for the act assigned by the BOT or under the BOT's regulations, shall be liable to imprisonment for a term of 1 to 10 years or a fine of 100,000 Baht or 1 million or both.

Section 72 The Governor, the Boards, the officer or employee, having the duty to defray things, defray such things in excess of what should be defrayed for the benefit of himself or herself or other person, shall be liable to imprisonment for a term of 1 to 10 years or a fine of 100,000 Baht or 1 million or both.

Section 73 The Governor, the Boards, the officer or employee, wrongfully exercising or not exercising any of his or her functions to the injury of any person, or dishonestly exercising or omitting to exercise any of his or her functions, shall be liable to imprisonment for a term of 1 to 10 years or a fine of not exceeding 100,000 to 1 million Baht or both.

Section 74 The Governor, the Boards, the officer or employee who in the performance of duties under the authority in this Act, having acquired knowledge of the BOT's affairs, which in a normal banking business is to be held in confidence, or is the affairs which the Boards under Section 17 (1)(2)(3) or (4), as the case may be, agrees not to disclose, reveal such knowledge to other persons, shall be liable to imprisonment for a term not exceeding 5 years or a fine of not exceeding 500,000 Baht or both.

The provision in paragraph one shall not apply to the following cases;

- (1) disclosure in the performance of duty or for the purpose of investigation or procession;
- (2) disclosure concerning the offences in this Act;
- (3) disclosure for the purpose of rectifying the condition or operation of financial institutions;
- (4) disclosure to the Accounting Auditor of financial institutions or domestic and international institutions which have authority in supervising financial institutions;

第 71 條 除 BOT 或依 BOT 法規指定之行為外，其職務為管理或負責活動之總裁、委員會、職員或受僱人員，為自己或他人之利益而獲取該活動之相關利益者，處 1 年以上 10 年以下有期徒刑或科或併科 100,000 至 1,000,000 泰銖罰金。

第 72 條 其職務為支付事物費用之總裁、委員會、職員或受僱人員，為自己或他人利益而支付該事物之費用超過應支付金額者，處 1 年以上 10 年以下有期徒刑或科或併科 100,000 至 1,000,000 泰銖罰金。

第 73 條 總裁、委員會、職員或受僱人員不法行使或不行使職務而損及任何人，或不實行使或不行使職務者，處 1 年以上 10 年以下有期徒刑或科或併科 100,000 至 1,000,000 泰銖罰金。

第 74 條 總裁、委員會、職員或受僱人員依本法授權行使職務時，知悉屬通常銀行業務應予保密之 BOT 事務、或依第 17 條第(1)款、第(2)款、第(3)款或第(4)款規定委員會不得揭露之 BOT 事務，而向其他人揭露者，處 5 年以下有期徒刑或科或併科 500,000 泰銖以下罰金。

第 1 項規定不適用於下列各款情形：

- (1) 履行職務或為調查或起訴目的而為揭露；
- (2) 有關本法所定違法行為之揭露；
- (3) 為矯正金融機構狀況或營運之目的而為揭露；
- (4) 揭露予金融機構之會計稽核單位或有權監督金融機構之國內與國際機構；

- (5) disclosure in the performance of duty of state's organization, domestically and internationally; disclosure to government or institutions, domestically or internationally, which have authority in supervising securities or security market or supervising financial institutions;
- (6) disclosure for other purposes as prescribed by law.

Section 75 Any person other than persons specified under Section 74 having acquired the confidence of the BOT's business under this Act, acts in anyway to allow other persons to acquire such confidence which is not the performance of duty or the implementation of law, shall be liable to imprisonment for a term not exceeding 5 years or a fine of not exceeding 500,000 Baht or both.

Countersigned by,
Field-Marshal P.Pibulsongkram,
Prime Minister

- (5)於國內與國際執行國家組織之職務而為揭露；
揭露予有權監督證券或證券市場或監督金融機構之國內或國際政府或機構；
- (6)依法律所定其他目的而為揭露。

第 75 條 第 74 條所定以外人士而依本法規定取得 BOT 業務機密者，以任何行為使其他非執行職務或施行法律之其他人士取得該機密者，處 5 年以下有期徒刑或科或併科 500,000 泰銖以下罰金。

(Transitional Provisions)
BANK OF THAILAND ACT (No.4)

B.E. 2551
BHUMIBOL ADULYADEJ, REX.,
Enacted on the 26th day of February B.E. 2551;
Being the 63rd year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it deems necessary to amend the law governing the Bank of Thailand,

Whereas it is aware that this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29, in conjunction with Section 36, Section 41, Section 43 and Section 44 of the Constitution of the Kingdom of Thailand so permit by virtue of law,

Be it, therefore, enacted by His Majesty the King, by and with the advice and consent of the National Legislative Assembly as follows:

Section 1 This Act shall be called “the Bank of Thailand Act (No.4) B.E. 2551”

Section 2 This Act shall enter into force after the date of its publication in the Government Gazette, except that Section 10, Section 11, Section 18 and Section 19 shall enter into force when the law governing the Deposit Protection Agency is effective.

Section 3 to Section 13 (are those sections which amended the Bank of Thailand Act B.E. 2485 and are published in the previous part).

Section 14 The members in the BOT Board, of which established under Section 15 of the Bank of Thailand Act B.E. 2485 (as amended by the Bank of Thailand Act (No.2) B.E. 2485) who has held office before the date of this Act come into force, shall further hold office and perform duty in the BOT Board until there is an appointment of the Chairman and experts in the BOT Board as prescribed under Section 24 of the Bank of Thailand Act B.E. 2485 as amended by this Act. However, the transitional period shall not exceed 180 days from the date of this Act comes into force.

(過渡時期條款)

泰國銀行法 (第 4 號)

佛曆 2551 (西元 2008) 年 2 月 26 日

泰王宣布：本法部分限制人民權利及自由之條文涉及泰國憲法第 29 條、第 36 條、第 41 條、第 43 條及第 44 條，有修正之必要。

本法經泰王會商立法院同意，制定如下：

第 1 條 本法稱為佛曆 2551 (西元 2008) 年泰國銀行法 (第 4 號)。

第 2 條 本法於刊登政府公報日後施行，但第 10 條、第 11 條、第 18 條及第 19 條於存款保險機構法施行時生效。

第 3 條至第 13 條 (係指修正佛曆 2485 (西元 1942) 年泰國銀行法之該等條文)。

第 14 條 本法施行前，擔任依 (佛曆 2485 (西元 1942) 年泰國銀行法 (第 2 號) 修正之) 佛曆 2485 (西元 1942) 年泰國銀行法第 15 條規定設立之 BOT 理事會成員職務者，應續任並履行其職務至依本法修正之佛曆 2485 (西元 1942) 年泰國銀行法第 24 條規定任命 BOT 理事會主席及專家為止。但過渡期間自本法施行日起算不得超過 180 天。

Section 15 For the initial term, the selective committee shall nominate six persons who are suitable for being appointed as the members of the BOT Board and propose to the Minister. One of those shall be nominated to serve as a Chairman of the BOT Board. In this regard, Section 28/5 of the Bank of Thailand Act B.E. 2485 (as amended by this Act) shall apply *mutatis mutandis*. For the calculation of the term of the members of the BOT Board, it shall recognize the calculation under the Bank of Thailand Act B.E. 2485 (as amended by this Act) as the first term.

Section 16 During the time that there is no appointment of the Monetary Policy Board, the Financial Institutions Policy Board or the Payment Systems Board under Section 28/6, Section 28/9, Section 28/11 of the Bank of Thailand Act B.E. 2485 (as amended by this Act), respectively, the Monetary Policy Board, the Financial Institutions Policy Board or the Payment Systems Board, who were appointed by the Governor and has held office before the date of this Act come into force, shall further perform the duty as the aforementioned Boards, as the case may be. However, the transitional period shall not exceed 180 days from the date of this Act come into force.

Section 17 The Governor of the BOT, who has held office before the date of this Act come into force, shall further hold office as the Governor of the BOT under the Bank of Thailand Act B.E. 2485 (as amended by this Act). However, it shall not exceed the fiscal year, under the law on budgetary procedure, of the year that the Governor is of 60 years of age.

In the case where the Governor vacates his or her office under paragraph one or resigns from his or her office, the Minister shall determine the compensation to be paid to the Governor for the prohibition of holding a position under Section 28/20 of the Bank of Thailand Act B.E. 2485 (as amended by this Act). The compensation shall be deemed to be the expense for the operation of the BOT.

第 15 條 選任委員會應向部長提名 6 位適合擔任第 1 屆 BOT 理事會成員之人選，並提名其中一人擔任 BOT 理事會主席。（本法修正之）佛曆 2485（西元 1942）年泰國銀行法第 28 條之 5 之規定準用之。

計算 BOT 理事會成員任期時，應承認依（本法修正之）佛曆 2485（西元 1942）年泰國銀行法計算之第 1 屆任期。

第 16 條 尚未任命（本法修正之）佛曆 2485（西元 1942）年泰國銀行法第 28 條之 6、第 28 條之 9、第 28 條之 11 所定之貨幣政策委員會、金融機構政策委員會或支付系統委員會之期間，總裁於本法施行前任命並已擔任貨幣政策委員會、金融機構政策委員會或支付系統委員會職務者，應繼續履行上述委員會職務。但過渡期間自本法施行日起算不得超過 180 天。

第 17 條 本法施行日前擔任 BOT 總裁者，應繼續擔任（本法修正之）佛曆 2485（西元 1942）年泰國銀行法所定之 BOT 總裁職務。但總裁任職不得超過依預算程序法所定會計年度之 60 歲。

總裁依第 1 項規定出缺其職、或總裁辭職時，部長應決定禁止總裁擔任（本法修正之）佛曆 2485（西元 1942）年泰國銀行法第 28 條之 20 所定職務而支付之報酬。該報酬應視為 BOT 之營運支出。

Section 18 Section 29 duodeviginti, paragraph two, of the Bank of Thailand Act B.E. 2485 (as amended by the Emergency Decree amending the Bank of Thailand Act B.E. 2485 (No.2) B.E. 2540) shall further effective to the case of granting guarantee or financial assistance of the Financial Institutions Development Fund, for the purpose of reconstructing and developing financial institutions under the said provisions, of which has conducted before the date of this Act come into force.

Section 19 Within four years from the date of the law on the Deposit Protection Agency come into force, in the case where there is no promulgation of law on financial assistance to a financial institution facing with financial crisis, which may endanger the financial institutions system stability, and is of necessary to be rehabilitated and there has been an undertaking under Section 42 of the Bank of Thailand Act B.E. 2485 (as amended by this Act), the BOT, upon the agreement of the Financial Institutions Policy Board, may propose the operational plan, the guideline and measures to resolve problems of such financial institutions to the Fund Management Committee of the Financial Institutions Development Fund. In this regard, the BOT shall demonstrate that the operation under the plan, the guideline and measures is of the highest effectiveness and appropriation. Soon after the Fund Management Committee has agreed, it shall submit to the Minister to further submit to the Cabinet for consideration.

When there is an approval by the Cabinet, the Financial Institutions Development Fund shall have the following powers, as deems necessary for reconstructing financial institutions;

- (1) granting of loans to financial institutions with or without collateral, in accordance with the rules, measures and conditions prescribed by the Fund Management Committee of the Financial Institutions Development Fund upon the approval of the Minister;
- (2) purchasing or holding shares of any financial institution;
- (3) purchasing, discounting or re-discounting instruments representing claims on obligations or accepting transfer of claims from any financial institution.

In the case where the Financial Institutions Development Fund deems necessary to borrow monies for the operation in paragraph two, the BOT may grant loan to the Fund or the government may guarantee such granting of loan. In this regard, the Fund shall prepare books of accounts for such operation separately from other accounts.

The government shall repay monies which the Financial Institutions Development Fund has borrowed in paragraph three, the interest arisen from such borrowing, including relevant operational expenses, to the Fund.

第 18 條 就本法施行日已進行之金融機構重組與發展目的而言，（修正佛曆 2485（西元 1942）年泰國銀行法（第 2 號）佛曆 2540（西元 1997）年之緊急命令修正之）佛曆 2485（西元 1942）年泰國銀行法第 29 條之 18 第 2 項之規定，應自提供金融機構發展基金保證或財務協助時生效。

第 19 條 存款保護機構法施行日起 4 年內，如金融機構面臨之金融危機可能危及金融機構體系穩定，但尚未制定給予財務協助之法律，而其有重建之需，並已取得（本法修正之）佛曆 2485（西元 1942）年泰國銀行法第 42 條規定之承諾時，BOT 經金融機構政策委員會同意，得向金融機構發展基金之基金管理委員會提出解決該等金融機構問題之營運計畫、指導方針與措施。

金融機構發展基金經內閣核准，為金融機構重建之需，得：

- (1) 依金融機構發展基金之基金管理委會訂定並經部長核准之規則、措施與條件，對金融機構辦理擔保或無擔保融通；
- (2) 購買或持有任何金融機構之股份；
- (3) 購買、貼現或重貼現表彰任何金融機構債務之請求權、或接受任何金融機構請求權轉讓之工具。

金融機構發展基金認為第 2 項所定操作有借款之需時，BOT 得給予該基金融通、或政府得保證該融通。此時，該基金應就該項操作另編製帳簿，與其他帳目區分。

政府應償付第 3 項規定之金融機構發展基金借款、借款利息及相關操作支出。

Section 20 All notifications, regulations, orders or rules issued under the provisions of the Bank of Thailand Act B.E. 2485, which have been effective before the date of this Act come into force, shall further effective, as to not contravene to the provisions of the Bank of Thailand Act B.E. 2485 (as amended by this Act) until there will be notifications, regulations, orders or rules issued under the provisions of the Bank of Thailand Act B.E. 2485 (as amended by this Act).

Section 21 The Minister of Finance shall have charge and control of this Act.

第 20 條 依佛曆 2485 (西元 1942) 年泰國銀行法發布之所有通知、法規、命令或規則，於本法生效前已生效者，在不牴觸 (本法修正之) 佛曆 2485 (西元 1942) 年泰國銀行法規定之範圍內，應仍屬有效，直到依 (本法修正之) 佛曆 2485 (西元 1942) 年泰國銀行法發布通知、法規、命令或規則為止。

第 21 條 財政部長掌理及控管本法。

附錄 The Central Bank of
the Republic of China
(Taiwan) Act
中華民國中央銀行法

The Central Bank of the Republic of China (Taiwan) Act

- Chapter I General Provisions
- Chapter II Organization
- Chapter III Operations
- Chapter IV Budgets and Fiscal Reports
- Chapter V Appendix

中華民國中央銀行法

- 第一章 總則
- 第二章 組織
- 第三章 業務
- 第四章 預算及決算
- 第五章 附則

The Central Bank of the Republic of China (Taiwan) Act

Promulgated on May 23, 1935

Amended on November 8, 1979

Articles 23 and 44 amended on May 21, 1997

(Article 23 amendment effected on July 7, 1999)

Articles 18-1, 18-2 and 18-3 added, 32 and 35 amended on June 5, 2002

Articles 11-1 added, 3, 6, 9, 11 and 38 amended on April 27, 2011

Chapter I General Provisions

(Status of the Bank)

Article 1

The Central Bank of the Republic of China (Taiwan) (hereafter called the Bank) shall be a government bank and an agency under the Executive Yuan.

(Objectives of the Bank's Operations)

Article 2

The primary objectives of the Bank's operations shall be:

1. To promote financial stability;
2. To guide sound banking operations;
3. To maintain the stability of the internal and external value of the currency;
4. To foster economic development within the scope of the above objectives.

中華民國中央銀行法

中華民國 24 年 5 月 23 日國民政府制定公布全文 36 條

中華民國 68 年 11 月 8 日總統臺統（一）義字第 5573 號令修正
公布全文 44 條

中華民國 86 年 5 月 21 日總統華總（一）義字第 8600115460 號令
修正公布第 23 條及第 44 條條文

（中華民國 88 年 6 月 22 日行政院臺 88 財字第 24060 號令定
第 23 條於 88 年 7 月 7 日施行）

中華民國 91 年 6 月 5 日總統華總（一）義字第 09100113090 號令
公布增訂第 18 條之 1 至第 18 條之 3 條文；

並修正第 32 條及第 35 條條文

中華民國 100 年 4 月 27 日華總一義字第 10000079371 號令公布
增訂第 11 條之 1 條文；並修正第 3 條、第 6 條、第 9 條、
第 11 條及第 38 條條文

第一章 總則

（本行定位）

第 一 條 中央銀行（以下簡稱本行）為國家銀行，隸屬
行政院。

（經營目標）

第 二 條 本行經營之目標如左：
一、促進金融穩定。
二、健全銀行業務。
三、維護對內及對外幣值之穩定。
四、於上列目標範圍內，協助經濟之發展。

(Head Office, Branch Offices and Representative Offices)**Article 3**

The Bank shall have its Head Office at the seat of the Central Government and may establish domestic branch offices and representative offices; and, if necessary, may establish representative offices overseas. The establishment and dissolution of branch offices and representative offices shall be authorized by the Board of Directors and reported to the Executive Yuan for approval.

(Capital of the Bank)**Article 4**

The capital of the Bank shall be appropriated from the National Treasury. It shall be fully owned by the Central Government and nontransferable.

Chapter II Organization**(Board of Directors)****Article 5**

The Bank shall have a Board of Directors consisting of eleven to fifteen directors to be nominated by the Executive Yuan and appointed by the President of the Republic. A Board of Executive Directors composed of five to seven executive directors shall be designated among the directors.

The Governor of the Bank, the Minister of Finance and the Minister of Economic Affairs shall be ex officio directors and executive directors. Among the directors, there shall be at least one each from the agricultural, the industrial and commercial, and the banking sectors.

Except for the ex officio directors, the directors shall be appointed for a term of five years, and may be reappointed upon the expiration of such term.

(Powers and Functions of the Board of Directors)**Article 6**

The powers and functions of the Board of Directors shall be as follows:

1. To examine and approve policies concerning money, credit and foreign exchange;
2. To examine the adjustment of the Bank's capital;
3. To approve the operation plans of the Bank;

(總行及分支機構)

第 三 條 本行設總行於中央政府所在地，並得於國內設立分行及辦事處；必要時得於國外設立辦事處。分行及辦事處之設立、裁撤，須經理事會決議，報請行政院核准。

(本行資本)

第 四 條 本行資本，由國庫撥給之。其資本全部為中央政府所有，不得轉讓。

第二章 組織**(理事會)**

第 五 條 本行設理事會，置理事十一人至十五人，由行政院報請總統派充之，並指定其中五人至七人為常務理事，組織常務理事會。前項理事，除本行總裁、財政部長及經濟部長為當然理事，並為常務理事外，應有實際經營農業、工商業及銀行業者至少各一人。除當然理事外，理事任期為五年，期滿得續派連任。

(理事會職權)

第 六 條 理事會之職權如下：

- 一、有關貨幣、信用及外匯政策事項之審議及核定。
- 二、本行資本額調整之審議。
- 三、本行業務計畫之核定。

4. To examine the budget and fiscal reports of the Bank;
5. To examine and approve major by-laws and regulations of the Bank;
6. To examine or approve the establishment, adjustment and dissolution of the Bank's administrative units, branch offices, representative offices and subsidiary institutions;
7. To approve the appointment and the removal of the heads of the Bank's administrative units, branch offices, representative offices and subsidiary institutions;
8. To examine matters proposed by the Directors.

The Board of Directors may delegate all or part of the above powers and functions to the Board of Executive Directors. The resolution of the Board of Executive Directors shall be reported to the Board of Directors for record and approval.

The Board of Directors shall establish rules and regulations of board meetings. Such rules and regulations shall be reported to the Executive Yuan for record.

(Board of Supervisors)

Article 7

The Bank shall have a Board of Supervisors, composed of five to seven supervisors to be nominated by the Executive Yuan and appointed by the President of the Republic. The Director-General of Budget, Accounting and Statistics of the Executive Yuan shall be an ex officio supervisor.

Except for the ex officio supervisor, the supervisors shall be appointed for a term of three years and may be re-appointed upon the expirations of such term. The Board of Supervisors shall have a chairman to be elected from among the supervisors.

(Powers and Functions of the Board of Supervisors)

Article 8

The powers and functions of the Board of Supervisors shall be as follows:

1. To examine the Bank's assets and liabilities;
2. To audit the Bank's accounts;
3. To examine the reserves for the issuance of currency by the Bank;
4. To examine the amount of currency issued by the Bank;
5. To examine and approve the Bank's fiscal reports;
6. To investigate any case involving violation of this Act and the bylaws and regulations of the Bank. The result of such investigation shall be referred to the Board of Directors for corrective action.

四、本行預算及決算之審議。

五、本行重要規章之審議及核定。

六、本行內部單位、分行、辦事處及附屬機構設立、調整及裁撤之審議或核定。

七、本行內部單位、分行、辦事處及附屬機構主管任免之核定。

八、理事提議事項之審議。

前項各款職權，理事會得以一部或全部授權常務理事會。常務理事會之決議，應報請理事會追認。

理事會應訂定會議規則，並報請行政院備查。

(監事會)

第七條

本行設監事會，置監事五人至七人，由行政院報請總統派充之。行政院主計長為當然監事。除當然監事外，監事任期為三年，期滿得續派連任。

監事會置主席一人，由監事互推之。

(監事會職權)

第八條 監事會之職權如左：

一、本行資產、負債之檢查。

二、本行帳目之稽核。

三、本行貨幣發行準備之檢查。

四、本行貨幣發行數額之查核。

五、本行決算之審核。

六、違反本法及本行章則情事之調查，並提請理事會予以糾正。

(Governor and Deputy Governors)**Article 9**

The Bank shall have a Governor with the rank of special appointment and two Deputy Governors with the rank equivalent to Grade 14, all of whom shall be appointed for a term of five years and may be reappointed upon the expiration of such term.

The provision of the preceding paragraph that the rank of Deputy Governor is equivalent to Grade 14 shall apply to Deputy Governors appointed after the revision of this Act, amended on 8 April 2011, has come into force.

(Duties of Governor and Deputy Governors)**Article 10**

The Governor shall be the chief executive in directing and supervising the operations of the Bank, shall carry out resolutions of the Board of Directors, and shall represent the Bank on all occasions. The Deputy Governors shall assist the Governor in the execution of the above duties.

The Governor shall be the chairman of the Board of Directors and the Board of Executive Directors. Whenever the Governor is unable to attend in person, the Deputy Governor designated to act for the Governor shall be the chairman.

(Administrative Units and the Ranks and Quotas of the Bank's Personnel)**Article 11**

Administrative units established in the Head Office of the Bank shall be named as Department or Office.

The ranks and quotas of the Bank's personnel shall be tabulated separately.

(Personnel Management)**Article 11-1**

Except for the appointment, removal, remuneration, retirement and indemnity of the Governor and Deputy Governors as specified in this Act and other laws, the regulations for the appointment, dismissal, remuneration, bonus, welfare, performance rating, incentives and discipline, retirement, indemnity, severance and other personnel management matters related to the Bank's personnel shall be proposed by the Bank, authorized by the Board of Directors and reported to the Executive Yuan for approval.

(總裁、副總裁)

第九條 本行置總裁一人，特任；副總裁二人，職務比照簡任第十四職等，任期均為五年；期滿得續任命之。

前項副總裁職務比照簡任第十四職等之規定，於本法中華民國一百年四月八日修正之條文施行後任命之副總裁適用之。

(總裁、副總裁職務)

第十條 總裁綜理行務，執行理事會之決議，對外代表本行；副總裁輔佐總裁處理行務。

總裁為理事會及常務理事會之主席，總裁缺席時，由代理總裁職務之副總裁代理之。

(內部單位及編制)

第十一條 本行總行所設內部單位定名為局、處、室。本行各職稱之職等及員額，另以編制表定之。

(人事管理)

第十一條之一 除本法及其他法律就總裁、副總裁之任免、俸給、退職及撫卹有特別規定者外，本行人員之任（派）免、薪給、獎金、福利、考核、獎懲、退休、撫卹、資遣及其他人事管理事項之準則，由本行擬訂，經理事會決議後，報請行政院核定。

Chapter III Operations

(Business Counterparties)

Article 12

Unless otherwise specified by law, the Bank's operations shall be circumscribed to business with the following organizations:

1. Government agencies.
2. Banks and other financial institutions.
3. International and foreign financial institutions.

(Issuance of National Currency)

Article 13

The currency of the Republic of China shall be issued by the Bank.

The currency issued by the Bank shall be the national currency, and shall be legal tender for all payments within the territory of the Republic of China.

The Bank shall establish plants under its management to carry out the printing and minting of the currency.

(Delegation of Issuance of National Currency)

Article 14

The Bank may, whenever necessary, delegate other government banks to issue currency in designated regions on its behalf, to be regarded as national currency. The assets and liabilities pertaining to the issuance of such currency shall be for the account of the Bank.

(Specifications of Notes and Coins)

Article 15

The basic monetary unit of the national currency is Yuan and the subsidiary currencies are Chiou and Fen. Ten Fens equal to one Chiou and ten Chious equal to one Yuan.

The denomination, composition, form, and pattern of the notes and coins issued by the Bank shall be proposed by the Bank, for approval by the Executive Yuan.

The Bank shall make public the specifications of notes and coins prior to issuance.

第三章 業務

(業務對象)

第十二條 本行業務，除法令另有規定外，其範圍如左：

- 一、政府機關。
- 二、銀行及其他金融機構。
- 三、國際及國外金融機構。

(發行國幣)

第十三條 中華民國貨幣，由本行發行之。

本行發行之貨幣為國幣，對於中華民國境內之一切支付，具有法償效力。

貨幣之印製及鑄造，由本行設廠專營並管理之。

(委託發行國幣)

第十四條 本行於必要時得分區委託公營銀行代理發行貨幣，視同國幣；其有關發行之資產與負債，均屬於本行。

(券幣規格)

第十五條 國幣之基本單位為圓，輔幣為角、分，拾分為壹角，拾角為壹圓。

本行所發行紙幣及硬幣之面額、成分、形式及圖案，由本行擬定，報請行政院核定之。

本行應將紙幣及硬幣之規格於發行前公告之。

(Reserves against Currency Issuance)

Article 16

Against currency issued by the Bank and its delegated banks, reserves in full equivalent value shall be maintained in gold, silver, foreign exchange, and eligible bills and securities.

The issuance of coins shall be exempt from reserves.

(Publication of the Amount and Reserve Status of Currency)

Article 17

The amount and reserve status of currency issued by the Bank and its delegated banks shall be made public in regular intervals.

(Exchange and Redemption of Currency)

Article 18

The Bank shall exchange stained or damaged notes and coins deemed to be unfit for circulation in accordance with certain standards, and destroy them according to law.

The Bank may redeem currency issued. Currency redeemed shall no longer be legal tender. However, the redemption period shall not be less than one year, during which time holders may exchange redeemed currency with the Bank.

(Maximum Amount of National Currency Carried into or out of the Territory of the ROC)

Article 18-1

The maximum amount of national currency that may be carried or mailed into or out of the territory of the Republic of China shall be prescribed by the Bank. Currency in excess of the aforesaid maximum can not be transported from into or out of the territory.

(Handling of Counterfeit or Altered? Currency)

Article 18-2

When financial institutions or other enterprises which are authorized to engage in foreign exchange operations receive counterfeit or falsified national currency or foreign currency, they shall retain, void and destroy those currencies, save that suspicion of criminal involvement shall be reported to the judicial authority. Regulations on handling counterfeit or falsified currency shall be stipulated by the Bank.

(發行準備)

第十六條 本行發行及委託發行之貨幣，應以金銀、外匯、合格票據及有價證券，折值十足準備。硬幣免提發行準備。

(公告國幣數額及準備狀況)

第十七條 本行發行及委託發行之貨幣數額及準備狀況，應定期公告之。

(國幣之收兌)

第十八條 本行對污損或破損而不適流通之紙幣及硬幣，應按所定標準予以收兌，並依法銷燬之。
本行對已發行之貨幣，得公告予以收回。經公告收回之貨幣，依公告規定失其法償效力。但公告收回期間不得少於一年，期內持有人得向本行兌換等值之貨幣。

(國幣出入境限額)

第十八條之一 攜帶或寄送國幣出入境之限額，由本行定之。
攜帶或寄送國幣出入境超過本行依前項規定所定限額者，其超過部分，應予退運。

(偽變造貨幣之處理)

第十八條之二 金融機構及經本行指定辦理外匯業務之其他事業經收之國幣或外國貨幣有偽造或變造者，除有犯罪嫌疑，應報請司法機關偵辦外，應予截留、作廢並銷燬；其處理辦法，由本行定之。

(Issuance of Gold and Silver Coins and Commemorative Notes and Coins)**Article 18-3**

The Bank may issue gold and silver coins and commemorative notes and coins. Regulations governing the issuance of gold and silver coins and commemorative notes and coins shall be stipulated by the Bank.

The sale or resale price of aforesaid notes and coins may be higher than their denomination.

(Accommodations)**Article 19**

The Bank may provide the following accommodations to banks:

1. Rediscounts of eligible bills, with maturity not exceeding 90 days for industrial and commercial bills, and 180 days for agricultural bills.
2. Temporary advances not exceeding 10 days.
3. Refinancing of secured loans not exceeding 360 days.

The Bank may impose limits on rediscounts or other accommodations to banks.

(Establishment of Funds)**Article 20**

The Bank, in order to assist economic development, may establish various funds, using savings deposits re-deposited by financial institutions and other special funds to refinance medium and long-term loans disbursed by banks.

(Publication of the Interest Rates of the Bank's Rediscounts and other Accommodations)**Article 21**

The interest rates of the Bank's rediscounts and other accommodations shall be determined by the Bank in the light of prevailing financial and economic conditions, and made public. However, a branch office of the Bank may establish its own interest rates on rediscounts and accommodations according to special local financial conditions, with prior approval by the Head Office, and make them public.

(發行金銀幣及紀念券幣)

第十八條之三 本行得發行金銀幣及紀念性券幣；其發行辦法，由本行定之。

前項券幣，得高於面額另定價格發售或轉售。

(融通)

第十九條 本行得對銀行辦理左列各項融通：

- 一、合格票據之重貼現，其期限：工商票據不得超過九十天；農業票據不得超過一百八十天。
- 二、短期融通，其期限不得超過十天。
- 三、擔保放款之再融通，其期限不得超過三十六十天。

本行對銀行之重貼現及其他融通，得分別訂定最高限額。

(設立基金)

第二十條 本行為協助經濟建設，得設立各種基金，運用金融機構轉存之儲蓄存款及其他專款，辦理對銀行中、長期放款之再融通。

(公告重貼現率及融通利率)

第二十一條 本行之重貼現率及其他融通利率，由本行就金融及經濟狀況決定公告之。但各地區分行得因所在地特殊金融狀況，酌定其重貼現率及其他融通利率，報經總行核定公告之。

(Exception Management on the Interest Rates of Banks' Deposits and Loans)**Article 22**

The Bank may, at its discretion and in the light of financial and economic conditions, prescribe an upper limit for the interest rates of bank deposits, and approve the range of interest rates on bank loans as proposed by the Bankers Association of the Republic of China.

(Deposit Reserve Ratios)**Article 23**

The Bank shall receive and keep reserves against deposits and other liabilities of banks which are regulated by Banking Law of the Republic of China, and may, at its discretion, adjust various deposit and other liability reserve ratios under the following maximum limits in accordance with the regulation governing adjustment and audit thereof, which shall be stipulated by the Bank:

1. Checking deposits: 25%
2. Demand deposits: 25%
3. Savings deposits: 15%
4. Time deposits: 15%
5. Other liabilities: 25%

The scope of aforesaid other liabilities shall be prescribed by the Bank.

The Bank may, whenever necessary and from a specific date, impose on the increment of the checking deposits, demand deposits and other liabilities, a marginal reserve ratio which shall not be bound by the maximum limits on paragraph 1 of this Article.

The Bank may charge the banks having insufficient reserves, on the portion of the shortfall, a penalty interest rate not higher than two times of that prescribed in Article 21 on unsecured temporary advances as stated in subparagraph 2, paragraph 1 of Article 19.

(Reserves for Indemnity Deposited by Investment and Trust Companies)**Article 24**

The Bank shall, in conformity with law, receive and keep reserves for indemnity deposited by investment and trust companies.

(Minimum Ratio of Banks' Liquid Assets to Liabilities)**Article 25**

The Bank, after consulting with the Ministry of Finance, may at its discretion, prescribe for banks a minimum ratio of their liquid assets to various liabilities.

(存放款利率之例外管理)

第二十二條 本行得視金融及經濟狀況，隨時訂定銀行各種存款之最高利率，並核定銀行公會建議之各種放款利率之幅度。

(存款準備率)

第二十三條 本行收管應適用銀行法規定之金融機構存款及其他各種負債準備金，並得於左列最高比率範圍內隨時調整各種存款及其他負債準備金比率，其調整及查核辦法，由本行定之：

- 一、支票存款，百分之二十五。
- 二、活期存款，百分之二十五。
- 三、儲蓄存款，百分之十五。
- 四、定期存款，百分之十五。

五、其他各種負債，百分之二十五。

前項其他各種負債之範圍，由本行另定之。

本行於必要時對自一定日期起之支票存款、活期存款及其他各種負債增加額，得另訂額外準備金比率，不受前項所列最高比率之限制。

本行對繳存準備金不足之金融機構，得就其不足部分按第十九條第一項第二款無擔保短期融通，依第二十一條所定之利率加收一倍以下之利息。

(信託賠償準備)

第二十四條 本行依法收管信託投資公司繳存之賠償準備。

(銀行最低流動準備比率)

第二十五條 本行經洽商財政部後，得隨時就銀行流動資產與各項負債之比率，規定其最低標準。

(Open Market Operations - Purchasing and Selling Bonds)

Article 26

The Bank may, in the light of financial conditions, purchase and sell in the open market the bonds issued or guaranteed by the government, financial bonds issued by banks and bills accepted or guaranteed by banks.

(Open Market Operations - Issuing Certificates of Deposits and Savings Bonds)

Article 27

The Bank may, for the purpose of regulating monetary conditions, issue certificates of deposits, savings bonds and short-term bonds, and may purchase and sell them in the open market.

(Credit Control - Maximum Loanable Ratios of Secured Loans)

Article 28

The Bank may, whenever necessary, prescribe maximum loanable ratios selectively on the items used as collateral or mortgage of secured loans extended by banks.

(Credit Control - Amount of Down-payment and Term of Credit)

Article 29

The Bank may, whenever necessary, prescribe and regulate the amount of down-payment and the term of credit extended by banks for the purchase or construction of buildings and the purchase of durable consumer goods.

(Administration of Accommodations Extended by Banks to Securities Finance Companies or Securities Firms)

Article 30

The Bank shall prescribe and regulate the accommodations extended by banks to securities dealers and securities finance companies.

(Credit Control - Maximum Limit on Credit Lines)

Article 31

The Bank may, whenever it deems that the monetary and credit conditions so warrant, prescribe a maximum limit for the amount of various kinds of credit extended by all, or any category of, financial institutions.

(公開市場操作—買賣債券)

第二十六條 本行得視金融狀況，於公開市場買賣由政府發行或保證債券及由銀行發行之金融債券與承兌或保證之票據。

(公開市場操作—發行定存單及儲蓄券)

第二十七條 本行為調節金融，得發行定期存單、儲蓄券及短期債券，並得於公開市場買賣之。

(信用管制—擔保放款最高貸放率)

第二十八條 本行於必要時，得就銀行辦理擔保放款之質物或抵押物，選擇若干種類，規定其最高貸放率。

(信用管制—付現條件及信用期限)

第二十九條 本行於必要時，得就銀行辦理購建房屋及購置耐久消費品貸款之付現條件及信用期限，予以規定，並管理之。

(銀行對證券商或證金公司融通之管理)

第三十條 本行就銀行辦理對證券商或證券金融公司之融通，訂定辦法管理之。

(信用管制—最高貸放限額)

第三十一條 本行認為貨幣及信用情況有必要時，得對全體或任何一類金融機構，就其各類信用規定最高貸放限額。

(Exchange of Negotiable Instruments and Clearance of Accounts among Banks)**Article 32**

The Bank shall establish a clearing house for checks and settlement of accounts among banks at the sites of Head Office or branch offices. The Bank may delegate a government bank to carry out this function in places where the Bank has no branch office. Regulations governing checks clearance and settlement of accounts among banks shall be stipulated by the Bank.

(International Monetary Reserves and its Management)**Article 33**

The Bank shall hold international monetary reserves, and undertake the overall management of foreign exchange.

(Adjustment of the Demand for and Supply of Foreign Exchange)**Article 34**

The Bank may, in the light of the balance of payments situation, take measures to adjust the demand for and supply of foreign exchange with a view to maintaining an orderly foreign exchange market.

(Foreign Exchange Operations)**Article 35**

The Bank shall undertake the following foreign exchange operations:

1. To draw up plans for foreign exchange management and on anticipated receipts and payments;
2. To authorize and supervise banks and other enterprises engaged in foreign exchange operations;
3. To settle the purchase and sale of foreign exchange;
4. To examine and approve private outward and inward remittances;
5. To supervise private enterprises' foreign borrowings guaranteed by authorized banks, with reference to their management and their repayment schedule;
6. To purchase and sell foreign currencies, bills of exchange and securities;
7. To calculate, compile, analyse and report the receipts and payments of foreign exchange;
8. Other operations relating to foreign exchange.

Regulations governing requirements of application, the examination procedure, approval of authorization, the scope of foreign operations, withdrawal of authorization, and other matters which banks and other enterprises applying to engage in foreign exchange operations must comply with, shall be stipulated by the Bank.

(票據交換及劃撥結算)

第三十二條 本行得於總行及分行所在地設立票據交換所，辦理票據交換及各銀行間之劃撥結算。在未設分行地點，並得委託其他公營銀行辦理；票據交換及各銀行間劃撥結算業務管理之辦法，由本行定之。

(國際貨幣準備及調度)

第三十三條 本行持有國際貨幣準備，並統籌調度外匯。

(調節外匯供需)

第三十四條 本行得視對外收支情況，調節外匯供需，以維持有秩序之外匯市場。

(外匯業務)

第三十五條 本行辦理左列外匯業務：

- 一、外匯調度及收支計畫之擬訂。
- 二、指定銀行及其他事業辦理外匯業務，並督導之。
- 三、外匯之結購與結售。
- 四、民間對外匯出、匯入款項之審核。
- 五、民營事業國外借款經指定銀行之保證、管理及其清償、稽催之監督。
- 六、外國貨幣、票據及有價證券之買賣。
- 七、外匯收支之核算、統計、分析與報告。
- 八、其他有關外匯業務事項。

銀行及其他事業申請辦理外匯業務應具備之條件、審查程序、核准指定、業務範圍、廢止指定及其他應遵行事項之辦法，由本行定之。

(Fiscal Agency and Depository Services for National Treasury)**Article 36**

The Bank shall effect the operations of the National Treasury and manage the National Treasury's cash accounts. It shall also manage the Central Governmental agencies' cash accounts, bills, securities, including receipts and payments, safekeeping and transfers, and the safekeeping of their other asset documents.

The Bank may delegate, whenever necessary, the operations mentioned above to other financial institutions in places where the Bank has no branch office.

(Floatation and Redemption of Government Bonds and Treasury Bills)**Article 37**

The Bank shall undertake the floatation and the redemption of government bonds, issued domestically or abroad, and treasury bills. The Bank may delegate, whenever necessary, the above to other financial institutions.

(Financial Examination)**Article 38**

In conformity with the powers and functions authorized by this Act, the Bank, if necessary, may undertake the inspection of the operations of financial institutions and the targeted examination of such operations as outlined in Chapter 3 of this Act; and may direct financial institutions to prepare and submit, within a prescribed period of time, accurate financial reports, property inventories or other relevant documents and reports.

If the responsible person(s) or staff member(s) of a financial institution or its branch office commits any of the following acts when the Bank dispatches officials to inspect or examine its operations, or directs the financial institution to prepare and submit accurate financial reports, property inventories or other relevant documents and reports in accordance with the preceding paragraph, the financial institution or its branch office shall be liable to an administrative fine of Two Million New Taiwan Dollars (NT\$2,000,000) to Ten Million New Taiwan Dollars (NT\$10,000,000), imposed by the Bank:

1. Refusing to be inspected or examined;
2. Concealing or destroying account books and documents related to business or financial conditions;

(經理國庫)

第三十六條 本行經理國庫業務，經管國庫及中央政府各機關現金、票據、證券之出納、保管、移轉及財產契據之保管事務。

前項業務，在本行未設分支機構地點，必要時得委託其他金融機構辦理。

(公債與國庫券之發售及還本付息)

第三十七條 本行經理中央公債與國庫券之發售及還本付息業務；必要時得委託其他金融機構辦理。

(金融檢查)

第三十八條 本行依本法賦與之職責，於必要時，得辦理金融機構業務之查核及各該機構與本章規定有關業務之專案檢查；並得要求其於限期內據實提報財務報告、財產目錄或其他有關資料及報告。

金融機構或其分支機構之負責人或職員於本行依前項規定派員查核或檢查有關事項，或要求其於限期內據實提報財務報告、財產目錄或其他有關資料及報告時，有下列情形之一者，由本行處金融機構或其分支機構新臺幣二百萬元以上一千萬元以下罰鍰：

- 一、拒絕接受查核或檢查。
- 二、隱匿或毀損有關業務或財務狀況之帳冊文件。

3. Refusing to reply or providing false information to inquiries made by the examiner without justifiable reasons;
 4. Failure to provide accurate and complete financial reports, property inventories or other relevant documents or reports in a timely manner.
- The financial institution or its branch office shall seek recourse from the responsible person after paying such administrative fines.

(Economic Research)**Article 39**

To coordinate the formulation of monetary policies and the execution of financial operations, the Bank shall regularly collect economic information, compile financial statistics and conduct monetary and economic research.

Chapter IV Budgets and Fiscal Reports**(Budgets)****Article 40**

Before the beginning of each fiscal year, the Bank shall prepare a draft budget for examination and adoption by the Board of Directors, the adopted budget shall be processed in accordance with the Budgeting Law.

(Fiscal Reports)**Article 41**

After the close of each fiscal year, the Bank shall prepare fiscal reports for examination and adoption by the Board of Directors. The adopted reports shall be examined and approved by the Board of Supervisors, and processed in accordance with the Fiscal Reporting Law.

(Legal Reserve)**Article 42**

At the close of each fiscal year, the Bank shall set aside fifty per cent of its net profit as legal reserve. In case the amount of the accumulated legal reserve equal or exceed of the Bank's current capital, the percentage herein prescribed may, subject to the resolution of the Board of Directors and the concurrence of the Board of Supervisors, be reduced to a level no lower than twenty per cent.

- 三、對檢查人員詢問無正當理由不為答復或答復不實。
 - 四、屆期未提報財務報告、財產目錄或其他有關資料、報告，或提報不實、不全。
- 金融機構或其分支機構經受罰後，對應負責之人應予求償。

(經濟研究)

第三十九條 本行為配合金融政策之訂定及其業務之執行，應經常蒐集資料，編製金融統計，辦理金融及經濟研究工作。

第四章 預算及決算**(預算)**

第四十條 本行應於會計年度開始前，擬編預算，提經理事會議決後，依預算法規定辦理。

(決算)

第四十一條 本行應於會計年度終了後，辦理決算，提經理事會議決，監事會審核，依決算法規定辦理。

(法定盈餘公積)

第四十二條 本行每屆決算，於純益項下提百分之五十為法定盈餘公積。法定盈餘公積達當年度資本額時，經理事會議決，監事會同意，得將定率減低。但不得低於百分之二十。

(Accounting for the Gain or Loss from the Change of Exchange Rate)

Article 43

The gain or loss from the Bank's assets or liabilities denominated in gold, silver, foreign currencies and other forms of international reserve, resulted from changes in parity of the national currency, or changes in the value, parity or exchange rate of these assets and liabilities relative to the national currency, shall not be listed in the Bank's annual income statement.

Any gain from the above changes shall be posted in the Exchange Reserve Account, and any loss shall be offset in the balance of that Account.

Chapter V Appendix

(Effective Date)

Article 44

This Act shall become effective on the date of promulgation.

The effective date of the Article 23 amendment shall be prescribed by the Executive Yuan.

[Remarks : This Act is made in Chinese which shall prevail in case of any discrepancy between the English translation and the Chinese original.]

(匯兌損益之會計處理)

第四十三條 本行以黃金、白銀、外幣及其他國際準備計算之資產或負債，如其價值因國幣平價之改變，或此類資產、負債對國幣之價值、平價或匯率改變而發生利得或損失，均不得列為本行年度損益。

前項變動所生之利得，應列入兌換準備帳戶；其損失應由兌換準備帳戶餘額抵沖。

第五章 附則

(施行日期)

第四十四條 本法自公布日施行。

本法修正條文第二十三條施行日期，由行政院定之。

本行出版各國中央銀行法選譯明細

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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)
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