

中央銀行專著與選譯叢書 NO. 2

各國中央銀行法選輯

(二〇〇三年版)

Collections of Central Bank
Acts of Selected Countries
(2003 Edition)

《中英對照本》

中央銀行法務室編印
中華民國九十三年七月

序

中央銀行為國家貨幣政策之制定及執行機關，肩負促進經濟與金融穩定，以期國家經濟永續成長，達成最高經濟福祉之目標。其組織、營運、管理等有關機制，除應配合憲政體制與國情需要而設計外，其他國家央行制度之趨勢與潮流，自亦有斟酌參考之必要。

有鑒於此，本行前曾於民國六十五年由經濟研究處編印「各國中央銀行法選譯」一書，其最近一次更新係在八十一年及八十二年，並增刊二輯，迄今已逾十年。近年來，各國基於理論與實證之研究，對於提高央行獨立性，有助於達成其經營目標一節，已逐漸獲致普遍之共識。而如何強化央行組織，以發揮法人治理（corporate governance）之功能，亦為各國共同重視之課題。復以歐洲共同體經濟暨貨幣同盟之發展，而有歐洲央行體系（ESCB）及歐洲中央銀行（ECB）之誕生；對於歐洲各國，甚或其他國家央行體制亦產生一定程度之影響。凡此，無不導致各國央行法之次第修正。

為及時呈現各國央行法之面貌，用供我國修正中央銀行法之參考，爰由本行同仁廣泛蒐集歐洲、亞洲、大洋洲及美洲等國家之中央銀行法予以翻譯。其中譯本輯為「各國中央

銀行法選譯」，已於去(九十二)年十二月底出刊；茲再將其中英對照本輯為「各國中央銀行法選輯」，並均分別收錄於「中央銀行專著與選譯叢書」之中，俾供各界人士之參考與運用。

中央銀行總裁

 謹識

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各國中央銀行法選輯（二〇〇三年版）
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審校者

周阿定、施 燕、許明夫
林文琇、雷仲達、吳以苓

譯 者

吳坤山、林 忠、劉鈺玲
謝淑芬、李靜惠、謝佳雯
彭文暉、黃素媛

中央銀行法務室編印

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一、Protocol on the Statute of
the European System of
Central Banks and of the
European Central Bank
歐洲中央銀行體系及歐
洲中央銀行條例議定書

Protocol on the Statute of the European System of Central Banks and of the European Central Bank

Chapter I	Constitution of the ESCB
Chapter II	Objectives and tasks of the ESCB
Chapter III	Organization of the ESCB
Chapter IV	Monetary functions and operations of the ESCB
Chapter V	Prudential supervision
Chapter VI	Financial provisions of the ESCB
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Chapter VIII	Amendment of the Statute and complementary legislation
Chapter IX	Transitional and other provisions for the ESCB

歐洲中央銀行體系及 歐洲中央銀行條例議定書

經濟研究處 林 忠 譯
法 務 室 劉 鈺 玲 校 譯

- 第一章 歐洲中央銀行體系之組成
- 第二章 歐洲中央銀行體系之目標及任務
- 第三章 歐洲中央銀行體系之組織
- 第四章 歐洲中央銀行體系之貨幣機能及操作
- 第五章 審慎監理
- 第六章 歐洲中央銀行體系之財務規定
- 第七章 一般條款
- 第八章 本條例之修正及補充立法
- 第九章 歐洲中央銀行體系之過渡及其他條款

Protocol on the Statute of the European System of Central Banks and of the European Central Bank

Amendment effected on 2 October, 1999

DESIRING to lay down the Statute of the European System of Central Banks and of the European Central Bank provided for in Article 8 of the Treaty establishing the European Community, HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing the European Community.

Chapter I Constitution of the ESCB

Article 1 The European System of Central Banks

- 1.1. The European System of Central Banks (ESCB) and the European Central Bank (ECB) shall be established in accordance with Article 4a of this Treaty; they shall perform their tasks and carry on their activities in accordance with the provisions of this Treaty and of this Statute.
- 1.2. In accordance with Article 107(1) of this Treaty, the ESCB shall be composed of the ECB and of the central banks of the Member States ('national central banks'). The Institut mon'etaire luxembourgeois will be the central bank of Luxembourg.

Chapter II Objectives and tasks of the ESCB

Article 2 Objectives

In accordance with Article 105 (1) of this Treaty, the primary objective of the ESCB shall be to maintain price stability. Without prejudice to the objective of price stability, it shall support the general economic policies in the Community with a view to contributing to the achievement of the objectives of the Community as laid down in Article 2 of this Treaty. The ESCB shall act in

歐洲中央銀行體系及 歐洲中央銀行條例議定書

1999年10月2日修正施行

締約各方為依設立歐洲共同體條約第八條規定，制定歐洲中央銀行體系及歐洲中央銀行條例，爰議定下列條款，作為設立歐洲共同體條約（以下簡稱本條約）之附件。

第一章 歐洲中央銀行體系之組成

第一條 歐洲中央銀行體系

- 1.1 歐洲中央銀行體系及歐洲中央銀行應依本條約第八條之規定設立，並應依本條約及本條例之規定執行任務及經營業務。
- 1.2 依本條約第一〇七條第(1)項之規定，歐洲中央銀行體系應由歐洲中央銀行及各會員國之中央銀行（或稱國家中央銀行）組成。盧森堡貨幣機構為盧森堡之中央銀行。

第二章 歐洲中央銀行體系之目標及任務

第二條 目標

依本條約第一〇五條第(1)項之規定，歐洲中央銀行體系之主要目標應為維持物價之穩定。在不影響物價穩定目標之下，應支持共同體一般經濟政策，以促進達成本條約第二

accordance with the principle of an open market economy with free competition, favouring an efficient allocation of resources, and in compliance with the principles set out in Article 3a of this Treaty.

Article 3 Tasks

- 3.1. In accordance with Article 105(2) of this Treaty, the basic tasks to be carried out through the ESCB shall be:
 - to define and implement the monetary policy of the Community;
 - to conduct foreign exchange operations consistent with the provisions of Article 111 of this Treaty;
 - to hold and manage the official foreign reserves of the Member States;
 - to promote the smooth operation of payment systems.
- 3.2. In accordance with Article 105 (3) of this Treaty, the third indent of Article 3.1 shall be without prejudice to the holding and management by the governments of Member States of foreign exchange working balances.
- 3.3. In accordance with Article 105(5) of this Treaty, the ESCB shall contribute to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions and the stability of the financial system.

Article 4 Advisory functions

In accordance with Article 105(4) of this Treaty:

- (a). the ECB shall be consulted:
 - on any proposed Community act in its fields of competence;
 - by national authorities regarding any draft legislative provision in its fields of competence, but within the limits and under the conditions set out by the Council in accordance with the procedure laid down in Article 42;
- (b). the ECB may submit opinions to the appropriate Community institutions or bodies or to national authorities on matters in its fields of competence.

條所規定共同體之目標。歐洲中央銀行體系應根據開放市場自由競爭之原則運作，俾資源有效分配，並遵守本條約第四條規定之原則。

第三條 任務

- 3.1 根據本條約第一〇五條第(2)項之規定，歐洲中央銀行體系之基本任務如下：
- 制定並執行共同體之貨幣政策；
 - 依據本條約第一一一條之規定從事外匯操作；
 - 持有並管理各會員國之官方外匯準備；
 - 促進支付系統之順利運作。
- 3.2 根據本條約第一〇五條第(3)項之規定，本條例第三條第一項第三款之規定應不損害各會員國政府對外匯營運資金之持有及管理。
- 3.3 根據本條約第一〇五條第(5)項之規定，歐洲中央銀行體系對審慎監督信用機構及維持金融體系穩定之該管機關所追求之政策，應協助其順利運作。

第四條 諮詢功能

根據本條約第一〇五條第(4)項之規定：

- (a) 歐洲中央銀行應接受下列諮詢：
- 任何擬議涉及歐洲中央銀行職權之共同體法案；
 - 各會員國當局針對任何涉及歐洲中央銀行職權之法律草案條款所提出之諮詢，但應受部長理事會依據第四十二條規定程序所訂條件之限制。
- (b) 歐洲中央銀行得就其職權相關事項，向適當之共同體機構、單位或各會員國當局提供意見。

Article 5 Collection of statistical information

- 5.1. In order to undertake the tasks of the ESCB, the ECB, assisted by the national central banks, shall collect the necessary statistical information either from the competent national authorities or directly from economic agents. For these purposes it shall cooperate with the Community institutions or bodies and with the competent authorities of the Member States or third countries and with international organizations.
- 5.2. The national central banks shall carry out, to the extent possible, the tasks described in Article 5.1.
- 5.3. The ECB shall contribute to the harmonization, where necessary, of the rules and practices governing the collection, compilation and distribution of statistics in the areas within its fields of competence.
- 5.4. The Council, in accordance with the procedure laid down in Article 42, shall define the natural and legal persons subject to reporting requirements, the confidentiality regime and the appropriate provisions for enforcement.

Article 6 International cooperation

- 6.1. In the field of international cooperation involving the tasks entrusted to the ESCB, the ECB shall decide how the ESCB shall be represented.
- 6.2. The ECB and, subject to its approval, the national central banks may participate in international monetary institutions.
- 6.3. Articles 6.1 and 6.2 shall be without prejudice to Article 111(4) of this Treaty.

Chapter III Organization of the ESCB

Article 7 Independence

In accordance with Article 108 of this Treaty, when exercising the powers and carrying out the tasks and duties conferred upon them by this Treaty and this Statute, neither the ECB, nor a national central bank, nor any member of their decision making bodies shall seek or take instructions from Community institutions or bodies, from any government of a Member State or from any

第五條 蒐集統計資訊

- 5.1 為執行歐洲中央銀行體系之任務，歐洲中央銀行經由各會員國中央銀行之協助，應向各國該管機關或直接向各經濟單位，蒐集必要之統計資訊。為達此目的，歐洲中央銀行應與共同體之機構或單位，以及會員國或第三國之該管機關以及國際組織合作。
- 5.2 各會員國中央銀行應竭盡所能達成前項列舉之任務。
- 5.3 歐洲中央銀行於必要時，應促使在其職權範圍內各項統計資料之蒐集、編輯及分發規則與實務之和諧。
- 5.4 部長理事會應依第四十二條所規定之程序，明定應提供資料之自然人及法人、保密制度及適當之施行細則。

第六條 國際合作

- 6.1 涉及歐洲中央銀行體系所負任務之國際合作事項，應由歐洲中央銀行決定其代行之方式。
- 6.2 歐洲中央銀行及經其核准之會員國中央銀行得參與國際貨幣機構。
- 6.3 第六條第1項及第六條第2項之規定不得抵觸本條約第一一一條第(4)項之規定。

第三章 歐洲中央銀行體系之組織

第七條 獨立性

根據本條約第一〇八條之規定，歐洲中央銀行、任一會員國之中央銀行，或其決策單位之任一成員在執行本條約及本條例所賦予之權限、任務與職責時，均不得尋求或接受共同體之機構或單位、任一會員國之政府或其他任何單位

other body. The Community institutions and bodies and the governments of the Member States undertake to respect this principle and not to seek to influence the members of the decision making bodies of the ECB or of the national central banks in the performance of their tasks.

Article 8 General principle

The ESCB shall be governed by the decision making bodies of the ECB.

Article 9 The European Central Bank

- 9.1. The ECB which, in accordance with Article 107(2) of this Treaty, shall have legal personality, shall enjoy in each of the Member States the most extensive legal capacity accorded to legal persons under its law; it may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings.
- 9.2. The ECB shall ensure that the tasks conferred upon the ESCB under Article 105 (2), (3) and (5) of this Treaty are implemented either by its own activities pursuant to this Statute or through the national central banks pursuant to Articles 12.1 and 14.
- 9.3. In accordance with Article 107 (3) of this Treaty, the decision making bodies of the ECB shall be the Governing Council and the Executive Board.

Article 10 The Governing Council

- 10.1. In accordance with Article 112 (1) of this Treaty, the Governing Council shall comprise the members of the Executive Board of the ECB and the governors of the national central banks.
- 10.2. Subject to Article 10.3. only members of the Governing Council present in person shall have the right to vote. By way of derogation from this rule, the Rules of Procedure referred to in Article 12.3 may lay down that members of the Governing Council may cast their vote by means of teleconferencing. These rules shall also provide that a member of the

之指示。共同體之機構或單位以及會員國之政府應尊重此一原則，不得試圖影響歐洲中央銀行或各會員國中央銀行決策單位之成員執行其職務。

第八條 通則

歐洲中央銀行體系應受歐洲中央銀行決策單位之管理。

第九條 歐洲中央銀行

- 9.1 根據本條約第一〇七條第(2)項之規定，歐洲中央銀行應具有法人資格，在各會員國境內，應享有各該國法律所賦予法人之最廣泛之權限；並可取得或處分動產及不動產，以及為司法程序之當事人。
- 9.2 歐洲中央銀行對於根據本條約第一〇五條第(2)項、第(3)項及第(5)項賦予歐洲中央銀行體系之任務，應確保由其依據本條例或由各會員國中央銀行依據第十二條第1項及第十四條之規定予以履行。
- 9.3 根據本條約第一〇七條第(3)項之規定，歐洲中央銀行的決策單位應為管理委員會及執行理事會。

第十條 管理委員會

- 10.1 根據本條約第一一二條第(1)項之規定，管理委員會應由歐洲中央銀行執行理事會之成員及各會員國中央銀行之總裁組成。
- 10.2 除第十條第3項之規定外，管理委員會之會員應親自出席者，有投票權。但根據第十二條第3項所訂定之程序規則，亦得規定管理委員會之成員得利用視訊會議方式投票。該程序規則亦應規定於管理委員會之成

Governing Council who is prevented from voting for a prolonged period may appoint an alternate as a member of the Governing Council. Subject to Articles 10.3 and 11.3, each member of the Governing Council shall have one vote. Save as otherwise provided for in this Statute, the Governing Council shall act by a simple majority. In the event of a tie, the President shall have the casting vote.

In order for the Governing Council to vote, there shall be a quorum of two thirds of the members. If the quorum is not met, the President may convene an extraordinary meeting at which decisions may be taken without regard to the quorum.

- 10.3. For any decisions to be taken under Articles 28, 29, 30, 32, 33 and 51, the votes in the Governing Council shall be weighted according to the national central banks' shares in the subscribed capital of the ECB. The weights of the votes of the members of the Executive Board shall be zero. A decision requiring a qualified majority shall be adopted if the votes cast in favour represent at least two thirds of the subscribed capital of the ECB and represent at least half of the shareholders. If a Governor is unable to be present, he may nominate an alternate to cast his weighted vote.
- 10.4. The proceedings of the meetings shall be confidential. The Governing Council may decide to make the outcome of its deliberations public.
- 10.5. The Governing Council shall meet at least 10 times a year.

Article 11 The Executive Board

- 11.1. In accordance with Article 112 (2) (a) of this Treaty, the Executive Board shall comprise the President, the Vice President and four other members.

The members shall perform their duties on a full time basis. No member shall engage in any occupation, whether gainful or not, unless exemption is exceptionally granted by the Governing Council.

員長期無法投票時，得指定代理人為其代行投票。
除第十條第三項及第十一條第3項之規定外，管理委員會之每一成員均有一投票權。除本條例另有規定外，管理委員會應以簡單多數決議通過議案。如正反兩方票數相同時，總裁具有決定權。

管理委員會投票時，應有三分之二以上之成員出席。不足法定人數時，總裁得召集特別會議議決議案，不受法定人數三分之二以上成員出席之限制。

10.3 根據第二十八條、第二十九條、第三十條、第三十二條、第三十三條以及第五十一條之規定而作成之任何決議，管理委員會每一成員之投票權應依據其所屬之中央銀行對歐洲中央銀行之出資比重予以加權。執行政理事會成員投票之權數應為零。其合格之多數決議，應經代表歐洲中央銀行已認資本三分之二以上且代表二分之一以上出資者之同意行之。會員國中央銀行總裁不能出席時，得指定代理人參與前述加權方式之投票。

10.4 會議程序應予保密。管理委員會得決定對外公布會議結果。

10.5 管理委員會每年應至少集會十次。

第十一條 執行理事會

11.1 根據本條約第一一二條第(2)項第(a)款之規定，執行理事會應由歐洲中央銀行總裁、副總裁以及其他四位理事組成。

理事應全職執行工作，不得從事任何其他有報酬或無報酬之職務，惟經管理委員會特別允許者除外。

- 11.2. In accordance with Article 112 (2) (b) of this Treaty, the President, the Vice President and the other members of the Executive Board shall be appointed from among persons of recognized standing and professional experience in monetary or banking matters by common accord of the governments of the Member States at the level of the Heads of State or Government, on a recommendation from the Council after it has consulted the European Parliament and the Governing Council. Their term of office shall be eight years and shall not be renewable. Only nationals of Member States may be members of the Executive Board.
- 11.3. The terms and conditions of employment of the members of the Executive Board, in particular their salaries, pensions and other social security benefits shall be the subject of contracts with the ECB and shall be fixed by the Governing Council on a proposal from a Committee comprising three members appointed by the Governing Council and three members appointed by the Council. The members of the Executive Board shall not have the right to vote on matters referred to in this paragraph.
- 11.4. If a member of the Executive Board no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct, the Court of Justice may, on application by the Governing Council or the Executive Board, compulsorily retire him.
- 11.5. Each member of the Executive Board present in person shall have the right to vote and shall have, for that purpose, one vote. Save as otherwise provided, the Executive Board shall act by a simple majority of the votes cast. In the event of a tie, the President shall have the casting vote. The voting arrangements shall be specified in the Rules of Procedure referred to in Article 12.3.
- 11.6. The Executive Board shall be responsible for the current business of the ECB.
- 11.7. Any vacancy on the Executive Board shall be filled by the appointment of a new member in accordance with Article 11.2.

Article 12 Responsibilities of the decision making bodies

- 12.1. The Governing Council shall adopt the guidelines and take the

- 11.2 根據本條約第一一二條第(2)項第(b)款之規定，歐洲中央銀行之總裁、副總裁以及執行理事會之其他理事應自貨幣及銀行領域具有名望與實務經驗者遴選，由部長理事會於諮商歐洲議會以及管理委員會後推薦，經各會員國元首或政府首長一致同意後任命之。
執行理事會理事之任期為八年，期滿不得連任。
執行理事會理事須為會員國之國民。
- 11.3 執行理事會理事之任用條件，特別是薪資、退休金、以及其他社會安全福利等，應在其與歐洲中央銀行之契約之中訂定之，並應由管理委員會根據其指定之三位成員及部長理事會指定之三位成員組成的委員會所提任用條件之建議，予以決定。執行理事會之成員對本項有關事項不得具有投票權。
- 11.4 執行理事會理事不再具有履行職責之必要條件，或因嚴重不法觸犯刑責時，歐洲法院得根據管理委員會或執行理事會之聲請強迫其退休。
- 11.5 執行理事會每一親自出席之理事具有一投票權。除本條例另有規定外，執行理事會應以簡單多數決作成決議。正反兩方票數相同時，總裁應有決定權。投票之安排應於第十二條第三項之程序規則定之。
- 11.6 執行理事會應負責歐洲中央銀行之經常業務。
- 11.7 執行理事會理事缺額時，應根據本條例第十一條第二項之規定指派新理事予以補實。

第十二條 決策單位之職責

- 12.1 管理委員會應訂定必要的準則並作成決議，以確保本條約及本條例賦予歐洲中央銀行體系之任務得以履

decisions necessary to ensure the performance of the tasks entrusted to the ESCB under this Treaty and this Statute. The Governing Council shall formulate the monetary policy of the Community including, as appropriate, decisions relating to intermediate monetary objectives, key interest rates and the supply of reserves in the ESCB, and shall establish the necessary guidelines for their implementation.

The Executive Board shall implement monetary policy in accordance with the guidelines and decisions laid down by the Governing Council. In doing so the Executive Board shall give the necessary instructions to national central banks. In addition the Executive Board may have certain powers delegated to it where the Governing Council so decides. To the extent deemed possible and appropriate and without prejudice to the provisions of this Article, the ECB shall have recourse to the national central banks to carry out operations which form part of the tasks of the ESCB.

- 12.2. The Executive Board shall have responsibility for the preparation of meetings of the Governing Council.
- 12.3 The Governing Council shall adopt Rules of Procedure which determine the internal organization of the ECB and its decision making bodies.
- 12.4. The Governing Council shall exercise the advisory functions referred to in Article 4.
- 12.5. The Governing Council shall take the decisions referred to in Article 6.

Article 13 The President

- 13.1. The President or, in his absence, the Vice President shall chair the Governing Council and the Executive Board of the ECB.
- 13.2 Without prejudice to Article 39, the President or his nominee shall represent the ECB externally.

Article 14 National central banks

- 14.1. In accordance with Article 108 of this Treaty, each Member State shall ensure, at the latest at the date of the establishment of the ESCB, that its national legislation, including the statutes of its national central bank, is compatible with this Treaty and this Statute.
- 14.2. The statutes of the national central banks shall, in particular, provide

行。管理委員會應釐訂共同體之貨幣政策，包括中間目標、主要利率以及歐洲中央銀行體系準備金之提供，以及執行時必要之準則。

執行理事會應根據管理委員會訂定之準則及所作之決議執行貨幣政策。執行理事會並因而應對會員國之中央銀行提出必要之指示。此外，執行理事會得具有管理委員會決議賦與之權限。

在可能而適當範圍內，並在不違反本條之規定下，歐洲中央銀行應借助會員國之中央銀行執行歐洲中央銀行體系任務範圍內之業務。

12.2 執行理事會應負責籌備管理委員會開會事宜。

12.3 管理委員會應訂定歐洲中央銀行之內部組織及決策單位的程序規則。

12.4 管理委員會應依第四條之規定執行諮商功能。

12.5 管理委員會應依第六條之規定作成決議。

第十三條 總裁

13.1 總裁為歐洲中央銀行管理委員會及執行理事會主席，總裁缺席時，由副總裁擔任主席。

13.2 在不違反第三十九條之規定下，總裁或其指定人對外代表歐洲中央銀行。

第十四條 各會員國中央銀行

14.1 根據本條約第一〇八條之規定，各會員國，最遲於歐洲中央銀行體系建立之日，應確保其本國立法，包括其本國中央銀行法，必須符合本條約及本條例之規定。

14.2 各會員國中央銀行法尤其應規定其中央銀行總裁之任

that the term of office of a Governor of a national central bank shall be no less than five years.

A Governor may be relieved from office only if he no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct. A decision to this effect may be referred to the Court of Justice by the Governor concerned or the Governing Council on grounds of infringement of this Treaty or of any rule of law relating to its application. Such proceedings shall be instituted within two months of the publication of the decision or of its notification to the plaintiff or, in the absence thereof, of the day on which it came to the knowledge of the latter, as the case may be.

- 14.3. The national central banks are an integral part of the ESCB and shall act in accordance with the guidelines and instructions of the ECB. The Governing Council shall take the necessary steps to ensure compliance with the guidelines and instructions of the ECB, and shall require that any necessary information be given to it.
- 14.4. National central banks may perform functions other than those specified in this Statute unless the Governing Council finds, by a majority of two thirds of the votes cast, that these interfere with the objectives and tasks of the ESCB. Such functions shall be performed on the responsibility and liability of national central banks and shall not be regarded as being part of the functions of the ESCB.

Article 15 Reporting commitments

- 15.1 The ECB shall draw up and publish reports on the activities of the ESCB at least quarterly.
- 15.2. A consolidated financial statement of the ESCB shall be published each week.
- 15.3 In accordance with Article 113 (3) of this Treaty, the ECB shall address an annual report on the activities of the ESCB and on the monetary policy of both the previous and the current year to the European Parliament, the Council and the Commission, and also to the European Council.

期不得低於五年。

各會員國中央銀行總裁僅於其不再具備履行職責所必要之條件或嚴重不法觸犯刑責，方得予以解任。遭解任之會員國中央銀行總裁或歐洲中央銀行管理委員會，得將該解任案以違反本條約或其他相關規則為由，提送歐洲法院處理。

前項程序應自決議解任公布之日，或原告接獲通知，或依其情形原告可得而知之日起二個月內為之。

- 14.3 各會員國中央銀行為歐洲中央銀行體系之組成部分，應根據歐洲中央銀行頒布之準則及指令行事。管理委員會應採取必要之措施，確保各會員國中央銀行服從歐洲中央銀行之準則及指令，並要求其提供必要之資訊。
- 14.4 除經管理委員會三分之二以上多數決議，認定抵觸歐洲中央銀行體系之目標與任務者外，各會員國中央銀行得執行本條例規定以外之職權。該職權應由各會員國中央銀行負責執行，且不得視為歐洲中央銀行體系之部分職權。

第十五條 報告義務

- 15.1 歐洲中央銀行至少每季應撰寫並公布歐洲中央銀行體系之業務活動報告。
- 15.2 歐洲中央銀行體系每週應公布合併財務報表。
- 15.3 根據本條約第一一三條第(3)項之規定，歐洲中央銀行應對歐洲議會、部長理事會、以及執委會與歐洲高峰會議，提送載明歐洲中央銀行體系業務活動以及當年與上一年貨幣政策動向之年報。

15.4. The reports and statements referred to in this Article shall be made available to interested parties free of charge.

Article 16 Banknotes

In accordance with Article 106 (1) of this Treaty, the Governing Council shall have the exclusive right to authorize the issue of banknotes within the Community. The ECB and the national central banks may issue such notes. The banknotes issued by the ECB and the national central banks shall be the only such notes to have the status of legal tender within the Community.

The ECB shall respect as far as possible existing practices regarding the issue and design of banknotes.

Chapter IV Monetary functions and operations of the ESCB

Article 17 Accounts with the ECB and the national central banks

In order to conduct their operations, the ECB and the national central banks may open accounts for credit institutions, public entities and other market participants and accept assets, including book entry securities, as collateral.

Article 18 Open market and credit operations

18.1 In order to achieve the objectives of the ESCB and to carry out its tasks, the ECB and the national central banks may:

- operate in the financial markets by buying and selling outright (spot and forward) or under repurchase agreement and by lending or borrowing claims and marketable instruments, whether in Community or in non Community currencies, as well as precious metals;
- conduct credit operations with credit institutions and other market participants, with lending being based on adequate collateral.

15.4 本條規定之報告及財務報表應使利害關係人士得以免費取得。

第十六條 鈔券

根據本條約第一〇六條第(1)項之規定，管理委員會對於共同體內之鈔券發行，擁有專屬之核准權限。歐洲中央銀行及各會員國中央銀行得發行此種鈔券。由歐洲中央銀行及各會員國中央銀行所發行之鈔券為共同體內惟一具有法償效力之貨幣。

歐洲中央銀行應儘可能尊重現行鈔券發行及圖樣設計之慣例。

第四章 歐洲中央銀行體系之貨幣機能及操作

第十七條 在歐洲中央銀行及各會員國中央銀行開設之帳戶
歐洲中央銀行及各會員國中央銀行為執行業務，得接受信用機構、公共機構與其他市場參與者開設帳戶，並接受其資產，包括無實體証券作為擔保品。

第十八條 公開市場及信用操作

18.1 歐洲中央銀行及各會員國中央銀行為達成歐洲中央銀行體系之目標及執行其任務，得：

- 在金融市場從事現貨及期貨之買賣斷與附買回協定方式交易，貸與或出借金融請求權與具市場性之工具（不論是以區域內通貨或非區域內通貨計價者），以及各類貴金屬之交易；
- 與信用機構及其他市場參與者從事信用操作，如為放款則需有適足的擔保品。

- 18.2. The ECB shall establish general principles for open market and credit operations carried out by itself or the national central banks, including for the announcement of conditions under which they stand ready to enter into such transactions.

Article 19 Minimum reserves

- 19.1. Subject to Article 2, the ECB may require credit institutions established in Member States to hold minimum reserves on accounts with the ECB and national central banks in pursuance of monetary policy objectives. Regulations concerning the calculation and determination of the required minimum reserves may be established by the Governing Council. In cases of non compliance the ECB shall be entitled to levy penalty interest and to impose other sanctions with comparable effect.
- 19.2. For the application of this Article, the Council shall, in accordance with the procedure laid down in Article 42, define the basis for minimum reserves and the maximum permissible ratios between those reserves and their basis, as well as the appropriate sanctions in cases of non compliance.

Article 20 Other instruments of monetary control

The Governing Council may, by a majority of two thirds of the votes cast, decide upon the use of such other operational methods of monetary control as it sees fit, respecting Article 2.

The Council shall, in accordance with the procedure laid down in Article 42, define the scope of such methods if they impose obligations on third parties.

Article 21 Operations with public entities

- 21.1. In accordance with Article 101 of this Treaty, overdrafts or any other type of credit facility with the ECB or with the national central banks in favour of Community institutions or bodies, central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of Member States shall be prohibited,

18.2 歐洲中央銀行應為本身或各會員國中央銀行建立公開市場及信用操作之一般原則，包括宣布從事交易之條件。

第十九條 最低準備金

19.1 根據第二條之規定，歐洲中央銀行為實現貨幣政策之目標，得要求在會員國境內設立之信用機構應在歐洲中央銀行及各會員國中央銀行之帳戶持有最低準備金。應提最低準備金之計算及提存規定，由管理委員會訂定。信用機構如未遵守規定時，歐洲中央銀行得課以罰息，並得施予其他有效制裁。

19.2 為實施本條之規定，管理委員會應根據第四十二條規定之程序界定應提最低準備金之提存基礎，實提準備金與其提存基礎間比率之上限，以及違反規定時之適當罰則。

第二十條 貨幣控制的其他工具

關於第二條之規定，管理委員會經三分之二以上之多數決議，得採用其所認為適當之其他貨幣管理方法。

管理委員會如採其他方法，致使第三者承擔責任時，應根據第四十二條所規定之程序，明定上述方法之範圍。

第二十一條 與公共機構之交易

21.1 依本條約第一〇一條之規定，歐洲中央銀行或各會員國中央銀行對共同體之機構或單位、中央政府、區域性、地方性或其他公共機構、受公法管理之其他單位、或會員國之國營企業等之透支融通或其他形式之信用融通，以及歐洲中央銀行或各會員國之中央銀行

as shall the purchase directly from them by the ECB or national central banks of debt instruments.

21.2. The ECB and national central banks may act as fiscal agents for the entities referred to in Article 21.1.

21.3. The provisions of this Article shall not apply to publicly owned credit institutions which, in the context of the supply of reserves by central banks, shall be given the same treatment by national central banks and the ECB as private credit institutions.

Article 22 Clearing and payment systems

The ECB and national central banks may provide facilities, and the ECB may make regulations, to ensure efficient and sound clearing and payment systems within the Community and with other countries.

Article 23 External operations

The ECB and national central banks may:

- establish relations with central banks and financial institutions in other countries and, where appropriate, with international organizations;
- acquire and sell spot and forward all types of foreign exchange assets and precious metals; the term foreign exchange assets shall include securities and all other assets in the currency of any country or units of account and in whatever form held;
- hold and manage the assets referred to in this Article;
- conduct all types of banking transactions in relations with third countries and international organizations, including borrowing and lending operations.

Article 24 Other operations

In addition to operations arising from their tasks, the ECB and national central banks may enter into operations for their administrative purposes or for their staff.

直接購買上述機構發行之債務工具，均應予以禁止。

21.2 歐洲中央銀行及各會員國中央銀行得擔任第二十一條第1項所列各機構之財務代理人。

21.3 本條之規定不適用於公營信用機構，各會員國中央銀行及歐洲中央銀行對公營信用機構提供準備金之條件應與對民營信用機構相同。

第二十二條 清算及支付系統

歐洲中央銀行及各會員國中央銀行得提供設備，並由歐洲中央銀行訂定管理規則，以確保共同體內部以及與其他國家間之清算及支付系統能夠有效且穩健運作。

第二十三條 對外業務

歐洲中央銀行及各會員國中央銀行得：

- 一 與其他國家之中央銀行、金融機構以及適當之國際組織建立關係。
- 一 買入及賣出各種外匯資產以及貴金屬之現貨及期貨，所謂「外匯資產」包括以任何國家通貨或記帳單位計價，及以任何型態持有之証券及所有其他資產，而依本條規定持有及管理。
- 一 與第三國及國際組織從事各種銀行業務之交易，包括借款及貸款業務。

第二十四條 其他業務

歐洲中央銀行及各會員國中央銀行，除基於其任務而發生之業務外，得為其行政管理之目的或為其職員從事其他業務。

Chapter V Prudential supervision

Article 25 Prudential supervision

- 25.1. The ECB may offer advice to and be consulted by the Council, the Commission and the competent authorities of the Member States on the scope and implementation of Community legislation relating to the prudential supervision of credit institutions and to the stability of the financial system.
- 25.2. In accordance with any decision of the Council under Article 105(6) of this Treaty, the ECB may perform specific tasks concerning policies relating to the prudential supervision of credit institutions and other financial institutions with the exception of insurance undertakings.

Chapter VI Financial provisions of the ESCB

Article 26 Financial accounts

- 26.1. The financial year of the ECB and national central banks shall begin on the first day of January and end on the last day of December.
- 26.2. The annual accounts of the ECB shall be drawn up by the Executive Board, in accordance with the principles established by the Governing Council. The accounts shall be approved by the Governing Council and shall thereafter be published .
- 26.3. For analytical and operational purposes, the Executive Board shall draw up a consolidated balance sheet of the ESCB, comprising those assets and liabilities of the national central banks that fall within the ESCB.
- 26.4. For the application of this Article, the Governing Council shall establish the necessary rules for standardizing the accounting and reporting of operations undertaken by the national central banks.

Article 27 Auditing

- 27.1. The accounts of the ECB and national central banks shall be audited by

第五章 審慎監理

第二十五條 審慎監理

- 25.1 歐洲中央銀行對部長理事會、執委會以及會員國之該管機關，就有關穩健監理信用機構及維持金融體系穩定之共同體立法之範圍及執行，得提出建議並接受諮商。
- 25.2 歐洲中央銀行得遵照部長理事會依據本條約第一〇五條第(6)項之規定所作之決議，對信用機構及其他金融機構（保險事業除外）執行穩健監理政策之特定措施。

第六章 歐洲中央銀行體系之財務規定

第二十六條 財務報告

- 26.1 歐洲中央銀行及各會員國中央銀行之會計年度應自每年一月一日起，至同年十二月三十一日止。
- 26.2 歐洲中央銀行之年度報告應由執行理事會根據管理委員會訂定之規則撰述。年度報告經管理委員會核定後公布。
- 26.3 為分析及營運之目的，執行理事會應彙編歐洲中央銀行體系之合併資產負債表，包括各會員國中央銀行撥給歐洲中央銀行體系之資產及負債。
- 26.4 為適用本條之規定，管理委員會應為各會員國中央銀行訂定標準化之營業會計及報告之必要規範。

第二十七條 稽核

- 27.1 歐洲中央銀行及各會員國中央銀行之帳冊應由管理委

independent external auditors recommended by the Governing Council and approved by the Council. The auditors shall have full power to examine all books and accounts of the ECB and national central banks and obtain full information about their transactions.

- 27.2. The provisions of Article 188c of this Treaty shall only apply to an examination of the operational efficiency of the management of the ECB.

Article 28 Capital of the ECB

- 28.1. The capital of the ECB, which shall become operational upon its establishment, shall be ECU 5,000 million. The capital may be increased by such amounts as may be decided by the Governing Council acting by the qualified majority provided for in Article 10.3, within the limits and under the conditions set by the Council under the procedure laid down in Article 42.
- 28.2. The national central banks shall be the sole subscribers to and holders of the capital of the ECB. The subscription of capital shall be according to the key established in accordance with Article 29.
- 28.3. The Governing Council, acting by the qualified majority provided for in Article 10.3, shall determine the extent to which and the form in which the capital shall be paid up.
- 28.4. Subject to Article 28.5, the shares of the national central banks in the subscribed capital of the ECB may not be transferred, pledged or attached.
- 28.5. If the key referred to in Article 29 is adjusted, the national central banks shall transfer among themselves capital shares to the extent necessary to ensure that the distribution of capital shares corresponds to the adjusted key. The Governing Council shall determine the terms and conditions of such transfers.

Article 29 Key for capital subscription

- 29.1. When in accordance with the procedure referred to in Article 109(1) of this Treaty the ESCB and the ECB have been established, the key for subscription of the ECB's capital shall be established. Each national central

員會推薦並經部長理事會核准之獨立於行外之稽核人員檢查。稽核人員得全權檢查歐洲中央銀行及各會員國中央銀行之所有帳冊及帳戶，並取得其交易之完整資料。

27.2 本條約第二四八條之規定應僅適用於歐洲中央銀行之管理經營效率方面之檢查。

第二十八條 歐洲中央銀行之資本

28.1 歐洲中央銀行於設立時之營運資本應為五十億「歐洲通貨單位」。該資本得由管理委員會於部長理事會依第四十二條之程序所定之增資限額及條件內，以第十條第三項所規定之合格多數決議，予以增加。

28.2 各會員國中央銀行應為歐洲中央銀行資本之專屬認捐者及持有者。資本認捐應依第二十九條之標準辦理。

28.3 管理委員會應以本法第十條第3項所規定之合格多數決議，決定繳款金額及付款方法。

28.4 除第二十八條第5項之規定外，各會員國中央銀行持有歐洲中央銀行之出資額不得轉讓、提供擔保品或假扣押。

28.5 第二十九條所定標準調整時，各會員國中央銀行應相互轉讓其出資額，以符合調整後之標準。其轉讓條件，由管理委員會定之。

第二十九條 資本分認標準

29.1 歐洲中央銀行體系及歐洲中央銀行根據本條約第一二三條第(1)項所定程序成立時，歐洲中央銀行資本分認標準應予確定。每一會員國中央銀行分認之權數應等於

bank shall be assigned a weighting in this key which shall be equal to the sum of:

- 50% of the share of its respective Member State in the population of the Community in the penultimate year preceding the establishment of the ESCB;
- 50% of the share of its respective Member State in the gross domestic product at market prices of the Community as recorded in the last five years preceding the penultimate year before the establishment of the ESCB.

The percentages shall be rounded up to the nearest multiple of 0.05 percentage points.

- 29.2. The statistical data to be used for the application of this Article shall be provided by the Commission in accordance with the rules adopted by the Council under the procedure provided for in Article 42.
- 29.3. The weightings assigned to the national central banks shall be adjusted every five years after the establishment of the ESCB by analogy with the provisions laid down in Article 29.1. The adjusted key shall apply with effect from the first day of the following year.
- 29.4. The Governing Council shall take all other measures necessary for the application of this Article.

Article 30 Transfer of foreign reserve assets to the ECB

- 30.1. Without prejudice to Article 28, the ECB shall be provided by the national central banks with foreign reserve assets, other than Member States' currencies, ECUs, IMF reserve positions and SDRs, up to an amount equivalent to ECU 50,000 million. The Governing Council shall decide upon the proportion to be called up by the ECB following its establishment and the amounts called up at later dates. The ECB shall have the full right to hold and manage the foreign reserves that are transferred to it and to use them for the purposes set out in this Statute.
- 30.2. The contributions of each national central bank shall be fixed in proportion to its share in the subscribed capital of the ECB.

下列二項之和：

- 在歐洲中央銀行體系成立前二年，該會員國之人口占共同體總人口比率之五〇%；
- 在歐洲中央銀行體系成立前二年之往前推算五年期間，該會員國名目國內生產毛額占共同體名目國內生產毛額比率之五〇%。

百分比應計至最接近之〇・〇五百分點的倍數。

- 29.2 為適用本條規定所需使用之統計資料，應由執委會根據部長理事會依據第四十二條所定程序通過之規範，予以提供。
- 29.3 歐洲中央銀行體系成立之後，分配給各會員國中央銀行之權數，應比照第二十九條第1項之規定，每五年調整一次。調整後之權數自翌年一月一日生效。
- 29.4 為適用本條之規定，管理委員會應採取所有其他必要之措施。

第三十條 外匯資產移交歐洲中央銀行

- 30.1 在不影響第二十八條規定的實施下，歐洲中央銀行應接受各會員國中央銀行提供之總數上限相當於五百億「歐洲通貨單位」之外匯資產，但會員國通貨、歐洲通貨單位、國際貨幣基金之準備部位與特別提款權（SDRs）除外。在歐洲中央銀行成立之後，管理委員會應決定移轉之比例及日後移轉之金額。歐洲中央銀行對移交之外匯資產得完全持有及管理，並遵照本條例規定之用途，予以使用。
- 30.2 各會員國中央銀行之外匯資產之移轉，應按其在歐洲中央銀行認捐資本之比率訂定。

- 30.3. Each national central bank shall be credited by the ECB with a claim equivalent to its contribution. The Governing Council shall determine the denomination and remuneration of such claims.
- 30.4. Further calls of foreign reserve assets beyond the limit set in Article 30.1 may be effected by the ECB, in accordance with Article 30.2, within the limits and under the conditions set by the Council in accordance with the procedure laid down in Article 42.
- 30.5. The ECB may hold and manage IMF reserve positions and SDRs and provide for the pooling of such assets.
- 30.6. The Governing Council shall take all other measures necessary for the application of this Article.

Article 31 Foreign reserve assets held by national central banks

- 31.1. The national central banks shall be allowed to perform transactions in fulfilment of their obligations towards international organizations in accordance with Article 23.
- 31.2. All other operations in foreign reserve assets remaining with the national central banks after the transfers referred to in Article 30, and Members States' transactions with their foreign exchange working balances shall, above a certain limit to be established within the framework of Article 31.3, be subject to approval by the ECB in order to ensure consistency with the exchange rate and monetary policies of the Community.
- 31.3. The Governing Council shall issue guidelines with a view to facilitating such operations.

Article 32 Allocation of monetary income of national central banks

- 32.1. the income accruing to the national central banks in the performance of the ESCB's monetary policy function (hereinafter referred to as 'monetary income') shall be allocated at the end of each financial year in accordance with the provisions of this Article.

- 30.3 各會員國中央銀行所移交之外匯資產，應由歐洲中央銀行在其帳上貸記一筆同等金額之請求權。管理委員會應決定此一請求權之面額及報酬。
- 30.4 歐洲中央銀行得在部長理事會依第四十二條所定程序訂定之限額與條件下，按第三十條第 2 項之規定比率，進一步要求會員國提供超過第三十條第 1 項規定之限額以上的外匯資產。
- 30.5 歐洲中央銀行得持有及管理國際貨幣基金之準備部位及特別提款權，並彙整此類資產。
- 30.6 為適用本條之規定，管理委員會應採取所有其他必要之措施。

第三十一條 各會員國中央銀行持有之外匯資產

- 31.1 各會員國中央銀行得依第二十三條之規定，履行對國際組織之義務。
- 31.2 各會員國中央銀行之外匯資產，依第三十條之規定移交歐洲中央銀行後，所持有之剩餘外匯資產之運用，以及會員國外匯營運資金之交易，超過依據第三十一條第 3 項之規定限額時，應獲得歐洲中央銀行之核准，以確保符合共同體之匯率及貨幣政策之一致性。
- 31.3 為便利前項規定之執行，管理委員會應發布準則。

第三十二條 各會員國中央銀行貨幣所得之分配

- 32.1 各會員國中央銀行在執行歐洲中央銀行體系之貨幣政策所產生之應計所得（以下稱為「貨幣所得」），應於每一會計年度結束時依據本條之規定予以分配。

- 32.2. Subject to Article 32.3, the amount of each national central bank's monetary income shall be equal to its annual income derived from its assets held against notes in circulation and deposit liabilities to credit institutions. These assets shall be earmarked by national central banks in accordance with guidelines to be established by the Governing Council.
- 32.3. If, after the start of the third stage, the balance sheet structures of the national central banks do not, in the judgment of the Governing Council, permit the application of Article 32.2, the Governing Council, acting by a qualified majority, may decide that, by way of derogation from Article 32.2, monetary income shall be measured according to an alternative method for a period of not more than five years.
- 32.4. The amount of each national central bank's monetary income shall be reduced by an amount equivalent to any interest paid by that central bank on its deposit liabilities to credit institutions in accordance with Article 19.
- The Governing Council may decide that national central banks shall be indemnified against costs incurred in connection with the issue of banknotes or in exceptional circumstances for specific losses arising from monetary policy operations undertaken for the ESCB. Indemnification shall be in a form deemed appropriate in the judgment of the Governing Council; these amounts may be offset against the national central banks' monetary income.
- 32.5. The sum of the national central banks' monetary income shall be allocated to the national central banks in proportion to their paid up shares in the capital of the ECB, subject to any decision taken by the Governing Council pursuant to Article 33.2
- 32.6. The clearing and settlement of the balances arising from the allocation of monetary income shall be carried out by the ECB in accordance with guidelines established by the Governing Council.
- 32.7. The Governing Council shall take all other measures necessary for the application of this Article.

- 32.2 除第三十二條第 3 項之規定外，每一會員國中央銀行之貨幣所得，應等於來自發行通貨及信用機構之存款負債而持有之資產所產生的年收入。各該資產應由每一會員國中央銀行依據管理委員會訂定之準則指定用途。
- 32.3 倘若在第三階段開始實施後，會員國中央銀行之資產負債表結構，依據管理委員會之判斷無法適用第三十二條第 2 項之規定時，則管理委員會經合格多數決議後，得豁免第三十二條第 2 項規定之適用。其貨幣所得可根據其他方法計算，但期間不得超過五年。
- 32.4 每一會員國中央銀行之貨幣所得應扣除依第十九條之規定支付信用機構存款負債之利息金額。
管理委員會得決定就任一會員國中央銀行發行鈔券之成本，或在特殊情況下執行歐洲中央銀行體系之貨幣政策所產生之損失，予以補償。管理委員會應決定適當之補償方式；上述補償金額可自會員國中央銀行之貨幣所得中扣除。
- 32.5 除管理委員會依照第三十三條第 2 項之規定所作決議外，全體會員國中央銀行之貨幣所得之總額，應按各會員國中央銀行對歐洲中央銀行實際繳納出資之比例分配。
- 32.6 由於貨幣所得之分配而產生的清算餘額，應由歐洲中央銀行根據管理委員會頒布之準則，進行結算並交割。
- 32.7 為適用本條之規定，管理委員會應採取所有其他必要之措施。

Article 33 Allocation of net profits and losses of the ECB

- 33.1. The net profit of the ECB shall be transferred in the following order:
- (a). an amount to be determined by the Governing Council, which may not exceed 20% of the net profit, shall be transferred to the general reserve fund subject to a limit equal to 100% of the capital;
 - (b). the remaining net profit shall be distributed to the shareholders of the ECB in proportion to their paid up shares.
- 33.2. In the event of a loss incurred by the ECB, the shortfall may be offset against the general reserve fund of the ECB and, if necessary, following a decision by the Governing Council, against the monetary income of the relevant financial year in proportion and up to the amounts allocated to the national central banks in accordance with Article 32.5.

Chapter VII General provisions

Article 34 Legal acts

- 34.1. In accordance with Article 110 of this Treaty, the ECB shall:
- make regulations to the extent necessary to implement the tasks defined in Article 3.1, first indent, Articles 19.1, 22 or 25.2 and in cases which shall be laid down in the acts of the Council referred to in Article 42;
 - take decisions necessary for carrying out the tasks entrusted to the ESCB under this Treaty and this Statute;
 - make recommendations and deliver opinions
- 34.2. A regulation shall have general application . It shall be binding in its entirety and directly applicable in all Member States.
- Recommendations and opinions shall have no binding force.
- A decision shall be binding in its entirety upon those to whom it is addressed.

第三十三條 歐洲中央銀行淨盈餘及虧損之分配

33.1 歐洲中央銀行之淨盈餘應依下列次序分配：

- (a) 管理委員會得決定提存以不超過淨利二〇%作為一般準備基金，但以資本額一〇〇%為上限。
- (b) 剩餘淨利應按各會員國中央銀行對歐洲中央銀行實際繳納股款之大小比例分配。

33.2 歐洲中央銀行發生虧損時，得由歐洲中央銀行之一般準備基金彌補，如有需要則根據管理委員會之決議，由相關會計年度之貨幣所得中依據第三十二條第5項之規定應分配給每一會員國中央銀行之金額，予以抵補。

第七章 一般條款

第三十四條 法律行為

34.1 根據本條約第一一〇條之規定，歐洲中央銀行應：

- 訂定必要之規則，以執行第三條第1項第一款、第十九條第1項、第二十二條或第二十五條第2項所規定之事項，以及部長理事會依第四十二條之規定所作之決議；
- 作成必要之決議以執行本條約及本條例所付託之任務；
- 提出建議及表達意見。

34.2 規則應一般適用。規則應具完整拘束力並應直接適用於各會員國。

建議及意見應無拘束力。

決議應對其所適用之對象具有完整之拘束力。

Articles 253, 254 and 256 of this Treaty shall apply to regulations and decisions adopted by the ECB.

The ECB may decide to publish its decisions, recommendations and opinions.

- 34.3 Within the limits and under the conditions adopted by the Council under the procedure laid down in Article 42, the ECB shall be entitled to impose fines or periodic penalty payments on undertakings for failure to comply with obligations under its regulations and decisions.

Article 35 Judicial control and related matters

- 35.1. The acts or omissions of the ECB shall be open to review or interpretation by the Court of Justice in the cases and under the conditions laid down in this Treaty. The ECB may institute proceedings in the cases and under the conditions laid down in this Treaty.
- 35.2. Disputes between the ECB, on the one hand, and its creditors, debtors or any other person, on the other, shall be decided by the competent national courts, save where jurisdiction has been conferred upon the Court of Justice.
- 35.3. The ECB shall be subject to the liability regime provided for in Article 288 of this Treaty. The national central banks shall be liable according to their respective national laws.
- 35.4. The Court of Justice shall have jurisdiction to give judgement pursuant to any arbitration clause contained in a contract concluded by or on behalf of the ECB, whether that contract be governed by public or private law.
- 35.5. A decision of the ECB to bring an action before the Court of Justice shall be taken by the Governing Council.
- 35.6. The Court of Justice shall have jurisdiction in disputes concerning the fulfilment by a national central bank of obligations under this Statute. If the ECB considers that a national central bank has failed to fulfil an obligation under this Statute, it shall deliver a reasoned opinion on the matter after giving the national central bank concerned the opportunity

本條約第二五三條、第二五四條及第二五六條之條文應適用於歐洲中央銀行所訂定之規則及作成之決議。歐洲中央銀行得決定公布其決議、建議及意見。

- 34.3 在部長理事會依第四十二條所定程序訂定之限制及條件範圍內，歐洲中央銀行對於違反其所訂之規則及決議而未能履行義務之機構，得課以罰金或按其未遵守之期間所定罰款。

第三十五條 司法管轄及相關事務

- 35.1 在本條約所規定之情況及條件下，歐洲中央銀行之作為或不作為，應交歐洲法院公開審查或解釋。歐洲中央銀行在本條約所規定之情況及條件下，得提起訴訟。
- 35.2 歐洲中央銀行與其債權人、債務人或任何其他人之間之爭端，應由該管國家法院裁決，但司法管轄權已賦與歐洲法院者不在此限。
- 35.3 歐洲中央銀行應承擔本條約第二八八條所規定之損害賠償責任。各會員國之中央銀行應依各別國家法律之規定承擔損害賠償責任。
- 35.4 歐洲法院根據歐洲中央銀行或其代表所簽公法或私法契約之仲裁條款享有審判權。
- 35.5 歐洲中央銀行欲向歐洲法院提起訴訟時，應依管理委員會之決議行之。
- 35.6 歐洲法院對會員國中央銀行是否確實履行本條例義務之爭議，應有管轄權。歐洲中央銀行認為某一會員國中央銀行未能依照本條例履行義務時，應給予該會員國中央銀行有提出答辯之機會，並俟其答辯後就此提出附理由之意見。該會員國中央銀行未在歐洲中央銀

to submit its observations. If the national central bank concerned does not comply with the opinion within the period laid down by the ECB, the latter may bring the matter before the Court of Justice.

Article 36 Staff

- 36.1. The Governing Council, on a proposal from the Executive Board, shall lay down the conditions of employment of the staff of the ECB.
- 36.2. The Court of Justice shall have jurisdiction in any dispute between the ECB and its servants within the limits and under the conditions laid down in the conditions of employment.

Article 37 Seat

Before the end of 1992, the decision as to where the seat of the ECB will be established shall be taken by common accord of the governments of the Member States as the level of Heads of State or Government.

Article 38 Professional secrecy

- 38.1. Members of the governing bodies and the staff of the ECB and the national central banks shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.
- 38.2. Persons having access to data covered by Community legislation imposing an obligation of secrecy shall be subject to such legislation.

Article 39 Signatories

The ECB shall be legally committed to third parties by the President or by two members of the Executive Board or by the signatures of two members of the staff of the ECB who have been duly authorized by the President to sign on behalf of the ECB.

行規定之期限內遵循改善時，歐洲中央銀行得就此事件訴諸歐洲法院。

第三十六條 職員

36.1 管理委員會應依據執行理事會之建議，訂定歐洲中央銀行職員之聘僱條件。

36.2 歐洲法院對歐洲中央銀行與其職員間於聘僱條件之範圍內所產生之任何爭端，應有管轄權。

第三十七條 設置地點

在一九九二年底以前，各會員國家元首或政府首長應依一致之同意決定歐洲中央銀行設置之地點。

第三十八條 業務上的保密

38.1 歐洲中央銀行與會員國中央銀行決策單位之成員及職員，於任職期間及離職後，均不得洩露業務保密義務中所界定之資訊。

38.2 因知悉共同體立法所規範之資訊而被課以保密義務者，應受該立法規定之拘束。

第三十九條 簽署

歐洲中央銀行對第三者之合法承諾，應由總裁、或執行理事會之二名理事為之、或經總裁適當授權之二名職員代表歐洲中央銀行簽署行之。

Article 40 Privileges and immunities

The ECB shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in the Protocol on the privileges and immunities of the European Communities.

Chapter VIII Amendment of the Statute and complementary legislation

Article 41 Simplified amendment procedure

- 41.1. In accordance with Article 107(5) of this Treaty, Articles 5.1, 5.2, 5.3, 17, 18, 19.1, 22, 23,24,26,32.2, 32.3, 32.4, 32.6, 33.1(a) and 36 of this Statute may be amended by the Council, acting either by a qualified majority on a recommendation from the ECB and after consulting the Commission, or unanimously on a proposal from the Commission and after consulting the ECB. In either case the assent of the European Parliament shall be required.
- 41.2 A recommendation made by the ECB under this Article shall require a unanimous decision by the Governing Council.

Article 42 Complementary legislation

In accordance with Article 107(6) of this Treaty, immediately after the decision on the date for the beginning of the third stage, the Council, acting by a qualified majority either on a proposal from the Commission and after consulting the European Parliament and the ECB or on a recommendation from the ECB and after consulting the European Parliament and the Commission, shall adopt the provisions referred to in Articles 4, 5.4, 19.2, 20, 28.1, 29.2, 30.4 and 34.3 of this Statute.

第四十條 特權及豁免

依歐洲共同體特權及豁免權議定書規定，歐洲中央銀行在會員國境內，為執行工作之需要應享有特權及豁免權。

第八章 本條例之修正及補充立法

第四十一條 簡化修正程序

41.1 根據本條約第一〇七條第5項之規定，本條例第五條第1項、第五條第2項、第五條第3項、第十七條、第十八條、第十九條第1項、第二十二條、第二十三條、第二十四條、第二十六條、第三十二條第2項、第三十二條第3項、第三十二條第4項、第三十二條第6項、第三十三條第1項第(a)款以及第三十六條之規定，得由部長理事會根據歐洲中央銀行之建議並諮商執委會後，經合格多數決議或由部長理事會根據執委會之建議並諮商歐洲中央銀行後，經一致同意予以修正。上述二種修正均須經歐洲議會之同意。

41.2 歐洲中央銀行根據本條之規定所提出之修正建議必須經管理委員會全體一致之同意。

第四十二條 補充條款

根據本條約第一〇七條第6項之規定，在第三階段開始日期確定後，部長理事會應立即根據執委會之建議，並諮商歐洲議會與歐洲中央銀行之後，或根據歐洲中央銀行之建議並諮商歐洲議會與執委會之後，以多數決議訂定本條例第四條，第五條第4項，第十九條第2項，第二十條，第二十八條第1項，第二十九條第2項，第三十條第4項及第三十四條第3項所指之相關規定。

Chapter IX Transitional and other provisions for the ESCB

Article 43 General provisions

- 43.1. A derogation as referred to in Article 122(1) of this Treaty shall entail that the following Articles of this Statute shall not confer any rights or impose any obligation on the Member State concerned: 3, 6, 9.2, 12.1, 14.3, 16, 18, 19, 20, 22, 23, 26.2, 27, 30, 31, 32, 33, 34, 50 and 52.
- 43.2. The central banks of Member States with a derogation as specified in Article 122 (1) of this Treaty shall retain their powers in the field of monetary policy according to national law.
- 43.3. In accordance with Article 122(4) of this Treaty, 'Member States' shall be read as 'Member States without a derogation' in the following Articles of this Statute: 3, 11.2, 19, 34.2 and 50.
- 43.4. 'National central banks' shall be read as 'central banks of Member States without a derogation' in the following Articles of this Statute: 9.2, 10.1, 10.3, 12.1, 16, 17, 18, 22, 23, 27, 30, 31, 32, 33.2 and 52.
- 43.5. 'Shareholders' shall be read as 'central banks of Member States without a derogation' in Articles 10.3 and 33.1
- 43.6. 'Subscribed capital of the ECB' shall be read as 'capital of the ECB subscribed by the central banks of Member States without a derogation' in Articles 10.3 and 30.2

第九章 歐洲中央銀行體系之過渡及其他條款

第四十三條 一般條款

- 43.1 本條約第一二二條第(1)項所稱之排除條款，係指本條例下列條文對該相關會員國不賦與權利亦不課以義務：第三條，第六條，第九條第2項，第十二條第1項，第十四條第3項，第十六條，第十八條，第十九條，第二十條，第二十二條，第二十三條，第二十六條第2項，第二十七條，第三十條，第三十一條，第三十二條、第三十三條、第三十四條、第五十條及第五十二條。
- 43.2 凡適用本條約第一二二條第1項排除規定之會員國中央銀行，將根據其本國法律保有貨幣政策之決策權。
- 43.3 根據本條約第一二二條第4項之規定，本條例第三條、第十一條第2項、第十九條，第三十四條第2項及第五十條所稱之會員國，應解釋為未適用排除條款之會員國。
- 43.4 本條例第九條第2項，第十條第1項，第十條第3項，第十二條第1項，第十六條，第十七條，第十八條，第二十二條，第二十三條，第二十七條，第三十條，第三十一條，第三十二條，第三十三條第2項及第五十二條所稱之會員國中央銀行，應解釋為未適用排除條款會員國之中央銀行。
- 43.5 本條例第十條第3項及第三十三條第1項所稱之出資者，應解釋為未適用排除條款之會員國中央銀行。
- 43.6 本條例第十條第3項及第三十條第2項所稱歐洲中央銀行已認資本，應解釋為未適用排除條款之會員國中央銀行所認之歐洲中央銀行資本。

Article 44 Transitional tasks of the ECB

The ECB shall take over those tasks of the EMI which, because of the derogations of one or more Member States, still have to be performed in the third stage.

The ECB shall give advice in the preparations for the abrogation of the derogations specified in Article 109k of this Treaty.

Article 45 The General Council of the ECB

- 45.1. Without prejudice to Article 107(3) of this Treaty, the General Council shall be constituted as a third decision making body of the ECB.
- 45.2 The General Council shall comprise the President and Vice President of the ECB and the Governors of the national central banks. The other members of the Executive Board may participate, without having the right to vote, in meetings of the General Council.
- 45.3. The responsibilities of the General Council are listed in full in Article 47 of this Statute.

Article 46 Rules of Procedure of the General Council

- 46.1. The President or, in his absence, the Vice President of the ECB shall chair the General Council of the ECB.
- 46.2. the President of the Council and a Member of the Commission may participate, without having the right to vote, in meetings of the General Council.
- 46.3. The President shall prepare the meetings of the General Council.
- 46.4. By way of derogation from Article 12.3, the General Council shall adopt its Rules of Procedure.
- 46.5. The Secretariat of the General Council shall be provided by the ECB.

第四十四條 歐洲中央銀行於過渡期間之任務

歐洲中央銀行應接管原歐洲貨幣機構（EMI）因一個或一個以上會員國適用排除條款，而仍須在第三階段繼續執行之任務。

歐洲中央銀行應就本條約第一〇九條之一〇所定撤銷適用排除條款之準備工作提出建議。

第四十五條 歐洲中央銀行全會

45.1 在不牴觸本條約第一〇七條第3項之規定下，應組織全會作為歐洲中央銀行之第三決策機構。

45.2 全會應由歐洲中央銀行之總裁及副總裁與各會員國中央銀行總裁組成。執行理事會之其他成員得參與全會之會議，但無投票權。

45.3 全會之職責全部列舉在本條例第四十七條。

第四十六條 全會之程序規則

46.1 歐洲中央銀行之總裁應擔任歐洲中央銀行全會之主席，總裁缺席時，應由副總裁擔任。

46.2 部長理事會主席及執委會一位委員得參加全會之會議，但無投票權。

46.3 總裁應籌備全會集會之相關事務。

46.4 全會不適用本條例第十二條第3項之規定，應另訂定其程序規則。

46.5 全會之秘書長應由歐洲中央銀行遴選。

Article 47 Responsibilities of the General Council

- 47.1. The General Council shall:
- perform the tasks referred to in Article 44;
 - contribute to the advisory functions referred to in Articles 4 and 25.1.
- 47.2. The General Council shall contribute to:
- the collection of statistical information as referred to in Article 5;
 - the reporting activities of the ECB as referred to in Article 15;
 - the establishment of the necessary rules for the application of Article 26 as referred to in Article 26.4;
 - the taking of all other measures necessary for the application of Article 29 as referred to in Article 29.4;
 - the laying down of the conditions of employment of the staff of the ECB as referred to in Article 36.
- 47.3. The General Council shall contribute to the necessary preparations for irrevocably fixing the exchange rates of the currencies of Member States with a derogation against the currencies, or the single currency, of the Member States without a derogation, as referred to in Article 109 (5) of this Treaty.
- 47.4. The General Council shall be informed by the President of the ECB of decisions of the Governing Council.

Article 48 Transitional provisions for the capital of the ECB

In accordance with Article 29.1 each national central bank shall be assigned a weighting in the key for subscription of the ECB's capital. By way of derogation from Article 28.3, central banks of Member States with a derogation shall not pay up their subscribed capital unless the General Council, acting by a majority representing at least two thirds of the subscribed capital of the ECB and at least half of the shareholders, decides that a minimal percentage has to be paid up as a contribution to the operational costs of the ECB.

第四十七條 全會之職責

47.1 全會應：

- 執行第四十四條所定任務；
- 促成第四條及第二十五條第 1 項所定諮詢功能。

47.2 全會應促成：

- 蒐集第五條所定統計資訊；
- 提交第十五條所定歐洲中央銀行業務報告；
- 訂定第二十六條第 4 項所定執行第二十六條所需之法規；
- 採取第二十九條第 4 項所定為執行第二十九條所必要之措施；
- 訂定第三十六條所定歐洲中央銀行職員之聘僱條件。

47.3 全會應參與本條約第一〇九條第五項之規定籌備工作，協助訂定適用排除條款之會員國通貨兌換未適用排除條款之會員國通貨、或單一貨幣不可撤銷之固定匯率。

47.4 全會應由歐洲中央銀行總裁告知有關管理委員會之決議。

第四十八條 歐洲中央銀行資本之過渡規定

每一會員國中央銀行應依第二十九條第 1 項之規定，分配其對歐洲中央銀行資本應行分認之權數。適用排除條款之會員國，得暫免適用第二十八條第 3 項之規定，而不必繳納所認出資。但經全會以代表歐洲中央銀行已認資本三分之二以上，出資者二分之一以上之多數決議，定其應繳納之最低百分比，以分擔對歐洲中央銀行之營運費用者，不在此限。

Article 49 Deferred payment of capital, reserves and provisions of the ECB

- 49.1. The central bank of a Member State whose derogation has been abrogated shall pay up its subscribed share of the capital of the ECB to the same extent as the central banks of other Member States without a derogation, and shall transfer to the ECB foreign reserve assets in accordance with Article 30.1. The sum to be transferred shall be determined by multiplying the ECU value at current exchange rates of the foreign reserve assets which have already been transferred to the ECB in accordance with Article 30.1, by the ratio between the number of shares subscribed by the national central bank concerned and the number of shares already paid up by the other national central banks.
- 49.2. In addition to the payment to be made in accordance with Article 49.1, the central bank concerned shall contribute to the reserves of the ECB, to those provisions equivalent to reserves, and to the amount still to be appropriated to the reserves and provisions corresponding to the balance of the profit and loss account as at 31 December of the year prior to the abrogation of the derogation. The sum to be contributed shall be determined by multiplying the amount of the reserves, as defined above and as stated in the approved balance sheet of the ECB, by the ratio between the number of shares subscribed by the central bank concerned and the number of shares already paid up by the other central banks.

Article 50 Initial appointment of the members of the Executive Board

When the Executive Board of the ECB is being established, the President, the Vice President and the other members of the Executive Board shall be appointed by common accord of the governments of the Member States at the level of Heads of State or Government, on a recommendation from the Council and after consulting the European Parliament and the Council of the EMI. The President of the Executive Board shall be appointed for eight years. By way of derogation from Article 11.2, the Vice President shall be appointed for four years and the other members of the Executive Board for terms of office of between five and eight years. No term of office shall be renewable. The

第四十九條 延期支付歐洲中央銀行之股款、準備金及公積金

49.1 會員國中央銀行於取消適用排除條款之後，應向歐洲中央銀行繳納與不適用排除條款之會員國中央銀行相同水準之出資，並根據第三十條第 1 項移繳外匯資產給予歐洲中央銀行。移繳總額應就根據第三十條第 1 項之規定，業已移繳歐洲中央銀行之外匯資產，以當時匯率計算其歐洲通貨單位之價值，乘以尚未繳付出資之會員國中央銀行所分認之出資額與其他已繳納出資之會員國中央銀行所認出資之比率，予以決定。

49.2 除依第四十九條第 1 項之規定所為之支付外，該會員國中央銀行仍應繳交歐洲中央銀行的準備金、相當於準備金金額之公積金，以及在取消適用排除條款之前一年十二月三十一日盈虧帳戶尚待攤提之準備金及公積金。應繳納總數應依經核准之歐洲中央銀行資產負債表上之準備金，乘以尚未繳付出資之中央銀行所認出資額與其他中央銀行業已繳出資額之比率，予以決定。

第五十條 首屆執行理事會成員之任命

當歐洲中央銀行執行理事會成立時，總裁、副總裁及其他四名理事應由會員國元首或政府首長根據部長理事會之推薦，並諮詢歐洲議會與歐洲貨幣機構之委員會後經一致之同意後任命。執行理事會之總裁任期八年。副總裁任期為四年，而執行理事會之其餘理事任期為五年至八年之間，而不適用第十一條第 2 項之規定。上述職位均不得連任。執行理事會之理事人數得少於第十一條第 1 項之規定，但

number of members of the Executive Board may be smaller than provided for in Article 11.1, but in no circumstance shall it be less than four.

Article 51 Derogation from Article 32

- 51.1. If, after the start of the third stage, the Governing Council decides that the application of Article 32 results in significant changes in national central banks' relative income positions, the amount of income to be allocated pursuant to Article 32 shall be reduced by a uniform percentage which shall not exceed 60% in the first financial year after the start of the third stage and which shall decrease by at least 12 percentage points in each subsequent financial year.
- 51.2. Article 51.1 shall be applicable for not more than five financial years after the start of the third stage.

Article 52 Exchange of banknotes in Community currencies

Following the irrevocable fixing of exchange rates, the Governing Council shall take the necessary measures to ensure that banknotes denominated in currencies with irrevocably fixed exchange rates are exchanged by the national central banks at their respective par values.

Article 53 Applicability of the transitional provisions

If and as long as there are Member States with a derogation Articles 43 to 48 shall be applicable.

不得少於四人。

第五十一條 第三十二條之排除

51.1 於第三階段開始實施之後，如若管理委員會認為第三十二條規定之執行，將造成會員國中央銀行間相對所得之巨大變化，在第三階段開始第一個會計年度應將依據第三十二條之規定得以分配之所得一律減掉一相同百分比，惟該比率不得超過六〇%，並於次一個會計年度起每一會計年度應將該比率至少降低十二個百分點。

51.2 第五十一條第1項之適用期限不得超過第三階段開始後五個會計年度。

第五十二條 共同體內鈔券的兌換

不可撤銷之匯率固定之後，管理委員會應採取必要的措施，確保採行不可撤銷固定匯率的各種通貨，其鈔券應由各會員國中央銀行按照各別通貨的面額兌換。

第五十三條 過渡條款之適用

有適用排除條款之會員國時，即有第四十三條至第四十八條之適用。

二、Bundesbank Act (Germany)

德意志聯邦銀行法

Bundesbank Act

Part I	—	Legal form and tasks
Part II	—	Organisation
Part III	—	Federal Government and Bundesbank
Part IV	—	Monetary powers
Part V	—	Scope of business
Part VI	—	Annual accounts, cost accounting, distribution of profit
Part VII	—	General provisions
Part VIII	—	Provisions relating to punitive measures and to the detention of counterfeit money
Part IX	—	Transitional and final provisions

德意志聯邦銀行法

法務室 吳坤山 譯

- 第一章 法律定位及任務
- 第二章 組織
- 第三章 聯邦政府與德意志聯邦銀行
- 第四章 貨幣權限
- 第五章 業務範圍
- 第六章 年度報告、成本報告及盈餘分配
- 第七章 通則
- 第八章 有關罰則及扣留偽幣之規定
- 第九章 過渡及最終條款

Bundesbank Act

Amendment effected on 30 April 2002

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

2002年4月30日修正施行

第一章 法律定位及任務

第一條

(刪除)

第二條 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；資本總額二十五億歐元，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。

第三條 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維持物價穩定之首要目標，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。

第四條 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」第六條第二款規定之前提下，本行得參加國際清算銀行，亦得經聯邦政府之同意，參加其他為超國界之貨幣政策、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 organizational 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 six 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 two other members shall be nominated by the Federal Government; the other four members shall be nominated by the Bundesrat (the upper house of Parliament representing the federal states) in agreement with 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.
- (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.

第二章 組織

第五條

(刪除)

第六條

(刪除)

第七條 理事會

- (1)統轄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各區管理處之任務。理事會亦得賦與其成員處理特定事項之職責。
- (2)理事會由總裁、副總裁及其他成員六人組成之；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、副總裁及其他成員二人由聯邦政府提名，其餘成員四人由參議院於獲聯邦政府同意後提名之。聯邦政府及參議院關於其提名應徵詢理事會之意見。理事之任期為八年，遇有特殊情形時，得酌予縮短，但不得少於五年。理事之任命及退離，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、退休金及撫恤金，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)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。

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.
- (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.

第八條 區管理處

- (1)本行應於下列每一地區各設一區管理處：
 1. 巴登邦—烏騰堡
 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邦
 5. 漢堡及梅客連恩堡-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-西發里亞利邦
 8. 萊茵地-帕拉第那提與薩爾連地邦
 9. 薩克森尼與提琳吉亞邦
- (2)各區管理處置區總裁一人，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。

第九條 區管理處之諮詢委員會

- (1)區管理處應設諮詢委員會定期集會，並與區總裁討論各該地區內業務之執行。
- (2)諮詢委員會，由具金融專業知識之委員十四人以下組成之；其中由各類金融業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二次。
- (3)諮詢委員會之成員，由各該邦政府提請本行總裁派充之；其任期為三年。
- (4)諮詢委員會議，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。

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.

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.

第十條 分行

本行得設分行；分行應向該管區管理處報告。

第十一條 代表

- (1)理事會於法庭上與法庭外，均代表本行。第三十一條第二項及第四十一條第四項之規定，不受本條規定之影響。
- (2)理事會之成員二人或經授權之代表二人，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一人為之，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

第十二條 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。

第十三條 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。

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. Sections 9, 15 and 16 of the Federal Statistics Act (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.

第四章 貨幣權限

第十四條 紙幣之發行

- (1)在不違反「歐洲共同體條約」第一〇六條第一項規定之前提下，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」第一〇六條第一項規定之前提下，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。

第十五條

(刪除)

第十六條

(刪除)

第十七條

(刪除)

第十八條 統計

本行為執行法定職責，得令所有信用機構辦理並向其蒐集銀行及貨幣體系之統計。「聯邦統計法」第九條、第十五條及第十六條之規定，於上述情形準用之。本行得基於總體之目標，刊布上述統計資料。但各該資料於蒐集命令中明定提供予第十三條第一項所定有權取得資訊之人者，得依命令所定提供之。

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;
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;

第五章 業務範圍

第十九條 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」第六章規定之前提下，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之；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不能支付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. 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. 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 at home 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.
- (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.

7. 從事與非居民之所有金融交易。

第二十條 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二款至第七款規定之交易；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。

第二十一條

(刪除)

第二十二條 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十九條第二款至第七款所規定之交易。

第二十三條 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，不得因發票人已被破產宣告而拒絕之。
- (3) 因保付而產生之票據債務，自發票日起八日內未為付款之提示者，失其效力；其有關提示之證明，適用「支票法」第四十條之規定。
- (4) 因保付而產生之票據債權，自提示期間屆滿後兩年消滅。
- (5) 適用於匯票之司法及程序規定，於適當情形下，經法院主張，亦可適用於因保付而產生之票據債權。

24 (repealed)

25 Other transactions

The Deutsche Bundesbank should conduct transactions other than those authorized 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) 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

第二十四條

(刪除)

第二十五條 其他交易

本行僅於為執行及完成第十九條、第二十條、第二十二條及第二十三條規定或依「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

第二十六條 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。除本項第二句規定者外，應根據「商業法」中有關公司之規定進行評價。於編製損益表時，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)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之查核後，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

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

- (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.

- 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三項規定所為之查核結果向眾議院報告之。

第二十七條 盈餘之分派

純益應依下列次序分派之：

1. 盈餘之百分之二十，至少為二億五千萬歐元，應撥充法定準備至相當於二十五億歐元；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。

第二十八條

(刪除)

第七章 通則

第二十九條 本行之特殊地位

- (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。

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 indirect 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) Subject to the approval of the Federal Government, the Executive Board may regulate the legal relationships of the civil servants and other salaried staff of the Deutsche Bundesbank through staff regulations if this is required to ensure orderly and efficient banking operations. The staff regulations may provide only
 1. that for civil servants of the Bank, the following provisions of the legislation relating to Federal civil servants be departed from:
 - (a) section 21, second sentence, section 24, third sentence, section 26 (1), section 30 (2), section 66 (1), number 1 (c) and number 3, of the Federal Civil Servants Act and section 11, number 3 (a), of the Civil Servants' Benefits Act (Beamtenversorgungsgesetz);
 - (b) section 15 of the Civil Servants' Pay Act (Besoldungsgesetz) of 16 December 1927 (Reich Law Gazette I (Reichsgesetzblatt I), page 349) as amended, insofar as a revocable, non-pensionable bank allowance not exceeding 19% of the basic salary, an allowance for expenses incurred on official business and a bonus for exceptional

第三十條 公證人

本行總裁基於第十一條第三項規定之目的，得指派公證人。公證人應具備擔任法官之資格。

第三十一條 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，理事會得經聯邦政府之同意，訂定職員管理規則規範本行公務員及其他受薪職員之法律關係。其職員管理規則僅得規定下列事項：
 1. 「聯邦公務員法」之下列規定，於本行公務員應為不同之規定：
 - (a) 「聯邦公務員法」第二十一條第二句、第二十四條第三句、第二十六條第一項、第三十條第二項、第六十六條第一項第一款(c)與第三款及「公務員福利法」第十一條第三款(a)之規定。
 - (b) 一九二七年十二月十六日修正之「公務員俸給法」第十五條，有關得取消及非屬退休金性質之金融津貼，不得逾本俸之百分之十九、因公務支

- performance are granted as a bonus and/or a one-off payment;
- (c) the provisions on the granting of maintenance allowances to civil servants undergoing preparatory training;
- 2. (repealed)
- 3. that the other salaried staff of the Bank
 - (a) shall require prior permission to engage in any of the secondary occupations specified in section 66 (1), number 1 (c) and number 3, of the Federal Civil Servants Act,
 - (b) receive the payments specified under number 1 (b) above;
- 4. that the wage earners shall receive the bonus for exceptional performance specified under number 1 (b) above.
- (5) The aggregated bonuses for exceptional performance and allowances for expenses incurred on official business 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.
- (6) Subject to the approval of the Federal Government, the Executive Board shall issue regulations on the educational background and careers of civil servants of the Deutsche Bundesbank; in agreement with the Federal Ministry of the Interior (Bundesministerium des Inneren), it shall issue regulations for specific career paths (regulations governing career paths, training and examination). The Executive Board 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.

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.

出所補給之津貼及因特殊表現所發給獎金之規定。

(c) 對公務員實施職前訓練時，給予生活津貼之規定。

2. (刪除)

3. 本行其他受薪職員：

(a) 如從事於「聯邦公務員法」第六十六條第一項第一款(c)及第三款所列之兼職者，應先經報准。

(b) 受領第一款(b)所定之報酬。

4. 工員依第一款(b)規定，因特殊表現而受領之獎金。

(5)依前項第一款(b)規定發給之特殊表現獎金及公務支出津貼，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。

(6)理事會應經聯邦政府之同意，訂頒有關本行公務員學經歷之規定；其有關個人經歷之規定（職涯發展規範、訓練規則及考試規則），並應與聯邦內政部商定之。理事會關於職前訓練期間、試用期間及中級職員升遷與升任高級職員之年資、條件等，得與「聯邦公務員法」為不同之規定。

第三十二條 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，對於理事會成員之許可，應經該會同意；對於其他職員之許可，應經本行總裁同意；對於法院之傳訊，除基於德意志聯邦共和國或公眾利益所必需者外，得拒絕之。

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.

36 Detention of counterfeit currency and of monetary tokens or debt securities that have been uttered without authority¹

- (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 (Gesetz, über das Kreditwesen) and their employees shall detain 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 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.

第三十三條 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。

第三十四條

(刪除)

第八章 有關罰則及扣留偽幣之規定

第三十五條 券幣之無權發行及使用

(1)下列人員處五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)因過失犯第一項第二款之罪者，處六個月以下有期徒刑或每日一百八十歐元以下罰金。

第三十六條 各種偽造券幣之扣留

(1)本行、所有信用機構及銀行法第一條（1a）第七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、疑似為偽造之紙幣與硬幣，以及前條所定未經授權而發行之支付工具，並掣發收據予關係人。

(2)信用機構及銀行法第一條（1a）第七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) Banknotes and coins which are suspected of being counterfeit shall be 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
 1. detain counterfeit currency or items of the type listed in section 35, in contravention of subsection (1);
 2. hand over the said counterfeit currency or items of the type listed in section 35 to the police, in contravention of subsection (2), or
 3. submit the said counterfeit currency or items of the type listed in section 35 to the Deutsche Bundesbank, in contravention of subsection (3).
- (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.
- (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

- (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，應檢附檢驗報告，連同該偽造之紙幣及硬幣送交警察機關，並通知該扣留之信用機構及金融服務機構。
- (4)任何人不為下列行為者，不論是故意或過失，均應被視為觸犯行政罰：
 1. 扣留偽造之貨幣或前條所定未經授權而發行之支付工具，違反第一項規定；
 2. 送交前述偽造之貨幣或前條所定未經授權而發行之支付工具予警察機關，違反第二項規定；
 3. 送前述偽造之貨幣或前條所定未經授權而發行之支付工具予本行，違反第三項規定。
- (5)前項行政罰得科處十萬歐元以下之罰款。
- (6)本行為「行政罰法」第三十六條第一項第一款所指之裁罰機關。

第三十七條 沒入

- (1)依第三十五條所定未經授權而擅自發行之物品得沒入之。
- (2)依前項規定沒入之物品及依「刑法」第一五〇條規定沒收之偽幣，由本行保管之。如犯人已被逮捕，並經判決沒收確定滿十年者，或犯人未被逮捕，並經判決沒收確定滿二十年者，得銷燬之。

第九章 過渡及最終條款

第三十八條 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

(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) 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

退職；並得支領剩餘任期之薪資，以作為退職之補償及契約期滿後之基本退休金，但依本法第七條第四項第二句（1992年十月二十二日公布之文字，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，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副總裁及其他邦中央銀行執行委員會成員，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，依本法第八條其他各該區之副總裁及其他執行委員會成員，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。

第三十九條 邦中央銀行執行委員會及諮詢委員會過渡條款

- (1)於一九九二年十一月一日在職之邦中央銀行執行委員會成員（其所在區域之異動，依第八條第一項第四款、第五款及第八款規定），應自一九九二年十一月一日退職；並得支領契約所定剩餘任期之薪資，作為退職之補償，其後則支領契約所訂之標準退休金。
- (2)於一九九二年十一月一日存在之邦中央銀行諮詢委員會，應即解散。

第四十條 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銀行之公務員、其他受薪職員及工員，均改為本行之公務員、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」第五

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 5 (1) number 2 of the Federal Civil Servants Act are satisfied, they are appointed as civil servants on probation; the difference between a higher 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 Chapter II, Part III, of the Federal Civil Servants' Framework Act (Beamtenrechtsrahmengesetz) 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.
- (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

條第一項第二款之資格條件，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「聯邦公務員基本法」第二章第三節之規定。本行臨時退休公務員之補償金，於五年內不得低於以其最高薪資為基礎而計算之補償薪資之百分之五十；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」；但該法第一八〇條之規定，於適當情形下，亦適用之。該法第一八〇條第四項之規定，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)前項規定於適當情形下，適用於一九四五年五月八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而再任用之公務員，以及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)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，下列人員之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

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 "institutiono" (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).
- (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.

賠償法」第二十二條第三項規定，另有僱佣人應負賠償責任者，第一款所指之人，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」第二十二條第三項規定之條件者。
- (6) 第四十一條之規定適用於符合「基本法」第一三一條所規定具有已受領或應可受領補償金之法律地位之人。
- (7) (失效之過渡條款)

(刪除)

第四十一條 基本法第一三一條所定人員之法律地位

- (1) 依據「基本法第一三一條所定人員法律地位法」第六十一條之意義範圍內，本行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。
- (2) 前項所指法律第六十二條之規定，於適當情形下，適用於德意志帝國銀行於一九四五年五月八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. 非因公務員法律或受薪職工僱佣契約所定事由而解職，且尚未依其原有法定身分復職者。
 2. 前項所指法律施行前，已滿六十五歲或不適任其職務，且非因公務員法律或受薪職工僱佣契約所定事由，而不能受領相當或任何退休金者。

- (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.
- (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

- (3)於一九五三年九月一日前退休之德意志帝國銀行公務員（第一項所指法律之第五條第一項第一款、第六條第二項、第三十五條第一項及第四十八條），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。第一項所指法律之第七條、第八條、第二十九條第二項、第三項、第三十條、第三十一條及第三十五條第三項，以及「聯邦公務員法」第一〇八條、第一一二條、第一一七條第一項、第一四〇條第二項、第三項第一、二句、第一五六條第一項、第一八一條之a及第一八一條之b之規定，從其修正之規定辦理之。如退休服務年資之計算，係依「聯邦公務員法」第一一七條第二項或一九七五年六月三十日修正之同法第一八一條第五項之規定者，同法第一一七條第三項之規定，於適當情形下適用之。退休金不得超過退休薪資之百分七十五；撫卹金於適當情形下，亦同。第一項所指法律第六十四條第六句第二段規定，亦適用之。
- (4)本行總裁為適用第一項及第二項規定之人之最高主管機關。在上述範圍內，總裁於法庭內外代表本行；並得授權予理事會之成員一人為之。如屬第一項所定情事，依第一項所指法律及依該法應適用規範公務員地位法規之規定，而應由聯邦財政部長參與者，由總裁代為之。

第四十二條 流動性票券之發行

- (1)德意志聯邦共和國因受本行之請求，應提供上限為二百五十億歐元之國庫券或國庫貼現券，又稱為本行流動性票券；該項票券可於本行兌付，本行亦有義務替德意志聯邦共和國履行因該等票券所生之債務。
- (2)已發行流動性票券之票面總額，應入本行特別帳戶；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

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 Transitional provision

- (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 109j 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 109j 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

回之流動性票券。

(3)聯邦財政部長得依第一項規定發行流動性票券。

(4)本行得發行歐元及其他形式之債券。

第四十三條 法律之廢止及修正

(刪除)

第四十四條 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。

第四十五條 過渡條款

(1)本法第六次修正之第二條第二句及第二十七條第一款規定，均適用於德意志聯邦共和國參與貨幣聯盟第三階段（依據「歐洲高峰會議條約」第一〇九條 j 規定）第一年開始前基準日之第一次年度報告。本法第六次修正之第二十六條第二項第二句及第三句規定，適用於下一會計年度之第一次報告。

(2)於本法第六次修正施行前依第二十七條第二款所提之準備，以及超過五十億馬克之法定準備，應於德意志聯邦共和國參與貨幣聯盟第三階段（依據「歐洲高峰會議條約」第一〇九條 j 規定）第一年開始前之基準日，即予結清；其結清所得資金，應增撥資本至五十億馬克為止，所逾金額，應列為純益。

(3)本法第七次修正之第二條第二句及第二十七條第一款文字，適用於本法施行日後之第一次年度報告。其資本逾二十五億歐元之部分，應撥充法定準備。本法第七次修

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.

46 (repealed)

47 (Entry into force)

正施行後之基準日起之年度報告，依本項第一句規定提撥者，如其法定準備已逾二十五億歐元，其所逾總數應列為純益。

第四十六條

(刪除)

第四十七條 生效

(刪除)

三、Bank of England Act 1998 英格蘭銀行法

Bank of England Act 1998

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英格蘭銀行法

法務室 李靜惠 譯

- | | |
|-----|-------------------|
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Bank of England Act 1998

Amendment effected on 1 December, 2001

An Act to make provision about the constitution, regulation, financial arrangements and functions of the Bank of England, including provision for the transfer of supervisory functions; to amend the Banking Act 1987 in relation to the provision and disclosure of information; to make provision relating to appointments to the governing body of a designated agency under the Financial Services Act 1986; to amend Schedule 5 to that Act; to make provision relating to the registration of Government stocks and bonds; to make provision about the application of section 207 of the Companies Act 1989 to bearer securities; and for connected purposes.

[23rd April 1998]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I Constitution, regulation and financial arrangements

Constitution and regulation

Court of directors.

- 1.— (1) There shall continue to be a court of directors of the Bank.
- (2) The court shall consist of a Governor, 2 Deputy Governors and 16 directors of the Bank, all of whom shall be appointed by Her Majesty.
- (3) On the day on which this Act comes into force, all persons who are, immediately before that day, holding office as director of the Bank shall vacate their office.
- (4) Schedule 1 shall have effect with respect to the court.

Functions of court of directors.

- 2.— (1) The court of directors of the Bank shall manage the Bank's affairs, other than the formulation of monetary policy.

英格蘭銀行法

2001年12月1日修正施行

為規範英格蘭銀行（以下簡稱本行）之組織、管理、財務規劃及其職權，包括監理權限移轉之規定、修正一九八七年銀行法有關資訊揭露之規定、訂定對一九八六年金融服務法管理組織有任命權之機關，以及修正該法附則五、訂定政府股票及公債之登記規定、適用一九八九年公司法第二百零七條有關無記名證券之規定，以及其他有關目的制定之法律（以下簡稱本法）。

茲經國會上下議院之建議及同意暨其授權，由女皇陛下制定頒布本法如下：

第一章 組織、管理及財務規劃

組織及管理

第一條 理事會

- (1)本行續設理事會。
- (2)理事會成員包括本行總裁一人、副總裁二人及理事十六人，均由英皇任命。
- (3)於本法生效前擔任本行理事者，自本法生效日起解除其職務。
- (4)附則一關於理事會之規定，隨同本法生效。

第二條 理事會職權

- (1)理事會管理本行一切事務，但貨幣政策之制定不在其內。

- (2) In particular, the court's functions under subsection (1) shall include determining the Bank's objectives (including objectives for its financial management) and strategy.
- (3) In determining the Bank's objectives and strategy, the court's aim shall be to ensure the effective discharge of the Bank's functions.
- (4) Subject to that, in determining objectives for the financial management of the Bank, the court's aim shall be to ensure the most efficient use of the Bank's resources.

Functions to be carried out by non-executive members.

- 3.— (1) The functions mentioned in subsection (2) shall stand delegated to a sub-committee of the court of directors of the Bank consisting of the directors of the Bank.
- (2) The functions referred to are—
- (a) keeping under review the Bank's performance in relation to the objectives and strategy for the time being determined by the court of directors of the Bank,
 - (b) monitoring the extent to which the objectives set by the court of directors of the Bank in relation to the Bank's financial management have been met,
 - (c) keeping under review the internal financial controls of the Bank with a view to securing the proper conduct of its financial affairs, and
 - (d) determining how the functions under paragraph 14 of Schedule 1 (remuneration and pensions etc. of executive members of the court) should be exercised.
- (3) At a meeting of the sub-committee the quorum shall be 7.
- (4) The Chancellor of the Exchequer may designate one of the directors to chair the sub-committee.
- (5) If a member of the sub-committee has any direct or indirect interest in any dealing or business with the Bank which falls to be considered by the sub-committee—
- (a) he shall disclose his interest to the sub-committee when it considers the dealing or business, and
 - (b) he shall have no vote in proceedings of the sub-committee in relation to any question arising from its consideration of the dealing or business, unless the sub-committee has resolved that

- (2) 具體而言，第(1)項理事會職權，包括本行經營目標（包括本行財務管理之目標）及策略之訂定。
- (3) 理事會訂定本行經營目標及策略時，應以確保有效發揮本行之職能為目的。
- (4) 理事會於訂定本行財務管理目標時，應以確保本行資源之最有效運用為目的。

第三條 非執行理事之職權

- (1) 第(2)項所定之職權，授權由包括本行理事之理事會附設委員會執行之。
- (2) 前項職權包括：
 - (a) 審核本行依據理事會當前所訂定目標與策略執行之績效。
 - (b) 監視理事會所訂經營目標與本行之財務管理符合至何種程度。
 - (c) 審核本行內部財務控制，以確保本行財務之健全運作。
 - (d) 議定附則一第 14 點（執行理事之酬勞及退休金等）之執行事項。
- (3) 理事會附設委員會會議之法定人數為七人。
- (4) 財經部長得於理事中指派一人，擔任理事會附設委員會之主席。
- (5) 理事會附設委員會之委員，於該附設委員會審議與本行之交易或業務有關事項，有直接或間接利害關係時，
 - (a) 該委員應於附設委員會審議該項交易或業務時，向附設委員會揭示其利害關係。
 - (b) 除附設委員會認定此一利害關係不致產生利益衝突之情形外，該委員對於附設委員會審議該項交易或

the interest does not give rise to a conflict of interest.

- (6) In any proceedings of the sub-committee, a member shall have no vote in relation to any question arising which touches or concerns him but shall withdraw and be absent during the debate of any matter in which he is concerned.
- (7) Subject to subsections (3) to (6), the sub-committee shall determine its own procedure.
- (8) The sub-committee may delegate any of its functions to two or more of its members.

Annual report by the Bank.

- 4.— (1) As soon as practicable after the end of each of its financial years, the Bank shall make to the Chancellor of the Exchequer a report on its activities in that year.
- (2) A report under this section shall, in particular, contain—
 - (a) a report by the directors of the Bank on the matters for which the sub-committee constituted by section 3 is responsible, and
 - (b) a copy of the statement for the year prepared under section 7(2) and the report of the Bank's auditors on it.
- (3) The report mentioned in subsection (2)(a) shall, in particular, include a review of the Bank's performance in relation to its objectives and strategy, as determined by the court of directors of the Bank, in the financial year to which the report under this section relates.
- (4) A report under this section shall also contain—
 - (a) a statement of the rate or rates at which directors of the Bank have been remunerated in the financial year to which the report relates, and
 - (b) a statement of the Bank's objectives and strategy, as determined by the court of directors of the Bank, for the financial year in which the report is made.
- (5) The Bank shall publish every report under this section in such manner as it thinks appropriate.
- (6) The Chancellor of the Exchequer shall lay copies of every report under this section before Parliament.

Custody and use of the seal.

- 5.— (1) The court of directors of the Bank shall have custody of the Bank's seal.
- (2) The seal shall only be affixed to an instrument if the affixation has

業務過程之事項，無表決權。

- (6)於附設委員會議程中，被認定與議決事項有關之委員，對該事項無表決權；於該事項進行辯論時，應暫時退席。
- (7)第(3)項至第(6)項之情形，由附設委員會自行決定其程序。
- (8)附設委員會得將其權限，授權二位以上之委員執行。

第四條 年度報告

- (1)每一會計年度終了時，本行應就該年度業務狀況，向財經部長提出報告。
- (2)本條報告，具體而言包括：
 - (a)由理事就依第三條組成之附設委員會負責事項所為之報告。
 - (b)依第七條第(2)項擬編之年度報表，以及本行稽核對該帳目報表之報告。
- (3)第(2)項第(a)款所指報告，具體而言，包括本行理事會所定之經營目標與策略，於各該會計年度內執行績效之審查。
- (4)本條之年度報告並應包括：
 - (a)本行各理事於該報告所屬會計年度受領薪資報酬之說明。
 - (b)本行理事會於編製該報告之會計年度內所訂定之經營目標與策略。
- (5)本行得依適當之方式，依本條之規定公布年度報告。
- (6)財經部長應將本條規定之各項年度報告，向國會提報。

第五條 印信之保管及使用

- (1)理事會掌管本行之印信。
- (2)本行之印信，僅得蓋用於理事會核准之文書，或理事會

been authorised by the court or by a sub-committee of the court acting in exercise of delegated authority.

- (3) The affixing of the seal shall be attested by the signature of—
- (a) two members of the court,
 - (b) one member of the court and the secretary to the court, or
 - (c) two other officers of the Bank authorised by the court for the purpose.

Financial arrangements

Cash ratio deposits.

- 6.— Schedule 2 (which makes provision about the maintenance of cash deposits with the Bank by certain financial institutions) shall have effect.

Accounts.

7. — (1) The Bank shall keep proper accounts and records in relation to the accounts.
- (2) The Bank shall prepare for each of its financial years a statement of accounts consisting of—
- (a) a balance sheet as at the last day of the year, and
 - (b) a profit and loss account.
- (3) In preparing accounts under subsection (2), the Bank shall be subject to requirements corresponding to the relevant Companies Act requirements, except insofar as the accounts relate to the Issue Department.
- (4) The Bank may disregard a requirement to which it is subject under subsection (3) to the extent that it considers it appropriate to do so having regard to its functions.
- (5) The Bank shall appoint an auditor or auditors to audit its accounts, including any statement under subsection (2).
- (6) As soon as practicable after receiving the report of its auditors on a statement prepared under subsection (2), the Bank shall send a copy of—
- (a) the report, and
 - (b) the statement,
- to the Chancellor of the Exchequer.
- (7) The Treasury may by notice in writing to the Bank require it to publish in such manner as it thinks fit such additional information

附設委員會執行依本法授權事項所作之文書。

- (3)印信之蓋用，應以下列人員之簽署為憑：
- (a) 理事二名。
 - (b) 理事一名及理事會一等秘書。
 - (c) 理事會因特定目的所委任之本行行員二名。

財務規劃

第六條 現金比率存款

附則二（規定特定金融機構存放本行之現金存款）隨同本法生效。

第七條 帳戶管理

- (1)本行應保有正確之帳目及其紀錄。
- (2)本行每一會計年度編製之會計報表包括：
 - (a) 會計年度底之資產負債表。
 - (b) 損益表。
- (3)本行應依據公司法之相關規定編製第(2)項所定帳目，惟本行之發行帳務不在此限。
- (4)本行因職權行使之考量，認為適當之情況下，得不依第(3)項規定辦理。
- (5)本行應指定稽核一人以上，稽查包括第(2)項規定各項報表在內之本行帳目。
- (6)本行於收到本行之稽核針對第(2)項報表所為之稽核報告時，應將下列資料，送交財經部長。
 - (a) 稽核報告。
 - (b) 帳務報告。
- (7)財經部於認為適當時，得以書面通知本行，要求本行就

relating to its accounts as the Treasury may specify in the notice, including information which the Bank has excluded under subsection (4) from a statement under subsection (2).

- (8) The Treasury shall consult the Bank before giving a notice under subsection (7).
- (9) In subsection (3), the reference to the relevant Companies Act requirements is to the requirements to which the directors of a company which is a banking company for the purposes of the Companies Act 1985 are for the time being subject under that Act (except section 232) in relation to the preparation of accounts under section 226(1) of that Act.

Payments in lieu of dividends.

- 8.— (1) In section 1 of the Bank of England Act 1946, in subsection (4), (amount payable to Treasury in lieu of dividends on Bank stock), for the words from "the sum" to the end there is substituted "a sum equal to 25 per cent. of the Bank's net profits for its previous financial year, or such other sum as the Treasury and the Bank may agree."
- (2) In that section, at the end there is inserted—
- "(6) In subsection (4) of this section, the reference to the Bank's net profits for its previous financial year is to the profits shown in the audited accounts for that year less the amount of the tax charge so shown."
- (3) In Schedule 1 to that Act (supplemental provisions), after paragraph 11 there is inserted—
- "11A.— (1) If, when a payment falls to be made under section 1(4) of this Act, the Bank's accounts for the previous financial year have not been audited, the payment shall be made on the basis of the Bank's estimate of the relevant amounts.
- (2) If an amount estimated under sub-paragraph (1) of this paragraph differs from the amount shown in the audited accounts, an appropriate adjustment shall be made to the next payment under section 1(4) of this Act to be made after the difference becomes apparent."
- (4) In that Schedule, for paragraph 14 there is substituted—
- "14. Any sum paid by the Bank to the Treasury in lieu of dividends shall be allowed as a deduction in assessing the Bank to corporation

其於書面通知內所記載，有關本行帳目之補充資料，加以公開；上述資料，包括本行依第(4)項規定免予編製之第(2)項之報表。

- (8) 財經部於依第(7)項規定通知前，應先洽商本行意見。
- (9) 第(3)項所稱之公司法相關規定，係指一九八五年公司法（第二百三十二條除外）有關銀行公司之董事，依該法第二百二十六條第(1)項有關編制帳冊事項之規定。

第八條 以付款代替股息

- (1) 一九四六年英格蘭銀行法第一條第(4)項（代替本行股息支付予財經部之數額），自「總額」一語起至末行，修正為「相當於本行上一會計年度淨利百分之二十五之金額，或財經部與本行同意之其他數額」。
- (2) 前項條文之末項，應增列一項：
「(6) 本條第(4)項所稱之本行上一會計年度淨利，係指該會計年度稽核帳目所列出之盈餘扣除稅捐之數額」。
- (3) 第一項法律之附則一（補充條款），第 11 點以下增列一點：
「11 A：
(1) 本行依本法第一條第(4)項規定付款時期屆至，而本行上一會計年度之帳務尚未完成稽核者，前述應付之金額，依本行就相關帳戶所為估算金額為計付基礎。
(2) 依前項所為估算之金額與稽核帳目之金額不同時，本行於次期依本法第一條第(4)項規定付款時，應依確實之差額，調整該期應付金額。」
- (4) 第(3)項之附則第 14 點修正為：
「14. 本行繳付財經部之現金股利，於核計同期之公司稅時，

tax for the accounting period by reference to which the payment is calculated."

Supplementary

Consequential amendments.

- 9.— (1) In section 14 of the National Debt Reduction Act 1786 and section 32 of the Life Annuities Act 1808, for "deputy governor" there is substituted "deputy governors".
- (2) In section 55 of the National Debt Act 1870, the first reference to the Dputy Governor of the Bank of England shall be treated as a reference to a Deputy Governor of the Bank of England.
- (3) In section 3(3) of the Bank of England Act 1946, after "this Act" there is inserted "and the Bank of England Act 1998".

PART II Monetary policy

Role of the Bank

Operational responsibility.

- 10.— In section 4(1) of the Bank of England Act 1946 (power of the Treasury to give directions to the Bank), at the end there is inserted ", except in relation to monetary policy".

Objectives.

11. — In relation to monetary policy, the objectives of the Bank of England shall be—
- (a) to maintain price stability, and
 - (b) subject to that, to support the economic policy of Her Majesty's Government, including its objectives for growth and employment.

Specification of matters relevant to objectives.

- 12.— (1) The Treasury may by notice in writing to the Bank specify for the purposes of section 11—
- (a) what price stability is to be taken to consist of, or
 - (b) what the economic policy of Her Majesty's Government is to be taken to be.

得視為扣除額。」

補充條款

第九條 相應修正規定

- (1)一七八六年國家債務縮減法第十四條及一八〇八年國民年金法第三十二條之「副總裁」，修正為「二位副總裁」。
- (2)一八七〇年國家債務法第五十五條第一次所援引之「英格蘭銀行副總裁」，應被視為「英格蘭銀行副總裁之一」。
- (3)一九四六年英格蘭銀行法第三條第(3)項「本法」以下，增加「以及一九九八年英格蘭銀行法」等字。

第二章 貨幣政策

本行角色

第十條 業務責任

一九四六年英格蘭銀行法第四條第(1)項（財經部對本行指示之權力）末段，增列「但貨幣政策除外」等字。

第十一條 經營目標

本行貨幣政策目標為：

- (a) 維持物價穩定。
- (b) 於上述目標範圍內，支持政府之經濟政策，包括經濟成長及充分就業之目標。

第十二條 經營目標有關之具體事項

- (1)為達成第十一條規定目的，財經部得明定下列事項之範圍，並以書面通知本行：
 - (a) 物價穩定所應包括事項。
 - (b) 政府經濟政策有關事項。

- (2) The Treasury shall specify under subsection (1) both of the matters mentioned there—
 - (a) before the end of the period of 7 days beginning with the day on which this Act comes into force, and
 - (b) at least once in every period of 12 months beginning on the anniversary of the day on which this Act comes into force.
- (3) Where the Treasury give notice under this section they shall—
 - (a) publish the notice in such manner as they think fit, and
 - (b) lay a copy of it before Parliament.

Monetary Policy Committee of the Bank

Monetary Policy Committee.

- 13.— (1) There shall be a committee of the Bank, to be known as the Monetary Policy Committee of the Bank of England, which shall have responsibility within the Bank for formulating monetary policy.
- (2) The Committee shall consist of—
 - (a) the Governor and Deputy Governors of the Bank,
 - (b) 2 members appointed by the Governor of the Bank after consultation with the Chancellor of the Exchequer, and
 - (c) 4 members appointed by the Chancellor of the Exchequer.
 - (3) Of the 2 members appointed under subsection (2)(b)—
 - (a) one shall be a person who has executive responsibility within the Bank for monetary policy analysis, and
 - (b) the other shall be a person who has executive responsibility within the Bank for monetary policy operations.
 - (4) The Chancellor of the Exchequer shall only appoint a person under subsection (2)(c) if he is satisfied that the person has knowledge or experience which is likely to be relevant to the Committee's functions.
 - (5) Schedule 3 shall have effect with respect to the Committee.

Publication of statements about decisions.

- 14.— (1) As soon as practicable after each meeting of the Monetary Policy Committee, the Bank shall publish a statement as to whether it was decided at the meeting that the Bank should take any action, other than action by way of intervening in financial markets, for the

- (2) 財經部依第(1)項規定所為之通知，應於：
 - (a) 本法生效之日起算七天內為之。
 - (b) 於本法生效週年之日起算，每十二個月至少一次。
- (3) 財經部依本條規定為書面通知時，應：
 - (a) 以其認為適當之方式公布該通知之內容。
 - (b) 副本送交國會。

貨幣政策委員會

第十三條 貨幣政策委員會

- (1) 本行設貨幣政策委員會，負責本行貨幣政策之制定。
- (2) 貨幣政策委員會委員包括：
 - (a) 本行總裁及副總裁。
 - (b) 本行總裁洽商財經部長後任命之委員二人。
 - (c) 財經部長所任命之委員四人。
- (3) 依第(2)項第(b)款所任命之委員中：
 - (a) 其中一人應係於本行實際負責貨幣政策事項分析之人員。
 - (b) 其他一人應係於本行實際負責貨幣政策事項操作之人員。
- (4) 財經部長依第(2)項第(c)款規定任命之委員，僅得就符合貨幣政策委員會職權所須具備專門學識或經驗者任命之。
- (5) 附則三有關貨幣政策委員會之規定，隨同本法生效。

第十四條 決議事項之公布

- (1) 每次貨幣政策委員會開會之後，本行應就其為達成第十一條所定目標應採措施有無作成決議，以及如有決議所採措施為何各節，儘速公布說明；但與干預金融市場有

purpose of meeting its objectives under section 11 and, if it was, what the action is.

- (2) If, at any meeting, the Committee decides that the Bank should intervene in financial markets, it shall also consider at the meeting whether immediate publication of the decision would be likely to impede or frustrate the achievement of the intervention's purpose.
- (3) If the Committee decides under subsection (2) that immediate publication of a decision would not have the effect mentioned there, the Bank shall, when it publishes a statement under subsection (1) about the meeting, publish a statement as to what action by way of intervening in financial markets the Committee has decided the Bank should take.
- (4) If the Committee decides under subsection (2) that immediate publication of a decision would have the effect mentioned there, it shall keep under consideration the question of whether publication of the decision would still have that effect.
- (5) As soon as practicable after the Committee has decided that publication of a decision which has not been the subject of a statement under subsection (3) would no longer have the effect mentioned in subsection (2), the Bank shall publish a statement as to what action by way of intervening in financial markets the Committee decided the Bank should take and when the decision was made.
- (6) Publication under this section shall be in such manner as the Bank thinks fit.

Publication of minutes of meetings.

- 15.— (1) After each meeting of the Monetary Policy Committee, the Bank shall publish minutes of the meeting before the end of the period of 6 weeks beginning with the day of the meeting.
- (2) Subsection (1) shall not apply to minutes of any proceedings relating to—
- (a) a decision to intervene in financial markets, or
 - (b) a decision about the publication of a decision to intervene in financial markets,
- unless the Committee has decided that publication of the decision to intervene would not be likely, or would no longer be likely, to impede or frustrate the achievement of the intervention's purpose.
- (3) Minutes of proceedings relating to—

關之決議不在此限。

- (2) 貨幣政策委員會會議作成本行應干預金融市場之決議時，應同時衡酌此項決議之立即公布，是否會干擾或妨礙目標之達成。
- (3) 貨幣政策委員會依第(2)項規定，認為其決議事項之立即公布，將不致發生該情事者，本行於依第(1)項規定公布該決議時，應同時公布該委員會所決議本行應採之金融市場干預措施。
- (4) 貨幣政策委員會認為其決議事項之立即公布將發生第(2)項之情事者，其後仍應持續審酌該決議之公布是否仍有第(2)項規定之情形。
- (5) 貨幣政策委員會對於原來不屬於依第(3)項公布說明之決議，認為已不再有第(2)項所指影響而決議予以公布時，本行就貨幣政策委員會所決議本行對金融市場應採之干預方式，以及該決議作成時間，儘速公布之。
- (6) 本條所為之公布，其方式依本行認為適當者為之。

第十五條 委員會會議紀錄之公布

- (1) 貨幣政策委員會會議結束後，本行應自該會議結束之日起算六週內，公布會議紀錄。
- (2) 除委員會認為干預金融市場決議之公布，將不致於或不再阻撓或妨礙干預目的之達成者外，第(1)項之規定，於下列情形作成之會議紀錄仍不適用之：
 - (a) 干預金融市場之決議。
 - (b) 對金融市場加以干預之決議是否公布之決議。
- (3) 下列議程事項無須於會議結束之日起六週內公布者，本行應於該決議依第十四條第(5)項規定公布之日起算，六週內公布之：

- (a) a decision to intervene in financial markets, or
 - (b) a decision about the publication of a decision to intervene in financial markets,
- shall, if not required to be published before the end of the period of 6 weeks beginning with the day of the meeting, be published by the Bank before the end of the period of 6 weeks beginning with the day on which a statement about the decision to intervene is published under section 14(5).
- (4) Minutes published under this section shall record, in relation to any decision of the Committee, the voting preference of the members who took part in the vote on the decision.
 - (5) Publication under this section shall be in such manner as the Bank thinks fit.

Functions of court of directors.

- 16.— (1) The court of directors of the Bank shall keep the procedures followed by the Monetary Policy Committee under review.
- (2) In particular, the court's function under subsection (1) shall include determining whether the Committee has collected the regional, sectoral and other information necessary for the purposes of formulating monetary policy.
 - (3) The court's function under subsection (1) shall stand delegated to the sub-committee constituted by section 3.

Information and reports

Power to obtain information.

- 17.— (1) The Bank may by notice in writing require an undertaking to which this section applies to provide the Bank with such information as may be specified in the notice, being information about the relevant financial affairs of the undertaking which the Bank considers it necessary or expedient to have for the purposes of its functions under this Part.
- (2) A notice under subsection (1) may require information to be provided —
 - (a) in such form or manner as may be specified in the notice;
 - (b) at such time or times as may be so specified;
 - (c) in relation to such period or periods as may be so specified.
 - * (3) An undertaking is one to which this section applies if —
 - (a) it has a place of business in the United Kingdom; and
 - (b) it falls within subsection (3A), (3B), (3C) or (3D).
 - * (3A) An undertaking falls within this subsection if it is a deposit-taker.

- (a) 干預金融市場之決議。
- (b) 對金融市場加以干預之決議是否公布之決議。
- (4) 依本條公布之會議紀錄有關議決事項部分，應記載參與決議各委員投票贊成或否決之情形。
- (5) 本條規定所為公布，依本行認為適當之方式為之。

第十六條 理事會職權

- (1) 本行理事會應審查貨幣政策委員會之各項程序。
- (2) 第(1)項所定理事會權限，包括對於貨幣政策委員會於貨幣政策之制定，有無事先蒐集各地區、各類別及各種必要資訊之認定。
- (3) 第(1)項之理事會權限，得授權由第三條之附屬委員會執行。

資訊及報告

第十七條 取得資料之權力

- (1) 本行得以書面通知要求本條規定之各機構，應向本行提供依本章之規定於本行行使職權有必要或有利之各項有關之財務狀況資料。
- (2) 第(1)項通知得明定各機構所提供之資料，應符合下列規定：
 - (a) 依通知所定格式或方式。
 - (b) 依通知所定時期。
 - (c) 依通知所定有關期間。
- * (3) 本條所稱之業者，係指：
 - (a) 於聯合王國設有營業處所者；同時
 - (b) 具有(3A)、(3B)、(3C)或(3D)各項所定情形之一者。
- * (3A) 存款收受者為本項所稱之業者。

- ***(3B)**An undertaking falls within this subsection if it is not a deposit-taker but it —
 - (a) falls within the subsector “other monetary financial institution” as defined by paragraph 2.48 of Annex A to Council Regulation (EC) No. 2223/96,
 - (b) carries on a business of granting credits secured on land used for residential purposes,
 - (c) has issued a debt security, or
 - (d) has acted as an agent in connection with arranging or managing in the issue of a debt security.
- ***(3C)**An undertaking falls within this subsection if it is a financial holding company.
- ***(3D)**An undertaking falls within this subsection if it is not a deposit-taker but continues to have a liability in respect of a deposit which was held by it in accordance with the Banking Act 1979 or the Banking Act 1987 or a permission under Part 4 of the Financial Services and Markets Act 2000”
- (4)** The Treasury may by order provide which financial affairs of an undertaking are relevant for the purposes of this section, and may make different provision for different undertakings or classes of undertaking.
- ***(5)** The Treasury may by order amend subsection (3) to (3D)
- (6)** Before making an order under this section, the Treasury shall consult—
 - (a) the Bank,
 - (b) the Office for National Statistics,
 - (c) such persons as appear to them to be representative of persons likely to be materially affected by the order, and
 - (d) such other persons as they consider appropriate.
- ***(7)** In this section—

“Deposit taker” means—

 - (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to accept deposits; or
 - (b) an EEA firm of the kind mentioned in paragraph 5(b) or (c) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits or other

*(3B) 非存款收受者但具備下列各款情形之一者，為本項所稱之業者：

- (a) 歐盟理事會規定第二二二三／九六號附件 A 第二·四八所定義之「其他貨幣金融機構」。
- (b) 從事住宅用地擔保授信之業者。
- (c) 已發行債券者。
- (d) 從事與發行債券之規劃或管理有關之代理商。

*(3C) 金融控股公司為本項所稱之業者。

*(3D) 雖非存款收受者，但依一九七九年銀行法或一九八七年銀行法之規定仍保留其所收受之存款，或依二〇〇〇年金融服務及市場法第四節取得許可者，亦屬本項所稱之業者。

(4) 財經部得以命令規定，各該機構與本條規範目的有關之財務事項，並得對於不同機構或不同類別之機構，訂定不同之項目。

*(5) 財經部得以命令修正第(3)項至第(3D)項之規定。

(6) 財經部依本條規定頒佈命令之前，應諮詢下列機構：

- (a) 本行。
- (b) 國家統計局。
- (c) 受所頒命令影響重大相關當事人之代表。
- (d) 財經部認為適當之其他當事人。

*(7) 本條所稱之「存款收受業者」，係指：

- (a) 經依二〇〇〇年金融服務及市場法第四章取得許可而收受存款者，或
- (b) 二〇〇〇年金融服務及市場法附則三第 5 點第(b)款或第(c)款所稱之 EEA 公司，經依同一附則（符合附則第 12 點第(1)項之核定資格）取得許可而收受存款

repayable funds.)

- * (7A) "Debt security" means any instrument creating or acknowledging indebtedness (including a government or public security).
- * (7B) Subsections (7) and (7A) must be read with—
 - (a) section 22 of the Financial Services and Markets Act 2000;
 - (b) any relevant order under that section; and
 - (c) Schedule 2 to that Act.
- * (7C) "Financial holding company" has the meaning given by Article 1 (21) of Council Directive 2000/12/EC of the European Parliament and the Council.
- * (7D) "Undertaking" has the meaning given by section 259 of the Companies Act 1985.

*Pervious wording in section 17(3), (5) and (7) replaced by (and new subsection (3) to (3D), (5) and (7) to (7D) introduced by) article 161(2), (3) and (4) of The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals), which came into force on 1 December, 2001. (any of the above amendments is marked * in text)*

Reports.

- 18.— (1) The Bank shall prepare and publish reports in accordance with the provisions of this section.
- (2) A report under this section shall contain—
- (a) a review of the monetary policy decisions published by the Bank in the period to which the report relates,
 - (b) an assessment of the developments in inflation in the economy of the United Kingdom in the period to which the report relates, and
 - (c) an indication of the expected approach to meeting the Bank's objectives under section 11.
- (3) A report under this section shall relate to—
- (a) a period of 3 months, or
 - (b) such other period as the Treasury and the Monetary Policy Committee may agree.
- (4) Periods to which reports under this section relate shall be successive, the first such period commencing on such day within the period of 3 months ending with the day on which this Act comes into force as the Treasury shall, after consultation with the Bank, specify in

者。

*(7A) 本條所稱「債券」，係指創設或承認債務之文件（包含政府或公共債券在內）。

*(7B) 第(7)項及第(7A)項應依下列規定解釋：

(a) 二〇〇〇年金融服務及市場法第二十二條。

(b) 依前款條文發布之相關命令。

(c) 二〇〇〇年金融服務及市場法附則二。

*(7C) 「金融控股公司」之涵義依歐洲議會及管理委員會所頒佈之 2000/12/EC 號指令第一條(21)之規定。

*(7D) 「機構」之涵義依一九八五年公司法第二百五十九條之規定。

*附註：2000年金融服務及市場法（配合修正及廢止事項）第一百六十一條第(2)項、第(3)項及第(4)項規定，修正本法第十七條第(3)項、第(5)項、第(7)項（以*標示部分），並自2001年12月1日生效。*

第十八條 報告

(1) 本行應依本條之規定，編製及發行有關之報告。

(2) 本條之報告包括：

(a) 對報告期間內本行所公布貨幣政策決議之檢討。

(b) 對報告期間內本國地區通貨膨脹情況之評估。

(c) 可望達成第十一條本行經營目標之指標。

(3) 本條之報告涵蓋期間為：

(a) 三個月，或

(b) 財經部及貨幣政策委員會同意之其他期間。

(4) 本條之報告涵蓋之期間應為連續，第一期應於財經部洽商本行後，以書面指定本法生效日前三個月內之日期為

writing to it.

- (5) No report under this section shall be published without the approval of the Monetary Policy Committee.
- (6) A report under this section shall be published as soon as practicable after the end of the period to which it relates and in such manner as the Bank thinks fit.

Treasury's reserve powers

Reserve powers.

19. — (1) The Treasury, after consultation with the Governor of the Bank, may by order give the Bank directions with respect to monetary policy if they are satisfied that the directions are required in the public interest and by extreme economic circumstances.
- (2) An order under this section may include such consequential modifications of the provisions of this Part relating to the Monetary Policy Committee as the Treasury think fit.
 - (3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.
 - (4) Unless an order under this section is approved by resolution of each House of Parliament before the end of the period of 28 days beginning with the day on which it is made, it shall cease to have effect at the end of that period.
 - (5) In reckoning the period of 28 days for the purposes of subsection (4), no account shall be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than 4 days.
 - (6) An order under this section which does not cease to have effect before the end of the period of 3 months beginning with the day on which it is made shall cease to have effect at the end of that period.
 - (7) While an order under this section has effect, section 11 shall not have effect.

Supplementary

Interpretation of Part II.

20. — In this Part, "the Monetary Policy Committee" means the Monetary Policy Committee of the Bank of England.

始日，並以本法生效日為末日。

- (5)本條之報告於未經貨幣政策委員會核可前，不得發行。
- (6)本條之報告應於其涵蓋期間屆滿後，儘速依本行認為適當之方式發行。

財經部保留之權限

第十九條 保留之權限

- (1)財經部於洽商本行總裁後，如均認為於公眾利益及緊急經濟情況有必要時，得以命令就貨幣政策有關事項，給予本行指示。
- (2)財經部認為適當之情況下，本條命令之內容得包括對於本章有關貨幣政策委員會規定之配合修改。
- (3)本條之命令作成後，應即連同法定文件，提交國會。
- (4)本條之命令應於頒訂後二十八天內，經國會上下議院議決追認，期滿前未經其追認者，該命令失效。
- (5)第(4)項所規定二十八天之計算，於國會解散或休會期間，或上下議院暫時休會四日以上之期間，均不得計入。
- (6)本條之命令自頒訂之日起三個月內未失效者，應於該期間之末日失效。
- (7)於本條命令有效期間內，第十一條規定不生效力。

補充條款

第二十條 第二章之補充事項

本章所稱之「貨幣政策委員會」，係指本行之貨幣政策委員會。

PART III Transfer of supervisory functions of the Bank to the Financial Services Authority

*Section 21 (a) (i) and (ii), (b) and (c), section 23 (1) (in part) and sections 25 to 29 were repealed by article 162 of the Financial Service and Markets Act 2000 (Consequential Amendments and Reports), which came into force on 1 December 2001. (any of the above amendments or repeals is marked * in text).*

Transfer of functions to the Authority

Transfer.

21.— The following functions of the Bank are hereby transferred to the Authority—

(a) its functions under—

* (i) the Banking Act 1987,

* (ii) the Banking Coordination (Second Council Directive Regulations 1992, and

(iii) section 101(4) of the Building Societies Act 1986,
(banking supervision functions),

* (b) its functions under—

(i) section 43 of the Financial Services Act 1986, and

(ii) the Investment Services Regulations 1995,

(functions relating to the listing of money market institutions), and

* (c) its functions under section 171 of the Companies Act 1989 (functions relating to the listing of persons providing settlement arrangements).

Supplementary provisions.

22.— Schedule 4 (transfer of functions: supplementary provisions) shall have effect.

Consequential amendments.

23.— *(1) Schedule 5 (amendments of primary, and other principal, legislation consequential on the transfer of functions by section 21) shall have

第三章 本行金融監理權限移轉至金融監理機構

附註：2000年金融服務及市場法（配合修正及廢止事項）第一百六十二條刪除本法第二十一條第(a)款第(i)目、第(ii)目，第(b)款、第(c)款，第二十三條第(1)項部分內容、第二十五條至第二十九條條文（以*標示部分），並自2001年12月1日生效。

監理權限之移轉

第二十一條 移轉

本行下列之權限，移轉至金融監理機構（以下簡稱監理機構）：

(a) 依下列法律賦予之權限：

* (i) 一九八七年銀行法。

* (ii) 一九九二年銀行業協調規則（歐盟理事會第二指令）。

(iii) 一九八六年建築協會法第一百零一條第(4)項（金融監理業務）。

* (b) 依下列法律賦予之權限：

(i) 一九八六年金融服務法第四十三條之規定。

(ii) 一九九五年投資業務規則（有關貨幣市場機構列冊之職責）。

* (c) 一九八九年公司法第一百七十一條所賦予之權限（有關提供清算業者列冊之職責）。

第二十二條 補充條款

附則四（權限移轉：補充條款）隨同本法生效。

第二十三條 相應修正

(1) 附則五（因第二十一條權限移轉之規定而相應修正之主

effect.

- (2) The Treasury may by order make such amendments or revocations of any instrument made under an Act as they think necessary or expedient in consequence of the transfer of functions by this Part.
- (3) If a reference in a relevant provision to the Bank is predicated on the continuing exercise by the Bank of any of the transferred functions, it shall, in relation to any time after the coming into force of this Act, have effect as a reference to the Authority.
- (4) In subsection (3), "relevant provision" means a provision which—
 - (a) has effect before, as well as after, the coming into force of this Act, and
 - (b) is contained in a document other than an Act or an instrument made under an Act.

Authority's position in relation to transferred functions

Status.

- 24.— In relation to the carrying out of any of the transferred functions—
- (a) the Authority shall not be regarded as acting on behalf of the Crown, and
 - (b) its members, officers and servants shall not be regarded as Crown servants.

Liability.

- *25.— (1) In section 43 of the Financial Services Act 1986, at the end there is inserted—
- "(5) Neither the Authority nor any person who is, or is acting as, an officer or servant of the Authority shall be liable in damages for anything done or omitted in the discharge or purported discharge of any of the Authority's functions under this section, unless it is shown that the act or omission was in bad faith."
- (2) In regulation 26 of the Investment Services Regulations 1995, at the end there is inserted—
- "(6) That section shall also have effect as if the reference in subsection (5) to the Authority's functions under the section included a reference to—
- (a) any function under these Regulations which is a function of the Authority by virtue of the Bank of England Act 1998, and
 - (b) so much of any function of the Authority under these

- 要或其他重要法規) 隨同本法生效。
- (2) 財經部因本章所規定之權限移轉而認為有必要或有利時，得以命令修正或廢止依任一法律所作成之文件。
- (3) 本行繼續執行本章所移轉權限之有關規定，於本法施行後，改由監理機構執行。
- (4) 第(3)項所稱「有關規定」，係指下列規定：
- (a) 於本法生效前後均有效力者，且
 - (b) 於法律以外之文件或依法律作成之契據所訂定者。

監理權限移轉後監理機構之地位

第二十四條 定位

監理權限移轉後，其監理權之行使：

- (a) 監理機構不具政府機關之名義。
- (b) 監理機構之成員、職員及受雇人員，均非政府公務人員。

*第二十五條 義務

(1) 一九八六年金融服務法第四十三條末項，增列一項：

「(5) 監理機構及其職員、工作人員不因執行或預備執行本條所賦予之職權所為行為或所生疏漏導致之損害負責，但出於惡意者不在此限。」

(2) 一九九五年投資業務規則第 26 點末項，增列一項：

「(6) 該點第(5)項就監理機構之職責所為規定亦有效力，包括下列事項：

- (a) 本項中之法規所規定且於一九九八年英格蘭銀行法所明定賦予監理機構之職責。
- (b) 監理機構依本項之法規所規定並依前款之法律行使

Regulations as is exercisable by virtue of that Act."

- (3) In section 171 of the Companies Act 1989, after subsection (6) there is inserted—

"(6A) Neither the Authority nor any person who is, or is acting as, an officer or servant of the Authority shall be liable in damages for anything done or omitted in the discharge or purported discharge of any of the Authority's functions under this section, unless it is shown that the act or omission was in bad faith."

Power to charge fees.

*26.— (1) Schedule 6 (banking supervision fees) shall have effect.

- (2) In section 43 of the Financial Services Act 1986, after subsection (2) there is inserted—

"(2A) Without prejudice to the generality of the Authority's power to impose conditions for admission to the list, the conditions for admission may include—

- (a) a condition having the effect of requiring the payment of an application fee, and
- (b) a condition having the effect of requiring the payment of periodic fees.

- (2B) A condition of the kind referred to in subsection (2A)(a) or (b) above—

- (a) may provide for the amount payable to be such as is specified in, or determined under, the condition, and
- (b) may make different provision for different cases."

- (3) In section 171 of the Companies Act 1989, after subsection (3) there is inserted—

"(3A) Without prejudice to the generality of the Authority's power to impose conditions for admission to the list, the conditions for admission may include—

- (a) a condition having the effect of requiring the payment of an application fee, and
- (b) a condition having the effect of requiring the payment of periodic fees.

- (3B) A condition of the kind referred to in subsection (3A)(a) or (b)—

- (a) may provide for the amount payable to be such as is

之職責。」

(3)一九八九年公司法第一百七十一條第(6)項之後，增訂一項：

「(6A)監理機構及其職員、工作人員不因執行或預備執行本條所賦予之職權所為行為或所生疏漏導致之損害負責，但出於惡意者不在此限。」

*第二十六條 收費之權限

(1)附則六（檢查費用）隨同本法生效。

(2)一九八六年金融服務法第四十三條第(2)項之後，增列如下：

「(2A)於與監理機構之權限無衝突之情況下，得增訂許可之條件，包括：

(a)要求支付申請費用。

(b)要求支付定期之費用。

(2B)第(2A)項第(a)款或第(b)款所規定之條件：

(a)得依該條件所明定之金額，或依該條件所計算之金額支付。

(b)得針對不同案例訂定不同之規定。」

(3)一九八九年公司法第一百七十一條第(3)項之後，增訂如下：

「(3A)於與監理機構之權限無衝突之情況下，得增訂許可之條件，包括：

(a)要求支付申請費用。

(b)要求支付定期之費用。

(3B)第(3A)項第(a)款或第(b)款所規定之條件：

(a)得依該條件所明定之金額，或依該條件所計算

specified in, or determined under, the condition, and
(b) may make different provision for different cases."

Power to channel information through agent.

*27. —In section 39 (1)(a) of the Banking Act 1987 (power to require the provision of information)—

- (a) after "provide the Bank," there is inserted "or such person acting on behalf of the Authority as may be specified in the notice," and
- (b) for "specified in the notice" there is substituted "so specified".

Consequential changes to banking bodies

Board of Banking Supervision.

*28.—(1) In section 2 of the Banking Act 1987 (Board of Banking Supervision), for subsections (1) and (2) there is substituted—

"(1) There shall continue to be a committee known as the Board of Banking Supervision.

(2) The Board shall consist of—

- (a) two ex officio members, namely, the Chairman of the Authority and the holder of such other office within the Authority as the Chairman of the Authority may designate for the purposes of this provision; and
- (b) six independent members, that is to say, members appointed jointly by the Chancellor of the Exchequer and the Chairman of the Authority, being persons having no executive responsibility in the Authority.

(2A) The independent members shall elect one of their number to chair the Board."

(2) In that section, in subsections (3), (4), (6) and (7), for "Bank", wherever occurring, there is substituted "Authority".

(3) In Schedule 1 to that Act (Board of Banking Supervision), for "Bank", wherever occurring, there is substituted "Authority".

之金額支付。

(b)得針對不同案例訂定不同之規定。」

***第二十七條 取得資訊之權限**

一九八七年銀行法第三十九條第(1)項第(a)款（要求提供資訊之權力）修正如下：

- (a) 於「向本行提供」之「向本行」以下，增訂「或其他於通知內所載明以監理機構名義執行職務者」。
- (b) 「於通知內所載明」一節，修正為「載明」。

銀行監督組織之相應變更

***第二十八條 銀行監督委員會**

(1)一九八七年銀行法第二條（銀行監督委員會）第(1)項及第(2)項修正如下：

「(1)銀行監督委員會仍存續。

(2)委員會成員包括：

(a)二位當然理事，即監理機構之理事主席，及其依本款規定所指派於監理機構擔任其他職務之人員；
及

(b)其餘委員六人，由財經部長及監理機構理事主席就監理機構以外之人士中，共同選任。

(2A) 前項第(b)款之六位委員互推一人擔任委員會之主席。」

(2)前項所規定之條文，其第(3)項、第(4)項、第(6)項及第(7)項內之「本行」，均改為「監理機構」。

(3)第一項法律附則一（銀行監督委員會）內之「本行」，均改為「監理機構」。

Deposit Protection Board.

- *29.—(1) Schedule 4 to the Banking Act 1987 (Deposit Protection Board) paragraph 1 (constitution) is amended as follows.
- (2) In sub-paragraph (1), for paragraphs (a) to (c) (ex officio members of the Board) there is substituted—
- "(a) the Chairman of the Authority, who shall chair the Board;
 - (b) the holder of such other office within the Authority as the Chairman of the Authority may designate for the purposes of this provision; and
 - (c) the Deputy Governor of the Bank of England responsible for financial stability;"
- (3) For sub-paragraph (2) there is substituted—
- "(2) The Chairman of the Authority shall appoint as ordinary members of the Board—
- (a) three persons who are directors, controllers or managers of contributory institutions; and
 - (b) persons who are officers or employees of the Authority."
- (4) For sub-paragraph (3) there is substituted —
- "(3) An ex officio member of the Board may appoint an alternate member to perform his duties as a member in his absence as follows—
- (a) the Chairman of the Authority or the holder of a designated office within the Authority may appoint an officer or employee of the Authority, and
 - (b) the Deputy Governor of the Bank of England may appoint an officer or employee of the Bank."
- (5) In sub-paragraph (4) (appointment of alternates for ordinary members), in paragraph (b), for "Bank" there is substituted "Authority".

Supplementary

Interpretation of Part III.

30.— In this Part—

"the Authority" means the Financial Services Authority;

***第二十九條 存款保護委員會**

(1)一九八七年銀行法附則四（存款保護委員會）第 1 點（設立）修正如下：

(2)第(1)項之第(a)款至第(c)款（當然委員）修正為：

「(a) 監理機構之理事主席，為本委員會主任委員。

(b) 監理機構之理事主席依本款規定所指派於監理機構擔任其他職務人員；及

(c) 英格蘭銀行負責督導金融穩定業務之副總裁。」

(3)第(2)項修正為：

「(2) 監理機構之理事主席應任命下列人員為本委員會之普通委員：

(a) 捐助機構之董事、監察人或經理人共三人。

(b) 監理機構之職員或受雇人員。」

(4)第(3)項修正為：

「(3) 本委員會之當然委員得於下列人員中指派代理人，於其無法出席委員會時，代行其職務：

(a) 監理機構之理事主席及經指派之人員得指定該監理機構之職員或受雇人員。

(b) 英格蘭銀行副總裁得指定該行之職員或受雇人員。」

(5)第(4)項（普通委員代理人之指派）第(b)款，「本行」修正為「監理機構」。

補充條款

第三十條 第三章之補充事項

本章所稱之「監理機構」，係指「金融監理機構」；所稱

"transferred functions" means the functions transferred to the Authority by this Part.

PART IV Miscellaneous and general

*Sections 31, section 32 (1 (in part) and sections 36 were repealed by article 162 of the Financial Service and Markets Act 2000 (Consequential Amendments and Reports), which came into force on 1 December 2001. (any of the above amendments or repeals is marked * in text).*

Miscellaneous

Qualifications of a designated agency.

*31.—In paragraph 1 of Schedule 7 to the Financial Services Act 1986 (constitution of a designated agency), in sub-paragraph (2) (members of the governing body to be appointed etc. by the Treasury and Governor of the Bank acting jointly), the words "and the Governor of the Bank of England acting jointly" are omitted.

Listed institutions: exemption of transactions with Treasury.

*32.—In Schedule 5 to the Financial Services Act 1986 (transactions in relation to which institutions listed under section 43 are exempt from authorisation) —

- (a) in paragraph 1, after "with another listed institution", there is inserted ", the Treasury",
- (b) in paragraph 4(1)(b) and (2), after "listed institution" there is inserted ", the Treasury", and
- (c) in paragraph 9(a), after "with another listed institution" there is inserted ", the Treasury".

Closure of National Savings Stock Register to gilts.

33.— (1) The Treasury may by order—

- (a) make provision excluding gilts from registration in the Register on and after a day specified in the order,
- (b) make provision for the transfer to the books of the Bank of the entries in the Register at the beginning of the day specified

「職責之移轉」，係指依本章之規定將監理之職責移轉至監理機構。

第四章 附款及通則

附註：2000年金融服務及市場法（配合修正及廢止事項）第一百六十二條刪除第三十一條、第三十二條及第三十六條條文（以*標示部分），並自2001年12月1日生效。

附款

*第三十一條 指定機構之資格

一九八六年金融服務法附則七第1點（指定機構之設立）第(2)項（其董事會成員由財經部及英格蘭銀行總裁共同選任）中，「與英格蘭銀行總裁共同」一節刪除。

*第三十二條 豁免事項

一九八六年金融服務法附則五（第四十三條所列機構之業務無庸許可）修正如下：

- (a) 第1點「與其他列舉之機構」之下，增列「財經部」等字。
- (b) 第4點第(1)項第(b)款及第(2)項之「列舉機構」之下，增列「財經部」等字。
- (c) 第9點第(a)款之「與其他列舉之機構」之下，增列「財經部」等字。

第三十三條 「全國儲蓄證券保管處」停止經理英國政府公債

(1)財經部得以命令：

- (a) 規定自其命令所定之日或其後之日起，「保管處」不再經理英國政府公債。
- (b) 規定自第(a)款實施之日起，「保管處」之英國政府

- under paragraph (a) which relate to gilts, and
- (c) make provision for the transfer to the Bank of rights and liabilities of the Director of Savings in relation to the registration of gilts in the Register or any transaction associated therewith.
- (2) The power conferred by paragraph (b) of subsection (1) includes power to make provision in relation to gilts which were not registered in the Register at the beginning of the day specified under paragraph (a) of that subsection, but which should have been.
 - (3) An order under subsection (1) may contain such consequential, incidental, supplementary and transitional provisions as appear to the Treasury to be necessary or expedient.
 - (4) Without prejudice to subsection (3), an order under subsection (1) may contain—
 - (a) provision requiring things done by, or in relation to, the Director of Savings, to be treated as done by, or in relation to, the Bank,
 - (b) provision requiring references in documents to the Register to be construed as references to the books of the Bank, and
 - (c) provision requiring certificates issued by the Director of Savings in relation to registration in the Register to be treated as issued by the Bank in relation to registration in the books of the Bank.
 - (5) An order under subsection (1) may—
 - (a) make different provision for different cases, and
 - (b) contain provision amending, or repealing or revoking, an enactment contained in—
 - (i) an Act, whenever passed, or
 - (ii) an instrument, whenever made, under an Act, whenever passed.
 - (6) In this section—
 - "gilts" means stock or bonds of any of the descriptions included in Part I of Schedule 11 to the Finance Act 1942 (whether on or after the passing of this Act); and
 - "the Register" means the National Savings Stock Register.

Provision of brokerage service in connection with gilt registration.

34.— In section 47 of the Finance Act 1942 (transfer and registration of Government stock), after subsection (1) there is inserted—

"(1ZA) Regulations under subsection (1) of this section may make provision with respect to the purchase and sale of such stock and bonds by any

公債帳目移轉至本行帳戶之相關事項。

- (c) 規定「保管處」處長經管英國政府公債所生相關權利義務及有關交易移轉至本行之規定。
- (2) 第(1)項第(b)款所授與之權力，包括在第(a)款所定之日應登記而未登記在「保管處」之公債。
- (3) 依第(1)項所頒佈之命令，其內容得包含財經部認為必要或有利之衍生性、附屬性、補充性及過渡性規定。
- (4) 於第(3)項規定之範圍內，第(1)項之命令，其內容得包括下列事項：
 - (a) 規定「保管處」處長所採措施或有相關之事項，視為本行所採之措施或與本行有關之事項。
 - (b) 規定文件上所記載與「保管處」有關之事項，應解為與本行帳戶有關。
 - (c) 「保管處」處長所發布之有關於「保管處」辦理登錄之規定，視為本行所發布。
- (5) 依第(1)項所頒命令得：
 - (a) 針對不同情形為不同之規定。
 - (b) 包括修正、廢止下列法規或使其失效之規定：
 - (i) 通過之法律。
 - (ii) 依據法律所作成之文件。
- (6) 本條所稱之「英國政府公債」，係指一九四二年財務法附則十一第一節所指稱之任何股票或債券（不論該法定前後所發行者）；所稱「保管處」，係指「國家儲蓄證券保管處」。

第三十四條 與英國政府公債登記有關之經紀業務

一九四二年財務法第四十七條（政府股票之轉讓及登記）

第(1)項之後，增訂如下：

「(1ZA) 依本條第(1)項所定規則，得規範民眾經由英格

person, or any description of person, through the Bank of England and, in relation to purchase or sale under the regulations, may—

- (a) make provision with respect to the commission and fees payable, and
- (b) make provision limiting the amount which any person, or any description of person, may purchase or sell on any day."

Section 207 of the Companies Act 1989: bearer securities.

35.— In section 207 of the Companies Act 1989 (power to make regulations enabling title to securities to be evidenced and transferred without a written instrument), there is inserted at the end—

"(10) In subsection (1), the reference to transfer without a written instrument includes, in relation to bearer securities, transfer without delivery."

Disclosure of information: minor amendments.

*36.— (1) In the Banking Act 1987, in section 86(2)(a), after "functions" there is inserted "or any functions in its capacity as a designated agency within the meaning of the Financial Services Act 1986".

(2) Section 86(5) of that Act as applied by paragraph 57(1) of Schedule 5 shall have effect with the following modifications—

- (a) in the definition of "relevant functions", at the end there is inserted "and its functions as a supervisor of systems for the transfer of funds between credit institutions and their customers", and
- (b) in the definition of "relevant recipient", for "1 to 8" there is substituted "1 to 9".

(3) Section 87(3A) of that Act as applied by paragraph 59(1) of Schedule 5 shall have effect with the following modifications—

- (a) in the definition of "relevant functions", at the end there is inserted "and its functions as a supervisor of systems for the transfer of funds between credit institutions and their customers", and
- (b) in the definition of "relevant recipient", for "1 to 8" there is substituted "1 to 9".

蘭銀行購買或出售股票或公債有關之事項，規範內容可包括：

- (a) 有關買賣之仲介費及其他費用。
- (b) 規範任一民眾每天得購買或出售之上限。」

第三十五條 無記名證券

一九八九年公司法第二百零七條（訂定規則使證券權利之證明及其移轉無須提示書面文件之權力）末項，增訂一項：

「(10)第(1)項無庸書面指示之轉讓，包括無記名證券無須交付之轉讓。」

*第三十六條 資訊之揭露

- (1) 一九八七年銀行法第八十六條第(2)項第(a)款「權限」一語之後，加列「或其他於一九八六年金融服務法所規定之指定機構之業務」。
- (2) 前項法律第八十六條第(5)項，適用於附則五第 57 點第(1)款規定時，應作下列之修正：
 - (a) 於「相關職權」之定義中，末行加上「擔任信用機構及其客戶間涉及資金移轉事項監理者之職權」。
 - (b) 於「相關受領人」之定義中，「一至八」改為「一至九」。
- (3) 第(1)項法律第八十七條第(3A)項，適用於附則五第 59 點第(1)款規定時，無庸再為下列修正：
 - (a) 於「相關職權」之定義中，末行加上「擔任信用機構及其客戶間涉及資金移轉事項監理者之職權」。
 - (b) 於「相關受領人」之定義中，「一至八」改為「一至九」。

- (4) Part V of that Act shall have effect, in relation to information relating to the business or other affairs of institutions which are authorised institutions, but not credit institutions, within the meaning of that Act, with the amendments made by the following regulations—
- (a) regulations 38, 39(2) to (4) and 40 to 42 of the Banking Coordination (Second Council Directive) Regulations 1992, and
 - (b) regulation 5 of the Financial Institutions (Prudential Supervision) Regulations 1996.

General

Restriction on disclosure of information.

37.— Schedule 7 (which restricts the disclosure of information obtained for monetary policy or cash ratio deposit purposes) shall have effect.

Offences in relation to supplying information to the Bank.

- 38.— (1) A person who fails without reasonable excuse to comply with any requirement imposed on him under section 17(1) or paragraph 9 of Schedule 2 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (2) If after conviction of an offence under subsection (1) a person continues the failure for which he was convicted, he shall be guilty of a further offence under that subsection and liable on summary conviction to be punished accordingly.
- (3) A person who in purported compliance with a requirement imposed on him under section 17(1) or paragraph 9 of Schedule 2 provides information which he knows to be false or misleading in a material particular, or recklessly provides information which is false or misleading in a material particular, shall be guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding the statutory maximum, or to both.

Offences by bodies corporate.

39.— (1) Where an offence under this Part committed by a body corporate is proved to have been committed with the consent or connivance of,

- (4)第(1)項法律第五章，對於該法所稱之授權機構而非信用機構有關業務或其他事務之資訊之規定，經依下列各規定修正後，亦有效力：
- (a) 規則第 38 點，以及一九九二年銀行業協調規則（歐盟理事會第二指令）第 39 點第(2)款至第(4)款、第 40 點至第 42 點。
- (b) 一九九六年金融機構（審慎監理）規則第 5 點之規定。

通則

第三十七條 資訊揭露之限制

附則七（為貨幣政策或現金存款目的所蒐集資訊揭露之限制）隨同本法生效。

第三十八條 拒絕向本行提供資訊之處罰

- (1)無正當理由而未履行依第十七條第(1)項或附則二第 9 點規定所課之義務者構成犯罪，得以簡易判決科處標準等級第四等以下之罰金。
- (2)依第(1)項規定為判決後仍未履行其所負義務者，依該規定構成另一犯罪，得以簡易判決連續加以處罰。
- (3)依第十七條第(1)項或附則二第 9 點之規定履行其義務，惟明知或因過失而提供錯誤或不實之資訊者構成犯罪，
- (a) 經提起公訴受判決者，得處以二年以下之有期徒刑，或科或併科罰金。
- (b) 以簡易判決處三個月以下之有期徒刑，或科或併科法定金額以下之罰金。

第三十九條 法人之處罰

- (1)法人依本章規定所犯之罪，經證實係經由其董事、經理

or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Orders.

- 40.— (1) Any power of the Treasury to make an order under this Act shall be exercisable by statutory instrument.
- (2) An order under—
section 17(4) or (5),
paragraph 1(2) or 5 of Schedule 2, or
paragraph 3(2) of Schedule 7,
shall not be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (3) A statutory instrument containing an order under—
section 23(2),
paragraph 2(2) or 8 of Schedule 2,
paragraph 1(5) of Schedule 4, or
paragraph 3(3) of Schedule 7,
shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing an order under section 33 shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (5) Section 19 contains its own provisions about parliamentary procedure in relation to an order under that section.

General interpretation.

41. — In this Act, "the Bank" means the Bank of England.

Transitional provisions and savings.

42. — Schedule 8 (transitional provisions and savings) shall have effect.

人、主任秘書或其他相當職位或有同等決定權之人之同意、共謀或因過失所致者，該董事、經理人、主任秘書或其他相當職位或有同等決定權之人構成共犯，應同為被告，並依據調查事實結果加以處罰。

(2)法人之事務由其職員負責者，因其職責之行使所為行為或不行為，視同法人之董事所為，並適用前項之規定。

第四十條 命令

(1)財經部依本法規定頒佈之命令，應以法定文件為之。

(2)財經部依第十七條第(4)項、第(5)項，附則二第1點第(2)項、第5點或附則七第3點第(2)項所頒佈之命令，除事先將其草案內容提交國會上下議院議決同意者外，不得為之。

(3)包含財經部依第二十三條第(2)項，附則二第2點第(2)項及第8點，附則四第1點第(5)項或附則七第3點第(3)項所頒佈命令之法定文件，因國會上議院或下議院決議之履行而失其效力。

(4)包含財經部依第三十三條所頒佈命令之法定文件，因下議院決議之履行而失其效力。

(5)第十九條之規定，包含依該條規定所頒佈命令有關之國會程序在內。

第四十一條 一般解釋

本法所稱之「本行」，係指英格蘭銀行。

第四十二條 過渡條款及存款

附則八（過渡條款及存款）隨同本法生效。

Repeals.

43. — The enactments and instruments specified in Schedule 9 are hereby repealed or revoked to the extent specified in the final column of that Schedule.

Final provisions

Extent.

44. — (1) This Act extends to Northern Ireland.
(2) Section 33 extends to the Channel Islands and the Isle of Man.
(3) The extent of any amendment, repeal or revocation by this Act is the same as that of the enactment amended, repealed or revoked.

Commencement.

45. — This Act shall come into force on such day as the Treasury may by order appoint.

Short title.

46. — This Act may be cited as the Bank of England Act 1998.

第四十三條 廢止

附則九所載之法令或文書之效力即日廢止；其範圍依該附件最末一欄之內容所載。

最終規定事項

第四十四條 效力範圍

- (1)本法之效力，及於北愛爾蘭。
- (2)第三十三條規定之效力，及於海峽群島及好漢島。
- (3)經本法所修正、廢止之法規，其效力與各該法規之修正、廢止相同。

第四十五條 施行日期

本法之生效日期，由財經部另以命令定之。

第四十六條 簡稱

本法得稱為一九九八年英格蘭銀行法。

SCHEDULE 1

Court of Directors

Terms of office

- 1.— (1) Appointment as Governor or Deputy Governor of the Bank shall be for a period of 5 years.
(2) A person appointed as Governor or Deputy Governor of the Bank shall work exclusively for the Bank.
2. Appointment as director of the Bank shall be for a period of 3 years, except that initially some appointments may be for shorter and different periods so as to secure that appointments expire at different times.
3. A person appointed as director of the Bank in place of a person who ceased to hold office before the end of the term for which he was appointed shall be appointed for the remainder of that person's term of office.
4. A person appointed as Governor, Deputy Governor or director of the Bank may resign his office by written notice to the Bank.

Qualification for appointment

- 5.— (1) A person is disqualified for appointment as Governor, Deputy Governor or director of the Bank if he is a Minister of the Crown or a person serving in a government department in employment in respect of which remuneration is payable out of money provided by Parliament.
(2) A person is disqualified for appointment as director of the Bank if he is a servant of the Bank.
6. The fact that a person has held office as Governor, Deputy Governor or director of the Bank does not disqualify him for re-appointment to that office or for appointment to any other of those offices.

Removal from office

- 7.— (1) A person appointed as Governor or Deputy Governor of the Bank shall vacate office if he becomes a person to whom paragraph 5(1) applies.
(2) A person appointed as director of the Bank shall vacate office if he becomes a person to whom paragraph 5(1) or (2) applies.
8. The Bank may, with the consent of the Chancellor of the Exchequer, remove a person from office as Governor, Deputy Governor or director of the Bank if it is satisfied—

附則一 理事會

任期

1. (1)本行總裁及副總裁之任期為五年。
(2)本行總裁、副總裁為專任。
2. 本行理事任期為三年，但第一屆部分理事之任期得較三年為短，以使同屆理事之任期不致同時屆滿。
3. 理事於任期屆滿前離職者，其繼任理事之任期，以原理事任期屆滿時為限。
4. 被任命為本行總裁、副總裁或理事之人員，得以書面通知本行辭去其職務。

資格

5. (1)閣員級政務人員，或於政府機關任職，薪資由國會支應者，不得擔任本行總裁、副總裁或理事之職務。
(2)本行職員，不得擔任本行之理事。
6. 本行總裁、副總裁或理事得連任，並得擔任各該職務中與其原職不同之職位。

解職

7. (1)本行之總裁、副總裁於接任第 5 點第(1)項適用之職位時，應即解除本行職務。
(2)本行之理事於接任第 5 點第(1)項或第(2)項之職位時，應即解除本行職務。
8. 本行總裁、副總裁或理事有下列情形之一者，本行得經財經部長同意予以免職：

- (a) that he has been absent from meetings of the court for more than 3 months without the consent of the court,
- (b) that he has become bankrupt, that his estate has been sequestrated or that he has made an arrangement with or granted a trust deed for his creditors, or
- (c) that he is unable or unfit to discharge his functions as a member.

Powers

- 9. The court may act notwithstanding the existence of one or more vacancies among its members.
- 10. The court may appoint such sub-committees as it thinks fit.
- 11. The court may delegate such duties and powers as it thinks fit to—
 - (a) a member of the court,
 - (b) any officer, servant or agent of the Bank,
 - (c) a sub-committee consisting of—
 - (i) members of the court, or
 - (ii) one or more members of the court and one or more of the officers, servants and agents of the Bank.

Meetings

- 12.— (1) The court shall meet at least once a month.
- (2) The Governor of the Bank (or in his absence a Deputy Governor of the Bank) may summon a meeting at any time on giving such notice as in his judgment the circumstances may require.

Proceedings

- 13.— (1) At a meeting of the court, the proceedings shall be regulated as follows.
- (2) The quorum shall be 9.
- (3) The chair shall be taken by the Governor of the Bank or, if he is not present, by the director of the Bank who is for the time being designated under subsection (4) of section 3 to chair the sub-committee constituted by that section.
- (4) If a member of the court has any direct or indirect interest in any dealing or business with the Bank—
 - (a) he shall disclose his interest to the court at the time of the dealing or business being negotiated or transacted, and

- (a) 未經理事會同意而未出席理事會會議逾三個月者。
- (b) 破產、其財產被扣押或與其債權人訂定信託契據者。
- (c) 無法履行或不適於執行其職務者。

權限

- 9. 理事會之職權，不因理事之出缺而受影響。
- 10. 理事會於認為適當時得任命附設委員會委員。
- 11. 理事會認為適當時，可對下列人員為授權：
 - (a) 理事會成員。
 - (b) 本行之職員、工作人員或代理人。
 - (c) 附設委員會之下列成員：
 - (i) 同為理事會之成員者。
 - (ii) 一位或一位以上之理事會成員及一位或一位以上之本行職員、工作人員或代理人。

會議之召集

- 12.(1) 理事會會議每月至少舉行一次。
- (2) 本行總裁（總裁缺席時由代行總裁職務之副總裁）認為必要時，得隨時通知召開理事會會議。

議事程序

- 13.(1) 理事會會議之議事程序，依本條所定。
- (2) 理事會會議之法定人數為九人。
- (3) 理事會會議以本行總裁為主席；總裁缺席時，由依本法第三條第(4)項規定，被任命為當時附設委員會會議主席之理事擔任之。
- (4) 理事會成員於與本行之交易或業務有直接或間接之利害關係時：

- (b) he shall have no vote in relation to the dealing or business, unless the court has resolved that the interest does not give rise to a conflict of interest.
- (5) A member of the court shall have no vote in relation to any question arising which touches or concerns him but shall withdraw and be absent during the debate of any matter in which he is concerned.
- (6) Subject to sub-paragraphs (2) to (5), the court shall determine its own procedure.

Remuneration

- 14.— (1) A person appointed as Governor or Deputy Governor of the Bank shall be entitled to be paid by the Bank such remuneration as it may determine.
 - (2) The Bank may pay, or create and maintain a fund for the payment of, pensions or capital grants to members, or former members, of the court who have rendered exclusive services to the Bank.
15. A director of the Bank shall be entitled to be paid by the Bank such remuneration as the Bank may determine with the approval of the Chancellor of the Exchequer.

SCHEDULE 3

Monetary Policy Committee

Terms of office of appointed members

- 1. Appointment as a member of the Committee under section 13(2)(b) or (c) shall be for a period of 3 years, except that initially some appointments may be for shorter and different periods so as to secure that appointments expire at different times.
- 2. A person appointed under section 13(2)(b) or (c) in place of a person who ceased to hold office before the end of the term for which he was appointed shall be appointed for the remainder of that person's term of office.
- 3. A person appointed under section 13(2)(b) or (c) may resign his office by

- (a) 於理事會商議或處理該交易或業務時，應表明其利害關係之情形。
- (b) 除理事會會議決議其利害關係不致產生利益衝突之情形外，該理事於相關交易或業務之事項，無表決權。
- (5) 於理事會會議中，被認定與議決事項有關之理事，對該事項無表決權；於該事項進行辯論時，應暫時退席。
- (6) 依第(2)項至第(5)項之規定，理事會得自行決定其議程。

薪資

- 14.(1) 被任命為本行總裁或副總裁者，其報酬由本行訂定並支付之。
- (2) 現任或曾任本行理事會理事，對本行有特殊勞績者，本行得為其設立並維持供支付退休年金或贈與金之基金。
- 15. 本行理事之報酬，由本行擬定報經財經部長同意後支付之。

附則三 貨幣政策委員會

任期

- 1. 依本法第十三條第(2)項第(b)款或第(c)款所任命之委員，其任期為三年。但第一屆部分委員之任期得較三年為短，以使同屆委員之任期不致同時屆滿。
- 2. 依本法第十三條第(2)項第(b)款或第(c)款所任命之委員，於其任期屆滿前離職者，其繼任委員之任期，以原委員任期屆滿時為限。
- 3. 依本法第十三條第(2)項第(b)款或第(c)款所任命之委員，得

written notice to the Bank.

- 4.— (1) A person who holds office as a member of the Committee under section 13(2)(c) shall be a servant of the Bank.
- (2) The terms and conditions of service under sub-paragraph (1) shall be such as the Bank may determine.
- (3) The function of determining terms and conditions of service under sub-paragraph (2) shall stand delegated to the sub-committee constituted by section 3.

Qualification for appointment

5. A person is disqualified for appointment under section 13(2)(b) or (c) if—
 - (a) he is a Minister of the Crown, or a person serving in a government department in employment in respect of which remuneration is payable out of money provided by Parliament, or
 - (b) he is a member of the court of directors of the Bank.
6. The fact that a person has held office under section 13(2)(b) or (c) does not disqualify him for further appointment to such office.

Removal of appointed members

7. A person appointed under section 13(2)(b) or (c) shall vacate office if he becomes a person to whom paragraph 5(a) or (b) applies.
8. A person appointed under section 13(2)(b) shall vacate office if he ceases to have executive responsibility within the Bank for monetary policy analysis or, as the case may be, monetary policy operations.
9. — (1) The Bank may, with the consent of the Chancellor of the Exchequer, remove a member appointed under section 13(2)(b) or (c) if it is satisfied—
 - (a) that he has been absent from the Committee's meetings for more than 3 months without the Committee's consent,
 - (b) that he has become bankrupt, that his estate has been sequestered or that he has made an arrangement with or granted a trust deed for his creditors, or
 - (c) that he is unable or unfit to discharge his functions as a member.

以書面通知本行辭去其職務。

4. (1)依本法第十三條第(2)項第(c)款所任命之委員，視為本行行員。
(2)依第(1)項規定視為本行行員者，其任職之期限及條件由本行定之。
(3)依第(2)項訂定任職期限及條件之權限，授權由依本法第三條設立之附設委員會為之。

委員資格

5. 依本法第十三條第(2)項第(b)款或第(c)款之規定，下列人員不得擔任貨幣政策委員會之委員：
 - (a)閣員級政務人員，或於政府機關任職，薪資由國會支應者。
 - (b)本行理事會成員。
6. 依本法第十三條第(2)項第(b)款或第(c)款所任命之委員，得續派連任。

解職

7. 依本法第十三條第(2)項第(b)款或第(c)款所任命之委員，於接任第 5 點第(a)款或第(b)款所定職位時，應即辭去其職務。
8. 依本法第十三條第(2)項第(b)款所任命之委員，停止於本行內執行其貨幣政策之分析或貨幣政策操作之職責時，應辭去其職務。
9. (1)依本法第十三條第(2)項第(b)款或第(c)款所任命之委員有下列情形之一者，本行得經財經部長同意予以解任：
 - (a)未經貨幣政策委員會同意而未出席會議逾三個月者。
 - (b)破產、其財產被扣押或與其債權人訂定信託契據者。
 - (c)無法履行或不適於執行其職務者。

- (2) The function of removing a member under sub-paragraph (1) shall stand delegated to the sub-committee constituted by section 3.

Meetings

- 10.— (1) The Committee shall meet at least once a month.
- (2) The Governor of the Bank (or in his absence the Deputy Governor of the Bank with executive responsibility for monetary policy) may summon a meeting at any time on giving such notice as in his judgment the circumstances may require.

Proceedings

- 11.— (1) At a meeting of the Committee, the proceedings shall be regulated as follows.
 - (2) The quorum shall be 6, of whom 2 must hold office as Governor or Deputy Governor of the Bank.
 - (3) The chair shall be taken by the Governor of the Bank or, if he is not present, the Deputy Governor of the Bank with executive responsibility for monetary policy.
 - (4) Decisions shall be taken by a vote of all those members present at the meeting.
 - (5) In the event of a tie, the chairman shall have a second casting vote.
 - (6) Subject to sub-paragraphs (2) to (5), the Committee shall determine its own procedure.
12. The Committee may, in relation to sub-paragraph (2), (3) or (4) of paragraph 11, determine circumstances in which a member who is not present at, but is in communication with, a meeting, is to be treated for the purposes of that sub-paragraph as present at it.
 13. A representative of the Treasury may attend, and speak at, any meeting of the Committee.

Report to court of directors of the Bank

14. The Committee shall submit a monthly report on its activities to the court of directors of the Bank.

Parliamentary disqualification

15. In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices), there is inserted at the appropriate

- (2)依第(1)項規定解任委員之權限，得授權由本法第三條所設立之附設委員會為之。

會議之召集

- 10.(1)貨幣政策委員會會議每月至少舉行一次。
(2)本行總裁（總裁缺席時由擔任貨幣政策執行任務之副總裁）認為必要時，得隨時通知召開貨幣政策委員會會議。

議事程序

- 11.(1)貨幣政策委員會會議之議事程序，依本條之規定。
(2)貨幣政策委員會會議之法定人數為六人，其中二人應為本行之總裁及副總裁。
(3)貨幣政策委員會會議以本行總裁為主席；總裁缺席時，由擔任貨幣政策執行任務之副總裁擔任之。
(4)會議之決議，由出席會議之全體委員以投票決之。
(5)正反票數相同時，主席有裁決權。
(6)依第(2)項至第(5)項之規定，貨幣政策委員會得自行決定其議程。
- 12.貨幣政策委員會於第 11 點第(2)項、第(3)項或第(4)項之規定，對未出席會議但以聯繫表達其意見之委員，依各該規範意旨，視同已出席會議。
- 13.財經部得派員出席貨幣政策委員會之會議表示意見。

向本行理事會報告

- 14.貨幣政策委員會應按月向本行理事會提出業務報告。

國會之取消資格

- 15.一九七五年下議院不適格法（其他不適格職務）附則一第三章，於適當處增訂「依一九九八年英格蘭銀行法第十三

place-

"Member of the Monetary Policy Committee of the Bank of England appointed under section 13(2)(b) or (c) of the Bank of England Act 1998.";

and a corresponding amendment is made in Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

條第(2)項第(b)款或第(c)款所任命之貨幣政策委員會之委員」；一九七五年北愛爾蘭下議院不適格法附則一第三章之規定並配合修正。

四、Statute of the Banque de France
法蘭西銀行法

Statute of the Banque de France

Chapter I	Tasks
	Part 1 Basic tasks
	Part 2 Other public interest tasks and other activities
Chapter II	Organization of the Bank
	Part 1 Status of the Banque de France
	Part 2 The Monetary Policy Council
	Part 3 The General Council
	Part 4 The Governor and the Deputy Governors
	Part 5 Banque de France Staff
	Part 6 Branches
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	Accountability to Parliament
Chapter IV	Other provisions

法蘭西銀行法

法務室 謝佳雯 譯

第一章 任務

第一節 基本任務

第二節 其他公益任務及業務

第二章 組織

第一節 定位

第二節 貨幣政策委員會

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第四章 附則

Statute of the Banque de France

Amendment effected on 1 February, 2002

Chapter I

Tasks

Part 1

Basic tasks

Article L.141-1

The Banque de France shall be an integral part of the European System of Central Banks, instituted by Article 8 of the Treaty Establishing the European Community, and participate in carrying out the tasks and complying with the objectives conferred upon the ESCB by the Treaty.

Within this framework, and without prejudice to the primary objective of price stability, the Banque de France shall support the general economic policy of the Government.

The Banque de France, represented by its Governor, Deputy Governors or any other member of the Monetary Policy Council, shall neither seek nor accept instructions from the Government or any other body in the performance of the tasks arising from its participation in the European System of Central Banks.

Article L.141-2

As provided by the Statute of the European System of Central Banks, and particularly Article 30 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank relating to the transfer of foreign reserve assets to the ECB and Article 31 of said Protocol relating to the management of the foreign reserve assets held by the national central banks, the Banque de France shall hold and manage the State's gold and foreign-exchange reserves, and record them as assets in its balance sheet according to procedures set by an agreement which it enters into with the State.

In compliance with the provisions of Article 111 of the Treaty Establishing the European Community, in particular relating to the international organizations in which the Member States may negotiate and to the international agreements that they may enter into, and with paragraph 2 of Article 6 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, relating to the international monetary institutions in which the

法蘭西銀行法

2002年2月1日修正施行

第一章 任 務

第一節 基本任務

第一百四十一條之一

法蘭西銀行（以下簡稱本行），應為依建立歐洲共同體條約第八條所設歐洲中央銀行體系之一部，並應參與履行及遵守歐洲中央銀行體系依該條約所賦與之任務。

本行於前項架構內，並在不牴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。

本行以總裁、副總裁或其他貨幣政策委員會委員為代表，於履行參與歐洲中央銀行體系所生任務時，不尋求、亦不接受政府或其他團體之指示。

第一百四十一條之二

依歐洲中央銀行體系條例、尤以依歐洲中央銀行條例議定書第三十條有關外匯準備資產移交歐洲中央銀行之規定，及第三十一條有關各會員國中央銀行持有外匯準備資產之規定，本行應持有並管理本國黃金及外匯準備資產，並依其與本國簽署之協定所列程序紀錄於其資產負債表之資產中。依設置歐洲共同體條約第一百一十一條有關會員國得進行協商之國際組織及國際協定之規定，及依歐洲中央銀行條例議定書第六條第二項有關歐洲中央銀行及經其核准之會

ECB and, subject to its agreement, the national central banks are authorized to participate, the Banque de France may participate in international monetary agreements with the permission of the Minister in charge of the Economy.

Article L.141-3

The Banque de France may not grant overdrafts or any other type of credit facility to the Treasury or to any other public body or state-owned corporation, nor may it directly purchase their debt securities.

Where appropriate, formal agreements between the Banque de France and the State shall set the terms for the repayment of the advances granted by the Banque de France to the Treasury prior to 1 January 1994.

The provisions of the first paragraph shall not apply to publicly-owned credit institutions which, in the context of the provision of liquidity by the Banque de France, shall be given the same treatment as private credit institutions.

Article L.141-4

- I. The Banque de France shall ensure the smooth operation and the security of payment systems within the framework of the task of the ESCB relating to the promotion of the smooth operation of payment systems provided for by paragraph 2 of Article 105 of the Treaty Establishing the European Community.

The validity vis-à-vis third parties and the assertion of the rights of national central banks that are members of the European System of Central Banks and of the European Central Bank with regard to financial instruments, bills, claims or sums of money pledged, transferred or otherwise given as security in their favour are not affected by engagement of the proceedings mentioned at point III of Article L. 330-2.

The Banque de France shall ensure the security of means of payment as defined at Article L. 311-3, other than banknotes and coins, as well as the relevance of the standards applicable thereto. If it considers that any such means of payment does not afford sufficient guarantees of security, it may recommend the issuer thereof to take all steps to remedy the situation. If its recommendations are not followed, it may, after soliciting the issuer's comments, decide to deliver an unfavourable opinion published in the Official Journal.

In carrying out these assignments, the Banque de France shall seek expert opinion and obtain from the issuer or from any interested party

員國中央銀行得參與國際貨幣機構之規定，並經本國經濟部長同意，本行得加入國際貨幣協定。

第一百四十一條之三

本行對於國庫、其他公共團體及國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。

本行應適時與本國就一九九四年一月一日前本行對國庫所為融通之還款條件簽訂正式協定。

於本行提供流動性融通時，公營信用機構應與民營信用機構享有相同待遇，而不適用第一項之規定。

第一百四十一條之四

I、

本行應於建立歐洲共同體條約第一百零五條第二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。

歐洲中央銀行體系會員國及歐洲中央銀行經設質、移轉或以其他方式為其利益提供擔保之金融債券、票據、債權或款項等對第三人之效力及其權利之主張，不因依第 330-2 條第三款規定所定程序之約定而受影響。

本行應確保券幣以外依第 311-3 條所定支付工具之安全，及其適用標準之妥當。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，並自發行者或任何利益團體蒐集有關支付工具及其終端或科技整合設備

relevant information concerning the means of payment and the terminals or technical arrangements associated with them.

An Observatoire de la Sécurité des Cartes de Paiement (Payment Card Security Observatory) is created, comprising members of parliament, representatives of the administrative organisations concerned, issuers of payment cards, and merchant and consumer associations. In particular, the Observatory shall monitor security measures taken by issuers and merchants, draw up statistics on fraud and carry out a technology watch on payment cards with the aim of proposing ways of combating technology-based breaches of payment card security. The Banque de France shall provide the secretariat of the Observatory. The chairman shall be appointed from among the Observatory's members. The composition and remit of the Observatory shall be defined in a decree taken in the Council of State.

Each year the Observatory shall draw up a report for the Minister in charge of the Economy, Finance and Industry, which shall also be transmitted to parliament.

II.-In the framework of the missions of the European System of Central Banks, and without prejudice to the powers of the Financial Markets Council and the Banking Commission, the Banque de France shall monitor the safety of clearing, payment and securities settlement systems.

Article L.141-5

As provided by paragraph 1 of Article 106 of the Treaty Establishing the European Community granting the ECB the exclusive right to authorize issue of banknotes within the Community, the Banque de France shall have the sole right to issue banknotes accepted as legal tender in metropolitan France and in the overseas departments.

The Banque de France shall exercise this competence in Mayotte and in Saint-Pierre et Miquelon.

The Banque de France shall pay to the State a sum representing the value of the notes denominated in francs withdrawn from circulation that have not been presented at its counters.

The Banque de France shall have the task of maintaining the quality of banknotes and coin and managing their smooth circulation throughout France.

之相關資訊。

設立支付卡安全監管機構，由國會議員、有關行政組織之代表、支付卡之發行者，以及商業消費者團體所組成。該機構應監控發行者及從事商業交易者、編列詐欺行為之統計資料，以及對支付卡執行科技之監控，以抵制使用科技方法破壞支付卡之安全。本行應提供該機構秘書人員。其主席應由該機構人員中自行選出。該機構之組成及解散應由諮政院以裁定定之。

（註：諮政院亦為法國最高行政法院）

該機構每年應擬具報告送交主管經濟、財政及工業之部長，並轉送國會。

II、

於歐洲中央銀行體系任務架構內，且不影響金融市場委員會及銀行委員會之權限範圍內，本行應監控清算、支付及證券結算系統之安全。

第一百四十一條之五

依建立歐洲共同體條約第一百零六條第一項賦予歐洲中央銀行於共同體境內發行鈔券專屬權利之規定，本行有於法國本土及海外機構發行具有法償效力鈔券之專屬權限。

本行應於 Mayotte 及 Saint-Pierre et Miquelo 地區行使前項職權。

本行應支付政府相當於未於其櫃台兌換而停止流通鈔券價值之金額。

本行負有維護券幣品質及管理其於全國順利流通之職責。

Part 2

Other public interest tasks and other activities

Article L.141-6

The Banque de France shall also carry out other public interest tasks.

Within this framework, the Banque de France shall perform the services requested by the State or carried out for third parties with the agreement of the State.

At the request of the State, or with its approval, the Banque de France may provide services, either on behalf of the State or for third parties. These services shall be remunerated in order to cover the expenses incurred by the Banque.

The nature of the above mentioned services and the terms and conditions of their remuneration shall be laid down in formal agreements between the Banque de France and, as the case may be, the State or the third parties involved.

Article L.141-7

In accordance with the terms and conditions referred to in the last paragraph of Article L.141.6, the Banque de France shall establish, on behalf of the State, the balance of payments and assess the country's net external asset position as directed by the Minister for Economic Affairs and Finance, who shall publish this information.

Article L.141-8

The following may hold accounts with the Banque de France:

- 1° entities governed by the provisions of Article L.511-9;
- 2° the Treasury, the financial services of the Post Office, the Institut démission des départements d'outre-mer, the Institut démission d'outre-mer and the Caisse des dépôts et consignations;
- 3° Investment service providers governed by Title III of Book V;
- 4° foreign central banks and credit institutions;
- 5° international financial institutions and international organizations;
- 6° according to the terms and conditions laid down by the General Council, Banque de France staff and any other person holding a customer account with the Banque de France as of 6 August 1993;
- 7° any other entity or person expressly authorized by decision of the General Council to open an account with the Banque de France.

第二節 其他公益任務及業務

第一百四十一條之六

本行應同時執行其他符合公共利益之任務。
於前項架構內，本行應提供國家所要求或經國家同意為第三人執行之服務。
經國家之要求或同意，本行得為國家或第三人之利益提供服務。為彌補提供各該服務所支出之費用，本行得收取報酬。
前二項服務之性質及收取報酬之條件應依其情形，由本行與國家或有關之第三人以正式協議予以明定。

第一百四十一條之七

本行應依前條第四項規定之條件，為國家之利益，於財經部長之指導下，編製資產負債表及評估本國對外淨資產部位，並由財經部長發布此一資訊。

第一百四十一條之八

下列對象得於本行開立帳戶：

1. 受第 511-9 條規定管理之團體；
2. 國庫、郵政金融事業、法屬領地之鈔券發行機構及存款保管運用機構；
3. 受第五冊第三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，本行職員及其他於一九九三年八月六日前在本行持有顧客帳戶者；
7. 依理事會決議明文核准於本行開戶之其他團體或個人。

Article L.141-9

The Banque de France, acting on its own behalf or on behalf of third parties, may conduct all transactions in gold, means of payment and securities denominated in foreign currencies or defined in terms of a weight in gold.

The Banque de France may borrow or lend French francs or foreign currencies from or to foreign banks and foreign or international monetary institutions or organizations.

When effecting these operations, the Banque de France shall request or give such guarantees or security as it deems appropriate.

Chapter II
Organization of the Bank
Part 1
Status of the Banque de France

Article L. 142-1

The Banque de France is an institution whose capital is owned by the State.

Part 2
The Monetary Policy Council

Article L. 142-2

The Monetary Policy Council shall examine monetary trends and analyse the implications of the monetary policy formulated within the framework of the European System of Central Banks.

In accordance with the guidelines and instructions of the European Central Bank, the Monetary Policy Council shall specify the terms and conditions for buying or selling, outright or under repurchase or resale agreements, lending or borrowing, discounting or taking as collateral claims, and issuing interest-bearing bills, as well as the nature and scope of the collateral to be attached to the loans granted by the Banque de France.

Article L. 142-3

The Monetary Policy Council shall comprise the Governor and two Deputy Governors of the Banque de France and six other members.

The six other members shall be appointed by an Order made in the Council of Ministers for a nineyear term of office, subject to the provisions of the fourth and fifth paragraphs of the present Article.

They shall be chosen from a list comprising three times as many names as the

第一百四十一條之九

本行得為行方或第三人之利益，管理黃金、支付工具及以外幣或黃金重量計值之證券。

本行得貸放或向外國銀行、外國及國際貨幣機構或組織借入法郎或外幣。

於有利於前二項交易之進行時，本行應要求或提供保證或擔保品。

第二章 組織

第一節 定位

第一百四十二條之一

本行為資本國有之機構。

第二節 貨幣政策委員會

第一百四十二條之二

貨幣政策委員會應審酌貨幣趨勢並分析其對歐洲中央銀行體系架構內制定貨幣政策之影響。

貨幣政策委員會應依歐洲中央銀行所定原則及指令，定明買、賣、買賣斷或附買回、賣回條件之交易、貸予或借入、貼現或附擔保品交易，及發行付息票券等之條件，及本行貸放之擔保品性質及範圍。

第一百四十二條之三

貨幣政策委員會應包括本行總裁、兩位副總裁，以及其他六名成員。

其他六名成員應依本條第四項及第五項之規定，由部長會

number of members to be appointed. This list shall be drawn up by mutual consent, or failing that, in equal parts, by the President of the Senate, the President of the National Assembly and the President of the Economic and Social Council. The names on the list shall be chosen from among persons of recognized standing and professional experience in monetary, financial and economic matters. Before being forwarded to the Government, the lists drawn up for the renewal of the terms of office of the members referred to in the second paragraph shall be submitted to the Monetary Policy Council for its comments.

The terms of office of one third of the members referred to in the second paragraph shall come up for renewal every three years.

Dispositions for replacing members of the Council shall be taken at least eight days before their terms of office expire. Where an appointed member cannot complete his term of office, a successor shall be appointed immediately to replace him, in accordance with the conditions stipulated in the preceding paragraph. In this case, the successor only serves out the remainder of the term of office of the member being replaced.

When the first Monetary Policy Council is established, the terms of office of the six members other than the Governor and the Deputy Governors shall be determined by the drawing of lots in accordance with the terms laid down by the Council of State decree referred to in Article L.144-4. Two terms of office shall be of three years, two of six years and two of nine years.

The terms of office of the members mentioned in the second paragraph may not be renewed. However, this rule does not apply to those members having completed a three-year term in compliance with the measures referred to in the fifth paragraph, or who have replaced another member of the Council for a maximum of three years as specified in the fourth paragraph.

Article L. 142-4

The Monetary Policy Council shall meet at such times as the Governor, its Chairman, may convene a meeting, and at least once a month. The Governor shall be required to convene a meeting within forty-eight hours of receiving a request from the majority of the members of the Council.

Decisions taken at meetings of the Monetary Policy Council shall be valid only if at least two-thirds of the serving members are present. If this quorum is not met, the Governor shall convene another meeting of the Council with the same agenda, and its decisions shall be valid without regard to the quorum. Decisions shall be taken by simple majority of the members present. In the event of a tie, the Chairman shall have the casting vote.

The Prime Minister and the Minister for Economic Affairs and Finance may

議任命，任期為九年。

六名成員應由成員人數三倍之名單中選出。此名單應由參議院院長、國家議會主席及經濟與社會委員會主席所共同提名或各自部分提名擬定。名單中之人選應於貨幣、金融及經濟方面具公認之名望及專業經驗。在提交下屆依第二項規定所指成員之名單初稿於政府前，該名單應先送徵貨幣政策委員會意見。

第二項規定所指成員，每三年有三分之一任期屆滿，重行任命。

派充接任委員，應於其任期屆滿至少八日以前作成。如有成員無法任滿者，應立刻指定其繼任者，並續任至原任期屆滿為止。

貨幣政策委員會第一次設立時，總裁、二位副總裁以外之六名成員，其任期應依第一百四十四條之四所指諮政院裁定之條件，以抽籤方式決定。其中二名成員任期為三年、二名為六年、二名為九年。

第二項規定所指成員，任期予以屆滿不得續派。但符合第五項規定，已任滿三年任期之成員，及依第四項規定接替其他委員會成員任滿剩餘任期不超過三年之成員，不在此限。

第一百四十二條之四

貨幣政策委員會應於總裁，即委員會主席召集時開會，至少每月開會一次。總裁應於收到多數委員會成員要求開會之四十八小時內召開會議。

貨幣政策委員會議之決議應有至少三分之二成員之出席。未達該法定出席人數時，總裁應就相同議程另召開一次會

attend meetings of the Monetary Policy Council, but may not vote. They may submit proposals for consideration by the Council. If the Minister for Economic Affairs and Finance is unable to attend a meeting, he may, if need be, be represented by a person specifically nominated and especially empowered to do so.

The Monetary Policy Council shall make its decisions while respecting the independence of its Chairman, who is a member of the Governing Council of the European Central Bank, and the confidentiality rules of the said Bank.

Article L. 142-5

The members of the Monetary Policy Council shall be bound by professional secrecy.

A member may be dismissed before his term of office expires only if he is no longer capable of performing his duties or if he is guilty of serious misconduct. Any such removal from office shall require a reasoned submission from the Monetary Policy Council acting on a majority vote of its members excluding the person concerned.

The Governor, Deputy Governors and other members of the Monetary Policy Council may not engage in any other public or private professional occupation, gainful or not, except the exercise of a term of office as a member of the Economic and Social Council. Exemptions may be granted by the Council of Monetary Policy for teaching activities or positions in international organizations. They may not hold elected offices. If they are civil servants, they shall be considered to be on secondment, and may not be selected for discretionary promotion in their original administrative body.

When the Governor or Deputy Governors relinquish office for any reason other than dismissal for serious misconduct, they shall continue to receive their remuneration for three years. For the other members of the Monetary Policy Council, that period shall be one year. During that period, unless so authorized by the Monetary Policy Council, they may not engage in professional occupations other than elected public office or as members of the Government. Should the Monetary Policy Council authorize their engaging in a professional occupation, or should they hold elected public offices at a level other than national, the Council shall determine the terms and conditions under which all or part of their remuneration will continue to be paid.

議，該另行召開會議時，雖未達前段法定出席人數仍可作成有效之決議。出席委員之簡單多數即可作成決議。當投票可否同數時，取決於主席。

總理及財經部長得出席貨幣政策委員會之會議，但無投票權。惟得向委員會提案。如財經部長無法出席時，於必要時得指定並授權其他人員出席。

貨幣政策委員會應於作成決議之同時，尊重其主席為歐洲中央銀行理事會成員之獨立性及該央行之保密規定。

第一百四十二條之五

貨幣政策委員會成員對其業務應負有保密義務。

前項成員僅於其不能履行職責或有重大違失時，得於任期屆滿前予以解任。此類解任應經貨幣政策委員會除該成員以外之多數決，並附具理由提出。

總裁、副總裁及其他貨幣政策委員會之成員，除任經濟及社會委員會成員外，無論是否支領報酬，均不得出任公民營之專業職位；但擔任教職或於國際組織任職，經貨幣政策委員會許可者不在此限。各該人員亦不得擔任選舉產生之職位；如為公務員者，應視為調任人員，並不得於其原行政組織內依裁量而升遷。

總裁或副總裁因重大違失被解任以外之理由離職者，得繼續受領薪津三年。其他貨幣政策委員會之成員則可繼續領取一年。於該期間，除經該委員會同意者外，不得從事專門職業，但選舉產生之公職或政府人員不在此限。經貨幣政策委員會同意其從事專門職業，或任經選舉產生非屬中央之公職者，該委員會應決定其全額或部分薪資保留之條件。

Part 3

The General Council

Article L. 142-6

The General Council shall administer the Banque de France.

The Council shall decide on issues related to the conduct of the Banque de France's activities other than those deriving from the tasks of the European System of Central Banks.

It shall decide on questions relating to the terms of employment of Banque de France staff. These terms shall be submitted by the Governor of the Banque de France for the approval of the relevant ministers.

The General Council shall also decide on the allocation of the Bank's own funds. It shall draw up the Bank's expenditure estimates and amendments thereto, make up the Bank's balance sheet and accounts, and propose the appropriation of net profit and the dividend to be paid to the State.

The General Council shall appoint two statutory auditors to review the accounts of the Banque de France. They shall be invited to attend the meeting of the General Council that approves the accounts for the year just ended.

Article L. 142-7

The General Council shall comprise the members of the Monetary Policy Council and a representative of the Banque de France staff elected for a six-year term.

Decisions taken at meetings of the Council shall be valid only if at least six members are present. Decisions shall be adopted by a majority of the votes of the members present. In the event of a tie, the Chairman shall have the casting vote.

The General Council may delegate powers to the Governor of the Banque de France, who may in turn sub-delegate these powers in accordance with the terms and conditions laid down by the General Council.

A Censor, or his alternate, appointed by the Minister for Economic Affairs and Finance, shall attend the meetings of the General Council. He may submit proposed decisions for the consideration of the Council.

Decisions adopted by the General Council shall be final, unless any objection is lodged by the Censor or his alternate.

第三節 理事會

第一百四十二條之六

理事會主管本行。

理事會應審議並決定有關本行經歐洲中央銀行體系所賦任務以外業務經營之有關議題。

理事會應審議並決定有關本行職員聘雇條件之相關問題。各該條件應由本行總裁提請相關部長之核可。

理事會亦應審議並決定本行資金之分配、擬具本行支出預估數及其修正案、編製本行資產負債表及決算報表，並提議盈餘分配及繳付國庫之股利數額。

理事會應指定二名法定之稽核人員，稽查本行之決算報告。於理事會核可終了年度之決算報告而召開理事會議時，應邀請稽核人員出席。

第一百四十二條之七

理事會應包括貨幣政策委員會之成員，及任期六年之本行職員代表一名。

理事會之決議應有至少六名成員出席始生效力。出席成員多數贊成之意見即為可決。當投票可否同數時，取決於主席。

理事會得將其權限委託本行總裁行使，並得由總裁依該委員會所定期間及條件將該權限辦理複委託。

由財經部長指派之監查官或其輪值人員，應出席理事會之會議。監查官得提出有關決議之建議供理事會審議。

除監查官或其輪值人員反對外，理事會之決議為最終決定。

Part 4

The Governor and the Deputy Governors

Article L. 142-8

The Banque de France shall be managed by the Governor of the Banque de France.

The Governor shall preside over the Monetary Policy Council and the General Council of the Banque de France.

He shall prepare and implement the decisions taken by these Councils.

He shall represent the Bank in dealings with third parties and shall sign alone, on behalf of the Bank, all formal agreements.

The Governor shall appoint all of the Bank's employees, subject to the provisions of Article L.142-3.

The Governor shall be assisted by a First Deputy Governor and a Second Deputy Governor. The Deputy Governors shall exercise the functions delegated to them by the Governor. Should the Governor be absent or prevented from attending a meeting, one of the Deputy Governors, specifically nominated for that purpose by the Governor, shall preside over the Monetary Policy Council and the General Council.

The Governor and the two Deputy Governors shall be appointed by an Order made in the Council of Ministers for a six-year term of office, which may be renewed once. The age limit for holding these offices shall be sixty-five.

Part 5

Banque de France Staff

Article L. 142-9

The staff of the Banque de France shall be bound by professional secrecy .

The staff of the Banque de France are prohibited from taking or accepting any holding or any interest in, or remuneration whatsoever, whether in an active or advisory capacity, from any public or private enterprise of an industrial, commercial or financial nature, unless dispensation is granted by the Governor. These provisions shall not apply to the production of scientific, literary or artistic work.

Part 6

Branches

Article L. 142-10

The branches of the Banque de France shall take part in the performance of the Bank's tasks. They shall assist in maintaining the quality of banknotes and coin in circulation and in the execution of book-entry payments.

第四節 總裁與副總裁

第一百四十二條之八

本行應由總裁綜理行務。

總裁應為本行貨幣政策委員會及理事會之主席。

總裁應擬定並履行前項各該會之決議。

總裁對外代表本行，並得代表本行簽訂正式協議。

依第 142-3 條之規定，總裁有權任命本行全體職員。

本行第一副總裁及第二副總裁輔佐總裁，並應執行總裁委託之任務。總裁未出席或無法出席會議時，其中一位經總裁指定之副總裁應任貨幣政策委員會及理事會之主席。

總裁及二位副總裁應由內閣任命，任期為六年，期滿得續任一次。擔任各該職位之年齡限制為六十五歲。

第五節 本行職員

第一百四十二條之九

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，收受公民營之工業、商業或金融企業給付之任何利益或其他形式之報酬。但本規定不適用於因科學、文學或藝術工作而獲得者。

第六節 分行

第一百四十二條之十

本行所設分行應執行本行部分任務。分行應協助維持券幣之流通品質及履行登錄形式之支付。

分行應蒐集當地經濟結構之資料，並傳送經濟及金融資

They shall contribute to gathering data on the local economic fabric and the diffusion of economic and financial information. They shall administer and follow up on cases of overindebtedness as provided in Article L.141-6 of this Act.

In order to perform their tasks, they shall maintain relations with banks, enterprises, consular bodies, local authorities and local departments of State ministries within their field of action.

Chapter III

Report to the President of the Republic

Accountability to Parliament

Article L. 143-1

At least once a year, the Governor of the Banque de France shall address a report on the Bank's transactions, the monetary policy it implements within the framework of the European System of Central Banks and the prospects for it to the President of the Republic and to Parliament.

In accordance with the provisions of Article 108 of the Treaty Establishing the European Community and the confidentiality rules of the European Central Bank, the Governor of the Banque de France or the Monetary Policy Council may be asked to appear before the Finance Committees of the two Chambers of Parliament and may themselves ask to appear before them.

The accounts of the Banque de France and the report of the statutory auditors shall be forwarded to the Finance Committees of the National Assembly and of the Senate.

Chapter IV

Other provisions

Article L. 144-1

The Banque de France shall be entitled to obtain from the credit and financial institutions all the documents and information necessary to perform its duties as defined in the first part of Chapter I. It may also have direct dealings with any enterprises and professional associations that are willing to participate in its surveys.

Article L. 144-2

Operations carried out by the Banque de France and the activities referred to in the second paragraph of Article L.142-6 shall be governed by civil and commercial law.

訊。分行應依本法第一百四十一條之六條之規定，管理並承受過度負債。

為執行其任務，分行應與各銀行、企業、執政團體、地方機關及當地政府部門就其業務範圍維持聯繫。

第三章 對總統之報告及對國會之負責

第一百四十三條之一

本行總裁應就本行之業務，於歐洲中央銀行體系架構內執行之貨幣政策及其展望，至少每年一次向總統及國會提出報告。

依建立歐洲共同體條約第一百零八條及歐洲中央銀行機密規章之規定，本行總裁或貨幣政策委員會得依國會兩議院金融委員會之邀，或主動請求到會。

本行決算報告及法定稽核人員之稽查報告，應送交參眾兩院之金融委員會。

第四章 附 則

第一百四十四條之一

本行得要求信用及金融機構提供為執行第一章第一節規定職責所需文件及資料，並得與願意參與其調查之企業及職業團體直接往來。

第一百四十四條之二

本行操作業務及執行有關第142-6條第二項所定之業務時，應適用民法及商法之規定。

Article L. 144-3

Any litigation relating to the internal management of the Banque de France or between the Banque de France and members of the Monetary Policy Council, the General Council or its own staff shall fall within the jurisdiction of the administrative courts.

Article L. 144-4

A Council of State decree lays down the modalities of application of the present Title.

It shall specify in particular the amount of the Banque de France capital, the modalities following which its annual budget is set up, its investments are financed, its settlements accounts are presented, its annual results are appropriated, the wages of the members of the Monetary Policy Council, as well as the modalities governing the election of the representative of the Banque de France staff in the General Council.

Article L. 144-5

The weekly status of the Banque de France shall be published in the Official journal.

第一百四十四條之三

涉及本行內部行政糾紛或本行與貨幣政策委員會、理事會或職員間之訴訟，應受行政法庭之管轄。

第一百四十四條之四

本法施行細則以諮政院裁定定之。

前項裁定應規定本行資本之數額、年度預算之形式，本行之投資獲利、提出決算報告及年度報告之方式，及貨幣政策委員會成員之薪資，以及於理事會中選出本行職員代表之執程序。

第一百四十四條之五

本行每週狀況應刊載於官方期刊。

五、National Bank Law
(Switzerland)
瑞士國家銀行法

National Bank Law (NBL)

- I. General
- II. Scope of operations of the National Bank
 - IIa. Minimum reserves
 - IIb. Control of new issues
 - IIc. Funds from abroad
 - IId. Obligation to disclose, and control
- III. Issue, cover, redemption and withdrawal of bank notes
- IV. Rendering of accounts, reserve fund and distribution of profits
- V. Organs of the National Bank
 - 1. The individual organs
 - 2. General provisions
- VI. Participation and supervision of the confederation
- VII. Penal provisions
- VIII. Duration of the privilege
- IX. Legal protection and enforceability
- X. Final provisions

瑞士國家銀行法

法務室 彭文暉 譯

第一章	總則
第二章	國家銀行之業務範圍
第二章 <i>a</i>	最低準備金
第二章 <i>b</i>	新債發行之管制
第二章 <i>c</i>	國外資金
第二章 <i>d</i>	揭露義務與管制
第三章	鈔券之發行、準備、回贖及回收
第四章	帳目提出、公積金及盈餘分配
第五章	本行之機關
第一節	個別機關
第二節	一般規定
第六章	聯邦政府之參與及監督
第七章	罰則
第八章	特權之期限
第九章	法律保障及執行
第十章	附則

National Bank Law (NBL)

Amendment effected on 1 May, 2000)

The Federal Assembly of the Swiss Confederation,
by virtue of Articles 31quinquies, 39 and 64 bis of the Federal Constitution,
and having considered a message of April 21, 1953 from the Federal Council,
resolves:

I. General

Art. 1

¹ The exclusive right to issue bank notes is granted by the Confederation to a central bank, which shall exist under the names "Schweizerische Nationalbank", "Banque nationale suisse", "Banca nazionale svizzera", "Banca naziunala svizra".

² It shall be vested with the rights of a legal personality and shall be administered with the participation and under the supervision of the Confederation in compliance with the provisions of this law.

Art. 2

¹ The principal task of the National Bank is to regulate the country's money circulation, to facilitate payment transactions, and to pursue a credit and monetary policy serving the interests of the country as a whole. It shall advise the federal authorities in monetary matters.

² Before taking economic and monetary policy decisions of major importance the Federal Council and the National Bank shall inform each other of their intentions and co-ordinate their measures.

³ The National Bank shall carry out the tasks which the Confederation has assigned to it in the fields of payment transactions, coinage, administration of moneys and securities, investment of public funds, administration of the national debt and issue of bonds.

Art. 3

¹ The National Bank has its legal and administrative domicile in Berne, where

瑞士國家銀行法

2000年5月1日修正施行

瑞士聯邦議會依據聯邦憲法第三十一條之五、第三十九條及第六十四條之二規定，並衡酌聯邦委員會一九五三年四月二十一日咨文，決議瑞士國家銀行法全文如下：

第一章 總 則

第一條

- ¹ 發行鈔券之專屬權，由聯邦賦與以下列（瑞士國家銀行）名稱設立存續之中央銀行：《Schweizerische Nationalbank》、《Banque nationale suisse》、《Banca nazionale svizzera》、《Banca naziunala svizra》
- ² 前項瑞士國家銀行（以下簡稱本行）依本法賦與法人之權利，並由聯邦參與管理及監督。

第二條

- ¹ 本行之主要任務為調節全國貨幣流通、便利收付交易及追求符合國家整體利益之信用與貨幣政策。本行應向聯邦金融事務主管機關提供意見。
- ² 聯邦委員會及本行就經濟及貨幣政策作成重大決定之前，應相互知會，並協調彼此之措施。
- ³ 本行應執行聯邦委辦之有關收付交易、硬幣鑄造、貨幣與證券管理、公共資金之投資、國家債務之管理及公債發行等事務。

第三條

- ¹ 本行之法律與行政中心設於伯恩，原則上，股東會、理

the General Meeting of Shareholders and, as a rule, the meetings of the Bank Council and the Bank Committee shall take place.

² The seat of the Governing Board shall be in Zurich.

³ The Governing Board shall be divided into three departments. Two departments shall have their seat in Zurich and one in Berne.

Art. 4

¹ The operations of the National Bank shall be carried out in Berne and Zurich by its head offices, at the principal economic centres by branches, and elsewhere by agencies.

² Before establishing a branch or agency the Bank shall consult with the cantonal government concerned. In case of dissent between a canton and the National Bank, the Federal Council shall have the final decision.

³ A canton or half-canton that has no branch may request that an agency be established within its territory.

⁴ Upon request of the cantonal government the function of an agency shall be assigned to the cantonal bank.

Art. 5

¹ The capital of the National Bank amounts to 50 million Swiss francs. It is divided into 100,000 registered shares of 500 Swiss francs each.

² Half the capital is paid up. Payment of the remainder or of partial amounts shall be made following a decision of the Bank Council at a time announced by it six months in advance.

³ Shareholders who fail to make their payments on time shall pay default interest of 5 per cent. If, upon notification by registered mail that payment is due, they do not make such payment within a prescribed term, they may be declared to have forfeited their rights resulting from the possession or subscription of shares as well as from the partial payments which they have already made.

⁴ To replace shares cancelled in this manner new shares shall be issued.

Art. 6

¹ The capital of the National Bank may be increased by decision of the Shareholders' Meeting. The decision shall require the approval of the Federal Assembly, which shall furthermore decide the manner in which the new capital shall be raised.

- 事會及常務理事會會議應於該地舉行。
- ² 本行執行委員會設於蘇黎世。
 - ³ 執行委員會分為三部門，其中二部門設於蘇黎世，另一部門設於伯恩。

第四條

- ¹ 本行之業務由設於伯恩及蘇黎世之總行、各重要經濟中心之分行及其他各地之辦事處辦理。
- ² 本行分行及辦事處之設立，應事先洽商有關之邦政府。如有異議，由聯邦委員會為最後之裁決。
- ³ 未設分行之邦或准邦得申請於其轄區內設立辦事處。
- ⁴ 邦政府得申請將辦事處業務交由邦銀行辦理。

第五條

- ¹ 本行之資本額定為五千萬瑞士法郎，分十萬股，每股金額為五百瑞士法郎。
- ² 資本額之半數應先繳足，其餘資本額全部或一部之支付，應於理事會議公告六個月後為之。
- ³ 未按時繳付股款之股東應支付百分之五之違約金。對於經掛號信通知而未於期限內繳納股款者，得宣告其喪失因持有或認購股份及繳納部分股款所享有之權利。
- ⁴ 為補足依前項規定所銷除之股份，得發行新股。

第六條

- ¹ 本行之資本得經股東會之決議增加之。該項決議應經聯邦議會核准，並由其決定增資之方式。

² In allotting the shares the smaller subscriptions shall be considered first, so that each subscriber receives at least one share.

Art. 7

Only Swiss citizens, Swiss public law corporations as well as general and limited partnerships and legal entities whose main office is in Switzerland, shall be eligible to be entered in the share register or to subscribe for new shares.

Art. 8

¹ Shares shall be transferred by delivery of the duly endorsed share certificate.

² Each transfer of shares shall be subject to the approval of the Bank Committee. Unless at least six members of the Bank Committee approve the transfer, the decision shall rest with the Bank Council.

³ If approval is given, the Bank Committee shall have the transfer recorded on the share certificate and entered in the share register.

⁴ Upon being entered in the share register the transfer of a share shall become legally valid vis-a-vis the National Bank.

Art. 9

¹ The National Bank shall recognize as shareholders only persons listed in the share register; they alone shall have the right to vote.

² It shall recognize only one representative for each share.

Art. 10

Shares shall carry the facsimile signatures of the President of the Bank Council and the Chairman of the Governing Board and, furthermore, the handwritten signature of the responsible registrar of shares.

Art. 11

¹ Notifications to shareholders shall ensue by registered mail to the last address listed in the share register and shall be published in the Official Swiss Commercial Gazette.

² A single publication in the Official Swiss Commercial Gazette shall be sufficient to announce dividend payments.

- ² 小額認購人應優先配股，俾每一認購人至少配得一股。

第七條

瑞士公民、瑞士公法人及主營業所在瑞士之一般、有限責任合夥與法人得登記為股東或認購新股。

第八條

- ¹ 股份依交付合法背書之股權憑證而轉讓。
² 股份轉讓應經常務理事會之核准始得為之。如未獲常務理事六人以上之核准，則由理事會決定之。
³ 股份轉讓經核准者，常務理事會應於股權憑證上為註記，並登載於股東名簿。
⁴ 股份轉讓經登載於股東名簿者，對本行發生法律上之效力。

第九條

- ¹ 本行僅承認登載於股東名簿者為股東；僅股東有投票權。
² 每一股份僅得由一人代表。

第十條

股票上應有理事會主席及執行委員會主席複製精準之簽署及股票登記人員之親筆簽名。

第十一條

- ¹ 對於股東之通知應按股東名簿上之最新地址以掛號郵件方式寄送，並刊登於官方瑞士商業公報。
² 股息分派之公告僅須於官方瑞士商業公報上刊登一次。

³ Publication prescribed by law shall ensue in the Official Swiss Commercial Gazette. With respect to other announcements, the Bank Committee shall decide on the mode of publication.

Art. 12

¹ The National Bank is exempt from direct federal taxes.

² The National Bank shall not be subject to taxation by the cantons. Cantonal and communal transfer fees and other fees for special services by cantons and communes shall remain reserved.

Art. 13

The provisions of Title 26 of the Code of Obligations relating to joint stock companies shall apply to the National Bank in so far as the present law does not prescribe anything else.

II. Scope of operations of the National Bank

Art. 14

The National Bank is empowered to engage in the following transactions:

1. Discounting Swiss bills and cheques bearing at least two signatures, each of which individually guarantees ability to pay, treasury bills of the Confederation, cantonal and communal treasury bills bearing the signature of a bank, Swiss debt certificates eligible as collateral and federal debt register claims. The maturities of discounted claims may not exceed six months.
2. Buying and selling of, as well as dealing under a repurchase agreement in, treasury bills and debt certificates of the Confederation as well as federal debt register claims, debt certificates of cantons and cantonal banks in terms of the Federal Law on Banks and Savings Banks, mortgage bonds of the Swiss central mortgage institutions, easily marketable bonds of other Swiss banks and of communes.
- 2.^{bis} Issuing and repurchasing of, including dealing under a repurchase agreement in, its own interest-bearing debt certificates with a period to maturity not exceeding two years, in so far as this is necessary for the purposes of an open-market policy.
3. Buying and selling (cash or forward) of, as well as dealing under a

- ³ 依法應刊登之公告應於官方瑞士商業公報上為之，其餘則由常務理事會決定其刊登方式。

第十二條

- ¹ 國家銀行免納聯邦直接稅。
- ² 國家銀行無須繳納各邦稅捐，但各邦及地方行政區仍得收取相關移轉費及其他特別服務費。

第十三條

除法律另有規定外，本行應適用債務法第二十六編有關股份公司之規定。

第二章 國家銀行之業務範圍

第十四條

本行得辦理下列各項業務：

1. 對有二以上具保證付款能力人簽名之瑞士票據、聯邦國庫券、邦及地方行政區所發行經銀行簽署之公庫券、得充合格擔保品之瑞士債券及聯邦債務記名請求權之貼現；惟貼現期間不得逾六個月。
2. 買賣及附條件買（賣）回聯邦國庫券及債券、聯邦債務記名請求權、各邦及邦銀行根據「聯邦銀行暨儲蓄銀行法」所發行之債券、瑞士各中央抵押貸款機構之抵押債券及其他瑞士銀行與各地方行政區發行易於市場變現之債券。
- 2² 應公開市場操作政策之需，發行及買回（含附條件買回賣回交易）於兩年內到期之付息債券。

repurchase agreement in, bills and cheques drawn on payees abroad bearing at least two signatures, each of which individually guarantees ability to pay, and with a maturity not exceeding six months, easily marketable debt certificates of foreign states, international organizations and foreign banks, other balances in foreign countries with a maturity not exceeding twelve months, derivatives (options, futures, forward rate agreements), in so far as these are designed to regulate market risks on debt certificates and balances in foreign countries;

4. Granting interest-bearing current-account advances at up to ten days' notice against security in the form of Swiss debt certificates, federal debt register claims, discountable bills and gold (advances against collateral). Shares and participations in cooperatives are not eligible as security for such advances.
5. Entering into time-limited discount and lombard commitments for claims and securities that are eligible for discount or as collateral according to points 1 and 4 above;
6. Accepting deposits on non-interest-bearing accounts; only the funds of the Confederation, of the Bank's staff, its welfare institutions as well as the income accruing from the management of securities for the account of third parties may be interest-bearing.
7. Carrying out giro, clearing and collection transactions;
8. Opening correspondent accounts with domestic and foreign banks; selling Swiss and foreign cheques;
9. Buying and selling of, as well as dealing under a repurchase agreement in, gold for its own account;
10. Buying and selling gold and silver for the account of third parties;
11. Issuing gold certificates;
12. Accepting in custody and managing securities and valuables, buying, selling and subscribing securities for the account of third parties;
13. Acting as a subscription agent for bond issues of the Confederation, the cantons, enterprises guaranteed by a canton and the central mortgage institutions, but excluding participation in the firm underwriting of bonds.
14. Buying and selling international payment instruments.

Art. 15

¹ The National Bank shall accept payments for the account of the Confederation and shall make payments on behalf of the Confederation up to

3. 買賣（即期或遠期交易）及附條件買（賣）回在國外簽發、具保證付款能力二人以上簽名且於六個月內到期之票據；外國、國際組織及外國銀行所發行且易於市場變現之債券及其他於十二個月內到期之外國債務以及用以規避外國債券及債務市場風險之衍生性金融商品（選擇權、期貨、遠期利率合約）。
4. 收受以瑞士債券、聯邦債務記名請求權、可貼現票據及黃金為擔保品，辦理十天期內之計息活期帳戶墊款（質押墊款）；股票及對合作社之出資額並非該項墊款之合格擔保品。
5. 對依據第一款及第四款得辦理貼現或供擔保之債權及票券辦理限期貼現及倫巴德融資（質押放款）。
6. 收受不計息帳戶之存款。但聯邦、本行行員及其福利機構之資金及為第三人經管證券所衍生之收入得予計息。
7. 辦理劃撥轉帳、清算及託收業務。
8. 於本國及外國銀行開立聯行帳戶；銷售瑞士及外國支票。
9. 自營黃金買賣及附條件交易。
10. 為第三人買賣黃金及白銀。
11. 發行黃金憑證。
12. 為第三人經管證券、貴重物品及買賣、認購證券。
13. 為聯邦、各邦、邦保證企業及中央抵押貸款機構所發行公債之認購代理人，但不得參與認購。
14. 買賣國際支付票據。

第十五條

- ¹ 本行應為聯邦帳戶代理收受款項及在其信用餘額內代為付款，亦得受聯邦機構委託代管證券及貴重物品，且應

the amount of the credit balance of the Confederation. It shall furthermore undertake the custody and management of securities and valuables entrusted to it by the federal offices. It shall maintain the federal debt register in the name and on behalf of the Confederation. The National Bank shall carry out its activities for the account of the Confederation free of charge.

² The National Bank shall participate in the investment of federal public funds, in the issuing of bonds of the Confederation and in the coin service.

Art. 16

¹ The National Bank shall regularly publish its discount and lombard rates.

² It shall publish returns showing its assets and liabilities on the 10th, 20th and last day of each month.

IIa. Minimum reserves

Art. 16a

¹ In order to adapt the money supply to the needs of a balanced economic development, the National Bank may oblige the banks to hold minimum reserves.

² Banks are considered to be all institutions subject to the Federal Law on Banks and Savings Banks.

³ Banks whose balance sheet total does not reach a certain amount may be dispensed from the obligation to hold minimum reserves.

Art. 16b

¹ Minimum reserves are non-interest-bearing balances which the banks have to hold with the National Bank and of which they may not dispose. These reserves shall not be included in the liquidity required by the Banking Law.

² The National Bank shall fix the reserves on the basis of the deposits held with the banks.

Art. 16c

¹ The minimum reserves shall be calculated on the basis of the level and the increase of the following items on the liabilities' side of the banks' balance sheets (deposits); the following percentages may not be exceeded:

代表聯邦政府並以其名義負責聯邦債務之登錄。本行為聯邦帳戶處理事務免收費用。

- ² 本行應參與聯邦公共資金之投資、聯邦公債之發行及錢幣之鑄造。

第十六條

- ¹ 本行應定期公布其貼現率及質押放款利率。
- ² 該行應於每月之十日、廿日及月底公告其資產及負債。

第二章 a 最低準備金

第十六條 a

- ¹ 為使貨幣供給配合經濟均衡發展之需要，本行得要求銀行繳存最低準備金。
- ² 前項所稱銀行係指受「聯邦銀行暨儲蓄銀行法」規範之所有機構。
- ³ 銀行之資產負債總額未達一定標準者，免提最低準備金。

第十六條 b

- ¹ 最低準備金係指銀行應繳存於本行之無息且不得動用之餘額，不包括銀行法所規定之流動準備在內。
- ² 本行應依銀行之存款餘額訂定準備金。

第十六條 c

- ¹ 最低準備金應依下列銀行資產負債表之負債項目（存款）金額及增加部分計算，並不得逾越該所定比率：

	<u>in percent of the level</u>	<u>of the increase</u>
Sight and time deposits of other banks in so far as the creditors do not themselves have to hold minimum reserves with the National Bank	12	40
Sight deposits	12	40
Time deposits	9	30
Savings deposits, balances on deposit books and investment savings books	2	5
Medium-term notes with a maturity of less than five years	2	5

² The minimum reserves calculated on the deposits of creditors domiciled or registered abroad may be raised up to double the maximum percentages fixed in the preceding paragraph.

³ Particular balance sheet items or certain parts thereof, especially foreign currency liabilities and deposits of creditors domiciled or registered abroad, may be charged with minimum reserves to varying degrees or dispensed therefrom.

⁴ The fiduciary liabilities of the banks shall be included when calculating the minimum reserves.

⁵ Minimum reserves may be levied at the same time on the level and the increase or only on the level or the increase.

⁶ The National Bank shall fix the key dates based on which the increase in deposits is calculated. A key date may not be more than three months prior to the date the minimum reserves are called in.

Art. 16d

¹ The National Bank may decide that banks' foreign balances in foreign currency and their increase are deductible from the foreign currency deposits of foreigners and their increase when calculating the minimum reserves.

² Deposits of creditors domiciled or registered in Switzerland shall also be deemed to be deposits of foreigners they are held for account of third parties domiciled or registered abroad.

	就金額計算之 最高百分比	就增加部分計算 之最高百分比
其他依規定無需繳存 最低準備金之銀行所 存放之活期及定期存款	12	40
活期存款	12	40
定期存款	9	30
儲蓄存款、存摺及投 資儲蓄存摺上之餘額	2	5
五年內到期之中期票據	2	5
² 於國外設住所或登記之債權人存款，其最低準備之計算 得提高至前項所定最高比率之二倍。		
³ 外幣負債及於國外設住所或登記之債權人之存款等資產 負債表之特定項目或特定部分，得另定不同之最低準備 比率或予以免計。		
⁴ 銀行之信託負債應併入最低準備之計算。		
⁵ 最低準備得同時依照金額及其增加部分或僅就以其一計 算之。		
⁶ 本行應就存款增加部分之計算定其基期。基期不得早於 最低準備金之應繳存日期三個月。		

第十六條 d

- ¹ 本行於計算最低準備金時，得將銀行以外幣計算之國外
負債餘額及其增加額扣除外國人外幣存款及其增加額。
- ² 於瑞士設定住所或登記之債權人，其存款係由在國外設
定住所或登記之第三人所持有者，亦應視為外人存款。

Art. 16e

¹ The minimum reserves shall be recalculated periodically.

² The National Bank shall fix the time limits for drawing up the statements on the minimum reserves and for paying them in.

³ In order to avoid hardship in individual cases the National Bank may grant relief from the obligation to hold minimum reserves. Its decision shall be final.

Art. 16f

¹ If a bank does not hold the required amount of minimum reserves, the National Bank shall issue an order for payment of the shortfall and of penalty interest for the period from the due date to payment; this interest may not exceed the current lombard rate by more than 5 per cent.

² If special circumstances warrant it, the National Bank may, instead of ordering payment of the shortfall, charge interest at a rate not exceeding the current lombard rate by more than 6 per cent.

Iib. Control of new issues

Art. 16g

¹ In order to avoid an excessive demand on the money and capital markets the Federal Council may declare subject to authorization the public issuing of domestic treasury bills and debt certificates of any kind, particularly of bonds and medium-term notes, as well as of shares, bonus shares and other similar paper.

² The National Bank shall fix the total amount of new issues which will be authorized during a certain period of time.

³ If in any particular case it is disputed that a new issue is subject to authorization, the National Bank shall pass a decision thereon.

Art. 16h

¹ A commission of nine to eleven members elected by the Federal Council shall, within the limits of the fixed total amount, decide upon each request. The commission shall be chaired by a member of the Governing Board of the National Bank.

第十六條 e

- ¹ 最低準備金應定期重新計算。
- ² 本行應就最低準備金之報表擬定及其繳納訂定一定之期限。
- ³ 本行為避免銀行之經營困難，得個案免除最低準備金之繳存義務。該決定並為最終之決定。

第十六條 f

- ¹ 銀行未繳存最低準備金者，本行應命其繳存不足之部分及自應繳存之日起至付款之日止之罰息；該利息並不得高於現行質押放款利率之百分之五。
- ² 本行於特殊情況下得不命銀行繳付不足之部分，而以計收不高於現行質押放款利率百分之六之利息代之。

第二章 b 新債發行之管制

第十六條 g

- ¹ 為避免貨幣及資本市場之過度需求，聯邦委員會得宣布授權公開發行各類國庫券及債券，例如公債、中期票券、股票、紅利股及其他類似之證券。
- ² 本行應訂定一定期間內授權發行之證券總額。
- ³ 有關新債發行之授權爭議，由本行裁決之。

第十六條 h

- ¹ 聯邦委員會所選出之九至十一人審議會，應就個別之發行申請於已定之發行總額限度內決定之。該審議會由本行執行委員會之委員一人擔任主席。

² The commission shall take into account the differing degrees of economic development of the various regions of the country.

³ Its decision shall be final.

IIC. Funds from abroad

Art. 16i

¹ If the balanced economic development of the country is disturbed or threatened by an excessive inflow of funds from abroad, the Federal Council may:

1. limit or prohibit the paying of interest to persons domiciled or registered abroad on their deposits denominated in Swiss francs with domestic banks and order that commissions to be delivered to the Confederation must be levied on such deposits; these measures may be applied analogously to postal cheque accounts of persons domiciled or registered abroad;
2. limit forward foreign exchange transactions with persons domiciled or registered abroad;
3. limit or prohibit the acquisition of domestic securities by persons domiciled or registered abroad;
4. declare subject to authorization borrowing abroad by persons domiciled or registered within the country;
5. require domestic banks to balance their foreign currency positions;
6. restrict the importation of foreign bank notes;
7. authorize the National Bank to conclude forward foreign exchange transactions with a maturity of up to 24 months.

² The National Bank is competent to implement these measures. It shall issue the necessary implementing regulations.

³ The Federal Council may order that federal and cantonal offices participate in the supervision and the implementation.

- ² 審議會應考量國家各不同地區經濟發展程度之不同。
- ³ 審議會之決定為最終之決定。

第二章 c 國外資金流入

第十六條 i

- ¹ 因國外資金之過度流入致擾亂或威脅國家經濟之均衡發展時，聯邦委員會得採取下列措施：
 1. 限制或禁止對在國外設定住所或登記之人士於國內銀行之瑞士法郎存款給付利息及令就該存款收取佣金充繳國庫。該措施並得準用於在國外設定住所或登記之人士所開立之郵政支票帳戶。
 2. 限制與在國外設定住所或登記之人士進行遠期外匯交易。
 3. 限制或禁止在國外設定住所或登記之人士購買本國證券。
 4. 宣告在國內設定住所或登記之人士向國外借款應經許可。
 5. 要求本國銀行軋平其外幣部位。
 6. 限制外國鈔券之輸入。
 7. 授權本行從事於二十四個月內到期之遠期外匯交易。
- ² 本行為前項措施之執行機關，相關之執行規定並應公布之。
- ³ 聯邦委員會得令聯邦及邦政府參與監督及執行。

IId. Obligation to disclose, and control

Art. 16k

¹ Persons and companies subject to the provisions issued pursuant to sections IIa - IIc must supply all reports and information necessary for implementation to the National Bank and other competent government offices, put the adequate supporting documents at their disposal and let them check their correctness on the spot.

² The auditing firms required by the Banking Law shall, when auditing, check whether the provisions issued are being duly observed, particularly the correctness of the reports to the National Bank, and shall lay down their findings in the auditing report. The National Bank may give special auditing mandates to the auditing firms required by the Banking Law or, in special cases, also to other auditors. Whenever they ascertain infringements of the provisions issued or incorrect reports, they shall notify the National Bank and the Federal Banking Commission.

³ Whenever the National Bank gives an auditing mandate, it shall bear the cost. When an infringement of the provisions is ascertained, the National Bank shall have a right of recourse.

⁴ Secrecy shall be maintained with respect to reports, supporting documents and information as well as facts established during on-the-spot checks.

III. Issue, cover, redemption and withdrawal of bank notes

Art. 17 - Art. 24 rescinded

IV. Rendering of accounts, reserve fund and distribution of profits

Art. 25

¹ The accounts of the National Bank shall be closed at the end of the calendar

第二章 d 揭露義務與管制

第十六條 k

- ¹ 適用依第二章 a 至第二章 c 所頒規定之個人及公司應提出執行所需之報告、資料予本行及其他主管機關，並應依其要求提供適足之文件，供其當場查驗各該文件之正確性。
- ² 銀行法規定之會計事務所於查帳時，應查核是否確實遵守相關規定，例如向本行所提報告之正確性，並將結果記載於查核報告。本行得委託「銀行法」規定之會計事務所，或於特定情形下委託其他查帳人員辦理查專案查核。查核人員於知有違規情事或報告不實時，並應通知本行及聯邦銀行管理委員會。
- ³ 本行委託他人查帳時，應支付所需之費用。但於認定有違規情事時，國家銀行得求償之。
- ⁴ 前述報告、相關文件、資料及實地檢查所得之事實應予保密。

第三章 鈔券之發行、準備、回贖及回收

第十七條（廢止）

第十八條（廢止）

第十九條（廢止）

第二十條（廢止）

第二十一條（廢止）

第二十二條（廢止）

第二十三條（廢止）

year.

² The annual balance sheet shall be drawn up in accordance with the principles laid down in the Code of Obligations.

³ The annual accounts shall be submitted to the Federal Council for approval before being published and before being adopted by the Shareholders' Meeting.

Art. 26

¹ A reserve fund which is to be accumulated by means of allocations from net profits shall cover any losses affecting the capital.

² This reserve fund shall constitute part of the Bank's working capital.

Art. 27

¹ An amount not exceeding 2 per cent of the capital shall first be allocated from the net profits shown in the profit and loss account to the reserve fund.

² A dividend not exceeding 6 per cent of the paid-up capital shall then be paid.

³ The remainder shall be distributed as follows:

a. First, the cantons shall receive payment of 80 centimes per head of the population. If net profits do not suffice for this, the deficiency shall be paid up during the following five years the Bank's financial situation permits this;

b. One-third of any surplus still remaining shall accrue to the Confederation and two-thirds to the cantons.

⁴ The surplus accruing to the cantons shall be distributed as follows: 5/8 in proportion to their resident population and 3/8 in proportion to their financial power. The Federal Council shall lay down the details after hearing the cantons.

第二十四條（廢止）

第四章 帳目提出、公積金及盈餘分配

第二十五條

- ¹ 本行帳目應於曆年底辦理結算。
- ² 年度資產負債表應依債務法所定原則編造之。
- ³ 年度帳目於提送股東會承認並公布前，應經聯邦委員會之核准。

第二十六條

- ¹ 由純益分派所累積之公積金應用以填補資本虧損。
- ² 公積金應列為本行營運資金之一部。

第二十七條

- ¹ 損益表中之純益應先提撥不超過資本總額百分之二之數額充作公積金。
- ² 其次應分派不超過實收資本總額百分之六之股利。
- ³ 其餘純益依下列順序分配：
 - a. 各邦按其人口數每人八十生丁計算予以分配純益。如不足分配，其差額於其後五年內本行財務情況許可時償付之。
 - b. 剩餘純益，其三分之一應配予聯邦，三分之二配予各邦。
- ⁴ 剩餘純益配予各邦之比例，八分之五依其居住人口數，八分之三依其財政能力。聯邦委員會應於辦理各邦聽證會之後詳為記錄。

V. Organs of the National Bank

Art. 28

The organs of the National Bank shall be the following:

- A. for supervision and control: the General Meeting of Shareholders;
the bank authorities, namely: the Bank Council, the Bank Committee, the Local Committees, the Auditing Committee;
- B. for the management: the Governing Board, the local managements.

1. The individual organs

a. The General Meeting of Shareholders

Art. 29

¹ Any shareholder listed in the share register or another shareholder duly authorized by him shall be eligible to attend the Shareholders' Meeting.

² Shares registered in the same name shall be represented by only one person.

³ The Bank Council shall issue the necessary regulations as to the form that the power of representation shall take.

⁴ The member of the Bank Council and of the Governing Board who are not shareholders shall attend the Shareholders' Meeting in an advisory capacity.

Art. 30

¹ The President of the Bank Council shall convene the Shareholders' Meeting at least three weeks before the day of assembly.

² In cases which he considers urgent he may reduce this period to eight days.

³ The agenda shall be included in the letter convening the meeting. The agenda shall also list proposals that have been submitted in writing to the Bank Council by at least ten shareholders before dispatch of the letter convening the meeting.

⁴ No decisions shall be passed with respect to matters not listed on the agenda, with the exception of a motion to convene an extraordinary Shareholders' Meeting which is brought in at the Shareholders' Meeting itself. For the submission of proposals or for discussions which do not involve decisions, no announcement on the agenda is required.

第五章 本行之機關

第二十八條

本行之機關如下：

- A. 監督及管制機關：股東會；本行當局，即理事會、常務理事會、地方委員會、稽核委員會。
- B. 經營機關：執行委員會及各地經營部門。

第一節 個別機關

a. 股東會

第二十九條

- ¹ 記載於股東名簿上之股東或經其合法授權之其他股東得參加股東會。
- ² 登記於同一名下之股份僅得由一人代表。
- ³ 理事會應就代表權授與之方式為必要之規定。
- ⁴ 非股東而為理事會理事及執行委員會委員者，應列席股東會備詢。

第三十條

- ¹ 股東會應於集會日前三星期由理事會主席召集之。
- ² 理事會主席認有急迫情形時，得將前項期間縮短為八天。
- ³ 開會通知應附議程。由股東十人以上提出並於開會通知發出前已提交理事會之書面建議，亦應載明於議程。
- ⁴ 未載明於議程之事項不得作成決議，但於股東常會所提召開股東臨時會之臨時動議，不在此限。僅提供建議或供討論而不涉及決議之事項，毋須於議程中通告。

Art. 31

¹ The President of the Bank Council shall preside over the Shareholders' Meeting; if he is unable to attend, the chair shall be taken by the Vice-President or, if necessary, by a member of the Bank Committee to be designated by the Bank Council.

² The tellers shall be appointed by open ballot each time for the duration of the Shareholders' Meeting by an absolute majority of those present. The members of the Bank Council shall not be eligible as tellers.

³ A record of the proceedings and decisions of the Shareholders' Meeting shall be kept in the form of minutes, which shall be signed by the President, the recorder of the minutes and the tellers.

⁴ The recorder of the minutes shall be designated by the Bank Council.

⁵ Extracts from the minutes shall be certified by the President and one other member of the Bank Council.

Art. 32

¹ A list of persons present shall be kept showing the names and domicile of the shareholders attending or represented at the Shareholders' Meeting and the number of shares they represent.

² The list of persons present shall be signed by the President, the recorder of the minutes and the tellers.

³ If decisions are to be taken for the validity of which the law requires the drawing up of an official document, an authenticator shall be called in to the proceedings.

Art. 33

The shareholders shall submit their request for admission cards to the Shareholders' Meeting at least three days before the meeting to the departments of the Governing Board, the branches or the agencies. The admission cards will be issued on the basis of the listing in the share register.

Art. 34

¹ The Shareholders' Meeting shall constitute a quorum when at least 30 shareholders are present who together represent at least 10,000 shares.

² If a Shareholders' Meeting does not constitute a quorum when first convened, another Shareholders' Meeting shall be called immediately, and it shall then constitute a quorum regardless of the number of shareholders present and the

第三十一條

- 1 股東會由理事會主席主持；主席不能出席時，由副主席主持，必要時亦得由理事會指定常務理事會理事一人擔任之。
- 2 計票員於股東會開會期間之每次會議中，以公開票選方式獲出席者絕對多數支持者為當選。理事會理事不得擔任計票員。
- 3 股東會之程序及決議事項應作成議事錄，並有主席、紀錄人員及計票員之簽名。
- 4 議事錄之記錄人員由理事會指定之。
- 5 議事錄節錄應由主席及理事會其他理事一人確認之。

第三十二條

- 1 出席人員名冊應記載出席股東或出席代表之姓名、住址及所代表之股份數。
- 2 出席人員名冊應有主席、議事記錄人員及計票員之簽名。
- 3 決議依法須作成正式文件始生效力時，應邀請認證人蒞會。

第三十三條

股東應於股東會開會三天前向執行委員會所屬部門、分行或辦事處申請出席證。出席證應根據股東名簿發給之。

第三十四條

- 1 股東會應有三十人以上且其代表股份總數合計達壹萬股以上之股東出席，始足法定人數。
- 2 股東會於第一次召集未達法定人數時，應立即召集另一次股東會。該另行召集之股東會，不問其出席股東人數

number of shares represented.

³ These provisions shall be subject to Article 39.

Art. 35

¹ Each share shall carry one vote.

² Votes cast by public-law corporations and institutions shall not be subject to any limitation.

³ Other shareholders may not cast more than 100 votes for own and represented shares.

Art. 36

The Shareholders' Meeting shall pass decisions by an absolute majority of the voting stock represented, subject to Article 39. In case of a tie, the President shall have the casting vote. Balloting shall as a rule be open, but it shall be secret if the President so orders or upon request of at least five shareholders present. The election by the Shareholders' Meeting of the members of the Bank Council and of the members and substitutes of the Auditing Committee shall be by secret ballot

Art. 37

¹ Each year, in April at the latest, the ordinary Shareholders' Meeting shall be held to approve the annual report and the annual accounts and to decide on the distribution of the net profit.

² Before the decision is passed the report of the Auditing Committee shall be read out.

³ Adoption of the annual accounts without reservation shall be deemed to be approval of the actions, during the fiscal year, of the organs of the Bank in charge of the administration.

⁴ Extraordinary Shareholders' Meetings shall be held when the Bank Council or the Auditing Committee considers them to be necessary.

⁵ Moreover, extraordinary Shareholders' Meetings shall be convened by decision of a Shareholders' Meeting or when shareholders whose combined shares amount to at least one-tenth of the capital request this in a petition signed by them and stating the purpose.

Art. 38

In addition to the powers enumerated in Article 37, paragraph 1, the Shareholders' Meeting shall also be empowered:

及代表股份總數之多寡，均視為已達法定人數。

- ³ 前兩項情形適用第三十九條之規定。

第三十五條

- ¹ 每股有一表決權。
- ² 公法人及依公法設立之機構，其表決權不受限制。
- ³ 其他股東本身及所代表股份合計不得超過一百個表決權。

第三十六條

股東會之決議除依第三十九條規定外，應以代表有表決權股份過半數之同意行之。正反票數相同時，由主席投票決定之。投票應公開，但經主席裁示或有出席股東五人以上之請求時得以秘密方式為之。股東會選舉理事會理事、稽核委員會稽核委員及侯補稽核委員時應採行秘密投票。

第三十七條

- ¹ 股東常會應於每年四月前召開，以審定年度報告及年度決算，並決定純益之分配。
- ² 股東會作成決議前，應宣讀稽核委員會之報告。
- ³ 未作任何保留通過年度決算時，視為對本行各掌理業務部門於該會計年度內一切措施之認可。
- ⁴ 股東臨時會於理事會或稽核委員會認為必要時，應予召集。
- ⁵ 股東臨時會，於股東會決議時，或持有股份總數占資本總額十分之一以上股東以申請書載明事由並署名請求時，亦應召集之。

第三十八條

除第三十七條第一項規定外，股東會亦具下列權限：

1. to elect 15 members of the Bank Council;
2. to elect the Auditing Committee;
3. to decide on all matters which are submitted by the Bank Council or which are brought before it pursuant to Article 37, paragraph 5;
4. to decide on an increase in capital, subject to the approval of the Federal Assembly;
5. to make proposals to the Federal Council concerning the amendment of this law for submission to the Federal Assembly;
6. to decide, at the latest one year before the expiration of its privilege, on the continued existence or dissolution of the Bank.

Art. 39

¹ An increase in capital as well as proposals to the Federal Council concerning the amendment of this law may only be decided upon if at least one-quarter, and, in the case of a decision regarding the continued existence or dissolution of the Bank, if at least one-half of the total shares are represented.

² If a Shareholders' Meeting does not constitute such a quorum when first convened, a second Shareholders' Meeting shall be called at another date not less than 30 days later, and shall be empowered to pass the decisions envisaged in the first paragraph even if the number of shares required therein are not represented. This shall be mentioned in the notice convening the second Shareholders' Meeting.

³ The continued existence of the Bank after the expiration of its privilege shall be deemed to have been decided on, unless at least two-thirds of the votes cast are in favour of dissolution.

b. The Bank Council

Art. 40

The Bank Council shall consist of 40 members elected for a term of four years, 15 of whom shall be elected by the Shareholders' Meeting and 25 by the Federal Council. A year shall be understood to mean the period between the end of one ordinary Shareholders' Meeting and the end of the next ordinary Shareholders' Meeting.

Art. 41

The various sectors of the economy and the different parts of the country, taking into account the major banking, industrial and commercial centres, shall

- 1 選舉理事會理事十五人。
- 2 選舉稽核委員會稽核委員。
- 3 議決理事會所提或依據第三十七條第 5 項規定向股東會提出之各項事宜。
- 4 議決增資事宜，但須經聯邦議會之核准。
- 5 向聯邦委員會提出本法修正草案，以核轉聯邦議會審議。
- 6 於本行所享特權終止一年前，議決本行存續或解散。

第三十九條

- 1 增資及向聯邦委員會提出有關本法修正草案，須有代表股份總數四分之一以上股東之出席；有關本行之存續或解散，須有代表股份總數二分之一以上股東之出席，始得作成決議。
- 2 股東會第一次召集未達前項法定人數者，第二次股東會應於三十日內召集，並得就前項所定事項為議決，不受前項代表股份總數之限制，但應於第二次股東會之開會通知單中註明。
- 3 本行之特權終止後，除經三分之二以上投票表決同意解散外，視為決議本行存續。

b.理事會

第四十條

理事會應由理事四十人組成，任期四年。其中十五人由股東會選出，二十五人由聯邦委員會選派。一年，係指自股東常會結束日起至次屆股東常會結束日止之期間。

第四十一條

各種經濟領域，以及國家不同地區，並考量主要金融、工

be represented on the Bank Council.

Art. 42

¹ The Bank Council shall be elected in the following manner: First, the Federal Council shall appoint the President and the Vice-President. Then, the Shareholders' Meeting shall elect 15 members and shall inform the Federal Council of its choices. Finally, the Federal Council shall appoint the remaining 23 members, no more than 5 of whom shall be members of the Federal Assembly and 5 of cantonal governments.

² The members of the Bank Council shall be exempt from depositing shares as security.

Art. 43

¹ In addition to the general supervision of the progress and conduct of the Bank's business the Bank Council shall deal with the following:

1. electing eight members of the Bank Committee;
2. appointing the Local Committees;
3. drawing up proposals for the election of the members of the Governing Board, their deputies and the directors of the branches;
4. examining and finalizing the regulations, annual reports and annual accounts, which are prepared by the Bank Committee in conjunction with the Governing Board and are subject to the approval of the Federal Council;
5. drawing up regulations regarding the transfer of shares;
6. deciding on the opening or closing of branches and agencies;
7. fixing the denominations of notes to be issued;
8. calling in the unpaid portion of the capital;
9. withdrawing notes by denominations, types and series;
10. fixing salaries in conformity with Article 62;
11. formulating the proposals put before the Shareholders' Meeting;
12. establishing the credit limits of customers if the amounts exceed, according to the regulations, the powers of the Bank Committee and the Governing Board;
13. approving the purchase or sale of real estate as well as approving credits for building projects and operating investments if the project exceeds, according to the regulations, the powers of the Bank Committee and the Governing Board.

² ...(abrogated).

業及商業中心，應於理事會有其代表。

第四十二條

- ¹ 理事會成員依下列方式產生：首先由聯邦委員會指派主席及副主席；其次由股東會選出理事十五人，並將該決定通知聯邦委員會；最後由聯邦委員會指派其餘之二十三名理事，其中聯邦議會議員不得逾五人，州政府官員亦不得逾五人。
- ² 理事會理事毋須繳存股票供擔保。

第四十三條

- ¹ 除本行業務發展之決策及經營之一般監督外，理事會處理下列事務：
 1. 選派常務理事會成員八人。
 2. 指派各地方委員會委員。
 3. 提出執行委員會委員、副委員及各分行經理之建議人選。
 4. 審查及完成由常務理事會與執行委員會共同提出並應呈報聯邦委員會核准之規章、年度報告及年度決算。
 5. 擬定有關股票轉讓之規定。
 6. 決定分行及辦事處之設立或裁撤。
 7. 訂定發行鈔券之面額。
 8. 收回資本總額中未付部份。
 9. 依面額、種類及序列回收鈔券。
 10. 依第六十二條規定核定薪資。
 11. 說明提出於股東會之建議案。
 12. 於常務理事會及執行委員會權限範圍之外，訂定客戶信用額度。
 13. 核准超過理事會及執行委員會權限範圍以外之不動產買賣及建築計畫與投資之信用。
- ² (廢止)

³ The Bank Council shall pass its decisions by a majority of votes; in case of a tie, the President's vote shall count double.

Art. 44

¹ Minutes shall be kept of the proceedings of the Bank Council; upon approval they shall be signed by the President and the recorder of the minutes.

² The Bank Council shall appoint the recorder of the minutes.

Art. 45

All directives and documents issued by the Bank Council shall bear the signatures of the President of the Bank Council and of one member of the Governing Board.

Art. 46

¹ The members of the Bank Council may resign at any time; however, the Bank Council shall be notified of such intention three months in advance.

² When members elected by the Shareholders' Meeting are to be replaced, such action shall be taken at the next ordinary Shareholders' Meeting. However, if the number of members elected by the Shareholders' Meeting has been reduced to twelve, an extraordinary Shareholders' Meeting shall be called to elect replacements.

³ When members appointed by the Federal Council are to be replaced, the Federal Council shall appoint the replacements as soon as possible.

⁴ The replacements shall serve for the remainder of the current term.

⁵ The members of the Bank Council shall be eligible for re-election.

Art. 47

¹ The Bank Council shall meet at least once in every calendar quarter; it may also be convened to extraordinary sessions by the President or upon the demand of ten members.

² For a quorum the presence of a majority of the members of the Bank Council shall be required.

³ If the members cannot be assembled in a number sufficient for a quorum, the President shall be authorized to call in members of the Local Committees as

- ³ 理事會之決議應以多數決方式為之；正反票數相同時，主席之投票以兩票計。

第四十四條

- ¹ 議事錄應記載理事會議進行情形；經核可後，由主席及紀錄簽署。
- ² 理事會應指派議事錄紀錄。

第四十五條

理事會所發布之指令及文件應有主席及執行委員會委員一人簽署。

第四十六條

- ¹ 理事會理事得隨時辭職，但應於三個月前通知理事會。
- ² 由股東會選出之理事，其更替應於次屆股東常會中為之。但股東會所選出之理事減至十二人時，應召集股東臨時會選任遞補人員。
- ³ 聯邦委員會所指派之理事應更替時，該會應儘速指派遞補人員。
- ⁴ 遞補理事之任期至被遞補者任期終了為止。
- ⁵ 理事會理事得連選連任。

第四十七條

- ¹ 理事會應至少於每季開會一次，並得依主席或理事十人之請求召開臨時會。
- ² 理事會之召開應有理事過半數之出席，始足法定人數。
- ³ 出席理事不足法定人數時，主席得邀請地方委員會之委

substitutes. In such cases, there shall be an appropriate rotation of the persons serving as substitutes.

c. The Bank Committee

Art. 48

¹ A Bank Committee appointed for a term of four years shall carry out, as a body delegated by the Bank Council, the closer supervision and control of the management of the Bank.

² It shall consist of the President and the Vice-President of the Bank Council and eight other members appointed by the Bank Council. In appointing the Bank Committee care shall be taken to ensure that the various parts of the country are represented; as a rule, a canton may be represented on the Bank Committee by only one member, but in exceptional cases by two.

³ The Bank Committee shall meet when necessary, but as a rule once a month. For a quorum the presence of a majority of its members shall be required. In case of a tie, the President's vote shall count double.

⁴ If a matter of business is either particularly urgent or not important enough to justify convoking a meeting, the President may call for a decision in writing. Such decisions shall be submitted to the next meeting for discussion and recorded in the minutes.

Art. 49

¹ The Bank Committee shall discuss in advance all matters to be dealt with by the Bank Council. The Committee shall participate in an advisory capacity in the fixing of the official discount and lombard rates.

² It shall decide on all matters which this law does not assign to any other of the Bank's organs.

³ Credit limits, the purchase or sale of real estate, building projects, operating investments and administrative expenditure shall require the approval of the Bank Committee if the amounts lie within its competence according to the regulations.

⁴ The Bank Committee shall make proposals to the Bank Council, for submission to the Federal Council, regarding the appointment of the members of the Governing Board, their deputies and the directors of the branches.

⁵ After consultation with the Governing Board, the Bank Committee shall appoint the directors of the head offices, the deputy directors, the assistant

員代為出席。惟代為出席者應採輪流制。

c. 常務理事會

第四十八條

- ¹ 常務理事會成員任期為四年，為理事會委託之團體，應嚴密監管本行業務。
- ² 常務理事會由理事會主席、副主席及理事會指派之其他理事八人組成。指派常務理事會成員時，應注意使其具備全國各地之代表性。原則上，每邦於常務理事會有常務理事一人代表，但於例外情形得有二人代表。
- ³ 常務理事會於必要時得隨時開會，原則上每月一次。常務理事過半數之出席，始足法定人數。正反票數相同時，理事會主席之投票以兩票計。
- ⁴ 遇特別緊急或其重要性不足以作為召開會議之理由時，理事會主席得要求以書面議決。惟該決議應提出下次會議討論並載明於議事錄。

第四十九條

- ¹ 須由理事會處理之事項，應先經常務理事會討論。常務理事就官方貼現率及質押放款利率之訂定應列席備詢。
- ² 本法未分由本行其他機關決定之事務，由常務理事會決定之。
- ³ 信用額度、不動產買賣、建築計劃、投資操作及行政開支之金額，依規定在常務理事會權限範圍內者，應經其核可。
- ⁴ 常務理事會應向理事會建議執行委員會委員、副委員及各分行經理之人選，憑以轉報聯邦委員會。

directors, the senior officers, the authorized officers and authorized signatories of the Bank. It shall fix their salaries.

d. The Local Committees

Art. 50

¹ Each of the head offices and branches shall have a Local Committee attached to it consisting of three members whom the Bank Council shall appoint, preferably from among the business circles of the region, for a term of four years.

^{1^{bis}} The Local Committees shall participate in an advisory capacity in establishing credit limits and shall periodically examine the discounted bills and advances of the head office or branch concerned. They shall discuss with the management the economic situation and the consequences of central bank policy for the region.

² The Local Committees attached to the branches shall be consulted with regard to the appointment of the director and the officers of the branch concerned.

³ The Bank Committee shall designate the chairman and his deputy from among the members or the Local Committee.

⁴ The Local Committee shall meet when necessary; the presence of two members shall constitute a quorum.

e. The Auditing Committee

Art. 51

¹ Each year the ordinary Shareholders' Meeting shall elect the Auditing Committee, consisting of three members and three substitutes. Persons who are not shareholders shall be eligible.

² The Auditing Committee shall audit the annual accounts and balance sheet and submit to the Shareholders' Meeting a written report on its findings. The Federal Council shall be informed of this report.

³ The Auditing Committee shall be entitled to examine at any time all aspects of the Bank's business.

f. The Governing Board

Art. 52

¹ The Governing Board shall be the highest management and executive body.

- 5 常務理事會應於洽商執行委員會之後，指派總行各單位主管、副主管、助理主管、高級行員、委任行員及委任簽署員，並核定其薪俸。

d.地方委員會

第五十條

- 1 各總行及分行均應設置地方委員會，由理事會優先自當地企業界人士指派三人為委員組成，任期四年。
- 1-2 地方委員會應以顧問身分參與訂定信用額度，及定期檢查總行或分行之貼現票據及墊款業務，並應與經營部門商洽經濟情勢及中央銀行政策對該地之影響。
- 2 分行經理及行員之指派，應洽商各該地方委員會。
- 3 常務理事會應自地方委員會委員中指派主席及副主席。
- 4 地方委員會於必要時得隨時召開，並應有委員二人之出席。

e.稽核委員會

第五十一條

- 1 稽核委員會置委員及候補委員各三人，於每年股東常會中選出。不具股東身分者應屬適格。
- 2 稽核委員會應查核年度決算及資產負債表，並向股東會提出書面查核報告。該查核報告應陳報聯邦委員會。
- 3 稽核委員會得隨時檢查本行各項業務。

f.執行委員會

第五十二條

- 1 執行委員會為最高之經營與執行單位，依第四十三條及第四十九條規定，應依據規章達成本行之功能與目標，

Subject to the provisions of Articles 43 and 49, it shall, in conformity with the regulations, be responsible for the fulfilment of the functions and aims of the National Bank. It shall, in particular, fix the official discount and lombard rates, the minimum reserves, the total amount of public issues to be authorized as well as issue the implementing regulations for curbing the inflow of funds from abroad.

² It shall appoint the officials and employees of the head offices, in so far as they are not to be appointed by the Federal Council or the Bank Committee, and shall approve the appointments in the branches.

³ It shall submit proposals to the Bank Committee for the appointment of the deputies of the members of the Governing Board, the directors of the branches as well as the officials to be elected by the Bank Committee.

⁴ The Governing Board shall represent the National Bank in its external relations. It shall be the authority to which the officials and employees of the head offices as well as the local managements shall be directly responsible.

Art. 53

¹ The Governing Board shall consist of three members, to whom deputies and directors of the head offices shall be assigned.

² The members of the Governing Board and their deputies shall be appointed by the Federal Council for a term of six years upon recommendation of the Bank Council.

³ The Federal Council shall elect the Chairman and the Vice-Chairman from among the members of the Governing Board.

⁴ The operations shall be divided among the three departments (Art. 4, para. 3). The departments in Zurich shall be in charge of discounting and foreign exchange transactions, advances against collateral, giro operations, economic studies, legal and personnel services, and control. The department in Berne shall direct the issue of bank notes, administer the gold holdings and the cash reserves and shall conduct all business with the Federal Administration, the Federal Railways and the PTT.

⁵ The directors shall manage their divisions in accordance with the decisions and directives of the Governing Board.

g. The local managements

Art. 54

¹ Each branch shall be headed by a director, who shall be appointed by the Federal Council for a term of six years upon recommendation of the Bank

並決定官方貼現率、質押放款利率、最低準備金、授權公開發行鈔券之總額及發布有關遏止國外資金流入之執行規定。

- ² 執行委員會應指派總行中非由聯邦委員會及常務理事會所派任之行員及僱員，並審核分行之派任案。
- ³ 執行委員會應就該會副委員、各分行經理及應由常務理事會所派任行員之指派作成建議，並提交常務理事會。
- ⁴ 執行委員會對外代表本行。總行之行員、僱員及分行經理等人員應直接對其負責。

第五十三條

- ¹ 執行委員會由委員三人組成，副理事及總行各部門主管並隸屬其下。
- ² 執行委員會之委員及副委員，由理事會提名、聯邦委員會派任命之，其任期為六年。
- ³ 聯邦委員會應自執行委員會中選出該委員會主席及副主席。
- ⁴ 本行業務分由三部門職掌〔見第三條第3項〕。位於蘇黎世之兩部門主管貼放與外匯交易、質押墊款、轉帳業務、經濟研究、法律與人事服務及管考事項。位於伯恩之部門主管鈔券之發行、黃金庫存及現金準備之管理，以及處理與聯邦政府、聯邦鐵路公司及郵政電話電報公司（PTT）間之業務。
- ⁵ 各部門主管應遵照執行委員會之決定及指令管理所轄部門。

g.地方經理人員

第五十四條

- ¹ 各分行應由經理一人主管。其係由理事會提名及聯邦委

Council.

² The director shall be responsible for the management and the conduct of the branch's business in accordance with the directives of the Governing Board and the regulations.

³ He shall appoint the officials and employees of the branch who are not elected by the Bank Committee. All such appointments shall be submitted to the Governing Board for approval.

⁴ All officials and employees of the branch shall report directly to the director.

2. General provisions

Art. 55

The members of the Bank authorities as well as all officials and employees of the Bank must be Swiss citizens resident in Switzerland.

Art. 56

The members of the Governing Board, their deputies, the directors of the head offices and branches as well as the deputy directors shall not be members of the Federal Assembly, a cantonal government or the Bank Council.

Art. 57

¹ The joint signatures of two persons with authority to sign shall constitute a valid signature on behalf of the National Bank.

² The Bank Committee may issue deviating regulations for current operations.

Art. 58

The members of the Bank authorities as well as the officials and employees of the National Bank shall be bound to strict secrecy regarding the Bank's business relations with third parties and with respect to matters and arrangements relating to the Bank which, by their nature or in accordance with special provisions, are to be treated confidentially. The secrecy requirement shall remain in force even after a person has ceased to be a member of a Bank authority or to be employed by the Bank.

Art. 59

The members of the Bank authorities as well as the officials and employees of the National Bank shall be subject to federal legislation concerning the responsibility under civil penal law of the federal authorities and officials.

- 員會派任，任期為六年。
- ² 經理應依據執行委員會指令及有關規章經營及管理分行業務。
 - ³ 分行之非屬理事會選任之行員及僱員由經理派任之。惟應報經執行委員會之核准。
 - ⁴ 分行行員及僱員應直接向經理報告。

第二節 一般規定

第五十五條

本行行員及聘雇人員均應為居住於瑞士之瑞士公民。

第五十六條

執行委員會委員、副委員、總行及各分行之正、副主管均不得由聯邦議會、州政府或理事會之成員擔任之。

第五十七條

- ¹ 有權者二人之共同簽章，即屬代表本行之有效簽章。
- ² 理事會得因應現行業務發布權宜性規章。

第五十八條

本行各級行員及聘雇人員就該行與第三人有關之業務及依其性質或特別規定應列為機密之該行事務及措施，應嚴格保密。該保密規定於前述各級人員停職後仍適用之。

第五十九條

本行各級行員及聘雇人員適用聯邦法律有關公務員民刑事責任之規定。

Art. 60

The members of the Bank authorities as well as the officials and employees of the National Bank may, by a decision of the organ or the authority by which they were elected or appointed, be dismissed upon the reasons for such dismissal being stated.

Art. 61

The powers of the Bank authorities and the relations between them, minimum and maximum salaries as well as the conduct of business shall be laid down in regulations issued by the Bank Council, subject to the approval of the Federal Council.

Art. 62

¹ Within the limits set by the regulations the salaries of the members of the Governing Board, their deputies and the directors of the branches shall be fixed by the Bank Council, those of the remaining officials and employees by the electing authority.

² The payment of shares of proceeds shall be prohibited.

VI. Participation and supervision of the confederation

Art. 63

The constitutional participation and supervision of the Confederation shall be carried out::

1. by the Federal Assembly: by approving an increase in capital (Art. 6, para. 1);
2. by the Federal Council:
 - a. by appointing representatives to the Bank authorities (Arts. 40-42);
 - b. by appointing the members of the Governing Board, their deputies and the directors of the branches (Arts. 53 and 54);
 - c. by passing decision in case of dissent between a canton and the National Bank regarding the establishment of a branch or agency (Art. 4, para. 2);
 - d. ...1)
 - e. ...1)
 - f. ... 1)

第六十條

本行各級行員及聘雇人員得由所屬或所任派單位，以符合有關規定為由解除其職務。

第六十一條

本行各部門之權責與分工、薪給限額及業務經營應由理事會頒定規章，並陳報聯邦審議會之核准。

第六十二條

- ¹ 執行委員會委員、副委員及分行經理之薪資由理事會於法規所定範圍內定之。其餘人員由其選任機關定之。
- ² 前項人員之薪資所得不得以股份支付。

第六章 聯邦政府之參與及監督

第六十三條

聯邦依據憲法執行下列各項參與及監督權：

- ¹ 由聯邦議會執行者：增資案之審核〔見第六條第1項〕。
- ² 由聯邦委員會執行者：
 - a. 本行各業管單位代表之指派〔見第四十條至第四十二條〕。
 - b. 執行委員會委員、副委員及分行經理之指派〔見第五十三條及第五十四條〕。
 - c. 邦與本行間就設立分行或辦事處所生爭議之裁決〔見第四條第2項〕。
 - d. (廢止)
 - e. (廢止)
 - f. (廢止)

- g. by deciding on the final allocation of net profits to the cantons (Art. 27, para. 3);
- h. by approving the regulations issued by the Bank Council (Art. 61);
- i. by approving the annual report and the annual accounts (Art. 25);
- k. by submitting reports to the Federal Assembly;
- l. by exercising the powers conferred on it according to Article 2, paragraph 2 with respect to economic and monetary policy measures of major importance.

1) rescinded

VII. Penal provisions

Art. 64 and Art. 65 rescinded

Art. 65a

1. Anyone who in contravention of the provisions issued by the Federal Council or the National Bank on the basis of this law:
 - a. issues publicly, without authorization, domestic treasury bills or debt certificates of any kind as well as shares, bonus shares or other similar paper,
 - b. pays interest to non-residents on their deposits denominated in Swiss francs or does not levy the commissions on such deposits or does not deliver them,
 - c. concludes with non-residents unauthorized forward foreign exchange or securities transactions,
 - d. borrows funds abroad without authorization,
 - e. does not balance foreign currency positions,
 - f. imports more than the authorized amount of foreign bank notes, shall be punishable by imprisonment for a period not exceeding six months or by a fine not exceeding 200,000 Swiss francs.
2. If the act has been committed by negligence, the penalty shall be a fine not exceeding 100,000 Swiss francs.

Art. 65b

1. Anyone who in contravention of the provisions of this law

- g. 各邦受配純益最終數額之決定〔見第二十七條第3項〕。
- h. 理事會所訂規章之審核〔見第六十一條〕。
- i. 本行之年度報告及年度帳目之查核〔見第二十五條〕。
- k. 向聯邦議會提出報告。
- l. 依第二條第2項規定，執行其有關重大經濟及貨幣政策措施之職權。

第七章 罰 則

第六十四條（廢止）

第六十五條（廢止）

第六十五條 a

- 1. 違反聯邦委員會或本行依本法所訂規章而有下列行為者，處六個月以下有期徒刑或二十萬瑞士法郎以下罰金。
 - a. 未經授權公開發行任何形式之本國國、公庫券或債權憑證，以及股票、紅利股等票券。
 - b. 對非瑞士居民之瑞士法郎存款支付利息、不計佣金或未將佣金轉繳聯邦政府。
 - c. 與非居民從事未經授權之遠期外匯或證券交易。
 - d. 未經授權擅自向國外借款。
 - e. 未調整外幣部位。
 - f. 輸入外國鈔券逾越授權數額。
- 2. 因過失而犯前項之罪者，處十萬瑞士法郎以下罰金。

第六十五條 b

- 1. 違反本法而有下列行為者，處六個月以下有期徒刑或二十萬瑞士法郎以下罰金：

- a. disregards the obligation to render reports and accounts, to supply information and to produce books of account and records or makes untrue or incomplete statements,
 - b. impedes, obstructs or makes impossible the proper accomplishment of an official inspection, particularly of an audit examination of accounts,
 - c. as a recognized auditing firm violates, when auditing or submitting the auditing report, the duties assigned to it by this law or the implementing regulations, and especially makes false statements or omits essential facts in the auditing report,
- shall be punishable by imprisonment for a period not exceeding six months or by a fine not exceeding 200,000 Swiss francs.
2. If the act has been committed by negligence, the penalty shall be a fine not exceeding 100,000 Swiss francs.
 3. In case of a violation in terms of point 1.b) prosecution according to Article 285 of the Swiss Penal Code shall remain reserved.

Art. 65c

The Federal Council may threaten detention or a fine not exceeding 200,000 Swiss francs for infringements of the implementing ordinances issued by it, unless Article 65a applies.

Art. 65d

1. Proceedings for violations according to Articles 65a-65c shall be instituted by the Federal Department of Finance, which shall also pass judgement, both in accordance with the rules of procedure of the Federal Administrative Penal Law. The second Title of the Federal Administrative Penal Law shall be applicable. If the National Bank becomes aware of such violations, it shall immediately notify the Federal Department of Finance.
2. Prosecution for infringement shall be subject to a five-year period of prescription. The period of prescription may not be extended by more than one-half through interruptions.

VIII. Duration of the privilege

Art. 66

¹The note issuing privilege shall be granted to the National Bank for periods of 20 years at a time. It shall be renewed by resolution of the Federal Assembly.

- a. 違反提出報告及帳目、提供資料、編製報表及記錄之義務，或為不實或不完全之陳述。
 - b. 妨礙官方或使其無法進行檢查，特別是關於帳目之稽查。
 - c. 經認可之會計事務所，於查帳或提出查帳報告時違反本法或相關執行規定所定之義務，特別是查帳報告中之不實陳述或其重要事實之略漏。
2. 因過失而犯前項之罪者，處十萬瑞士法郎以下罰金。
 3. 違反第一項 b 款規定者，應依瑞士刑法第二百八十五條追訴處罰。

第六十五條 c

瑞士聯邦委員會對違反其所發布執行法令之行為，除適用第六十五條 a 之規定外，得處拘役或二十萬瑞士法郎以下罰金。

第六十五條 d

1. 違反第六十五條 a 至第六十五條 c 規定者，由聯邦財政部依聯邦行政罰法所定程序進行調查及提出意見，其並適用聯邦行政罰法第二編之規定。本行知有上述違法情事時，應即通知聯邦財政部。
2. 違反前項規定之追訴權時效為五年。其因中斷而延長者，不得逾原期間之二分之一。

第八章 特權之期限

第六十六條

- ¹ 授與本行發行鈔券之特權一次為二十年。其重新授權應經聯邦議會之決議。

² If the Confederation does not wish to renew the privilege, it reserves the right, following an announcement one year in advance, to take over the National Bank with its assets and liabilities on the basis of a balance sheet drawn up by mutual agreement or, in case of a dispute, by a decision of the Federal Court. The takeover shall be governed by federal law.

³ The Confederation may take over the National Bank in the same manner if the General Meeting decides to dissolve the Bank.

Art. 67

In the absence of a resolution by the Federal Assembly pursuant to Article 66, the National Bank shall continue to be responsible for issuing bank notes for another three years. A conflicting decision to dissolve the National Bank shall be legally invalid.

Art. 68

¹ If the National Bank should be taken over by the Confederation, the paid-up capital as well as 5 per cent interest for the duration of the liquidation shall be refunded.

² The reserve fund, in so far as it does not have to be used to cover losses, shall be allocated as follows:

one-third, but not more than 10 per cent of the paid-up capital, to the shareholders;

one-half of the remaining sum to the Confederation for the new central bank, and the other half to the cantons in proportion to their population.

³ Any remaining assets shall become the property of the new central bank of the Confederation.

IX. Legal protection and enforceability

Art. 68a

¹ Administrative law appeals can be lodged with the Federal Court against decisions issued by the National Bank on the basis of Articles 16f, 16g paragraph 3, 16i and 16k of this law or of the corresponding implementing regulations.

² Final and conclusive decisions of the National Bank shall be on the same footing as court judgments enforceable by execution in terms of Article 80 of the Federal Law on Debt Collection and Bankruptcy.

- ² 前項特權經保留而未重新授予時，邦聯應於一年前為公告，並依據經雙方協議；或有爭議時，經聯邦法院裁判之資產負債表，接管本行之資產及負債。本項接管應遵守聯邦法令規定辦理。
- ³ 本行經股東會決議解散者，聯邦得依前項所定方式接管之。

第六十七條

聯邦議會未依第六十六條規定為決議者，本行應繼續發行鈔券三年。與此抵觸之解散本行決議，無效。

第六十八條

- ¹ 聯邦接管本行時，應償還該銀行之實收資本及清算期間百分之五之利息。
- ² 本行之公積金未用以彌補虧損者，應依以下方式分配：其三分之一，但不逾實收資本百分之十部分，配予股東；其餘部分之半數配予聯邦新中央銀行，另二分之一則依人口比例配予各邦。
- ³ 剩餘之資產應劃歸聯邦新中央銀行所有。

第九章 法律保障及執行

第六十八條 a

- ¹ 對本行依據第十六條 f、第十六條 g 第 3 項、第十六條 i、第十六條 k 或相關執行規定所為之決定，得向聯邦法院提起行政訴訟。
- ² 本行所為最終確定之決定與法院裁判有相同之效力，得依聯邦債務催收暨破產法第八十條規定，據以強制執行。

Art. 69

¹ The Federal Court shall hand down decisions as the court of first and last instance with respect to:

- a. all civil-law suits arising from the issuing of bank notes;
- b. suits of the Confederation, cantons and other owners of shares of the National Bank against each other or against the National Bank with respect to net profits or liquidation proceeds;
- c. disputes with respect to the balance sheet which forms the basis of the takeover of the National Bank by the Confederation.

² All other lawsuits involving the National Bank shall be settled by ordinary legal procedure.

X. Final provisions

Art. 70

With the entering into force of this law, the following are repealed:
the Federal Law of April 7, 1921 on the Swiss National Bank;
Articles 1 and 2 of the Resolution of the Federal Council of September 27, 1936 relating to monetary measures

Art. 71

The Federal Council shall decide the date on which this law is to enter into force.

Date of entry into force: July 1, 1954

第六十九條

- ¹ 聯邦法院應就下列事項為初審及終審之裁判：
 - a. 因發行鈔券所生之民事訴訟事件。
 - b. 聯邦、各邦及其他本行股東相互間，或與本行就有關純益或清算所得之訴訟。
 - c. 聯邦接管本行所據有關資產負債表之爭議。
- ² 其他有關本行之訴訟案件，依通常司法程序為之。

第十章 附 則

第七十條

一九二一年四月七日聯邦法中有關瑞士國家銀行部分及聯邦委員會一九三六年九月二十七日有關貨幣措施決議中之第一條及第二條，於本法施行後廢止之。

第七十一條

本法施行日期由聯邦委員會定之（註：自一九五四年七月一日起施行）。

六、The Whole Riksbank Act (Sweden)

瑞典國家銀行法

The Whole Riksbank Act

- Chapter 1 Objectives and management
- Chapter 2 The General Council
- Chapter 3 The Executive Board
- Chapter 4 Common provisions for the General Council and
the Executive Board
- Chapter 5 Notes and coins
- Chapter 6 Monetary policy and the payment system
- Chapter 7 Foreign exchange policy
- Chapter 8 Other duties
- Chapter 9 Administrative provisions
- Chapter 10 Budget, allocation of profit and discharge from
liability
- Chapter 11 Fees, conditional fines, etc.

瑞典國家銀行法

法務室 黃素媛 譯

- 第一章 目標及管理
- 第二章 理事會
- 第三章 執行委員會
- 第四章 理事會及執行委員會共通條款
- 第五章 鈔券及硬幣
- 第六章 貨幣政策及支付系統
- 第七章 外匯政策
- 第八章 其他職權
- 第九章 管理條款
- 第十章 預算、盈餘分配及債務履行
- 第十一章 費用及罰金等

The Whole Riksbank Act

Amendment effected on 1 July, 2003

Chapter 1 Objectives and management

Art. 1. The Riksbank (the Swedish Central Bank), which pursuant to Chapter 9, Article 12 of the Constitution Act is the country's central bank and an authority under the Riksdag, may only conduct, or participate in, such activities for which it has been authorised in accordance with Swedish law.

Art. 2. Pursuant to Chapter 9, Article 12 of the Instrument of Government, the Riksbank is responsible for monetary policy. The Riksbank may issue regulations within this area of responsibility.

The objective of the Riksbank's operations shall be to maintain price stability.

The Riksbank shall also promote a safe and efficient payment mechanism.

Art. 3. Pursuant to Chapter 9, Article 12 of the Constitution Act, the Riksbank has a General Council made up of eleven members, appointed by the Riksdag.

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

Art. 4. Pursuant to Chapter 9, Article 12 of the Constitution Act, the operations of the Riksbank are managed by an Executive Board, consisting of six members, who are appointed by the General Council for a period of 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.

When required, the General Council shall determine in which mutual order, the

瑞典國家銀行法

2003年7月1日修正施行

第一章 目標及管理

第一條

國家銀行（瑞典中央銀行），依據政府憲章第九章第十二條規定，為瑞典之中央銀行（以下簡稱本行），隸屬於國會，以瑞典法律授權範圍為限，得執行或參與各項業務。

第二條

依據政府憲章第九章第十二條規定，本行掌理貨幣政策。本行於掌理事項範圍內得發布應遵行事項之辦法。本行經營目標在維持物價之穩定。本行並應促進支付系統之安全與效率。

第三條

依據政府憲章第九章第十二條規定，本行設理事會，置理事十一人，由國會任命之。理事會置主席及副主席各一人，由理事互推之。

第四條

依據政府憲章第九章第十二條規定，本行業務由執行委員會掌理之，執行委員會置委員六人，由理事會任命之，任期六年。理事會任命執行委員會主席，同時為本行總裁；並任命不少於一人之副主席，為本行之副總裁。於必要時，理事會應決定總裁不能行使職權時，副總裁代

Deputy Governors shall serve in the place of the Governor, when the latter is indisposed.

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 a matter 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 Government 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 for the appointment as 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 any employment or assignment which can come into conflict with the provisions of the first paragraph, the Riksdag shall, at the suggestion of the Parliament's Standing Committee on Finance release the member from the appointment as member of the General Council. Any employment or assignment taken up by a member shall be reported to the Riksdag.

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 appointment follows from Chapter 9, Article 12, of the Instrument of Government.

An appeal against a decision on removal from the assignment shall be made within two months of service of the decision. The Governor of the Riksbank

理總裁之先後順序。

第五條

非由理事會決議之事項，應由執行委員會決定之。執行委員會得決議應由總裁或本行其他人員決定之事項。

第二章 理事會

第一條

下列人員不得充任理事：

1. 內閣閣員，
2. 本行執行委員會委員，
3. 受金融監理局監督之銀行或其他任何公司董事或候補董事，或
4. 擔任其他使其不適任理事之職務者。

理事不得為未成年人、受破產宣告之人、受禁治產宣告之人或具有父母監護人及兒童法第十一章第七條所定受託人之人。

理事如違反第一項規定者，經國會財政委員會之提議，國會應解除其理事之任命資格。理事擔任任何職務，均應向國會報告。

本條納入國會法補充條款 8.7.1 之規範。

第二條

理事會免除執行委員會委員之權限，依政府憲章第九章第十二條之規定。

對於免職之決定不服者，應於決定作成後二個月內提出訴願。總裁得向歐洲法院提出訴願。其餘委員得向最高法院

may appeal at the European Court of Justice. Other members of the Executive Board may appeal at the Supreme Court.

The Supreme Court may declare a decision on removal from the employment invalid.

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 treatment of an item shall also take part in the decision. However, nobody 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 support the decision.

Art. 4. The General Council may on behalf of the Riksbank make comments on referrals within its area of responsibility.

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 Government Minister,
3. be employed at the Government Office,
4. be employed at central administration by a political party,
5. be a member or deputy of a board of directors of a bank or other company subject to supervision by the Financial Supervisory Authority, or,
6. hold any other employment or assignment which makes him unsuitable for the appointment 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.

提出訴願。

最高法院得宣告免職之決定無效。

當事人未在第二項所訂期限內提出訴願者，喪失其訴願權利。

第三條

理事會會議應作成會議紀錄。

理事會會議應有理事八人以上出席。參與案件最終處理階段之理事應參加決議，但並無至少投票贊成一案之義務。

執行委員會委員免職之決議，應有理事八人以上之同意。

第四條

理事會就所掌事項得代表本行發表意見。

第三章 執行委員會

第一條

下列人員不得充任執行委員會委員：

1. 國會議員，
2. 內閣閣員，
3. 於政府部門任職之人員，
4. 於政黨之中央管理部門任職之人員，
5. 受金融監理局監督之銀行或其他公司之董事或候補董事，或
6. 擔任其他使其不適任執行委員會委員之職務者。

執行委員會委員不得為未成年人、受破產宣告之人、受禁治產宣告之人或具有父母監護人及兒童法第十一章第七條所定受託人之人。

If a member takes any 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 not seek nor take instructions when they are 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, nobody 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 operations 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 responsibility 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 a proposal to the Riksdag or the General is made, the General Council and the Executive Board shall consult one another.

執行委員會委員接受之工作或派令牴觸第一項規定者，應立即通知理事會。

執行委員會委員於解任後一年內，未經理事會同意，不得從事第一項第 5 款及第 6 款所定之職務。

第二條

執行委員會委員執行貨幣政策任務時，不得尋求或接受任何指示。

第三條

執行委員會會議應作成會議紀錄。

執行委員會會議應有半數以上委員出席。但就緊急事項，得由業經授權之二位委員裁決。參與案件最終處理階段之委員應參加決議，但並無至少投票贊成一案之義務。

理事會主席及副主席得出席執行委員會會議並有發言權，但無提案權及表決權。

第四章 理事會及執行委員會共通條款

第一條

因本行業務所提法律修正案或其他政府措施之問題，理事會及執行委員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。

在向國會或政府提出前開建議之前，理事會及執行委員會應先諮詢對方意見。

Art. 2. Notifications issued by the General Council or the Executive Board to the Riksdag or the Government must include information detailing the members who have participated in the decision-making process and the person who submitted the facts of the matter. If a vote is not unanimous, this shall be indicated in the notification 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 payment 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 to 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 tenant ownership associations, and shares of equivalent 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 wages and pension benefits, which are paid during the period covered by assignments as member of the General Council or 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

第二條

理事會或執行委員會提出於國會或政府之通知應載明參與決策過程之成員及提出相關事實之人之詳細資料。非全體一致通過之表決，應於通知中載明，或於會議紀錄之摘要附件中指明。

第三條

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，應諮詢該局意見，並提供必要之資料。

第四條

理事會主席、副主席及執行委員會委員應將下列事項以書面通知國會：

1. 持有金融證券交易法第一章第一條規定之金融證券。
2. 持有合夥或公司及相同之外國法人團體之出資，但租賃公司除外。
3. 所得稅法第二章第十四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理事或執行委員會委員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，如總市價未超過500,000克朗者，毋庸通知國會；第五款有關信用及其他債務總額低於500,000克朗者，亦同。

第一項之通知，應於開始任職時提出。如依據第二項規定有關財產、協議、信用及其他債務事項於當時尚毋須通知者，應於達到第二項所訂門檻時之四週內提出通知。

下列異動情形應為通知：

four weeks of the threshold stipulated in the second paragraph being exceeded.

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 at the latest 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 on behalf of 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 at a location which is occupied by an alien nation.

Chapter 5 Notes and coins

Art. 1. Pursuant to Chapter 9, Article 13, of the Constitution Act, 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.

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

1. 取得第一項第一款所列財產。
 2. 依第一項第二款至第四款所列財產及協議或依第一項第五款所列信用及其他債務事項，在前次提出報告後，其總價值異動超過 100,000 克朗者（但以異動後總價值或數額不低於 500,000 克朗者為限）。
 3. 已通知之信用及其他債務情形發生情事變遷者。
- 第四項所列有關異動之通知，應至遲於異動發生後四週內提出。

第五條

有關理事會理事及代理理事報酬之規定，係涵括在代表國會及其相關機構工作酬勞法中。

執行委員會委員之薪資及工作津貼由理事會訂定之。

第六條

理事會及執行委員會不得於外國所管領之地點開會。

第五章 鈔券及硬幣

第一條

依據政府憲章第九章第十三條規定，本行享有獨家發行鈔券及硬幣之權限。本行發行鈔券及硬幣之規格圖案由理事會決定之。

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，每一克朗為一百歐耳。

第二條

鈔券發行之面額得分為二十、五十、一百、五百及一千克朗。

Coins may be issued in denominations of fifty öre, one krona, 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 supply of Sweden's banknotes and coins.

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.

Chapter 6 Monetary policy and the payment system

Art. 1. Banking institutions, as defined within this Act, are commercial banks, savings banks, co-operative banks, and foreign banking companies which pursuant to Chapter 1, article 4 or 5 of the Banking Business Act (1987:617) conduct banking operations from branches registered in Sweden.

Financial institutions, as defined within this Act, are banking institutions, credit market companies, securities institutions, the First - Fourth National Swedish Pension Funds according to the National Swedish Pension Fund Act (2000:192), the Sixth National Swedish Pension Fund (2000:193), insurance companies with Swedish concessions, rural and urban mortgage institutions, Swedish Ships' Mortgage Bank and foreign companies which, pursuant to Chapter Art. 2. articles 8, 9 and 10, of the Act on Financing Operations (1992:1610), conduct operations 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.

硬幣發行之面額得分為五十歐耳、一克朗、五克朗及十克朗。

紀念幣得以其他面額發行之。

第三條

本行掌理瑞典鈔券及硬幣之供應。

第四條

鈔券及硬幣毀損者，得由本行收回。本行得對完全毀損之鈔券給予補償。

本行於特殊情況，得回收已不具法償效力之鈔券及硬幣。

第六章 貨幣政策及支付系統

第一條

本法所稱銀行機構，係指商業銀行、儲蓄銀行及合作金庫，及依銀行業法第一章第四條或第五條在瑞典登記經營銀行業務之外國銀行分行。

本法所稱金融機構，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一至第四瑞典國民退休基金、第六瑞典國民退休基金、經特許之保險公司、農村暨都市抵押貸款機構、瑞典船舶抵押貸款銀行及依金融業務法第二章第八條、第九條及第十條在瑞典登記經營業務之外國銀行分行。

第二條

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。

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 hand over a written report on monetary policy to the Parliament's Standing Committee on Finance at least twice a year on monetary policy.

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 loans,
2. purchase, sell and act as an intermediary in the trading of securities and rights and obligations connected with 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.

For foreign financial institutions that are entitled to conduct operations from branches registered in Sweden, the minimum reserve requirement is estimated 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.

第三條

本行於作成重大貨幣政策決定前，應知會政府任命之閣員。

第四條

本行應每年至少二次向國會財政委員會提出貨幣政策書面報告。

本行應持續公布外匯及信用狀況之統計資料。

第五條

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接受貸款。
2. 從事債券及與該等資產有關之權利義務之自營及經紀業務。
3. 發行本行債券。

前項第一款借貸所適用之利息條件應公告之。

第六條

為執行貨幣政策，本行得訂定金融機構最低應提準備金。最低準備金規定係指依本行所定方式計算出之金融機構各項投資或負債，其中一定比率（不得超過十五％）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。本行對該等存款得支付或不支付利息。在本行所定之範圍內，各金融機構之現金準備應等於該等資金。經登記許可在本國執行業務之外國銀行分行，其最低應提準備金係依該分行之投資或負債為計算基礎。

第七條

本行得建置支付清算系統並參與其他方式之清算。

In order to promote the function of the payments system, the Riksbank may grant participants in the system intraday credit. 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 end of supporting liquidity, grant credits or provide guarantees on special terms to banking institutions and Swedish companies that are under the supervision of the Financial Supervisory Authority.

Art. 9. Upon the request of the Riksbank, a credit institution or other company supervised by 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. supervise the stability of the payment system.

The performer of a currency transaction with a foreign counterpart, whether this was on behalf of another party or on own account, and the holder of assets and liabilities with a foreign connection, have 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 foundation for the Riksbank's balance of payments statistics and statistics on Sweden's external investment position.

Regulations concerning the reporting obligation under the first and second paragraphs may be issued by the Riksbank. Failure to comply with such an obligation entitles the Riksbank to impose a penalty.

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 implementing its foreign exchange policy, it is contingent upon the Riksbank to hold assets in foreign currencies, foreign receivables and gold.

為提升支付系統功能，本行得對參加單位辦理日間融通。上開融通應有合格擔保品。但政府毋庸提供擔保。

第八條

本行基於維持流動性之目的，於特殊情況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。

第九條

為下列目的，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。

基於本行國際收支統計及瑞典對外投資狀況統計之需要，與外國進行交易之貨幣交易執行者，無論係代表他方或己方，以及涉外交易之資產負債所有人，就有關交易事項，有義務向本行提供資訊及相關文件。

有關第一項及第二項報告義務之規定由本行訂之。違反義務者，並可處以罰金。

第七章 外匯政策

第一條

本行應採用政府所決定之匯率制度。

第二條

本行為執行外匯政策，得視情形持有外國通貨、外國應收帳款及黃金等資產。

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

1. purchase, sell and act as an intermediary in the trading of foreign currencies, foreign Government securities, other liquid currency debt instruments and gold as well as rights and commitments connected with such assets,
2. issue its own debt instruments denominated in foreign currencies for the purposes referred to in the second paragraph of article 1 of the Act on State Borrowing Act (1988:1387).

Art. 4. In pursuance of its foreign exchange policy the Riksbank may obtain foreign credit and credit in foreign currencies, extend credit to other central banks, extend credit within the frame of operations of the Bank for International Settlements and extend 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, extend credit to other international financial bodies of which Sweden is a member and reach agreements with non-central-bank parties concerning the 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 two and three, in funding within the framework of the International Monetary Fund's operations. However, no authorization is necessary if the funding is for foreign exchange policy purposes or if there are special circumstances.

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 those obligations resulting from Sweden's participation in this system.

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

第三條

本行為執行外匯政策，得辦理下列業務：

1. 從事外國通貨、外國政府證券、其他流動性外幣債券、黃金及與該等資產有關之權利義務之自營及經紀業務；
2. 依政府借貸法第一條第二項所訂目的，發行以外國通貨計價之本行債券。

第四條

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，本行得以自有資金捐助國際貨幣基金。

經國會授權，除第二條及第三條所訂方式外，本行得提供資金予國際貨幣基金營運體系。惟前開資金之提供如係為外匯政策目的或為特殊情事，則毋庸經過授權。

第五條

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。本行並應履行瑞典因加入該體系而發生之義務。

第六條

本行得擔任瑞典為會員之國際金融組織之聯絡機關。

Art. 7. The Riksbank may, with or without interest compensation, receive deposits of currencies or gold from other sovereign states, intergovernmental bodies and Swedish and foreign banks. The Riksbank may make such deposits with Swedish and foreign banks.

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

Art. 8. Upon request, the Riksbank shall provide tax authorities with information held by the Riksbank which relates to payments to or from another country, if required for the authorities' control of taxes and fees. With respect to information required for taxation purposes, the stipulations contained in Chapter 3, article 16, of the Taxation Act (1990:324) shall apply instead.

Upon request, the Riksbank shall provide customs authorities with information held by the Riksbank which relates to payments for the import or export of goods.

In exceptional circumstances, the Riksbank may refrain from providing information in accordance with the first and second paragraphs.

Chapter 8 Other duties

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

The Riksbank may accept deposits from the Government.

The Riksbank shall not extend credit to or purchase debt instruments directly from the Government, other public bodies or institutions of the European Union.

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

Art. 2. Within the framework of the Riksbank's duties as a central bank, the Riksbank may purchase equity, shares in co-operative societies and similar

第七條

本行得收受外國、國際性機構、本國及外國銀行之貨幣或黃金存款，對該存款得支付或不支付利息，本行亦得存款於本國或外國銀行。

本行得簽訂有關前項存款權利義務之協定。

第八條

為利於稅務及費用之控管，本行應依稅務機關之要求，提供本行持有對於他國收付款資料。另有關課稅目的資料之提供，應優先適用租稅法第三章第十六條之規定。

應海關之要求，本行應提供所持有關於貨物進出口之付款資料。

本行在特殊情況下得不提供第一項及第二項所示資料。

第八章 其他職權

第一條

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。

但本行得依據第六章第七條第二項規定，給予政府日間融通。另本行亦得依據本法其他規定，對政府所經營之金融機構或其他相同公共團體授信或購買債券。

第二條

本行在中央銀行職權範圍內，得購買股票、合作社股金及

rights and assume the obligations connected with such rights.

Art. 3. The Riksbank, itself or through a company owned by the Riksbank, may 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 properties and equipment intended for operations conducted by the Riksbank or in which it takes part.

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 a date at which this may occur without incurring a loss.

Art. 5. The Riksbank may conduct services, against payment, connected with its operations 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.

Chapter 9 Administrative provisions

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

The Riksbank may also conduct operations at branch offices and banknote depots, in that number and at those locations determined by the Riksbank.

Art. 2. The Head Office shall contain an Audit Unit and other units decided by the Riksbank.

Operations of the Audit Unit are managed by the General Council.

The distribution of business between different departments shall be contained in a working order as referred to in article 4.

類似權利，並負擔與該等權利有關之義務。

第三條

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。

第四條

本行為經營或參與業務之需要，得取得財產與設備。
本行為保全債權，得取得各類財產。該等財產並應在適當時機且尚未發生損失前儘速處分。

第五條

本行得提供與中央銀行業務有關之服務，並酌收費用。

第六條

本行得於個案審查之後，同意債權之沖銷、削減或免除。

第九章 管理條款

第一條

本行之總行、理事會及執行委員會均設在斯德哥爾摩，並在當地執行業務。
本行得在分行及鈔券兌換所營業，其數目及地點由本行決定之。

第二條

總行應包括審計單位及其他本行決定之單位。
審計單位之業務由理事會管理之。
各單位間業務之分工於第四條有關工作規則中定之。

Art. 2a. The operations of Audit Unit shall concern independent examination of the Riksbank's internal governance and control and how the Riksbank meets its financial accounting obligations. The audit shall follow generally accepted principles for internal auditing.

The Riksbank shall adopt an audit plan for its operations following consultation with the Swedish National Audit Office.

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

Art. 4. The General Council decides the working order for the Riksbank.

The Riksbank also 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 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. This, however, does not 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 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 a position on account of personal circumstances, though not from probationary appointments,
2. disciplinary measures,
3. notification of prosecution,

第二 a 條

審計單位應就本行內部控管及財務會計事項為獨立之查核。審計單位對於本行內部之稽核應遵循一般公認原則。本行應接受審計部會商作成之有關本行業務之審計計畫。

第三條

依據公務部門就業法第六條第二項及第三項所定條件，本行得於特殊情況下限定僅瑞典國民得任職本行。

第四條

理事會應訂定本行之工作規則。

本行得以個案方式核定有關人事及為特定任務用人事項，但以其不受法律或國會管理總署管轄者為限。

第五條

理事會理事及因特定任務由本行任用之人員，就其持有金融證券交易法第一章第一條所訂之金融證券及其變動情形，應向本行提出書面報告。發生異動時亦同。但前開規定不適用於理事會主席、副主席及執行委員會委員。

第六條

本行應設置人事紀律委員會，由總裁擔任主席。除員工代表外，委員會其他成員由本行派任之。除執行委員會委員外，其他人員下列相關事項，應由紀律委員會決定之：

1. 非試用期間人員因個人原因之免職。
2. 紀律考核辦法。
3. 起訴之通知。

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 operations, the Riksbank must adhere to the demands made by the national defence requirements.

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

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 prior to 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 Parliamentary Standing Committee on Finance and the National Audit as well as the General Council for their attention.

Art. 3. The Riksbank is required to maintain accounting records and is to fulfil this duty in a manner that provides the information necessary for an assessment to be made of the Riksbank's operations.

Each year, prior to February 15, an Annual Report of the Riksbank's operations during the preceding accounting year shall be submitted by the Executive Board to the Riksdag, the National Audit and the General Council. The General Council shall make proposals to the Riksdag and the National Audit on the allocation of the profit of the Riksbank. The Annual Report shall consist of a Profit and Loss Account, a Balance Sheet, an Administration Report and an account of foreign exchange and monetary policies and on how the Riksbank has promoted a safe and efficient payment system.

4. 停職。

人事紀律委員會會議應有主席及其他委員半數以上出席。

第七條

本行於規劃及執行平時業務時，應符合國防上的要求。

本行為國防上之規劃，應與金融監理局諮商有關金融事務；並與國家貿易委員會諮商有關對外貿易事項。

第十章 預算、盈餘分配及債務履行

第一條

本行之資本總額為十億克朗，另保有準備基金五億克朗及一個緊急基金。

第二條

本行會計年度為曆年制。

執行委員會於每年十二月底前，應編製下年度本行行政業務預算，並送交國會財政委員會、審計部及理事會參考。

第三條

本行應保存帳冊，並提供為評估本行業務所必要之資料。

執行委員會於每年二月十五日前，應將上年度本行之業務年報送交國會、審計部及理事會。理事會應向國會及審計部提出本行盈餘分配建議。業務年報應包括損益表、資產負債表、行政報告、外匯及貨幣政策說明及本行如何促進支付系統之安全及效能。

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 operations 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.

Chapter 11 Fees, conditional fines, etc.

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

Matters concerning such special fees are determined by the Riksbank.

Art. 2. The special fee stipulated 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 provided to banking institutions in accordance with Chapter 6, article 5. In special circumstances, the fee may be reduced totally or partly.

Art. 3. Any person failing to fulfil an obligation in accordance with Chapter 6, section 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 the third paragraph of Chapter 6, article 9, however, punishment may not be exacted for actions covered by the penalty.

Minor infringements shall not be penalised.

第四條

本行之損益表及資產負債表應經國會核准。國會應議決本行盈餘之分配。如準備基金低於五億克朗，應提撥該年度盈餘百分之十以上充作準備基金，至其總額累積至五億克朗止。

國會得議決免除理事會對本行之業務責任及執行委員會對本行之管理責任。前開免除責任決議之否決，僅得於理事會或執行委員會成員就其職務有可歸責之財務責任或應受刑事追訴之情況行之。

第十一章 費用及罰金等

第一條

金融機構未履行最低準備金規定者，應支付特別費用予政府。

前項特別費用有關事項由本行定之。

第二條

依據前條規定所收取之特別費用，應依現金準備不足數額在依第六章第五條本行提供銀行機構信用貸款利率兩倍之範圍內按日計息。

情形特殊時，前項費用得酌減全部或部分。

第三條

違反第六章第九條有關提供資料之義務或提出虛偽之資料者，除已受刑法處罰者外，應處以罰金。但已依第六章第九條第三項規定處罰者，就同一行為得不再處罰。

違規情節輕微者，不罰。

Art. 4. The Riksbank shall, without prejudice from the stipulations contained in Chapter 8, article 8, and Chapter 9, article 4, of the Secrecy Act (1980:100), notify the police or the public prosecution authorities if information arises during 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. 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 (1989:186) concerning Appeals against administrative decisions made by the Riksdag Administration and by the Riksdag's bodies. Appeals against the General Council's decision to sever a member of the Executive Board from his employment is regulated in Chapter 2, article 2.

第四條

在不違反保密法第八章第八條及第九章第四條規定下，如本行之相關業務資料顯示足認已發生犯罪行為者，本行應通知警察或檢察機構。

本行於特殊情況，得不提出前項資料。

第五條

對於本行依據本法所為之決定，僅得依有關國會行政署及其相關機關行政處分訴願法所定範圍及程序，提起訴願。有關理事會對於執行委員會委員為免職決定之訴願，則依第二章第二條規定辦理。

七、NO. 214/1998 Act on the Bank
of Finland

芬 蘭 銀 行 法

NO. 214/1998
Act on the Bank of Finland

Chapter 1	General provisions
Chapter 2	Administration
Chapter 3	Annual accounts, monetary income, allocation of profits and auditing
Chapter 4	Miscellaneous provisions
Chapter 5	Entry into force

芬蘭銀行法

法務室 謝佳雯 譯

第一章 總則

第二章 行政管理

第三章 決算報表、貨幣收入、盈餘分配及稽核

第四章 附則

第五章 生效

NO. 214/1998

Act on the Bank of Finland

Amendment effected on 27 March 1998

Chapter 1 General provisions

Section 1. Status

The Bank of Finland is the central bank of Finland. It is an independent institution governed by public law.

The Bank of Finland shall act as part of the European System of Central Banks in the manner laid down in the Treaty establishing the European Community, hereinafter referred to as 'the Treaty', and the Statute of the European System of Central Banks and of the European Central Bank, hereinafter referred to as 'the Statute'.

In performing tasks of the European System of Central Banks, the Bank of Finland shall act in accordance with the guidelines and instructions of the European Central Bank.

Section 2. Objective

In accordance with the Treaty, the primary objective of the Bank of Finland shall be to maintain price stability.

Without prejudice to the objective laid down in paragraph 1, the Bank of Finland shall also support the achievement of other economic policy objectives in accordance with the Treaty.

Section 3. Tasks

The task of the Bank of Finland shall be to contribute to the execution of monetary policy as defined by the Governing Council of the European Central Bank.

The Bank of Finland shall also:

- 1) contribute to maintenance of the currency supply and issuance of bank notes;
- 2) contribute to holding and management of foreign exchange reserves;

芬蘭銀行法

1998年3月27日修正施行

第一章 總 則

第一條 定位

芬蘭銀行（以下簡稱本行）為芬蘭之中央銀行。本行為受公法規範之獨立機關。

本行為依建立歐洲共同體條約（以下簡稱條約），以及歐洲中央銀行體系及歐洲中央銀行條例（以下簡稱條例）所設歐洲中央銀行體系之一部。

為執行歐洲中央銀行體系之任務，本行應依據歐洲中央銀行之指導原則及指令辦理。

第二條 經營目標

依據條約規定，本行之首要經營目標為維持物價穩定。

在不牴觸前項所定經營目標之前提下，本行亦應支持其他依條約所定經濟政策目標之達成。

第三條 任務

本行之任務，在執行歐洲中央銀行理事會所制定之貨幣政策。

本行應同時執行下列任務：

- 1) 維護通貨之供給及鈔券之發行；
- 2) 持有及管理外匯準備；

- 3) participate in maintaining the reliability and efficiency of the payment system and overall financial system and participate their development; and
- 4) provide for the compilation and publication of statistics as necessary for carrying out its tasks.

Section 4. Independence and cooperation with other authorities

In performing tasks of the European System of Central Banks, neither the Bank of Finland nor members of its governing bodies shall seek or take instructions concerning such tasks from entities other than the European Central Bank.

The Bank of Finland shall cooperate as necessary with the Council of State and other authorities.

Section 5. Powers

In order to carry out its tasks, the Bank of Finland is empowered to:

- 1) grant and obtain credit;
- 2) accept and make deposits;
- 3) engage in trade in securities, precious metals and foreign exchange;
- 4) handle payment transactions and clearing of payments;
- 5) engage in other activities in the securities, money and foreign exchange markets; and
- 6) issue rules and instructions concerning the handling of notes and coins to banks and other monetary institutions and to other similar entities.

The Bank of Finland may own shares, other participations and real estate to the extent necessary for carrying out its tasks and organizing its activities.

Section 6. Prohibition of public financing

The Bank of Finland is not allowed to grant credit to any institution or body of the European Union or to any Member State of the European Union or its regional, local or other authorities, or to any other public entity.

Nor is the Bank of Finland allowed to subscribe to debt instruments issued by entities referred to in paragraph 1.

With the exception of credit institutions, the provisions laid down in paragraphs 1 and 2 shall apply also to companies in which a public entity referred to in paragraph 1 exercises control. Publicly owned credit institutions shall be given the same treatment as private credit institutions in the context of

- 3) 參與維護支付系統及整體金融體系之信用及效率，並參與其發展；
- 4) 編輯並出版執行其任務所需之統計資料。

第四條 獨立性與其他機關之合作

本行及其理事會成員，於執行歐洲中央銀行體系之任務時，不得尋求或接受歐洲中央銀行以外任何實體之指示。本行於必要時應與國務院及其他機關合作。

第五條 職權

本行為執行其任務，具有下列權限：

- 1) 辦理授信及受信；
- 2) 收受存款及辦理存款；
- 3) 從事證券、貴金屬及外匯之交易；
- 4) 處理支付往來及支付結算；
- 5) 辦理證券、貨幣及外匯市場之其他相關業務；
- 6) 對銀行、其他貨幣機構及其他類似組織發布有關處理券幣之規則或指令。

本行得持有為執行其任務及規劃其業務所需之股份、其他分擔額及不動產。

第六條 公共融資之禁止

本行不得授信予歐盟所屬之任何機構或團體、歐盟會員國或其地區性、地方機關或其他機關或其他公法人。

本行亦不得認購由前項各該機構團體所發行之債券。

除信用機構外，第一項及前項規定亦適用於由第一項所稱之公法人控制之公司。由中央銀行提供準備金時，公有信

the supply of reserves by central banks.

Section 7. Collateral

The Bank of Finland shall hold adequate collateral in connection with the granting of credit.

Paragraph 2 was repealed by the Act (26 November 1999/1084).

Section 8. Capital

The Bank of Finland shall have primary capital and a reserve fund.

The reserve fund can be used for increasing the primary capital or for covering losses, as prescribed in section 21.

Chapter 2 Administration

Section 9. Governing bodies

The Bank of Finland's governing bodies are the Parliamentary Supervisory Council and the Board.

Section 10. Parliamentary Supervisory Council

The Parliamentary Supervisory Council, which shall consist of nine members elected by Parliament, shall elect a chairman and a deputy chairman from among its members.

A member of the Parliamentary Supervisory Council is obliged to resign if he is appointed as a member of the Council of State or a member of the Board, or if he has undertaken an occupation that, according to a unanimous decision of the Parliamentary Supervisory Council, is incompatible with membership on the Parliamentary Supervisory Council.

Section 11. Tasks of the Parliamentary Supervisory Council

As a body supervising the administration and activities of the Bank of Finland, the Parliamentary Supervisory Council shall perform the following tasks:

- 1) confirm, upon proposal of the Board, the basic principles applied in drawing up the annual accounts of the Bank of Finland;
- 2) decide, on the basis of the auditors' report, on the confirmation of the

用機構應受與私有信用機構相同之待遇。

第七條 擔保品

本行就辦理之授信應持有適當之擔保品。

（第二項於一九九九年十一月二十六日為 1084 號法令刪除）

第八條 資本

本行應持有主要資本及準備金。

準備金係用以增加主要資本，或彌補第二十一條所定之虧損。

第二章 行政管理

第九條 管理機關

本行之管理機關為國會監督委員會及理事會。

第十條 國會監督委員會

國會監督委員會由國會選任委員九人組成，其中並應選出主席及副主席各一人。

國會監督委員會之委員，如獲任命為國務院或理事會之成員，或經國會監督委員會一致之決議其所從事之職業與本會委員之職務不相容者，應辭去其委員職位。

第十一條 國會監督委員會之任務

國會監督委員會為本行之行政及業務監督機關，其任務如下：

- 1) 依理事會建議，核定本行擬編年度報告之基本原則；
- 2) 依稽核人員之報告，決議核定本行資產負債表及損

- Bank's balance sheet and profit and loss account;
- 3) decide, upon proposal of the Board, on measures concerning the Bank's profit or loss for the financial year;
 - 4) report annually to Parliament on the Bank's activities and administration and on the main issues dealt with by the Parliamentary Supervisory Council; and
 - 5) as necessary, submit to Parliament reports on the execution of monetary policy and the other activities of the Bank of Finland.

In respect of the Bank's administration, the Parliamentary Supervisory Council shall:

- 1) make proposals to the Council of State on the filling of positions as members of the Board;
- 2) decide on the principles for determining salaries, leaves of absence and annual leaves of members of the Board as well as on the execution of their duties during leaves of absence exceeding one week;
- 3) decide on the issuance of warnings to members of the Board and settle other issues related to their service;
- 4) appoint, upon proposal of the Board, directors of the Bank of Finland;
- 5) appoint the Deputy Chairman of the Board;
- 6) confirm the Bank of Finland's Pension and Survivors' Pension Regulations and issue regulations concerning the management of the Bank's pension liability, upon proposal of the Board, and
- 7) issue, upon proposal of the Board, regulations concerning the language skills required of officials of the Bank of Finland.

In addition, the Parliamentary Supervisory Council shall:

- 1) decide on motions to be put before Parliament;
- 2) decide on proposals to be submitted to the Council of State in highly important matters of principle;
- 3) confirm the bases for fees and remunerations to be paid to auditors elected by Parliament and their secretary;
- 4) confirm, upon proposal of the Board, the Bank of Finland's rules referred to in paragraph 3 of section 15; and
- 5) order payment of compensation for appointment of an employee of the Bank for a fixed term without statutory grounds.

The Parliamentary Supervisory Council shall have the right to obtain any information necessary for carrying out its tasks laid down in this section.

益表；

- 3) 依理事會提案，決議有關本行年度損益之評估方式；
- 4) 每年向國會報告本行業務及行政事項，及由本委員會處理之主要事項；
- 5) 必要時，就本行執行貨幣政策及其他業務向國會提出報告。

關於本行之行政管理，國會監督委員會應：

- 1) 就理事會成員之任命向國務院提供建議；
- 2) 議決理事之薪資、請假、年度休假，及請假逾一週時其職務之處理原則；
- 3) 審議對理事之警示及處理其他與其服務有關之爭議；
- 4) 依理事會提案，任命芬蘭銀行之主管人員；
- 5) 任命理事會之副主席；
- 6) 依理事會提案核定芬蘭銀行之退休金及撫卹金規定，並訂定有關退撫金管理責任之規定；
- 7) 依理事會提案，訂定有關本行職員應具備語言技能之規定。

此外，國會監督委員會並應：

- 1) 決議對國會提出之建議案；
- 2) 決議對國家議會就原則性之高度重要事項所為提案；
- 3) 核定對由國會指定之稽核人員及其秘書所為付費及報酬標準；
- 4) 依理事會提案，核定芬蘭銀行依本法第十五條第三項所定之規定；
- 5) 對未依法聘雇達相當期間之人員所為賠償支付。

為執行本條規定之任務，國會監督委員會有權蒐集任何必要之資訊。

Section 12. Decisionmaking by the Parliamentary Supervisory Council

Six members of the Parliamentary Supervisory Council shall constitute a quorum. An opinion that is seconded by the majority of the Council shall be considered a decision. In the case of a tie vote, the Chairman's vote shall be decisive.

The members of the Board shall have the right to be present and to be heard at meetings of the Parliamentary Supervisory Council.

Section 13. Board

The Board shall consist of the Chairman and a maximum of five other members, as appointed by the President of the Republic without public announcement of vacancies. The Chairman of the Board is appointed for a seven-year term and the other members of the Board each for a five-year term. A member of the Board must possess the expertise required for the tasks involved.

The Chairman of the Board shall be the Governor of the Bank of Finland.

One and the same person can be appointed as a member of the Board for a maximum of three terms. However, one and the same person can be appointed Chairman of the Board for two terms even if the said person has previously been a member of the Board.

Section 14. Tasks of the Board

The Board shall be responsible for the administration of the Bank of Finland and for ensuring that all tasks assigned to the Bank are duly executed, except for statutory tasks of the Parliamentary Supervisory Council and matters that are otherwise provided for in the Act on the Financial Supervision Authority (503/1993).

The activities of the Bank shall be organized in an efficient and cost-effective manner.

The Board shall have the right to issue more detailed regulations on the tasks and powers of the Bank's units and employees.

The Governor and the other members of the Board shall be obliged to provide the Parliamentary Supervisory Council with information on a regular basis concerning the execution of monetary policy and other activities of the Bank of Finland.

Section 15. Decisionmaking by the Board

Three members of the Board shall constitute a quorum. An opinion seconded by the majority of the Board shall be considered a decision. In the case of a tie vote, the Chairman's vote shall be decisive.

The independence and the powers of the Governor of the Bank of Finland in respect to the performance of his duties in the Governing Council of the

第十二條 國會監督委員會之決策機制

國會監督委員會成員六人構成法定人數。委員會多數贊成之意見即為可決。當投票可否同數時，取決於主席。理事會成員得列席國會監督委員會之會議並提出報告。

第十三條 理事會

理事會由主席及其他成員五人以下組成之，由總統任命並同時公布。理事會主席任期七年，其他成員則為五年。理事會成員須具備與其職務有關之專業知識。

本行總裁為理事會主席。

同一理事之任命不得逾三屆。惟同一成員曾任理事會理事，亦得被任命為主席二次。

第十四條 理事會之任務

理事會對本行負管理之責，並確保賦予本行之任務適當執行。但國會監督委員會之法定任務及規定於金融監理機關法(503/1993)之事項，不在此限。

本行之業務應以有效率及符合成本效益之方式執行。

理事會得就本行各單位及職員之任務及權限訂定細部規定。總裁及理事會其他成員應定期提供本行執行貨幣政策及其他業務之資訊予國會監督委員會。

第十五條 理事會之決策機制

理事會成員三人構成法定人數。理事會多數贊成之意見即為可決。投票可否同數時，取決於主席。

本行總裁就其履行於歐洲中央銀行執行委員會職責之獨立性及職權，均依條約及條例之規定。

European Central Bank are laid down in the Treaty and the Statute.

More detailed provisions on the Board's decisionmaking procedure and related presentations may be laid down in the Bank's rules.

Section 16. Dismissal of a member of the Board

The President of the Republic may dismiss a member of the Board only if the member no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct.

A member of the Board other than the Chairman of the Board may appeal a decision referred to above in paragraph 1 to the Supreme Administrative Court as prescribed in applicable provisions of the Act on Application of Administrative Law (586/1996). The Statute provides for the right of appeal of the Chairman of the Board.

Section 17. Permit for a secondary occupation of a member of the Board

A member of the Board shall neither accept nor carry on a secondary occupation unless the Parliamentary Supervisory Council, upon application, grants him a permit to do so. Such a permit can also be granted for a fixed term or with restrictions. A permit for a secondary occupation can also be withdrawn for justifiable reasons.

When considering the granting of a permit for a secondary occupation, the Parliamentary Supervisory Council shall ensure that the secondary occupation does not disqualify the member of the Board from his position. Nor shall the secondary occupation jeopardize confidence in the member of the Board in respect of his performance of tasks of the European System of Central Banks or other tasks or otherwise impede the appropriate performance of his duties.

For the purposes of paragraphs 1 and 2 above, secondary occupation shall mean a position, paid or unpaid work, or a duty that the member of the Board is entitled to refuse, or a profession, trade or business.

Section 18. Election of auditors

Parliament shall elect five auditors and a deputy for each of them, for the purpose of auditing the Bank of Finland's annual accounts and accounting system and management.

A minimum of two of the auditors and their respective deputies must be auditors approved by the Central Chamber of Commerce or must have passed the Chartered Public Finance Auditor's examination.

The auditors shall elect a chairman from among themselves and appoint as secretary a person who is an auditor approved by the Central Chamber of Commerce.

理事會決策程序及有關出席之細部規定得由本行定之。

第十六條 理事之解任

總統僅於理事不再符合履行其職務所需條件或有重大犯罪行為時，得免除其職務。

除理事主席外，理事得就前項免職依行政法律適用法(586/1996)之相關規定向最高行政法院提出上訴。理事主席之上訴權依條例之規定。

第十七條 理事之兼職

理事除向國會監督委員會申請並經同意者外，不得接受或繼續兼任其他職務。委員會之同意得限於一定期間或附有條件，於有正當理由時並得撤銷之。

國會監督委員會為前項同意時，應確定理事之兼職不致影響其理事資格。該兼職亦不得妨害理事執行歐洲中央銀行體系之任務或其他職務，或阻礙其善盡職責。

前二項所稱兼職指職位、有給或無給之工作，或理事得拒絕之職責，或其專門職業、商業或事業。

第十八條 稽核人員之選任

國會應選任五名稽核人員及其代理人各一名，稽查本行之決算報表及其會計系統與管理。

稽核人員中至少二名及其代理人須由經中央商會認可之稽核人員，或經金融稽核人員考試及格者擔任。

稽核人員應互相推選出主席一名，並指定一名經中央商會認可之稽核人員作為秘書。

Chapter 3 Annual accounts, monetary income, allocation of profits and auditing

Section 19. Annual accounts

The Bank of Finland's financial year is the calendar year.

The Bank of Finland's annual accounts, which comprise the balance sheet, profit and loss account, notes to the financial statements and the annual report, shall be drawn up by the end of February and published by the end of April.

The annual accounts shall provide a true and fair view of the Bank of Finland's financial condition and on the composition of its profit or loss. The annual accounts are drawn up and signed by the Board of the Bank of Finland.

The Bank's balance sheet shall be published monthly during the financial year.

Section 20. Accounting

In respect of its accounting procedures, the Bank of Finland shall observe generally accepted accounting principles.

Provisions can be made in the annual accounts if necessary for safeguarding the real value of the Bank's funds or for smoothing out variations in profit or loss arising from changes in exchange rates or market values of securities.

Provisions necessary for covering the Bank's pension liability may be made in the annual accounts.

Section 21. Monetary income and allocation of profits

The monetary income accruing within the European System of Central Banks in the performance of its monetary policy function shall be calculated and allocated between the national central banks in accordance with the provisions of the Statute and the decisions made by the Governing Council of the European Central Bank.

Half of the profit, following allocation of the monetary income that has accrued within the European System of Central Banks, shall be transferred to the reserve fund. The remaining profit shall be made available for use in accordance with the needs of the state. The Parliamentary Supervisory Council may decide on use of the profit for other purposes if this is justifiable because of the Bank's financial condition or the size of the reserve fund. Parliament shall decide on the disposal of the profit made available for use in accordance with the needs of the state.

If the Bank's annual accounts show a loss, the loss must be covered out of the reserve fund. If the reserve fund is insufficient to cover part of the loss, the uncovered part of the loss may be left temporarily uncovered. Any profits in

第三章 決算報表、貨幣收入、盈餘分配及稽核

第十九條 決算報表

本行會計年度為曆年制。

本行之決算報表，包括資產負債表、損益表、財務報表之附註及年報等，應於二月底前擬訂並於四月底前刊行。

決算報表應真實及公平呈現本行之財務狀況及損益結構。

決算報表由本行理事會擬訂及簽署。

本行之資產負債表應於會計年度內每月刊行。

第二十條 會計

本行之會計程序，應遵守一般公認之會計原則。

為維持本行準備金之實際價值或抵充因匯率或證券市價變化所生之損益，於必要時得於決算報表中提列準備。

為支應本行退休金所需費用，亦得於年度結算中加以保留。

第二十一條 貨幣收入及盈餘分配

歐洲中央銀行體系執行其貨幣政策所生之貨幣收入，應依歐洲中央銀行條例及其理事會之決議計算，並分配予各國中央銀行。

前項分配收益之半數，應轉為本行準備金。其餘半數收益應依國家需要提供使用。國會監督委員會依本行之財務狀況或準備金規模，得決定將該收益用於其他適當之目的。國會應依國家需要決定收益之處理。

本行年度決算虧損時，應以準備金彌補。準備金不足彌補虧損時，不足部分得暫列遞延帳項，由以後之收益優先彌補。

subsequent years shall be used first to cover such uncovered losses.

Section 22. Auditing

The auditors elected by Parliament shall audit the Bank's accounts annually by the end of March following the close of the financial year.

The audit shall be carried out according to generally accepted auditing principles.

Auditors shall have access to all documents and information that they consider necessary for the auditing task.

The powers of auditors approved by the Council of the European Union to examine the accounting system and accounts of the Bank of Finland and to obtain information on the Bank's transactions are laid down in the Statute.

Section 23. Auditors' report

The auditors elected by Parliament shall submit a written report to the Parliamentary Supervisory Council, which shall include statements on the observance of the grounds confirmed by the Parliamentary Supervisory Council on the drawing up of annual accounts, on the confirmation of the profit and loss account and balance sheet and on the Board's proposal on measures to be taken concerning the Bank's profit or loss, as well as any comments that may affect confirmation of the profit and loss account or balance sheet.

Chapter 4 Miscellaneous provisions

Section 24. Administrative procedures and official language

In dealing with administrative matters, the Bank of Finland shall observe the Administrative Procedures Act (598/ 1982).

The provisions on the official language of a bilingual administrative district shall apply to the Bank of Finland in respect of its official language.

Section 25. Charges

The Bank of Finland shall be entitled to levy charges for services that it performs. In determining the charges to be levied for such services as part of the Bank's official activities, excluding charges for tasks of the European System of Central Banks, account shall be taken of applicable provisions in the Act on the Grounds for Charges Levied by Government and Public Institutions (150/1992).

第二十二條 稽核

由國會指定之稽核人員應於每會計年度結束後次年三月底
前，稽核本行之帳目。

稽核應依一般公認之稽核原則辦理之。

稽核人員有權調閱所有執行稽核任務所需之文件及資訊。
經歐盟委員會許可檢查芬蘭銀行會計系統及帳目並蒐集本
行交易資料之稽核人員，其權限依歐洲中央銀行條例之規
定。

第二十三條 稽核報告

由國會選出之稽核人員應向國會監督委員會提出書面報
告，其內容應包括對該委員會核定理事會擬編決算報表理
由、核定損益表及資產負債表，及理事會就本行損益擬採
措施，以及任何影響核定損益表及資產負債表之意見。

第四章 附 則

第二十四條 行政程序及官方語言

本行於處理行政事務時，應遵守行政程序法(598/1982)。
雙語行政地區官方語言之規定，於本行使用官方語言時適
用之。

第二十五條 費用

本行得就所提供之服務收取費用。決定就本行公務之一部
收費時，除執行歐洲中央銀行體系所賦予職務之費用外，
應注意政府及公共機構收取費用基本法(150/1992)相關規定
之適用。

Section 26. The right to obtain and provide information

Other provisions on the secrecy obligation notwithstanding, the Bank of Finland shall have the right to obtain from the authorities and credit and financial institutions and other financial market participants any notifications, reports and other information necessary for carrying out the Bank's statutory tasks.

Provisions on the secrecy obligation notwithstanding, the Bank of Finland shall be obliged to provide information to the authority supervising the financial markets and information other than that obtained for statistical purposes to other authorities that are entitled under the law to obtain such information. The Bank of Finland shall be entitled to provide information obtained for statistical purposes to other authorities for statistical purposes, if such authorities are entitled under the law to obtain such information.

Rights to obtain and provide information on the tasks of the European System of Central Banks are also laid down in the legislation of the European Community.

Section 27. Obligation to provide information to a Parliamentary committee

The Bank of Finland shall be obliged to provide any concerned committee of Parliament with all information that is necessary for the performance of the Committee's tasks.

Section 28. Right to obtain information for the compilation of balance of payments statistics

For the purpose of compiling balance of payments statistics, any entity shall be obliged to provide the Bank of Finland with the following information on its financial transactions, in accordance with the Bank's instructions:

- 1) payments to and from nonresident entities;
- 2) claims of a resident entity on nonresident entities, other assets located abroad and liabilities to resident entities; and
- 3) other financial transactions that change or may change the claims of a resident entity on nonresident entities or the liabilities of a resident entity to nonresident entities.

The Bank of Finland may oblige any entity to supply it with information as referred to in paragraph 1 under penalty of fine. The Bank of Finland shall decide on the imposition of such a fine.

Decisions referred to above in paragraph 2 may be appealed to the

第二十六條 蒐集及提供資訊之權利

本行得要求其他機關、信用及金融機構及其他金融市場參與者提供任何執行本行法定職務所需之通知、報告及其他資訊，不因其他保密義務之規定而受影響。

本行應提供資料於監督金融市場之主管機關，並應將其他非為統計目的而蒐集之資訊，提供其他依法得蒐集此類資料之機關，不因保密義務之規定而受影響。本行得將為統計目的而蒐集之資訊，提供其他為辦理統計依法得蒐集此類資訊之機構。

為執行歐洲中央銀行體系所賦予職務而為蒐集及提供資訊之權利，亦規定於歐洲共同體之相關規定中。

第二十七條 向國會委員會提供資訊之義務

本行應對國會有關委員會提供其執行委員會職務所需之資訊。

第二十八條 為編製國際收支統計表所為蒐集資訊之權利

為編製國際收支統計之目的，本行得要求任何團體依其指示提供下列金融交易資料：

- 1) 對非居民之收付；
- 2) 居民對非居民之債權、其他國外資產及對居民之負債；
- 3) 其他改變或可能改變居民對非居民權利或義務之金融交易。

本行得要求任何人提供前項有關之資料，否則處以罰鍰。該罰鍰由本行裁決之。

前項處分得依行政法律適用法(586/1996)向最高行政法院提

Supreme Administrative Court as prescribed in the Act on Application of Administrative Law (586/1996). A decision that has been appealed may be enforced despite the appeal, unless the appeal authority orders otherwise.

Section 29. Right of action and place of jurisdiction

The Board shall exercise the right of action of the Bank of Finland before the Court of Justice of the European Communities and other courts as well as other authorities and corporate entities.

In civil cases, the Bank of Finland shall act as defendant at the Helsinki District Court.

Section 30 was repealed by the Act (17 November 2000/962)

Chapter 5 Entry into force

Section 31. Entry into force and transitional provisions

This Act shall enter into force at the date when Finland enters the single currency area in accordance with Article 109l of the Treaty. The Act shall repeal the Act on the Bank of Finland enacted 24 July 1997 (719/1997) and all subsequent amendments thereto, hereinafter referred to as '*the previous Act*'. However, chapter 3 and sections 36, 43 and 45-48 of the previous Act shall remain in force until otherwise provided by law.

Paragraph 1 notwithstanding, sections 4 and 15-17 of this Act shall enter into force on 1 May 1998. Until such time, sections 5 and 17-19 of the previous Act shall remain in force in place of the aforementioned sections.

Measures necessary for enforcement of this Act can be taken before the Act enters into force.

起上訴。在訴訟中除繫屬法院另有命令者外，該處分仍有效力。

第二十九條 司法訴訟之權利及地點

理事會應於歐洲共同體之司法法庭，及其他法庭、機關及法人團體實施本行之訴訟權限。

於民事訴訟案件，本行應於赫爾辛基地方法院為訴訟之被告。

第三十條 (於二〇〇〇年十一月十七日為 962 號法廢止)

第五章 生效

第三十一條 生效及過渡條款

本法應自芬蘭依條約第 1091 條規定進入單一貨幣地區之日起生效。原自一九九七年七月二十四日生效之芬蘭銀行法(719/1997)及其他修正條文(以下簡稱前法)均自本法生效後失其效力。但前法第三章、第三十六條、第四十三條及第四十五條至第四十八條應保留其效力至法律另有規定時為止。

本法第四條及第十五條至第十七條應自一九九八年五月一日起生效，不受前項規定之影響。於各該條文生效前，前法第五條及第十七條至第十九條仍有替代各該條文之效力。本法施行前，得採行實施本法之必要措施。

八、The Bank of Japan Law
日本銀行法

The Bank of Japan Law

Chapter I	General provisions
Chapter II	Policy Board
Chapter III	Executives and staff
Chapter IV	Business
Chapter V	Bank of Japan Notes
Chapter VI	Accounting
Chapter VII	Reporting to the Diet
Chapter VIII	Rectification of illegal actions
Chapter IX	Others
Chapter X	Penalty

日本銀行法

法務室 謝佳雯 譯

- 第一章 總則
- 第二章 政策委員會
- 第三章 幹部及職員
- 第四章 業務
- 第五章 鈔券
- 第六章 會計
- 第七章 對國會之報告
- 第八章 違法行為之改正等
- 第九章 雜則（附則）
- 第十章 罰則

The Bank of Japan Law

(Preliminary translation by the Bank of Japan)

Amendment effected on January 6, 2001

Chapter I General provisions

(Objectives)

- Article 1 The objective of the Bank of Japan, as the central bank of Japan, is to issue banknotes and to carry out currency and monetary control.
2. In addition to what is prescribed by the preceding Paragraph, the Bank's objective is to ensure smooth settlement of funds among banks and other financial institutions, thereby contributing to the maintenance of an orderly financial system.

(The principle of currency and monetary control)

- Article 2 Currency and monetary control shall be aimed at, through the pursuit of price stability, contributing to the sound development of the national economy.

(Respecting the autonomy of the Bank of Japan and ensuring transparency)

- Article 3 The Bank of Japan's autonomy regarding currency and monetary control shall be respected.
2. The Bank shall endeavor to clarify to the public the content of its decisions, as well as its decision making process, regarding currency and monetary control.

(Relationship with the government)

- Article 4 In recognition of the fact that currency and monetary control is a component of overall economic policy, the Bank of Japan shall always maintain close contact with the government and exchange views sufficiently, so that its currency and monetary control and the basic stance of the government's economic policy shall be mutually harmonious.

日本銀行法

2001年1月6日修正施行

第一章 總 則

第一條 目的

- 1 日本銀行（以下簡稱本行）為日本之中央銀行，以發行鈔券及執行通貨及金融之調節為目的。
- 2 除前項規定外，本行應以確保銀行及其他金融機構間資金正常順利清算，並維持信用秩序為目的。

第二條 通貨及金融調節之宗旨

本行對通貨及金融之調節，係以穩定物價及健全發展國民經濟為宗旨。

第三條 本行自主性之尊重及透明性之確保

- 1 對於本行調節通貨及金融之自主性應予尊重。
- 2 本行對於通貨及金融之調節所為決策之內容及決策過程應盡量使國民明瞭。

第四條 與政府之關係

為確保所執行之通貨及金融調節為經濟政策之一環，以與政府經濟政策之基本方針相整合，本行應與政府維持經常性之密切聯繫及意見之充分溝通。

(Public nature of the Bank's business and autonomy)

- Article 5 In light of the public nature of its business and property, the Bank of Japan shall endeavor to conduct its business in a proper and efficient manner.
2. In implementing this Law, due consideration shall be given to the autonomy of the Bank's business operations.

(Legal status)

- Article 6 The Bank of Japan shall be a legal person.

(Head office and branches)

- Article 7 The Bank of Japan shall locate its head office in Tokyo.
2. The Bank may, in accordance with an ordinance from the Ministry of Finance and upon authorization from the Minister of Finance, establish, move, or abolish branches and other offices.
3. The Bank may, in accordance with an ordinance from the Ministry of Finance and upon authorization from the Minister of Finance, establish or abolish agencies that perform a part of the Bank's business.
4. If the authorizations in Paragraphs 2 and 3 above are sought but not granted, the Minister of Finance shall publicly announce this denial of authorization and the reason for denial without delay, together with the content of the requested application.

(Capital)

- Article 8 The amount of the Bank of Japan's capital shall be one hundred million yen to be subscribed to by both the government and non-governmental persons.
2. Of the amount of capital referred to in the preceding Paragraph, that part which is subscribed to by the government shall be no less than fifty five million yen.

(Subscription certificates)

- Article 9 The Bank of Japan shall issue subscription certificates for capital subscription under Paragraph 1 of the preceding Article.
2. Other matters relating to subscription certificates under the preceding Paragraph as well as matters relating to capital subscription in general, shall be prescribed by a Cabinet Order.

第五條 業務之公共性及營運之自主性

- 1 鑒於本行之業務及財產具有公共性，應為適當且有效率之營運。
- 2 適用本法時，應充分考量本行業務營運之自主性。

第六條 法人格

本行為法人。

第七條 總行及分行等

- 1 本行設總行於東京都。
- 2 本行得依據財務省之命令，經財務大臣認可後設置、遷移或裁撤分行及其他辦事處。
- 3 本行得依據財務省之命令，於財務大臣認可後設置代理行，為一部業務之代理。裁撤時亦同。
- 4 財務大臣對前二項申請不為認可時，應儘速將其理由及申請之內容公布之。

第八條 資本額

- 1 本行之資本額為日幣一億圓，由政府及政府以外之人共同出資。
- 2 政府之前項出資額不得低於五千五百萬日圓。

第九條 出資憑證

- 1 本行對依前條第一項所為出資發給出資憑證。
- 2 與前項出資憑證及其他出資有關之必要事項，由政令規定之。

(Transfer of ownership of capital)

Article 10 Subscribers to the Bank's capital may, as prescribed by a Cabinet Order, transfer ownership of capital or put it in pledge.

(By-laws)

Article 11 The Bank of Japan shall stipulate the following matters in by-laws:

- (1) objectives;
 - (2) official name of the Bank;
 - (3) location of the head office and branches;
 - (4) matters related to capital and capital subscription;
 - (5) matters related to the Policy Board;
 - (6) matters related to Bank Executives;
 - (7) matters related to the Bank business and its execution;
 - (8) matters related to banknote issuance;
 - (9) matters related to accounting;
 - (10) means of public announcement and publication.
2. Amendments to the by-laws shall be considered invalid unless authorized by the Minister of Finance and the Prime Minister.
3. Provisions of Article 7, Paragraph 4 shall apply mutatis mutandis to the authorization prescribed by the preceding Paragraph.

(Registration)

Article 12 The Bank of Japan shall register relevant matters as prescribed by a Cabinet Order.

2. Matters to be registered in accordance with the preceding Paragraph cannot be asserted against a third party unless registered.

(Restriction on the use of the Bank's name)

Article 13 None other than the Bank of Japan may use the name "Bank of Japan".

第十條 股份之讓與

以政令所規定者為限，出資人之股份得為讓與或為質權之標的。

第十一條 章程

1 本行應以章程規定下列事項：

- 一、目的
- 二、名稱
- 三、總行及分行之所在地
- 四、有關資本及出資之事項
- 五、有關政策委員會之事項
- 六、有關幹部之事項
- 七、有關業務及其執行事項
- 八、有關鈔券之發行事項
- 九、有關會計之事項
- 十、有關公告及公布之方法

2 章程之變更，應經財務大臣及內閣總理大臣之認可，始生效力。

3 第七條第四項之規定，於前項認可，準用之。

第十二條 登記

1 本行應依政令之規定，就應登記事項辦理登記。

2 依前項規定就應登記事項辦理登記後，始生對抗第三人之效力。

第十三條 使用名稱之限制

非本行，不得使用本行之名稱。

Chapter II Policy Board

(Establishment)

Article 14 A Policy Board (hereinafter referred to as the "Board" in this and next Chapter) shall be established in the Bank of Japan.

(Powers)

Article 15 The following matters, relating to currency and monetary control, shall be decided by the Board:

- (1) determining or altering the basic discount rate, other discount rates, and the types and terms of bills to be discounted, in relation to the discounting of bills pursuant to Article 33, Paragraph 1, Section (1);
 - (2) determining or altering the basic loan rate, other loan rates, and the types, terms, and value of collateral to be used for loans, in relation to the loans made pursuant to Article 33, Paragraph 1, Section (2);
 - (3) determining, altering, or abolishing reserve requirement ratios, the base date, and other matters prescribed by Article 4, Paragraph 1 of the Law Concerning Reserve Deposit Requirement System (Law No. 135 of 1957);
 - (4) determining or altering the guidelines for money market control (which is currency and monetary control conducted in financial markets, including open market operations) through various measures such as buying and selling of bills or bonds prescribed by Article 33, Paragraph 1, Section (3), as well as determining or altering the types, terms, and other conditions of bills or bonds to be used for such money market control;
 - (5) determining or altering the guidelines for currency and monetary control in other forms;
 - (6) determining or altering the Bank of Japan's view on currency and monetary control, including its basic view on economic and monetary conditions which provide the basis for matters listed in Sections (1) through (5) above.
2. In addition to those listed in the preceding Paragraph as being subject to the Board's vote, the following matters shall also be decided by the Board;

第二章 政策委員會

第十四條 設置

本行應設政策委員會（本章以下及第三章簡稱委員會）。

第十五條 權限

1 下列通貨及金融調節之有關事項，應依委員會之決議為之：

- 一、依第三十三條第一項第一款規定所為票據貼現之重貼現率及其他貼現率、重貼現票據之種類及辦理重貼現之條件等之決定及變更
- 二、依第三十三條第一項第二款規定所為融通之融通利率及其他放款利率、相關擔保品之種類、條件及價額之決定及變更
- 三、與存款準備金有關之法律（昭和三十二年第一百五十五號法律）第四條第一項所規定之及存款準備率及基準期日之設定、變更及廢止
- 四、第三十三條第一項第三款所規定以票據、債券之買賣，及其他措施調節金融市場（包括公開市場操作等，於貨幣市場進行之通貨及金融調節措施），其方針之決定及變更，及與調節措施有關之票據及債券之種類、條件及其他事項之決定及變更
- 五、其他與通貨及金融調節事項有關方針之決定及變更
- 六、本行對與以上各款規定基礎有關之經濟與金融情勢之原則性意見，及其他與通貨及金融調節有關意見之決定及變更

- (1) making loans prescribed by Article 37, Paragraph 1, and executing business prescribed by Article 38, Paragraph 2;
- (2) applying for authorization prescribed by Article 39, Paragraph 1, and determining important matters related to the business pursuant to such authorization;
- (3) buying and selling of foreign exchange to facilitate those types of international financial business which the Minister of Finance designates as constituting cooperation in the field of international finance pursuant to Article 40, Paragraph 3, initiating transactions with a foreign central bank or an international institution to carry out business prescribed by Article 41, and executing transactions prescribed by Article 42;
- (4) applying for authorization prescribed by the exception clause of Article 43, Paragraph 1, and determining important matters relating to the business pursuant to such authorization;
- (5) determining the content of a contract regarding on-site examination prescribed by Article 44, Paragraph 1, as well as determining important matters relating to the conduct of on-site examinations for each business year;
- (6) altering by-laws;
- (7) making or altering a written statement of manners of conducting business;
- (8) establishing, moving, or abolishing branches, other offices, or agencies;
- (9) determining important matters relating to the Bank's organization and the size of staff (except for that referred to in Section (8) above);
- (10) making or altering the standards of salaries prescribed by Article 31, Paragraph 1, as well as rules with respect to ethical discipline prescribed by Article 32;
- (11) acquiring or disposing of real estate and other important assets;
- (12) making or altering a current expenditure budget (referred to the current expenditure budget prescribed by Article 51, Paragraph 1), making an inventory, balance sheet, profit and loss statement, and other financial reports, and determining important accounting matters including disposal of profit;
- (13) making the report prescribed by Article 54, Paragraph 1, as well as the outline of business operations prescribed by Article 55;

2 其他應經委員會議決之事項：

- 一、依第三十七條第一項規定所為融通及第三十八條第二項規定所為業務
- 二、依第三十九條第一項規定為認可之申請，及經認可後與業務相關之重要事項
- 三、依第四十條第三項規定應經財務大臣決定與外國中央銀行及國際機構合作從事之外匯買賣、依第四十一條所規定進行與外國中央銀行之交易及依第四十二條所規定交易之實施
- 四、依第四十三條第一項但書規定認可之申請，及與該認可業務相關之重要事項
- 五、依第四十四條第一項規定與考查契約之內容及與每會計年度實施考查有關之重要事項
- 六、章程之變更
- 七、業務手冊之訂定及變更
- 八、分行及其他辦事處、代理行之設置、遷移及廢止
- 九、前款規定以外之其他有關組織及人員編制之相關事項
- 十、第三十一條第一項規定之薪給津貼給付標準，及第三十二條所規定之服務相關準則之訂定及變更
- 十一、不動產及其他重要資產之取得及處分
- 十二、經費預算（依第五十一條第一項規定）之編列及變更、財產目錄、資產負債表、損益計算書及決算報告書之作成、盈餘之處理及其他與會計有關之重要事項
- 十三、依第五十四條第一項及第五十五條規定所作成之報告書及業務概況書

- (14) making or altering the rules prescribed by Article 59;
 - (15) determining matters which this Law prescribes the Board to determine, or doing what this Law or other laws and regulations prescribe the Board to do;
 - (16) determining matters, other than those listed from Sections (1) through (15) above, which the Board considers particularly necessary to determine.
3. The Board shall oversee the execution of duties by executives (with the exception of Executive Auditors and Counsellors) .

(Organization)

- Article 16 The Board shall be composed of nine members.
2. Members shall consist of six Deliberative Members, the Bank of Japan's Governor and two Deputy Governors. Irrespective of the provisions of Article 22, Paragraphs 1 and 2, the Governor and the Deputy Governors shall perform their duties as Board members independently of each other.
 3. The Board shall have a chairman, to be elected by Board members from among themselves.
 4. The chairman shall exercise general control over Board business.
 5. The Board shall designate, in advance, a member who shall perform the duties of the chairman when the chairman is prevented from attending to his or her duties.

(The call of Board meetings)

- Article 17 Board meetings are called by the chairman of the Board (or by the designated alternate prescribed by the previous Article, Paragraph 5. This rule applies to the remainder of this Article, the next Article, and Article 20).
2. The chairman shall, as prescribed by a Cabinet Order, regularly call Board meetings, at which the matters listed in Article 15, Paragraph 1 (hereafter called "monetary control matters" in this Chapter) are to be discussed.
 3. The preceding Paragraph may not be interpreted as preventing a Board meeting for monetary control matters from being called on an ad hoc basis, if the chairman believes that such a meeting is necessary, or if one-third or more of the total incumbent Board members believe that such a meeting is necessary and request the chairman to call such a meeting.

- 十四、依第五十九條規定之章程之制定及變更
 - 十五、依本法及其他法令規定應由委員會決定及辦理事項
 - 十六、除以上各款事由外，經委員會認為有特別必要之事項
- 3 委員會對本行之幹部（監事及顧問除外）所為之職務行為應加以監督。

第十六條 組織

- 1 委員會由委員九人組成之。
- 2 委員由審議委員六人、本行總裁及副總裁二人充任之。總裁及副總裁得獨立行使委員之職權，不受本法第二十二條第一項及第二項規定之限制。
- 3 委員會設議長，由委員互選之。
- 4 議長綜理委員會之會務。
- 5 委員會應預先由委員中選定一人，於議長因故不能執行職務時，代理其職務。

第十七條 會議之召集

- 1 委員會之會議由議長召集之。（議長不能執行職務時，則由前條第五項所規定之代理人召集之。本條以下、第十八條及第二十條同）
- 2 議長應依政令定期召集以第十五條第一項各款事由（以下簡稱「金融調節事項」）為議題之會議。
- 3 議長認有必要，或現任委員總數三分之一以上認有必要而向其為請求時，應即召開與金融調節事項有關之會議，不受前項規定之限制。

(Procedures)

- Article 18 The Board may neither meet nor vote unless the chairman and two-thirds or more of the total incumbent Board members are present.
2. Matters shall be decided by a majority of votes cast by members who are present. When the votes are equally split, the chairman shall make a final decision.
 3. Except where otherwise specified in this Law, necessary matters concerning management of Board meetings, such as the procedures for Board discussion, shall be determined by the Board.

(Attendance of government representatives)

- Article 19 The Minister of Finance and the minister who is in charge of economic and fiscal policy as prescribed by Article 19, Paragraph 2 of the Law Establishing the Cabinet Office (Law No.89 of 1999) (The latter minister is referred to as the "minister for economic and fiscal policy" in Article 19, Paragraph 2 of this Law. In the case that the office is vacant, it shall be assumed by the Prime Minister.) may, when necessary, attend and express views at Board meetings for monetary control matters, or may each designate a staff member of the Ministry of Finance or the Cabinet Office, respectively, to attend and express views at such meetings.
2. The Minister of Finance (or a designated delegate) and the minister for economic and fiscal policy (or a designated delegate), when attending the Board meetings for monetary control matters, may submit proposals regarding monetary control matters, or request that the Board postpone a vote on monetary control matters until the next Board meeting of this type.
 3. If a request is made to postpone a Board vote under the provisions of the preceding Paragraph, the Board shall decide whether or not to accommodate the request, in accordance with the same voting procedures which apply to other matters.

(Publication of transcripts and other documents)

- Article 20 After each Board meeting for monetary control matters, the chairman shall, without delay, prepare a document which contains an outline of the discussion at the meeting in accordance with the decisions made by the Board, and publish the document upon its approval at another Board meeting for monetary control matters.
2. The chairman shall produce the transcripts of each Board

第十八條 議事之進行

- 1 委員會應有議長及現有委員三分之二以上之出席，始得開議並為議決。
- 2 委員會之議事表決，應經出席委員過半數同意始可通過。於可否同數之情形，則由議長決定之。
- 3 除本法另有規定外，議事之程序及其他有關委員會進行之必要事項，由委員會決定之。

第十九條 政府代表之出席

- 1 財務大臣或依內閣府設置法（平成十一年第八十九號法律）第十九條第二項規定之經濟財政政策大臣（未設有此一大臣時，則由內閣總理大臣擔任。以下簡稱「經濟財政政策大臣」）於必要時，得出席或指定職員代表出席與金融調節事項有關之會議，並得陳述意見。
- 2 前項出席與金融調節事項有關會議之財務大臣或其指定之財務省職員，或經濟財政政策大臣或其指定之內閣府職員，於會議中得提出有關金融調節事項之議案，或要求將該次會議中對於有關金融調節事項之議決延至下次金融調節事項之會議中舉行。
- 3 依據前項規定而請求延期議決時，委員會應依據議事常規，作成同意與否之決定。

第二十條 議事錄等之公開

- 1 有關金融調節事項之會議終了後，議長應立即依委員會之決定，作成記載該次會議議事要旨之文書，經以金融調節事項為議題之委員會會議承認後公布之。
- 2 議長根據委員會之決定，作成金融調節事項會議之議事

meeting for monetary control matters in accordance with the decisions taken by the Board, and publish the transcripts after appropriate amount of time, as determined by the Board, has passed since the meeting.

Chapter III Executives and staff

(Executives)

Article 21 The executives of the Bank of Japan shall consist of six Deliberative Members, a Governor, two Deputy Governors, three or less Executive Auditors, six or less Executive Directors, and a few Counsellors.

(Duties and powers of executives)

- Article 22 The Governor shall represent the Bank of Japan and exercise general control over the Bank's business in accordance with decisions made by the Board.
2. The Deputy Governors shall, in accordance with decisions made by the Governor, represent the Bank, administer the business of the Bank assisting the Governor, act in place of the Governor whenever he or she is prevented from attending to his or her duties, and perform the Governor's duties when the post is vacant.
 3. The Executive Auditors shall inspect the business of the Bank.
 4. If deemed necessary based on the results of the inspection, the Executive Auditors may submit their views to the Minister of Finance, the Prime Minister or the Board.
 5. The Executive Directors shall, in accordance with the decisions made by the Governor, administer the business of the Bank assisting the Governor and the Deputy Governors, act in place of the Governor when the Governor and Deputy Governors are prevented from attending to their duties, and perform the Governor's duties when the posts of the Governor and Deputy Governors are vacant.
 6. The Counsellors shall be consulted with by the Board on any important matters concerning Bank business, and if deemed necessary, the Counsellors may express their views to the Board.

(Appointment of executives)

- Article 23 The Governor and the Deputy Governors shall be appointed by the Cabinet, subject to the consent of the House of Representatives and the House of Councillors.
2. The Deliberative Members shall be appointed by the Cabinet, subject to the consent of the House of Representatives and the

錄，並應於經委員會認為適當之相當期間經過後公布之。

第三章 幹部及職員

第二十一條 幹部

本行設審議委員六人、總裁一人、副總裁二人、監事三人以下、理事六人以下及顧問若干人為其幹部。

第二十二條 幹部之職權

- 1 總裁對外代表本行，依據委員會之決定，綜理行務。
- 2 副總裁承總裁之命代表本行，輔佐總裁掌理本行之業務，於總裁因故不能執行職務時，代理其職務；總裁出缺時，代行其職務。
- 3 監事監查本行之業務。
- 4 監事依其監查之結果認有必要時，得向財務大臣、內閣總理大臣及委員會提出意見。
- 5 理事依總裁之指示，輔佐總裁及副總裁處理本行業務；總裁及副總裁因故無法執行職務時，代理其職務；總裁及副總裁出缺時，代行其職務。
- 6 顧問於應委員會之諮詢，或認為有必要時，得就與本行業務有關之重要事項，向委員會陳述意見。

第二十三條 幹部之任命

- 1 總裁及副總裁經兩議院同意後，由內閣任命之。
- 2 審議委員應為具有經濟或金融及相關學識之專業人員，經兩議院同意後，由內閣任命之。

- House of Councillors from among those with academic expertise or experience including experts on the economy or finance.
3. The Executive Auditors shall be appointed by the Cabinet.
 4. The Executive Directors and the Counsellors shall be appointed by the Minister of Finance based on the Board's recommendation.
 5. If the term of office of a Governor, Deputy Governor, or Deliberative Member expires or if any of these positions becomes vacant, and if the Diet is out of session or the House of Representatives is dissolved so that it is impossible to obtain the consent of both Houses, the Cabinet may appoint a Governor, Deputy Governor, or Deliberative Member irrespective of the provisions of Paragraphs 1 and 2 of this Article.
 6. The appointment, as prescribed by the preceding Paragraph, shall be approved ex post by both Houses in the first Diet session after the said appointment. If the Cabinet fails to obtain such ex post approval, it shall immediately dismiss the Governor, Deputy Governor, or Deliberative Member.

(Executives' term of office)

- Article 24 The term of office shall be five years for the Governor, the Deputy Governors, and the Deliberative Members, four years for the Executive Auditors and the Executive Directors, and two years for the Counsellors. However, if a position of Governor, Deputy Governor, or Deliberative Member becomes vacant during his or her term of office, the term of office for the replacing Governor, Deputy Governor, or Deliberative Member shall be limited to the remaining term of the predecessor.
2. The Governor, the Deputy Governors, the Deliberative Members, the Executive Auditors, the Executive Directors, and the Counsellors may be reappointed.

(Guarantee of the executives' status)

- Article 25 Executives of the Bank of Japan (except for Executive Directors) shall not be dismissed against their will during their term of office except as prescribed by Article 23, Paragraph 6 and in the following situations:
- (1) an executive is adjudicated bankrupt;
 - (2) an executive receives penalties under this Law;
 - (3) an executive is sentenced to imprisonment or given heavier punishment;
 - (4) an executive is deemed incapable of carrying out his or her duties by the Board (or by the Board and the Cabinet in the case of the Executive Auditors), because of physical or mental

- 3 監事由內閣任命之。
- 4 理事及顧問經委員會推荐後，由財務大臣任命之。
- 5 總裁、副總裁及審議委員之任期屆滿或出缺時，其因國會休會或眾議院解散，而無法行使國會同意權者，內閣得不依本條第一項及第二項之規定，而逕自行使對各該人員之任命權。
- 6 前項情形，應於任命後首次召開之國會中經兩議院追認之。其未獲兩議院追認者，內閣應將各該人員解任之。

第二十四條 幹部之任期

- 1 總裁、副總裁及審議委員之任期為五年，監事及理事之任期為四年，顧問之任期為二年。但總裁、副總裁及審議委員出缺時，遞補之總裁、副總裁及審議委員，其任期以前任所餘任期為限。
- 2 總裁、副總裁、審議委員、監事、理事及顧問等均得續派連任。

第二十五條 幹部之身分保障

- 1 本行之幹部（理事除外）除依第二十三條第六項後段及下列各款規定之情形外，於任期中不得任意解任之：
 - 一、受破產宣告者
 - 二、依本法規定應受處罰者
 - 三、受拘役以上刑之處罰者
 - 四、由委員會（監事則由委員會及內閣）認定因健康或心神喪失無法執行職務者

- disorders.
2. The Cabinet or the Minister of Finance shall dismiss a Bank executive if any of Sections (1) through (4) of the preceding Paragraph applies to the said executive.
 3. In addition to the dismissals prescribed by the preceding Paragraph, the Minister of Finance may dismiss an Executive Director if the Board requests such dismissal.

(Restrictions on the executives' activities)

Article 26 Executives (excluding Counsellors in this Article as well as in Articles 31 and 32) may not engage in any of the following activities during his or her term of office;

- (1) become a candidate for the National Diet, for the assembly of any municipality or for any elected public office;
 - (2) become an officer of any political body including political parties or actively engage in political activities;
 - (3) maintain or take other posts that bring remuneration (except when the Board considers that such post does not interfere with the proper execution of his or her duties at the Bank, based on the rules with respect to the ethical discipline prescribed by Article 32);
 - (4) engage in commercial or other business for pecuniary gain.
2. If an executive of the Bank becomes a candidate for the National Diet, for the assembly of any municipality, or for any elected public office, he or she shall be considered as having resigned as an executive of the Bank.

(Appointment of attorney)

Article 27 The Governor and the Deputy Governors may appoint, from among the Bank's Executive Directors and staff, a local representative who shall have full power to act for the Bank of Japan before any court, or in any non-judicial capacity regarding the business of the Bank's head office and branches.

(Appointment of staff)

Article 28 The Governor shall appoint the Bank's staff.

(Secrecy imposed on the executives and staff)

Article 29 The Bank of Japan's executives and staff shall not leak secrets which they have learned in performing their duties, or use such secrets for their own interest. These requirements are equally applicable after they leave the Bank.

- 2 如有前項各款規定情事之一者，內閣或財務大臣應解任該幹部。
- 3 除前項規定外，財務大臣於委員會請求時，得解任該理事。

第二十六條 幹部之行為限制

- 1 本行之幹部（除顧問外；本條以下、第三十一條及第三十二條亦同）於任期中不得為下列行為：
 - 一、任國會、地方議會之議員或其他公職之候選人
 - 二、任政黨或其他政治團體之幹部，或積極從事政治活動
 - 三、任其他可支領報酬之職務（除不妨礙幹部職務之執行、未逾越第三十二條與服務有關準則所定範圍並經委員會同意者外）
 - 四、經營營利事業或為其他以獲取金錢利益為目的之業務
- 2 本行之幹部如為國會、地方議會之議員或其他公職之候選人者，應視同辭去幹部之職務。

第二十七條 代理人之選任

總裁及副總裁得於理事或本行職員中選任代理人，代理為與本行總行及分行業務有關之訴訟及非訟行為。

第二十八條 職員之任命

本行之職員由總裁任命之。

第二十九條 保密義務

本行之幹部及職員對於因職務所知悉之秘密事項不得洩漏或盜用。其離職後亦同。

(The status of the executives and staff)

Article 30 The Bank of Japan's executives and staff shall be deemed to be those engaged in public service by laws and regulations.

(Standard of salaries)

Article 31 The Bank of Japan shall determine the standards of salaries (including all types of pecuniary remuneration such as bonuses and retirement allowances) paid to its executives and staff, consistent with the general standards prevailing in society. These standards shall be reported to the Minister of Finance and, at the same time, publicly announced. The same steps shall be taken when making any change to the standards.

2. Among the standards of salaries prescribed by the preceding Paragraph, that which is applicable to executives shall be determined in consideration of salaries, retirement allowances, and other remunerative conditions of public servants to whom the Law Concerning Salaries of Government Officials with Special Capacity (Law No. 252 of 1949) is applicable.

(Rules with respect to the ethical discipline)

Article 32 In light of the public nature of its business, and in order to ensure appropriate discharge of duties by the Bank of Japan's executives and staff, the Bank shall establish rules regarding ethical discipline of its executives and staff, such as the obligations to devote themselves to their duties and to separate themselves from private enterprises. These rules shall be reported to the Minister of Finance and, at the same time, publicly announced. The same steps shall be taken when making any change to the rule.

Chapter IV Business

(Regular business)

Article 33 In order to achieve the objectives prescribed by Article 1, the Bank of Japan may conduct the following business:

- (1) discounting of commercial bills and other bills or notes;
- (2) making loans against collateral in the form of bills or notes, government bonds and obligations, and other negotiable securities;
- (3) buying and selling of commercial bills and other bills or notes (including those drawn by the Bank of Japan), government bonds and obligations, and other bonds or debentures;

第三十條 幹部及職員之身分

本行之幹部及職員，視為依法令執行公務之公務員。

第三十一條 薪給津貼之給付標準

- 1 本行對於幹部及職員之報酬（包括獎金及其他金錢之給付等）、薪水（包括獎金及其他給付等）及退職金（以下合稱「薪給津貼」）之給付，應訂定合乎社會一般情形之支給標準，並應於向財務大臣提出時一併公開之。其變更時亦同。
- 2 前項薪給津貼之給付標準中涉及幹部者，應參照有關特別職職員薪給之相關法律（昭和二十四年第二百五十二號法律）中關於公務員之薪給、退職金及其他情事等予以認定。

第三十二條 服務相關準則

本行為配合其業務之公共性，並確保其幹部及職員妥適執行職務，應就幹部及職員之專職義務及不得為與私人企業有關之服務等事項作成規定，並應於向財務大臣提出時公開之。變更時亦同。

第四章 業務

第三十三條 通常業務

- 1 為達成本法第一條之目的，本行得辦理下列業務：
 - 一、商業本票及其他票據之重貼現
 - 二、以票據、公債及其他有價證券為擔保之融通
 - 三、商業本票及其他（包括本行簽發之）票據或公債及其他債券之買賣

- (4) lending and borrowing of government bonds and obligations, and other bonds or debentures against cash collateral;
 - (5) receiving money for deposits;
 - (6) dealing in domestic exchange;
 - (7) taking custody of negotiable securities, other securities and certificates which represent property rights;
 - (8) performing other business incidental to the business enumerated in the preceding Sections (1) through (7), such as buying and selling of gold and silver bullion.
2. "Deposits" in Section (5) of the preceding Paragraph refers to taking deposits based on a deposit contract.

(Loans to the government and other business)

Article 34 As the central bank of Japan, the Bank of Japan may, in addition to the business listed in Paragraph 1 of the preceding Article, conduct the following business with the government:

- (1) making loans, without collateral, subject to a limit imposed by a Diet resolution prescribed by the exception clause in Article 5 of the Fiscal Law (Law No. 34 of 1947);
- (2) making loans, without collateral, to finance the government's temporary borrowing permitted under the Fiscal Law or other laws concerning the government's accounting;
- (3) subscribing or underwriting government bonds subject to a limit imposed by a Diet resolution prescribed by the exception clause in Article 5 of the Fiscal Law;
- (4) subscribing or underwriting financial bills and other bills issued for stopgap financing;
- (5) accepting custody of precious metals and other items.

(Handling of Treasury funds)

Article 35 As the central bank of Japan, the Bank of Japan shall handle Treasury funds in compliance with relevant laws and regulations.

2. When handling Treasury funds as prescribed by the preceding Paragraph, the Bank of Japan may conduct business necessary for this purpose in addition to the types of business listed in Article 33, Paragraph 1.

(Handling affairs of the government)

Article 36 As the central bank of Japan, the Bank of Japan shall handle the affairs of the government relating to currency and finance in

- 四、以金錢為擔保之公債及其他債券之借貸
 - 五、存款
 - 六、國內匯兌
 - 七、有價證券及其他與財產權相關之證券或證書之保管
寄存
 - 八、金銀塊之買賣及前述各款業務之附帶業務
- 2 前項第五款之「存款」係指基於存款契約所收受之存款。

第三十四條 對政府之融通

本行為日本之中央銀行，除前條第一項規定之業務外，對政府得辦理下列業務：

- 一、依財政法（昭和二十二年第三十四號法律）第五條但書規定，於國會議決金額之範圍內，得為無擔保融通
- 二、依財政法或其他與政府會計相關法律之規定，得為暫時性無擔保融通
- 三、依財政法第五條但書規定，於國會議決之金額範圍內，得認購或承銷公債
- 四、得認購或承銷財務省所發行之證券及其他短期融通證券
- 五、貴金屬及其他物品之保管寄存

第三十五條 經理國庫

- 1 本行為日本之中央銀行，應依法令所定經理國庫資金。
- 2 本行為依前項規定經理國庫，除第三十三條第一項所規定者外，並得為其他必要之業務。

第三十六條 辦理國家事務

- 1 本行為日本之中央銀行，依法令之規定，辦理有關通貨

- compliance with relevant laws and regulations.
2. When handling the affairs of the government prescribed by the preceding Paragraph, the Bank may conduct business necessary for this purpose in addition to the types of business listed in Article 33, Paragraph 1.
 3. Necessary expenses to handle the affairs of the government prescribed by Paragraph 1 of this Article may be borne by the Bank in compliance with relevant laws and regulations.

(Temporary loans to financial institutions)

- Article 37 The Bank of Japan, irrespective of the provisions of Article 33, Paragraph 1, may provide uncollateralized loans to financial institutions (defined as those engaged in the business of taking bank deposits (deposits prescribed by Article 2, Paragraph 2 of the Deposit Insurance Law, Law No. 34 of 1971) as well as engaging in exchange transactions, the same definition shall apply hereinafter) and other financial business entities prescribed by a Cabinet Order (hereinafter referred to as "financial institutions" together) for a period within that prescribed by a Cabinet Order when they unexpectedly experience a temporary shortage of funds for payment due to accidental causes, including computer system problems, whereby the business operations of the financial institutions may be seriously hampered if the shortage is not recovered swiftly, provided that the advance is necessary to secure the smooth settlement of funds among financial institutions.
2. The Bank shall, when providing loans as prescribed by the preceding Paragraph, report the fact to the Prime Minister and the Minister of Finance without delay.

(Business contributing to the maintenance of an orderly financial system)

- Article 38 The Prime Minister and the Minister of Finance may request that the Bank of Japan conduct the business necessary to maintain an orderly financial system, including provision of loans, when it is believed to be especially necessary for the maintenance of an orderly financial system including the case where it is judged, after consultation pursuant to the provisions of Article 57-2 of the Banking Law (Law No. 59 of 1981) and other relevant laws and regulations that a serious problem in an orderly financial system may arise.

- 及金融之國家事務。
- 2 本行為辦理前項事務，除第三十三條第一項所規定者外，並得經營其他必要之業務。
 - 3 辦理第一項所指之國家事務所需經費，得依法令之規定，由本行負擔之。

第三十七條 對金融機構之暫時性融通

- 1 本行於金融機構（銀行及其他收受存款《依昭和四十六年第三十四號法律「存款保險法」第二條第二項所稱存款及其他儲金》及辦理匯兌業務之金融機構，以下同）及其他依政令規定經營金融業務者（以下併稱「金融機構」）之電子資訊處理系統發生故障及其他偶發事故，造成難以預見之暫時性資金支付不足之情形時，如認為不立即融通支付將造成該金融機構經營困難，而有確保金融機構間資金順利清算之必要者，得對該金融機構於政令限制之期間範圍內，就不足資金部分提供無擔保融通，不受第三十三條第一項規定之限制。
- 2 本行依前項規定為融通時，應儘速報告內閣總理大臣及財務大臣。

第三十八條 為維持信用秩序之業務

- 1 內閣總理大臣與財務大臣基於銀行法（昭和五十六年（1981）第五十九號法律）第五十七條之二規定及依其他法令所訂定之協議，認為信用秩序之維持有產生重大障礙之虞時，或其他為維持信用秩序所必要者，得要求本行對該協議有關之金融機構為資金之融通，或辦理其他維持信用秩序所必要之業務。

2. At the request of the Prime Minister and the Minister of Finance as prescribed by the preceding Paragraph, the Bank may conduct business necessary to maintain an orderly financial system, including provision of loans under special conditions, in addition to the business prescribed by Article 33, Paragraph 1.

(Business contributing to smooth settlement of funds)

- Article 39 The Bank of Japan, in addition to the business prescribed by Articles 33 through 38, may, upon authorization from the Prime Minister and the Minister of Finance, conduct business deemed to contribute to the smooth settlement of funds among financial institutions when conducted in conjunction with the business prescribed by Article 33, Paragraph 1, Sections (5) through (7) or that prescribed by Article 35, Paragraph 2 or Article 36, Paragraph 2.
2. The provisions of Article 7, Paragraph 4 shall apply mutatis mutandis to the authorization in the preceding Paragraph.

(Buying and selling of foreign exchange)

- Article 40 The Bank of Japan, when necessary, may buy and sell foreign exchange on its own account or as an agent of the government, in accordance with the provisions in Article 36, Paragraph 1. In addition, as the central bank of Japan, the Bank may buy and sell foreign exchange as an agent of foreign central banks (foreign central banks and similar institutions, the same definition shall apply hereinafter) and international institutions (those international institutions of which Japan has a membership including the Bank for International Settlements, the same definition shall apply hereinafter) in order to pursue cooperation with them.
2. The Bank shall buy and sell foreign exchange as an agent of the government, in accordance with the provisions of Article 36, Paragraph 1, when its purpose is to stabilize the exchange rate of the national currency.
 3. When buying and selling foreign exchange on its own account or as an agent of foreign central banks and international institutions for the purpose of pursuing cooperation with them as the central bank of Japan under the provisions of Paragraph 1 of this Article, the Bank shall conduct the business which the Minister of Finance designates as constituting cooperation in the field of international finance at the request of the Minister or upon receipt of the Minister's approval.

- 2 本行依前項規定，於內閣總理大臣與財務大臣要求時，除第三十三條第一項規定之業務以外，得依據特別之條件為資金之融通或辦理其他維持信用秩序所必要之業務。

第三十九條 為促使資金清算順利之業務

- 1 本行除第三十三條至前條所規定之業務以外，經內閣總理大臣與財務大臣認可，得辦理與第三十三條第一項第五款至第七款所規定之業務及與第三十五條第二項或第三十六條第二項所規定之業務配合後有助於金融機構間資金清算之順利進行所必要之業務。
- 2 第七條第四項之規定，於前項之認可，準用之。

第四十條 外匯交易業務

- 1 本行除於必要時得自行，或依第三十六條第一項規定以辦理國家事務為由，進行外匯交易外，得以日本中央銀行之名義與外國中央銀行等（指外國之中央銀行或其相當之機構，以下同）或國際機構（指日本加入之國際機構，包括國際清算銀行，以下同），以掌理外匯交易事務之地位進行外匯交易，俾達成合作之目的。
- 2 本行依第三十六條第一項規定處理國家事務，所進行之外匯交易，係以維持本國通貨於外匯市場之安定為目的。
- 3 本行依本條第一項規定，以日本中央銀行之名義，為與外國中央銀行及國際機構合作，自行或以外匯事務掌理者之身分所進行之外匯交易者，其中因與國際金融合作有關而須由財務大臣決定之外匯交易，應基於財務大臣要求或許可後始得為之。

(International financial business)

Article 41 The Bank of Japan may conduct the following business with foreign central banks and international institutions in order to pursue cooperation with them as the central bank of Japan:

- (1) Accepting deposits denominated in the national currency (deposits prescribed by Article 33, Paragraph 2);
- (2) Buying and selling government bonds in exchange for deposits accepted in accordance with the preceding Section;
- (3) Accepting articles of value, negotiable securities and other items for custody;
- (4) Acting as an intermediary, broker or agent for central banks abroad and international institutions engaged in buying and selling of government bonds;
- (5) Other business prescribed by an ordinance from the Ministry of Finance as those deemed to contribute to the proper management of deposits and other assets denominated in the national currency and held by foreign central banks and international institutions.

Article 42 In addition to the business prescribed by the preceding Article, the Bank of Japan may engage in the following transactions and other business necessary for cooperating, as the central bank of Japan, with foreign central banks and international institutions in the field of international finance, including international financial assistance at the request of the Minister of Finance or upon receipt of the Minister's approval.

- (1) Acquiring loan claims on foreign central banks which are held by the Bank for International Settlements;
- (2) Providing loans to foreign central banks and international institution.

(Prohibition of other business)

Article 43 The Bank of Japan may not conduct any business other than those prescribed by this Law unless such business is necessary to achieve the Bank's objectives prescribed by this Law and the Bank obtains authorization from the Minister of Finance and the Prime Minister.

2. The provisions of Article 7, Paragraph 4 shall apply mutatis mutandis to the authorization in the preceding Paragraph.

第四十一條 國際金融業務

本行以日本中央銀行之名義，為與外國中央銀行及國際機構合作，得辦理下列各款業務：

- 一、收受以本國貨幣記帳之存款（即第三十三條第二項規定之存款）
- 二、以辦理前款業務所收受存款之對價出售或買入政府公債
- 三、保管有價證券、貴重金屬及其他物品
- 四、居間、代辦或代理外國中央銀行或國際機構進行政府公債交易
- 五、其他依照財務省令協助各該外國中央銀行及國際機構從事本國貨幣或以本國貨幣計值資產之適切運用

第四十二條

除前條規定外，本行為與外國中央銀行及國際機構合作，俾以獲得國際金融支援等其他國際金融方面之合作，得以中央銀行之名義，依財務大臣之要求或許可，而為下列及其他合作所必要之交易：

- 一、受讓包括國際清算銀行對外國中央銀行等之融資債權
- 二、對外國中央銀行或國際機構授信

第四十三條 其他業務之禁止

- 1 本行不得為本法規定以外之業務。惟為達成本行依本法所規定之目的所必要，並經財務大臣與內閣總理大臣認可者，不在此限。
- 2 第七條第四項之規定，於前項認可，準用之。

(On-site examination)

- Article 44 The Bank of Japan may, for the purpose of appropriately conducting or preparing to conduct business prescribed by Articles 37 through 39, enter into a contract with financial institutions which become the correspondents in such business (referred to as "correspondent financial institutions" in this Article) regarding on-site examination (On-site examination of the business operations and the state of the property of correspondent financial institutions conducted by the Bank of Japan, the same definition shall apply hereinafter in this Article. Such contract must contain the clauses required by a Cabinet Order including, that requiring the Bank to notify correspondent financial institutions and obtain prior consent from them when conducting on-site examinations).
2. The Bank shall consider administrative burden incurred by financial institutions when conducting on-site examinations.
 3. At the request of the Commissioner of the Financial Services Agency, the Bank may submit the results of on-site examinations or other information to the Commissioner, or provide them for his or her staff for their perusal.

(Written statement of manners of conducting business)

- Article 45 The Bank of Japan shall prepare a written statement of manners of conducting business, and submit it to the Minister of Finance and the Prime Minister. The same steps shall be taken when making any change to the statement.
2. The written statement in the preceding Paragraph shall contain matters prescribed by a Cabinet Order, including those related to loan provision.

Chapter V Bank of Japan Notes

(Issuance of Bank of Japan notes)

- Article 46 The Bank of Japan shall issue banknotes.
2. The banknotes issued by the Bank (hereinafter referred to as "Bank of Japan notes"), in accordance with the provisions of the preceding Paragraph shall be legal tender, and hence shall be used for payment without limits.

第四十四條 考查

- 1 本行為妥適執行第三十七條至第三十九條之業務，並確保該業務能妥適進行，得與其業務交易之對象，亦即各金融機構（以下簡稱「金融機構等交易對象」），訂定與考查（本行對金融機構等對象之業務與財產狀況進行之實地調查，以下各條同）有關之契約（考查時應事先告知並取得金融機構等交易對象之同意，並以政令規定者為限）。
- 2 本行於進行考查時，應同時考慮金融機構等交易對象因受考查所產生之事務負擔。
- 3 本行應於金融廳長官要求時，提出記載考查結果之文件與其他相關資料；亦得向其職員提出之。

第四十五條 業務手冊

- 1 本行應訂定業務手冊，向財務大臣與內閣總理大臣提出之。變更時亦同。
- 2 前項業務手冊，應記載資金融通有關事項及其他政令所定事項。

第五章 鈔 券

第四十六條 發行

- 1 本行得發行鈔券。
- 2 依前項規定由本行所發行之鈔券具有法償之效力，得無限制通用。

(Types and forms of Bank of Japan notes)

- Article 47 The types of Bank of Japan notes shall be decided by a Cabinet Order.
2. The Minister of Finance shall decide the forms which Bank of Japan notes shall take, and release these forms in the Official Gazette.

(Exchange of Bank of Japan notes)

- Article 48 The Bank of Japan shall exchange, without fees, Bank of Japan notes rendered unfit for further circulation due to defacement, mutilation or other causes in accordance with an ordinance from the Ministry of Finance.

(Printing and cancellation of Bank of Japan notes)

- Article 49 The Bank of Japan shall determine the procedures regarding printing and cancellation of Bank of Japan notes and submit these procedures to the Minister of Finance for approval. The same steps shall be taken when making any change to the procedures.
2. The provisions of Article 7, Paragraph 4 shall apply mutatis mutandis to the approval under the provisions of the preceding Paragraph.

Chapter VI Accounting

(Fiscal period)

- Article 50 The fiscal period of the Bank of Japan shall run from April 1 to March 31 of the following year.

(Budget for general and administrative expenses and costs)

- Article 51 Every fiscal period, the Bank of Japan shall prepare a budget for general and administrative expenses (those prescribed by a Cabinet Order as not hampering the currency and monetary control, hereinafter referred to as "a current expenditure budget"), and submit it to the Minister of Finance for his or her authorization before the business year begins.
2. If the Minister of Finance deems it inappropriate to authorize the current expenditure budget submitted in accordance with the preceding Paragraph, he or she shall immediately notify the Bank, stating the reason, and announce the details of the submitted current expenditure budget and the reason publicly.

第四十七條 種類及樣式

- 1 鈔券之種類依政令定之。
- 2 鈔券之樣式，由財務大臣訂定並公告之。

第四十八條 收兌

本行應依財務省省令之規定，以不收取手續費之方式收兌因污損、破損及其他事由而難以使用之鈔券。

第四十九條 印製與註銷

- 1 本行應訂定鈔券之印製與註銷程序，並報經財務大臣承認。變更時亦同。
- 2 第七條第四項之規定，於前項承認，準用之。

第六章 會 計

第五十條 會計年度

本行之會計年度，為每年四月一日起至翌年三月三十一日止。

第五十一條 經費預算

- 1 本行應於每會計年度編列經費預算（以依政令規定，不妨礙對通貨及金融之調節者為限），並於年度開始前向財務大臣提出並經其認可。變更時亦同。
- 2 財務大臣對於依前項規定所提出之預算認為不應予以認可時，應將其理由儘速通知本行，並公布預算之詳細內容及其理由。

3. If the notification prescribed by the preceding Paragraph is made, the Bank may express its views to the Minister of Finance or, if necessary, announce them publicly.

(Financial statements)

Article 52 The Bank of Japan shall prepare an inventory and balance sheet for each six month period running from April through September and from October through March as well as profit and loss statement for each fiscal period and each six month period provided for above and submit these documents (hereinafter referred to as "financial statements") with Executive Auditors' opinions to the Minister of Finance for his or her approval within two months after the relevant six month period or the fiscal period.

2. When submitting the financial statements for a fiscal period to the Minister of Finance under the provisions of the preceding Paragraph, the Bank shall attach its report on the settlement of accounts for each fiscal period to the Executive Auditors' opinions.
3. Upon receipt of the approval from the Minister of Finance prescribed by Paragraph 1, the Bank shall, without delay, make available the financial statements, the report on the settlement of accounts in the preceding Paragraph, and the Executive Auditors' opinions prescribed by the preceding two Paragraphs at its head office and branches, and keep them for the public's perusal for a period determined appropriate by the Policy Board.

(Disposal of surplus)

Article 53 The Bank of Japan shall retain, as a reserve fund, five-hundredths of the surplus resulting from the settlement of profits and losses for each fiscal period.

2. Irrespective of the provisions of the preceding Paragraph, if deemed particularly necessary, the Bank may, upon the authorization from the Minister of Finance, retain more than the amount prescribed by the preceding Paragraph, as a reserve fund.
3. The reserve fund prescribed by the preceding two Paragraphs shall not be drawn on, except to cover losses incurred by the Bank or to use them for dividends as prescribed by the next Paragraph.

- 3 本行接獲前項規定之通知時，得向財務大臣陳述其意見，必要時並得公布之。

第五十二條 財務報表等

- 1 本行應於四月至九月及十月至翌年三月每半年間製作財產目錄及資產負債表，並於此每半年之結算及會計年度之決算時製作損益表；上述文件（以下簡稱「財務報表」）並須檢附監事之意見書，於結算及決算後二個月內，向財務大臣提出並經其承認。
- 2 本行依前項規定向財務大臣提交會計年度相關之財務報表時，得於該財務報表中檢附該會計年度之決算報告書及監事對於該決算報告書之意見書。
- 3 本行依據第一項規定取得財務大臣之承認時，應儘速將該財務報表、前項之決算報告書及前二項之監事意見書置於總行及各分行，於政策委員會認為適當之期間內，供大眾閱覽之。

第五十三條 盈餘之處理

- 1 本行於各會計年度損益計算後有盈餘者，應提撥相當於盈餘百分之五之數額，累積為準備金（公積金）。
- 2 本行認為必要時，得不受前項規定之限制，經財務大臣認可，由前項之盈餘中，提撥超出該項規定應累積額度以外之準備金。
- 3 依前二項提撥之準備金，除彌補本行之虧損或依後項規定提撥作為股息之外，不得供作其他用途。

4. The Bank may, upon the authorization from the Minister of Finance, pay dividends to shareholders out of the surplus resulting from the settlement of profits and losses for each fiscal period. The rate of dividend payments over paid-up capital may not exceed five-hundredths per annum.
5. The Bank, after deducting the retained reserves prescribed by Paragraphs 1 and 2 and the dividend payments prescribed by the preceding Paragraph from the surplus resulting from the settlement of profits and losses for each fiscal period, shall transfer the remaining surplus to the national treasury within two months after each relevant fiscal period.
6. The government may have the Bank make, by estimate, a partial amount of the payment to the national treasury for each fiscal period under the provisions of the preceding Paragraph during the relevant fiscal period in accordance with a Cabinet Order.
7. The transfer to the national treasury under the provisions of Paragraph 5 shall be treated as losses when computing the amount of income prescribed by the Corporation Tax Law (Law No. 34 of 1965) and the amount of income related to the business tax prescribed by the Local Tax Law (Law No. 226 of 1950).
8. Necessary matters regarding the transfer to the national treasury under the provisions of Paragraph 5, other than those prescribed by the preceding three Paragraphs, shall be provided by a Cabinet Order.
9. The provisions of Article 7, Paragraph 4 shall apply mutatis mutandis to the authorization under the provisions of Paragraphs 2 and 4.

Chapter VII Reporting to the Diet

(Reporting to and attendance at the Diet)

- Article 54 The Bank of Japan shall, approximately every six months, prepare and submit to the Diet through the Minister of Finance, a report on the Policy Board's decisions regarding the matters prescribed by each Section of Article 15, Paragraph 1 and conditions of business operations which have been carried out based on such decisions.
2. The Bank shall endeavor to explain to the Diet the report prescribed by the preceding Paragraph.
 3. The Governor, the Chairman of the Policy Board or a representative designated by them shall attend the sessions of the

- 4 本行經財務大臣認可後，得提撥各會計年度經損益計算後之盈餘，作為對出資者分配股息之用。但該盈餘分配占實收資本額之比率，不得超過年率百分之五。
- 5 本行由各會計年度損益計算後之盈餘中，扣除第一項及第二項所規定應累積之準備金，及依前項規定分配之股息後之餘額，於各該會計年度終了之二個月內，應繳交國庫。
- 6 政府對於本行依前項規定於各會計年度應繳交國庫金額之一部，得依政令之規定，於各該會計年度中予以估算並命本行先行繳交。
- 7 依第五項規定之繳交金額，於依法人稅法（昭和四十年第三十四號法律）計算所得，及依地方稅法（昭和二十五年第二百二十六號法律）計算營業稅之金額時，得記入損失之帳目內。
- 8 除前三項之規定外，與第五項規定之繳交金有關之必要事項，得以政令定之。
- 9 第七條第四項之規定，於第二項及第四項之認可，準用之。

第七章 對國會之報告

第五十四條 出席國會及報告

- 1 本行原則上應於每六個月，將經政策委員會對於本法第十五條第一項各款所為議決之內容，及本行依據該決議內容所為業務狀況作成報告書，經財務大臣提送國會。
- 2 本行對前項之報告書，應向國會為詳盡之說明。
- 3 本行總裁或政策委員會議長，或經總裁或議長指定之代理人，於各議會或其委員會要求出席說明本行業務及其

House of Representatives, the House of Councillors, or their Committees when requested by them, in order to explain the state of the Bank's business operations and property.

(Public announcement of an outline of business operations)

Article 55 Upon the approval regarding financial statements for each fiscal period prescribed by Article 52, Paragraph 1, the Bank of Japan shall prepare, without delay, an outline of its business operations in the relevant business year and publicly announce the outline together with the financial statements and a report on the settlement of accounts for the relevant fiscal period.

Chapter VIII Rectification of illegal actions

(Rectification of illegal actions)

Article 56 The Minister of Finance or the Prime Minister may request that the Bank of Japan take necessary measures to rectify deeds of the Bank, its executives or staff, when such deeds have violated or may potentially violate this Law or other laws, regulations, or by-laws.

2. The Bank shall, at the request of the Minister of Finance or the Prime Minister as prescribed by the preceding Paragraph, take swift actions which the Policy Board deems necessary, such as rectifying the deeds concerned, and report these actions to the Minister of Finance or the Prime Minister.

(Inspection at the request of the Minister of Finance or the Prime Minister)

Article 57 When the Bank of Japan, its executives or staff have violated or may potentially violate this Law or other laws, regulations, or by-laws, the Minister of Finance or the Prime Minister may request that the Executive Auditors of the Bank inspect the deeds concerned and other necessary matters, and report the result of such inspection to the Minister of Finance or the Prime Minister.

2. The Executive Auditors of the Bank shall, at the request of the Minister of Finance or the Prime Minister prescribed by the preceding Paragraph, swiftly inspect such matters and report the result of such inspection to the Minister of Finance or the Prime Minister and also to the Policy Board.

資產狀況時，應出席議會或其委員會。

第五十五條 公布業務概況書

本行於各會計年度相關之財務報表依第五十二條第一項之規定取得承認後，應儘速作成該年度之業務概況書，並將該業務概況書與該當財務報表及該年度之決算報告書一併公布之。

第八章 違法行為之改正等

第五十六條 違法行為之改正

- 1 財務大臣或內閣總理大臣認為本行及其幹部或職員之行為違反本法或其他法令或章程，或有違反之虞時，得要求本行採取改正該違法行為之必要措施。
- 2 本行於財務大臣或內閣總理大臣為前項規定之要求時，除應儘速為改正該行為及其他政策委員會認為必要之處置外，並應將該處置內容向財務大臣或內閣總理大臣提出報告。

第五十七條 經財務大臣或內閣總理大臣要求之監查

- 1 財務大臣或內閣總理大臣認為本行及其幹部或職員之行為違反本法或其他法令或章程，或有違反之虞時，得要求本行之監事對該行為及其他必要事項進行監查並提出監查報告。
- 2 本行之監事於財務大臣或內閣總理大臣為前項規定之要求時，除應儘速對該要求之事項進行檢查外，並應將該檢查結果向財務大臣或內閣總理大臣，及政策委員會提出監查結果之報告。

(Submission of reports, etc.)

Article 58 The Minister of Finance or the Prime Minister may, when deemed necessary in light of the conditions of business operations of the Bank of Japan, request a report or relevant documents from the Bank.

Chapter IX Others

(Rules)

Article 59 The Bank of Japan shall, when setting rules regarding the organization or other matters other than those prescribed by this Law, report such rules to the Minister of Finance without delay. The same steps shall be taken when making any change to the rules.

(Dissolution)

Article 60 The dissolution of the Bank of Japan shall be prescribed by a separate law.

2. At the time of dissolution, if the remaining property of the Bank of Japan exceeds the amount of paid-up capital, the excess amount shall belong to the national treasury.

(Application of provisions regarding a legal person)

Article 61 The provisions of Articles 44, 50, 54, and 57 of the Civil Code (Law No. 89 of 1896) as well as the provisions of Article 35, Paragraph 1 of the Law of Procedure in Non-Contentious Cases (Law No. 14 of 1898) shall apply *mutatis mutandis* to the Bank of Japan.

(Entrusting of powers of the Prime Minister)

Article 61-2 The Prime Minister shall entrust its powers prescribed by this Law (except for Article 19) to the Commissioner of the Financial Services Agency except for those prescribed by a Cabinet Order.

(Entrusting to a Cabinet Order)

Article 62 In addition to the provisions in this Law, matters necessary to implement this Law shall be provided by a Cabinet Order.

第五十八條 報告等

財務大臣或內閣總理大臣依據本行之業務執行情形，認為必要時，得要求本行提出報告及資料。

第九章 雜 則（附 則）

第五十九條 規程

除本法另有規定者外，本行於制定其他涉及組織之規程後，應儘速提交財務大臣。變更時亦同。

第六十條 解散

- 1 本行之解散，另以法律定之。
- 2 本行解散後，其剩餘資產超過已繳交之資本額部分，歸屬國庫。

第六十一條 法人規定之準用

民法（明治二十九年第八十九號法律）第四十四條、第五十條、第五十四條、及第五十七條，及非訟事件程序法（明治三十一年第十四號法律）第三十五條第一項之規定，於本行準用之。

第六十一條之二 權限之委任

內閣總理大臣將其依本法規定（除第十九條外）之權限（除以政令訂定者外），委任金融廳長官行使之。

第六十二條 其他施行政令

除本法規定者外，本法施行之必要事項，另以政令定之。

Chapter X Penalty

- Article 63 Those who leak secrets or use such secrets for their own interest, in violation of the provisions of Article 29, shall be liable to a term of penal servitude not exceeding a year or a fine not exceeding five hundred thousand yen.
- Article 64 Those who fail to conduct the inspection or reporting prescribed by Article 57, Paragraph 2 or make false reporting shall be liable to a fine not exceeding five hundred thousand yen.
- Article 65 The Bank of Japan's executives and staff shall be punished by a non-penal fine not exceeding five hundred thousand yen for the commission of any of the following breaches:
- (1) Failing to obtain authorization from the Minister of Finance or from both the Minister of Finance and the Prime Minister, or the approval of the Minister of Finance, as required by this Law (excluding the provisions of Article 43, Paragraph 1);
 - (2) Failing to make a report to the Minister of Finance or both the Minister of Finance and the Prime Minister as required by this Law or making a false report to the Minister of Finance or both the Minister of Finance and the Prime Minister ;
 - (3) Failing to make public announcements required by this Law or making false public announcements;
 - (4) Neglecting to register in violation of a Cabinet Order under the provisions of Article 12, Paragraph 1;
 - (5) Maintaining or taking other posts that bring remuneration or engaging in other business for pecuniary gains in violation of the provisions of Article 26, Paragraph 1;
 - (6) Conducting business other than those prescribed as the Bank's business in violation of the provisions of Article 43, Paragraph 1;

第十章 罰 則

第六十三條

違反第二十九條規定洩漏或盜用秘密者，處一年以下有期徒刑、拘役或五十萬日圓以下罰金。

第六十四條

未依本法第五十七條第二項規定為監查或報告行為，或為虛偽不實之報告者，處五十萬日圓以下罰金。

第六十五條

本行幹部或職員違反下列各款規定者，處五十萬日圓以下罰鍰：

- 一、依本法規定（除第四十三條第一項外）應經財務大臣或財務大臣與內閣總理大臣認可，或經財務大臣承認之事項，而未經認可或承認者。
- 二、依本法規定應向財務大臣或財務大臣與內閣總理大臣提出之事項，未為提出或為虛偽不實之提出者。
- 三、依本法規定應公布之事項，未為公布或為虛偽不實之公布者。
- 四、違反本法第十二條第一項所規定之政令，就應登記事項未為登記者。
- 五、違反本法第二十六條第一項之規定，而任其他有報酬之職務、從事營利事業或其他以金錢上之利益為目的之行為者。
- 六、違反本法第四十三條第一項之規定，從事本行業務範圍以外之行為者。

- (7) Violating the provisions of Article 48;
- (8) Failing to keep financial statements, a report on the settlement of accounts, or the Executive Auditors' opinions or failing to provide the aforementioned documents for perusal in violation of the provisions of Article 52, Paragraph 3;
- (9) Failing to retain a surplus as a reserve fund in violation of the provisions of Article 53, Paragraph 1;
- (10) Disposing of a reserve fund in violation of the provisions of Article 53, Paragraph 3;
- (11) Paying dividends in violation of the provisions of Article 53, Paragraph 4;
- (12) Failing to make a report as required by Article 56, Paragraph 2 or making a false report;
- (13) Failing to make a report, or failing to submit documents as required by Article 58 or making a false report or submitting false documents.

Article 66 Those who violate the provisions of Article 13 shall be punished by a non-penal fine not exceeding five hundred thousand yen.

- 七、違反第四十八條之規定者。
- 八、違反第五十二條第三項之規定，未為財務報表、決算報告書或監事意見書之備置，或未供閱覽者。
- 九、違反第五十三條第一項之規定，未為準備金之累積者。
- 十、違反第五十三條第三項之規定，為準備金之動用者。
- 十一、違反第五十三條第四項但書之規定，擅為股息之分配者。
- 十二、違反第五十六條第二項之規定，未為報告或為虛偽不實之報告者。
- 十三、違反第五十八條之規定，未為報告或資料之提出，或為虛偽不實之提出者。

第六十六條

違反第十三條之規定者，處五十萬日圓以下罰鍰。

九、The Bank of Korea Act
韓國銀行法

The Bank of Korea Act

Chapter I	General provisions
Chapter II	The Monetary Policy Committee
Chapter III	Executive organs and the Auditor
Chapter IV	Operations of the Bank of Korea
Chapter V	Requests for examinations of banking
Chapter VI	Relationship with the government, etc.
Chapter VII	Accounting, etc.
Chapter VIII	Supplementary provisions
Addenda	
Addenda <Act No. 6971, Sep. 3, 2003>	

韓國銀行法

法務室 謝淑芬 譯

第一章 總 則

第二章 貨幣政策委員會

第三章 執行機關及監事

第四章 韓國銀行之營運

第五章 要求檢查金融機構等

第六章 與政府間之關係等

第七章 會計等

第八章 罰 則

附 則

附 則 < 2003.9.3 >

The Bank of Korea Act

Law No. 6971 Promulgated on Sep. 3, 2003

Chapter I General provisions

Article 1 (Purpose)

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.

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 implemented autonomously and the independence of the Bank of Korea shall be respected.

Article 4 (Harmonization with government policy, etc.)

- (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 impeding the price stabilization.
- (2) In implementing monetary and credit policies, the Bank of Korea shall value the market mechanism.

Article 5 (The Bank of Korea's operation for the public interest and transparency)

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

韓國銀行法

2003年9月3日第6971號法律修正部分條文【2004.1.1修正施行】

第一章 總 則

第一條（目的）

為設立韓國銀行，並透過制定與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。

第二條（法人）

韓國銀行為無資本之特殊法人。

第三條（韓國銀行之中立性）

韓國銀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。

第四條（與政府政策之協調等）

- (1)於不妨礙物價穩定之範圍內，韓國銀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，韓國銀行應重視市場機制。

第五條（韓國銀行為公共利益及透明化而操作）

韓國銀行經營業務與管理操作時，應致力於確保公共利益與透明化。

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.
- (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 the City of Seoul 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.

第六條（貨幣及信用政策營運方針之建立）

- (1) 韓國銀行應與政府協商，訂定物價穩定目標。〈2003.9.3 修正〉
- (2) 韓國銀行應於每年訂定發布貨幣及信用政策之營運方針。〈2003.9.3 增訂〉
- (3) 韓國銀行應盡全力達成依第(1)項所定之物價穩定目標。〈2003.9.3 修正〉

第七條（辦公處所）

韓國銀行設總行於漢城市，於執行業務之必要時，得依據其章程所定，設立分行及辦事處。

第八條（章程）

- (1) 韓國銀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僱職員事項；
 5. 有關業務與其經營事項；
 6. 有關預算與會計事項；
 7. 公告及出版方法；以及
 8. 大統領令規定之事項。
- (2) 韓國銀行得依據第十二條規定，經貨幣政策委員會之審議與決議修正其章程。

第九條（登記）

- (1) 韓國銀行應依據大統領令之規定登記之。

- (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, "The Bank of Korea" or any other similar name.

Article 11 (Scope of banking institutions)

- (1) The term "banking institutions" in this Act means banking institutions 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 sectors of the National Agricultural Cooperative Federation and the National Federation of Fisheries Cooperatives shall each be deemed a banking institution.
- (3) Insurance companies and companies which engage exclusively in the business of mutual savings bank or in the business of trust shall not be deemed banking institutions.

Chapter II The 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. The Governor of the Bank of Korea;

- (2) 韓國銀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。

第十條（相似名稱使用之禁止）

除韓國銀行外，任何法人或自然人均不得使用「韓國銀行」或其相似名稱。

第十一條（金融機構之範圍）

- (1) 本法所稱「金融機構」係指普通銀行法第二條所指金融機構，以及金融控股公司法所指銀行控股公司。〈2000年10月23日6274號法律修正〉
- (2) 全國農業合作聯盟與全國漁業合作聯盟之信用與銀行部門應視為金融機構。〈1999年9月7日6018號法律；2000年1月28日6256號法律修正〉
- (3) 保險公司、專營相互儲蓄銀行業務或信託業務之公司，不視為金融機構。〈2001年3月28日6429號法律修正；2003年9月3日修正〉

第二章 貨幣政策委員會

第一節 貨幣政策委員會之組成

第十二條（設立）

韓國銀行應設立貨幣政策委員會作為其決策單位。

第十三條（組成）

- (1) 貨幣政策委員會應由下列委員七人組成：
 - 1. 韓國銀行總裁；

2. The Deputy Governor of the Bank of Korea;
 3. One member recommended by the Minister of Finance and Economy;
 4. One member recommended by the Governor of the Bank of Korea;
 5. One member recommended by the Chairman of the Financial Supervisory Commission;
 6. One member recommended by the Chairman of the Korea Chamber of Commerce and Industry;
 7. One member recommended by the Chairman of the Korea Federation of Banks Incorporated; and
- (2) The Governor of the Bank of Korea (hereinafter referred to as "the Governor") shall become the Chairman of the Monetary Policy Committee (hereinafter referred to as "the Chairman") concurrently and shall be appointed by the President following deliberation by the State Council.
- (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 with prominent 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 "the Members") shall be standing Members.

Article 14 (The 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.

2. 韓國銀行副總裁；<2003.9.3 增訂>
 3. 由財政經濟部長推薦之委員一人；<2003.9.3 修正>
 4. 由韓國銀行總裁推薦之委員一人；<2003.9.3 修正>
 5. 由金融監督委員會委員長推薦之委員一人；<2003.9.3 修正>
 6. 由大韓工商協進會會長推薦之委員一人；<2003.9.3 修正>
 7. 由社團法人全國銀行聯合會會長推薦之委員一人。<2003.9.3 修正>
- (2) 韓國銀行總裁（以下簡稱「總裁」）應同時為貨幣政策委員會之主席（以下簡稱「主席」），經國務院審議後，由大統領任命之。
- (3) 第(1)項第3款至第7款委員，應由各該組織依據大統領令之規定，推薦對於金融、經濟與產業具有豐富經驗或學識者，由大統領任命之。<2003.9.3 修正>
- (4) 貨幣政策委員會之委員（以下簡稱「委員」）應為常設委員。

第十四條（主席）

- (1) 主席應代表貨幣政策委員會並應擔任貨幣政策委員會會議之主席。主席應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。

第十五條（委員任期）

第十三條第(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。<2003.9.3 修正>

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 office against his own will unless he falls under any of the following Clauses:
 1. in case he falls under any of the Clauses of Article 17;
 2. in case he cannot perform his duties on account of mental or physical disability; or
 3. in case he has become inappropriate to fulfill his duties as a Member by violating his 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.

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.

第十六條（出缺委員任期）

第十三條第(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。<2003.9.3 修正>

第十七條（不合委員任用資格）

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三十三條任何一款之人員。

第十八條（委員身分之保證）

(1)除有下列各款情形之一者外，不得解除委員職務：

1. 有第十七條各款情事之一；
2. 因心理或身體障礙無法履行其任務；或
3. 因違反本法賦予之功能義務而不適於履行其任務。

(2)被取消資格之委員於因第(1)項情事喪失資格前所為之行為仍應有效。

第十九條（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，不適用政黨法第六條之規定。

第二十條（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行為：

1. 國家議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。

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 own motion.

Article 22 (Attendance for statement of opinions, etc.)

- (1) Assistant 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 related specialists, etc. 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 or her personal or commercial interests; or
2. proceedings of the Monetary Policy Committee involving the personal or commercial interests of his or her spouse or relatives within the fourth degree of consanguinity or second degree of affinity.

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.

第二節 貨幣政策委員會之運作

第二十一條（會議）

- (1) 貨幣政策委員會會議應於主席認為必要時，或至少委員二人之要求，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，應有至少五名委員出席以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二人之附議。但主席得自行對貨幣政策委員會提出議案。

第二十二條（出席會議陳述意見等）

- (1) 韓國銀行助理總裁得出席貨幣政策委員會會議並陳述意見。〈2003.9.3 修正〉
- (2) 貨幣政策委員會得邀請相關專家等參與會議並聽取其意見。

第二十三條（開會迴避）

委員於審議及表決下列各款情形之一之議案時，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。

第二十四條（正式決議紀錄之預備）

- (1) 貨幣政策委員會作成決議時，應作成正式紀錄，參與決議之委員應簽名或蓋章。

- (2) The Monetary Policy Committee must produce the minutes of each Committee meeting and publish them as determined by the Monetary Policy Committee.

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 recovery of damages provided for 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.

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:

- (2) 貨幣政策委員會應就每一次委員會會議作成紀錄，並依貨幣政策委員會之決議公布之。

第二十五條（損害賠償責任）

- (1) 因貨幣政策委員會之故意或過失致韓國銀行受有損害者，出席該次會議之全體委員，應就該項損害對韓國銀行負連帶責任，但對於該次會議中明白表示異議者，不在此限。
- (2) 監事應代表韓國銀行提起第(1)項之損害賠償訴訟。

第二十六條（緊急處置）

- (1) 於內部失序、外部偶發事件、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) 總裁於採取前項處置後，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確認、修正或停止第(1)項之處置。

第二十七條（會議運作）

有關貨幣政策委員會會議運作事項應依大統領令定之。

第三節 貨幣政策委員會之職權

第二十八條（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. basic matters concerning the issue of Bank of Korea banknotes;
2. the minimum ratio of reserves which each banking institution must maintain;
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 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 profit-making enterprises other than banking institutions in periods of severe monetary contraction;
10. basic matters for the operation and management of the payment systems according to the provisions of Article 81;
11. requests for materials concerning banking institutions and the institutions operating payment systems subject to the proviso that this is necessary for the formulation of monetary and credit policies and the smooth operation of the payment systems;
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;
15. restriction of maximum maturities of loans and types of collateral that may be required against such loans of banking institutions;

1. 有關韓國銀行紙幣發行基本事項；
2. 每一金融機構應維持之最低準備率；
3. 票據重貼現以及其他韓國銀行與金融機構所為信用操作之利率與標準；
4. 有關韓國銀行給予金融機構緊急信用之基本事項；
5. 韓國銀行得拒絕對其提供信用之金融機構之指定；
6. 有關於公開市場買賣政府債券、政府保證有價證券等之基本事項；
7. 有關韓國銀行貨幣穩定債券之發行、銷售、買回與還本付息之基本事項；
8. 有關韓國銀行貨幣穩定帳戶之設立與操作之基本事項；
9. 有關嚴重通貨緊縮時期貸款予金融機構以外營利事業之基本事項；
10. 有關依第八十一條規定辦理支付系統營運與管理之基本事項；< 2003.9.3 增訂>
11. 要求金融機構及辦理支付系統業務機構提供資料，但以制定貨幣及信用政策，以及支付系統之順利運作所必要者為限；< 2003.9.3 修正>
12. 要求金融監督局對金融機構進行實地檢查及與韓國銀行進行共同檢查，但以制定貨幣及信用政策所需者為限；< 2003.9.3 修正>
13. 金融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；< 2003.9.3 修正>
14. 金融機構就各種放款、墊款或其他授信操作或提供予客戶之服務而得收取之最高利率或費率；< 2003.9.3 修正>
15. 金融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；< 2003.9.3 修正>

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 the Auditor

Section 1. Executive organs

Article 32 (Executive officers)

The Bank of Korea shall have as its executive officers one Governor, one

- 16.因嚴重通貨膨脹期間等國家經濟之迫切需要，對金融機構放款與投資之總額或個別種類金額之上限；<2003.9.3 修正>
- 17.因嚴重通貨膨脹期間等國家經濟之迫切需要，對金融機構放款之事前核准；<2003.9.3 修正>
- 18.以及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。<2003.9.3 修正>

第二十九條（韓國銀行營運核定）

貨幣政策委員會審議與核定下列各款有關韓國銀行營運事項：

- 1.韓國銀行章程之修正；
- 2.韓國銀行之架構與組織；
- 3.韓國銀行之預算與決算報告；
- 4.韓國銀行職員報酬標準；
- 5.依本法或章程規定，為貨幣政策委員會權限範圍內有關韓國銀行營運之其他事項。

第三十條（規章之訂定）

貨幣政策委員會於執行職務之必要，得訂定規章。

第三十一條（委員事務之協助）

貨幣政策委員會得命令韓國銀行職員協助委員處理其事務。

第三章 執行機關及監事

第一節 執行機關

第三十二條（業務執行幹部）

韓國銀行之業務執行幹部為總裁一人、副總裁一人及五人

Deputy Governor, and five or fewer Assistant Governors.

Article 33 (The Governor)

- (1) The Governor shall represent the Bank of Korea and exercise general control over its business.
- (2) The term of the Governor shall be four years and he may be reappointed for a single consecutive term.

Article 34 (Powers and duties of the Governor)

- (1) 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.
- (2) 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 Deputy Governor, the Assistant 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 (The Deputy Governor)

- (1) The Deputy Governor shall be appointed by the President on the recommendation of the Governor.
- (2) The term of the Deputy Governor shall be three years, and he/she may be reappointed for a single consecutive term.

Article 36-2 (The Assistant Governors)

- (1) The Assistant Governors shall be appointed by the Governor.
- (2) The terms of the Assistant Governors shall be three years, and they may be reappointed for a single consecutive term.

以下之助理總裁。

第三十三條（總裁）

- (1)總裁代表韓國銀行並綜理行務。
- (2)總裁任期四年，期滿得續派連任一次。

第三十四條（總裁之權限與職務）

- (1)總裁執行貨幣政策委員會制定之政策，並行使本法以及韓國銀行章程賦與之權限。
- (2)總裁應隨時知會貨幣政策委員會其應注意之有關事項，並提供審議與制定政策所需之相關資料與建議。

第三十五條（代表人之指派）

- (1)總裁得指派副總裁、助理總裁或其他職員為韓國銀行業務有關訴訟與非訟事件代理人。
- (2)擔任第(1)項所定訴訟事件代理人之職員，其資格範圍以大統領令定之。

第三十六條（副總裁）

- (1)副總裁由總裁提名，報請大統領派充之。
 - (2)副總裁之任期為三年，期滿得續派連任一次。
- 【2003.9.3 修正】

第三十六條之二（助理總裁）

- (1)助理總裁由總裁派充之。
 - (2)助理總裁之任期為三年，期滿得續派連任一次。
- 【2003.9.3 增訂】

Article 37 (Duties of the Deputy Governor, etc.)

The Deputy Governor shall assist the Governor, and the Assistant Governors shall assist the Governor and the Deputy Governor, and undertake their respective duties in such manner as may be determined by the Articles of Incorporation of the Bank of Korea.

Article 38 (Discharge of Assistant Governors)

The Governor shall discharge an Assistant Governor under any of the following Clauses:

1. if he has been declared bankrupt by the Court;
2. if he 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 is unable physically or mentally to perform his official functions; or
4. if he 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 Deputy Governor, the Assistant 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 own conduct or that of the Deputy Governor, the Assistant Governors and employees, or reprimand them where necessary.

Article 41 (Restrictions on concurrent holding of offices)

The Governor, the Deputy Governor, the Assistant 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.

第三十七條（副總裁等之職務）

副總裁輔佐總裁，助理總裁襄助總裁與副總裁，並辦理韓國銀行章程所定各項職務。

第三十八條（助理總裁之解任）

總裁得依下列各款之一，解任助理總裁之職務：<2003.9.3修正>

1. 經法院宣告破產者；
2. 被判處徒刑以上刑罰者，或因違反本法或其他金融法規（包括外國金融法規）被處以罰金以上刑罰者；
3. 身體或心理狀況無法履行其職責者；或
4. 違反本法、依據本法所發布之大統領令或韓國銀行章程者。

第三十九條（職員之派用與解任）

總裁得任命或解任韓國銀行職員。

第四十條（執行機關之責任）

- (1) 總裁、副總裁、助理總裁及職員應忠誠執行貨幣政策委員會制定之政策。
- (2) 貨幣政策委員會得令總裁改正其自身、副總裁、助理總裁及職員之作為，必要時，並得予以懲戒。

第四十一條（兼任職務之限制）

總裁、副總裁、助理總裁及職員不得從事其本職以外之營利活動，且未經其任命權者之同意，不得兼任其他職位。

Article 42 (Duties of probity and confidentiality)

- (1) The Governor, the Deputy Governor, the Assistant 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 Deputy Governor, the Assistant 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.

Section 2. The 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 Finance and Economy.

Article 44 (Term)

The term of the Auditor shall be three years and he 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 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.

第四十二條（清廉與保密義務）

- (1)總裁、副總裁、助理總裁及職員不得強迫金融機構或其職員提供信用，且不得就其職務向金融機構或其職員收取金錢或其他貴重物品或利益。
- (2)總裁、副總裁、助理總裁及職員或曾擔任該等職位之人不得洩漏其執行職務知悉之機密事項，亦不得使用該資訊於其職責以外之目的。

第二節 監事

第四十三條（任命）

- (1)韓國銀行應置監事一人。
- (2)監事由財政經濟部長提名，報請大統領派充之。〈2003. 9.3 修正〉

第四十四條（任期）

監事任期為三年，期滿得續派連任一次。

第四十五條（職務）

- (1)監事應隨時查核韓國銀行之營運，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。但依韓國銀行章程所定基層職員之任免，不在此限。

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 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, design or denomination in such manner as may be determined by the Monetary Policy Committee, subject to the approval of the Government.

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.

第四十六條（監事兼任職務之限制等）

第三十八條、第四十一條及第四十二條之規定，於監事之解任、兼任職務限制、清廉與保密義務，準用之。

第四章 韓國銀行之營運

第一節 韓國銀行紙幣之發行

第四十七條（通貨發行）

韓國銀行有發行通貨之專屬權。

第四十八條（韓國銀行紙幣之法償性）

韓國銀行發行之紙幣對所有交易具有無限法償效力。

第四十九條（韓國銀行紙幣面額等）

韓國銀行得依貨幣政策委員會決議並經政府核定之規格、圖案或面額發行紙幣。

第五十條（韓國銀行持有之紙幣）

由韓國銀行持有之韓國紙幣不構成韓國銀行資產或負債之一部分。

第五十一條（韓國銀行債權收取等）

- (1) 韓國銀行於收取債權及收受存款時應收受其發行紙幣。
但韓國銀行應僅得收受有權在該行設立存款帳戶者之存款。
- (2) 韓國銀行應於存戶提領存款時，立即以其紙幣支付之。
如該存款定有償還期限者，得於到期日或到期日後支付之。

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) 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).

**Section 2. Deposits and reserves against deposits
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 (Reserves against deposits, etc.)

- (1) Banking institutions shall maintain a level of reserves higher than the ratio of reserves to their deposit liabilities as provided for in Article 56.
- (2) Reserves against deposits as provided for in Paragraph (1) shall be maintained in the Bank of Korea in the form of reserve deposits. Banking institutions, however, may hold such part of their reserves against deposits in the form of vault cash consisting of banknotes of the Bank of Korea as may be determined by the Monetary Policy Committee.
- (3) The Bank of Korea may pay interest on the reserve deposits as provided for in Paragraph (2) in such manner as may be determined by the Monetary Policy Committee.

Article 56 (Determination of ratio of reserves to deposits, etc.)

- (1) The Monetary Policy Committee may fix and, when it deems necessary,

第五十二條（韓國銀行紙幣兌換等）

- (1) 韓國銀行於其紙幣持有範圍內，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) 韓國銀行對於破損、污損或其他原因而不適流通之紙幣，應予以收回終止其流通，並以新紙幣兌換之。

第五十三條（硬幣之發行）

- (1) 韓國銀行得發行硬幣。
- (2) 第四十八條至第五十二條之規定，於第(1)項所定硬幣，準用之。

第二節 金融機構存款及存款準備金

第五十四條（由韓國銀行收受之存款）

韓國銀行得為金融機構收受並持有存款。

第五十五條（存款準備金）

- (1) 金融機構應維持第五十六條所定存款準備率以上之準備金。
- (2) 第(1)項所定存款準備金應以準備存款之形式存放於韓國銀行。但前項準備金，金融機構得部分以貨幣政策委員會所定由韓國銀行紙幣組成之庫存現金充之。
- (3) 韓國銀行得依貨幣政策委員會之規定支付第(2)項準備存款之利息。

第五十六條（存款準備率等之決定）

- (1) 貨幣政策委員會得訂定各家金融機構應維持之最低存款

alter the minimum ratio of reserves to deposits (hereinafter referred to as "ratio of reserves to deposits") which each banking institution must maintain.

- (2) The ratio of reserves to deposits, 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 against deposits)

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 deposits, of up to one hundred percent against any increase in deposits above the amount outstanding as of the date specified by the Monetary Policy Committee.

Article 58 (Ratios of reserves to each class of deposits)

Subject to the provisions of Articles 55 and 57, the Monetary Policy Committee may, when it deems necessary, fix different ratios of reserves to each class of deposits.

Article 59 (Computation of minimum reserves)

- (1) The amount of required minimum reserves to be held by each banking institution shall be computed semimonthly 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 half-month period 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 one percent of the amount of the average deficiency during that half-month period.

準備率（以下簡稱「存款準備率」），必要時，並得予以變更。

(2)除第五十七條規定外，存款準備率不得超過百分之五十，且應統一適用於全體金融機構。

第五十七條（邊際存款準備金）

貨幣擴張期間，貨幣政策委員會於必要時，得要求金融機構就某特定日存款餘額新增部分提存最高至百分之百存款準備率之邊際最低準備金。

第五十八條（各種存款準備金比率）

依據第五十五條及第五十七條規定，貨幣政策委員會於必要時，得就各類存款訂定不同存款準備金比率。

第五十九條（最低準備金之計算）

- (1)各金融機構應提存之最低準備金額應依貨幣政策委員會所定方式每半個月計算一次。
- (2)計算各金融機構應提最低準備金時，其在韓國之總行、分行及辦事處視為一個單位。

第六十條（罰則等）

- (1)任何金融機構半個月期所提存之準備金額低於依照第五十九條規定計算之應提最低準備金者，金融機構應就其差額之百分之一繳納罰鍰予韓國銀行。

- (2) If the reserve deficiency persists for more than five half months, 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 it has continued to maintain its reserves at the required minimum level for at least one full month.

Article 61 (Increase of the ratio of reserves to deposits)

Whenever the Monetary Policy Committee raises the ratio of reserves to deposits, it shall do so in as gradual and orderly a manner as possible, and give all banking institutions appropriate advance notice.

Article 62 (Use of deposit reserves)

The reserves against deposits 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 system)

The Monetary Policy Committee may, when it deems necessary, require each banking institution to hold, apart from the reserves against deposits, 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 rediscounting, discounting, buying and selling of promissory notes, bills of exchange, and other credit instruments 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)如金融機構提存準備金不足持續達五次半個月期間，貨幣政策委員會得禁止該違法金融機構從事新放款與投資，或禁止其對股東發放股利，直至該機構提存之準備金持續一個月以上達到應提存之最低準備金為止。

第六十一條（存款準備金比率之提高）

貨幣政策委員會提高存款準備金比率時，應儘可能以循序漸進之方式為之，並於事前妥為周知各金融機構。

第六十二條（存款準備金之使用）

金融機構提存於韓國銀行之存款準備金，得依據貨幣政策委員會所定方式作為其與韓國銀行或其他金融機構清算差額之用。

第六十三條（準備資產制度）

貨幣政策委員會於必要時，得要求各金融機構於存款準備金外，依據大統領令所定方式提存特別準備資產。

第三節 對金融機構之放款

第六十四條（與金融機構之信用操作）

(1)韓國銀行得依據貨幣政策委員會所定方式對金融機構辦理下列授信業務：

1. 重貼現、貼現及買賣金融機構取得之本票、匯票或其他信用工具。但自韓國銀行取得各該工具之日起，到期日不得超過一年，以及

2. the making of loans against the following kinds of collateral for fixed periods which shall not exceed one year:
 - (a) credit instruments specified in Clause 1;
 - (b) negotiable securities representing obligations of, or obligations guaranteed by, the Government; or
 - (c) negotiable securities representing obligations of the Bank of Korea.
- (2) All credit instruments rediscounted, 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 credit operations against the collateral of any assets which are defined temporarily as acceptable security with at least four Members concurring in any of following cases:
 1. conducting credit operations temporarily with banking institutions during a grave emergency which directly threatens monetary and banking stability; 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.
- (2) A banking institution in receipt of credit specified in the provisions of Clause 1 of Paragraph (1) may not, while such debt is outstanding, increase the total volume of its loans and investments without prior authorization by the Monetary Policy Committee.
- (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 extension of 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. 對於提供下列擔保品者，辦理一年以內之定期放款：
 - (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；或
 - (c) 可轉讓之韓國銀行債券。
- (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，應由各該金融機構背書或出具權利移轉證明。

第六十五條（緊急貸款予金融機構）

- (1) 於下列情況時，韓國銀行得對於經至少委員四人之同意暫定為合格有價證券之擔保品，辦理授信業務：
 1. 直接危及貨幣與金融穩定之重大緊急事故期間，暫時對金融機構辦理授信業務；或
 2. 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，有導致金融機構經營困難之虞時，暫時對金融機構辦理授信業務。
- (2) 收受第(1)項第 1 款信用之金融機構，於該債務未清償前，未經貨幣政策委員會事前核准不得增加其放款及投資總額。
- (3) 韓國銀行於必要時得查核及確認與第(1)項所定授信有關金融機構之業務及資產狀況。

第六十六條（韓國銀行貸款之駁回）

- (1) 貨幣政策委員會認為申請授信之金融機構，相較於其他金融機構，已過度藉助於韓國銀行之信用，或採取不健全之放款及投資政策時，韓國銀行得拒絕其授信之申請。

- (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 credit.

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) The Bank of Korea may, in accordance with the provisions of the Monetary Policy Committee, buy and sell in the open market for its own account to implement monetary and credit policies:
 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.

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.

- (2) 貨幣政策委員會如同意對第(1)項所指金融機構辦理授信時，得對該授信收取較高之貼現率及利率。

第六十七條（韓國銀行貸放限制）

韓國銀行於嚴重通貨膨脹期間，除致力儘速縮減其對金融機構未收回授信額度外，應限制其對金融機構之授信，非有不得已情形，不得辦理新增授信。

第四節 於公開市場買賣有價證券

第六十八條（公開市場操作）

- (1) 為執行貨幣及信用政策，韓國銀行得依據貨幣政策委員會之規定，於公開市場為自己買賣下列有價證券：
1. 韓國政府債券；
 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。

第六十九條（韓國銀行貨幣穩定債券）

- (1) 韓國銀行得依據法律與貨幣政策委員會之規定，於公開市場發行韓國銀行貨幣穩定債券（以下簡稱「貨幣穩定債券」）。
- (2) 韓國銀行得於公開市場買回貨幣穩定債券，或於到期日前依面額以抽籤方式贖回之。
- (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) 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 against the deposits 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.

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.

- (4)第(2)項規定以抽籤贖回之方式僅得於貨幣政策委員會認為必要時為之。
- (5)韓國銀行應立即將買回或贖回之貨幣穩定債券予以註銷作廢，但依再賣出條件而買回者，不在此限。
- (6)第五十條規定應適用於韓國銀行持有之貨幣穩定債券，但依再賣出條件而買回者，不在此限。

第七十條（韓國銀行貨幣穩定帳戶之設立）

- (1)韓國銀行得依據貨幣政策委員會之規定設立韓國銀行貨幣穩定帳戶，並要求金融機構提存特別存款於該帳戶中。
- (2)存放於韓國銀行貨幣穩定帳戶之金額不得視為第四章第二節所定之存款準備金。

第五節 與政府及政府機關之業務

第七十一條（政府之公庫）

韓國銀行為大韓民國國庫款項保管機關，應依國庫款項管理法之規定處理國家歲入存款。<2002.12.30 修正國庫款項管理法>

第七十二條（保管）

韓國銀行得收受保管政府所有之有價證券、契據及貴重物品。

第七十三條（政府業務之處理）

韓國銀行得依據法律規定，協助收取國家歲收，並處理政府債券之發行、銷售或還本付息業務。

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.

第七十四條（手續費）

韓國銀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。

第七十五條（對政府授信等）

- (1) 韓國銀行得以透支或其他方式提供政府信用，及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，連同政府向其他金融機構及大眾之借款，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。

第七十六條（經政府保證有價證券之直接認購）

- (1) 韓國銀行得直接認購由政府擔保本息之有價證券。
- (2) 第(1)項所定認購有價證券之利率或其他條件由貨幣政策委員會定之。

第七十七條（政府機關之存放款）

- (1) 韓國銀行得收受政府機關之存款或放款予政府機關。
- (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韓國銀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) In periods of severe monetary and credit contraction when banking institutions are calling in outstanding loans and refraining from making new ones, 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 Paragraph (3) 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.

第七十八條（對政府機關授信之限制）

通貨膨脹期間，韓國銀行應致力於限制其對政府機關之授信，並縮減該等信用之未償金額。

第六節 與公眾之業務

第七十九條（與公眾交易之限制）

除本法另有規定外，韓國銀行不得收受政府、政府機關與金融機構以外之法人或個人之存款、或對其放款或購買其債務。但韓國銀行於執行其業務之必要，得依貨幣政策委員會所定之方式收受法人之存款。

第八十條（對營利事業授信）

- (1) 儘管有第七十九條之規定，於金融機構要求客戶償還未償借款及限制新增放款之貨幣及信用嚴重緊縮時期，韓國銀行得經至少委員四人之同意，對金融機構以外諸如從事融資服務之營利事業辦理授信。
- (2) 第(1)項所定授信服務應遵守貨幣政策委員會所規定之期間與條件。
- (3) 第(1)項所定授信應適用第六十五條第(3)項規定。

第七節 支付清算業務 <2003.9.3 修正>

第八十一條（支付清算業務）

- (1) 為促進整體支付系統之安全及效率，韓國銀行得決定所經營支付系統之必要事項。

- (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 any materials related to payments and settlements. In such cases the operating institutions shall comply.
- (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.

Section 8. Other business

Article 82 (Foreign exchange business, etc.)

The Bank of Korea may, subject to the authorization of the Minister of Finance and Economy, 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 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.

- (2)非由韓國銀行經營之支付系統，韓國銀行認為必要時，得要求營運機構或責成其監督機關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，韓國銀行得要求第(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)韓國銀行得要求其依第(1)項規定經營支付系統之各參加機構提供相關資料。

【2003.9.3 修正】

第八節 其他業務 <2003.9.3 增訂>

第八十二條（外匯業務等）

韓國銀行得依財政經濟部長之授權，從事下列業務：<2003.9.3 修正>

1. 經營外匯業務與持有外匯；
2. 收受外國金融機構、國際金融組織、外國政府與其機構，或聯合國組織之存款；
3. 買賣貴重金屬。

第八十三條（外匯業務政策之建議等）

韓國銀行應就有關匯率、金融機構之外幣貸款與存款，及外匯買超與賣超部位限制之政府政策，履行顧問之職責。

第八十四條（聯行合約）

韓國銀行得依貨幣政策委員會之決議，與金融機構締結聯行合約。

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.

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 banking institutions (including for this purpose those engaged in financing business, other than banking institutions, which enter into agreements on current deposit accounts with the Bank of Korea) to provide any materials. Adequate consideration shall be given to the operational burden imposed on the banking institutions concerned by keeping the information to be supplied to the minimum required.

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 Concerning the Establishment of Financial Supervisory Organizations (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.

第八十五條（於國際組織代表政府）

韓國銀行應依據政府指示，代表政府與韓國所參與之國際貨幣或金融組織，進行所有、任何往來、協商或交易。

第八十六條（統計資料之蒐集與編製等）

韓國銀行因制定貨幣及信用政策之需要，得蒐集並編製貨幣、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，及為此目的，向政府組織及任何法人或自然人要求任何資料或資訊。

第五章 要求檢查金融機構等

第八十七條（要求資料之權限）

韓國銀行於貨幣政策委員會認為為執行貨幣及信用政策之必要時，得要求金融機構（包括金融機構以外，其他從事融資業務並與韓國銀行簽訂活期存款帳戶合約者）提供任何資料。為兼顧金融機構營運上之負擔，應依最低限度要求其提供資料。

第八十八條（檢查與共同檢查等要求）

(1) 韓國銀行於貨幣政策委員會認為為執行貨幣及信用政策之必要，得要求依據金融監理組織設置法所設置之金融監督局（以下簡稱「金融監督局」）於決議之特定範圍內檢查金融機構；必要時，並得要求由韓國銀行人員會同金融監督局共同檢查金融機構。金融監督局應即依照韓國銀行之要求辦理。<2003.9.3 修正>

- (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.

Article 89 (Request for reconsideration of a decision of the Financial Supervisory Commission)

- (1) The Monetary Policy Committee may, when it takes a different view, request the Financial Supervisory Commission to reconsider a decision it has taken if it has a direct bearing on monetary and credit policies.
- (2) When the Financial Supervisory 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 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 Finance and Economy may be present and state his opinion at meetings of the Monetary Policy Committee.

Article 92 (Request for reconsideration of a decision of the Monetary Policy Committee)

- (1) The Minister of Finance and Economy may request the Monetary Policy Committee to reconsider a decision it has taken if he considers it in conflict with the Government's economic policy.
- (2) When the Monetary Policy Committee takes the same decision as its

- (2) 韓國銀行得要求金融監督局提交其依第(1)項規定辦理檢查之結果，並依據該結果對相關金融機構採取必要之糾正措施。金融監督局應即依照韓國銀行之要求辦理。〈2003.9.3 修正〉

第八十九條（要求覆議金融監督委員會之決議）

- (1) 對於金融監督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，得要求其覆議。
- (2) 金融監督委員會對於依第(1)項規定被要求覆議之事項，經全體委員至少三分之二之同意而作出與先前相同之決議時，第(1)項所指決議即生效力。

第六章 與政府間之關係等

第九十條（總裁列席國務院）

- (1) 總裁得列席國務院，陳述其對於貨幣及信用相關事項之意見。
- (2) 政府得要求總裁出席國務院。

第九十一條（政府官員列席貨幣政策委員會會議）

財政經濟部副部長得列席貨幣政策委員會會議並陳述其意見。〈2003.9.3 修正〉

第九十二條（貨幣政策委員會決議之提請覆議）

- (1) 財政經濟部長認為貨幣政策委員會之決議與國家經濟政策衝突時，得提請其覆議。〈2003.9.3 修正〉
- (2) 貨幣政策委員會對於依第(1)項規定提請覆議之事項，經

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 Finance and Economy 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.

Article 94 (Exchange of information)

The Minister of Finance and Economy, the Monetary Policy Committee and the Financial Supervisory 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, etc.)

- (1) The Bank of Korea shall at least twice a year prepare a report on the implementation of its monetary and credit policies, and submit it 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).

至少委員五人之同意而作出與先前相同之決議時，應由大統領作最後之裁決。

- (3)當財政經濟部長作成第(1)項所定要求時，應依據大統領令之規定立即向大眾公布。<2003.9.3 修正>

第九十三條（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。

第九十四條（資訊交換）

財政經濟部長、貨幣政策委員會與金融監督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，不得拒絕。<2003.9.3 修正>

第九十五條（監事會之查核）

韓國銀行每年應接受監事會之查核。

第九十六條（向國會報告等）

- (1)韓國銀行應造具貨幣及信用政策執行報告至少每年二次，並提交國會。<2003.9.3 修正>
- (2)總裁應依國會或其委員會之邀請，列席國會或其委員會，回答有關第(1)項規定報告之問題。

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), the budget allocations for expenses classified as salaries, etc. by the Presidential Decree shall have previously received the consent of the Minister of Finance and Economy.
- (3) The Bank of Korea shall submit an itemized budget as provided for in Paragraph (2) to the Minister of Finance and Economy at least sixty days before the start of each fiscal year.
- (4) The Governor shall submit a set of closing statements for the fiscal year to the Minister of Finance and Economy within two months after the close of each fiscal year.

Article 99 (Disposal of surplus)

- (1) The Bank of Korea shall allocate to the reserves annually ten 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.

第七章 會計等

第一節 會計

第九十七條（會計年度）

韓國銀行會計年度應與政府會計年度一致。

第九十八條（預算與決算報告）

- (1) 韓國銀行每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，有關依據大統領令所為薪資等費用支出之預算分配，應經財政經濟部長事前同意。〈2003.9.3 修正〉
- (3) 韓國銀行應於當年度會計年度開始前六十日，向財政經濟部長提交第(2)項所定分項列舉之預算書。〈2003.9.3 修正〉
- (4) 總裁應於每會計年度終了後兩個月內向財政經濟部長提交該年度決算報告。〈2003.9.3 修正〉

第九十九條（盈餘處分）

- (1) 韓國銀行應每年將其扣除資產貶值後之純益提存百分之十為準備。
- (2) 韓國銀行遵循第(1)項規定後仍保有純益者，得經政府許可，為特定目的設立準備基金。
- (3) 韓國銀行依據第(1)項與第(2)項規定分配其純益後，應將剩餘之純益交付予政府之總歲入帳戶。

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 Budget and Accounts 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.

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.

第一〇〇條（損失填補）

韓國銀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預算與會計法補充之。

第二節 資產負債表與年度報告書等

第一〇一條（資產負債表之公開）

- (1) 韓國銀行應於每月前二十天公布總資產負債表，揭示其至前一個月的最後一個工作天為止之適當資產與負債詳細資料。至於每個會計年度的最後一個工作天為止之總資產負債表，韓國銀行得於前述會計年度終了後兩個月內公布之。
- (2) 第(1)項所提總資產負債表由總裁、監事與表報造具人員簽名或蓋用其職章。

第一〇二條（年度報告書之公布）

- (1) 韓國銀行應於會計年度結束後三個月內向政府提交年度報告書並公布之。年度報告書應摘要敘述韓國銀行之業務狀況、貨幣政策與政府之外匯政策，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。

第一〇三條（營利活動之禁止等）

韓國銀行不得直接或間接參與營利活動，或營利事業之所有或管理，且除從事業務之必要者外，不得購買或永久擁有不動產。

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 106 (Treatment as public officials in application of the punitive provisions of related Acts)

- (1) The Members, the Assistant 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.

第八章 罰 則

第一〇四條（刑事罰）

任何人（包括第四十六條所定之監事）違反第四十二條第(2)項規定，處三年以下有期徒刑或科二千萬韓圀以下罰金。

第一〇五條（刑事罰）

任何人違反第十條規定，處一年以下有期徒刑或科一千萬韓圀以下罰金。

第一〇六條（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，及韓國銀行助理總裁、監事及職員，視為刑法及其他法律處罰規定之公務員。<2003.9.3 修正>
- (2) 第(1)項所指職員之意義以大統領令定之。

Addenda

Article 1 (Enforcement date)

This Act shall be effective from April 1, 1998.

Article 2 (Application of restriction on the reappointment of the Deputy Governor and the Auditor)

The revised provisions of Paragraph (2) of Article 36 and Article 44 shall take effect from the first appointment of a 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 (" I-Sa "), 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 Deputy Governor, Assistant Governors (" Buchongjaebo ") 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.

附 則

第一條（生效日期）

本法應自一九九八年四月一日生效。

第二條（副總裁與監事再任命限制之適用）

第三十六條第(2)項與第四十四條之修正規定應於依據本法分別首次任命副總裁與監事時生效。

第三條（一般過渡措施）

- (1) 貨幣委員會於本法生效前，依據舊規定所作之授權、核准、決議、命令、處分與其他行政決定，應視為係貨幣政策委員會基於本法所為。
- (2) 本法生效前，依據舊規定向貨幣委員會所為之申請、報告與其他行為，應視為係基於本法向貨幣政策委員會所為。

第四條（有關委員與業務執行幹部之過渡措施等）

至本法生效為止，擔任韓國銀行貨幣委員會主席與委員，及本行總裁、副總裁、助理總裁與監事者應依據本法履行其各自之功能，直到基於本法選任出貨幣政策委員會主席與委員，及本行總裁、副總裁、助理總裁與監事為止。

第五條（有關委員任期之特別措施）

首次依本法選任出之委員中，第十三條第(1)項第2款至第4款所定委員之任期為二年，而不適用第十五條之修正規定。

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

Article 7 (Amendments of other Acts)

(1) The Ethics in Public Service Act shall be amended as follows.

In Clause 9 of Paragraph (1) of Article 3 and Clause 10 of Paragraph (1) of Article 10, the term "Superintendent of Banks " shall be replaced by " Governor of the Financial Supervisory Service ".

(2) The National Bonds Act shall be amended as follows.

In Paragraph (2) of Article 15, the term "Executives of the Bank of Korea " shall be replaced by "Assistant Governors of the Bank of Korea " and the term "the Executive in charge of the revenue and expenditure of a fund " by "the Assistant Governor in charge of the revenue and expenditure of a fund. "

In Paragraph (3) of Article 15, the term "the Executive in charge of the revenue and disbursement of a fund " shall be replaced by "the Assistant Governor in charge of the revenue and disbursement of a fund ".

(3) The Monopoly Regulation and Fair Trade Act shall be amended as follows.

Clause 1 of Paragraph (3) of Article 14 shall be amended as follows;

1. The Financial Supervisory Service established by the Act Concerning the Establishment of Financial Supervisory Organizations.

(4) The Act Relating to the Regulation of Agreements shall be amended as follows.

In Paragraph (1) of Article 18, the term "Office of Bank Supervision under the Bank of Korea Act " shall be replaced by "Financial Supervisory Service established under the Act Concerning the Establishment of Financial Supervisory Organizations ".

(5) The Support of the 18th Winter Universiad and the 4th Winter Asian Games Act shall be amended as follows.

In Paragraph (2) of Article 19, the term "and notwithstanding the provisions of Article 72 of the Bank of Korea Act may acquire real estate " shall be deleted.

第六條（章程之變更）

韓國銀行應於本法生效之同時取得財政經濟部長之授權變更章程，使其與本法之修正一致。

第七條（其他法律修正）

(1) 公務人員政風法修正如下：

第三條第(1)項第9款及第十條第(1)項第10款，「銀行監督人」一語應以「金融監督局局長」代之。

(2) 國家債券法修正如下：

第十五條第(2)項，「韓國銀行執行幹部」一語應以「韓國銀行助理總裁」代之；而「負責基金之收入與經費之執行幹部」一語以「負責基金之收入與經費之助理總裁」代之。

第十五條第(3)項，「負責基金之收入與支付之執行幹部」一語應以「負責基金之收入與支付之助理總裁」代之。

(3) 獨佔法規與公平交易法修正如下：

第十四條第(3)項第1款修正如下：

1. 依據金融監理組織設置法所設置之金融監督局。

(4) 有關合約規範法修正如下：

第十八條第(1)項，「依據韓國銀行法所設置之銀行監督局」一語應以「依據金融監理組織設置法所設置之金融監督局」代之。

(5) 贊助第十八屆世界大學生冬季運動會及第四屆冬季亞運法修正如下：

第十九條第(2)項，「且不論韓國銀行法第七十二條規定，得取得不動產」一語，應予刪除。

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 (" I-Sa ") of the Bank of Korea shall be deemed as citing an Assistant Governor (" Buchongjaebo ") 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. 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 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 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.

第八條（與其他立法之關係）

本法生效前，任何法律引用前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視為引用韓國銀行助理總裁。所引銀行監督局或韓國銀行之銀行監督局視為引用金融監督局。所引韓國銀行之銀行監督人或銀行監督人視為引用金融監督局局長。

附則 <2003.9.3>

(1) (生效日)

本法自二〇〇四年一月一日起生效。

(2) (有關過渡期委員及副總裁任期之相關措施)

本法修正生效時，依修正生效前第十三條第(1)項第7款規定任命之貨幣政策委員會委員，以及依修正生效前第三十六條第(1)項規定任命之副總裁之任期均至二〇〇三年十二月三十一日屆滿，不受修正生效前規定之限制。

十、Monetary Authority of
Singapore Act
新加坡貨幣管理局法

Monetary Authority of Singapore Act

- | | |
|----------|--|
| Part I | Preliminary |
| Part II | Establishment, capital and administration
of Authority |
| Part III | Provisions relating to staff, transfer of
functions, employees and assistants, etc. |
| Part IV | Powers, duties and functions of Authority |
| Part IVA | Financial Sector Development Fund |
| Part V | Miscellaneous |

新加坡貨幣管理局法

法務室 劉鈺玲 譯

- 第一章 總則
- 第二章 本局之設立、資本及行政管理
- 第三章 關於職員、職權移轉、聘僱人員及助理等規定
- 第四章 本局之權限及職責
- 第四章 A 金融業發展基金
- 第五章 附則

Monetary Authority of Singapore Act

Amendment effected on October 8, 1999

MAS-ACT—An Act to establish a corporation to be known as the Monetary Authority of Singapore and to provide for the transfer to the corporation of certain functions and assets of the Government and for matters incidental thereto and connected therewith.

Part I Preliminary

Short title

1. This Act may be cited as the Monetary Authority of Singapore Act.

Interpretation

2. In this Act, unless the context otherwise requires
"Authority" means the Monetary Authority of Singapore established under section 3;
"bank" means a bank licensed under the Banking Act (Cap. 19);
"board" means the board of directors of the Authority;
"director" means a director appointed under section 8 (1) and the chairman and the deputy chairman of the board;
"managing director" means a director appointed under section 9 (1).

Part II Establishment, capital and administration of Authority

Establishment of Authority

3. -- (1) There shall be established an Authority to be called the Monetary Authority of Singapore which shall be a body corporate and shall have perpetual succession and may sue and be sued in its own name.
(2) The Authority shall have a common seal and the seal may, from time to time, be broken, changed, altered and made anew as to the Authority seems fit, and, until a seal is provided under this section, a stamp bearing the inscription The Monetary Authority of Singapore may be used as the common seal.

新加坡貨幣管理局法

1999年10月8日修正施行

本法係設立稱為新加坡貨幣管理局之法人，規定政府特定職權與資產移轉與該法人，並規定其衍生及相關事項之法律

第一章 總 則

第一條 簡稱

本法得簡稱為新加坡貨幣管理局法。

第二條 解釋

除上下文另有訂定者外，本法所稱

「本局」指依第三條設立之新加坡貨幣管理局；

「銀行」指依銀行法發給執照之銀行；

「理事會」指本局之理事會；

「理事」指依第八條第(1)項任命之理事、理事會主席及副主席；

「常務理事」指依第九條第(1)項任命之理事。

第二章 本局之設立、資本及行政管理

第三條 本局之設立

(1)新加坡貨幣管理局應予設立。該局為一永久存續之法人，得以其名義起訴或被訴。

(2)本局應備關防，並得依本局認為適宜之情形隨時予以銷毀、變更、重製。在依本條規定製作關防前，得以鐫刻

「新加坡貨幣管理局」字樣之戳記為關防。

- (3) All deeds, documents and other instruments requiring the seal of the Authority shall be sealed with the common seal of the Authority, by the authority of the Authority, in the presence of the managing director and of some other person duly authorised by the Authority to act in that behalf and shall be signed by the managing director and by such duly authorised person.
- (4) Such signing shall be sufficient evidence that the common seal of the Authority has been duly and properly affixed and that the seal is the lawful common seal of the Authority.
- (5) The Authority may, by resolution or otherwise, appoint an officer of the Authority or any other agent either generally or in a particular case to execute or sign on behalf of the Authority any agreement or other instrument not under seal in relation to any matter coming within the powers of the Authority.

Principal objects of Authority

4. The principal objects of the Authority shall be

- (a) to act as banker to, and financial agent of, the Government;
- (b) to promote, within the context of the general economic policy of the Government, monetary stability and credit and exchange conditions conducive to the growth of the economy;
- (c) to foster a sound and progressive financial services sector; and
- (d) to exercise the powers and to perform the duties and functions that are transferred to the Authority under section 21.

[28/98]

Authorised capital

5. -- (1) The authorised capital of the Authority shall be \$100 million.

[31/72]

- (2) On the establishment of the Authority, such portion of the authorised capital as the Government may decide shall be subscribed and paid up by the Government.
- (3) The paid-up portion of the authorised capital may be increased from time to time by such amount as the Government may approve.
- (4) The payment of such increase in the authorised capital may be made by way of such transfers from the General Reserve Fund as the Government, in consultation with the board, may from time to time approve.

General Reserve Fund

6. -- (1) There shall be a General Reserve Fund of the Authority.

- (2) At the end of each financial year, the net profit of the Authority for that year shall be determined after allowing for the expenses of

- (3) 凡須具有本局關防之契據、公文及其他文書，應由本局授權在常務理事及其他經本局授權之人之前蓋用本局關防，並由常務理事及被授權者簽署。
- (4) 各該簽署應為本局之關防已妥為簽蓋及該印信即為本局合法關防之充分證明。
- (5) 本局得以決議或其他方法指定本局之職員或其他一般或特別代理人，不蓋用關防，代表本局執行或簽署有關總局權限範圍內任何事務之契約或其他文書。

第四條 本局之主要目標

- (a) 擔任政府之銀行及財務經理；
- (b) 於政府一般經濟政策之範圍內，促進貨幣穩定及有助經濟成長之信用、外匯條件；
- (c) 協助金融服務業健全發展；
- (d) 行使及履行依第二十一條賦與總局之權限及職責。

第五條 核准之資本

- (1) 本局之核定資本為一億元。
- (2) 本局設立時核定資本經政府決定之部分，應由政府認定並撥足。
- (3) 核定資本實收之部分，得依政府核准之金額隨時增加。
- (4) 核定資本之增撥，得由政府隨時洽商理事會後核准自普通公積金中以轉撥之方式為之。

第六條 普通公積金

- (1) 本局設普通公積金。
- (2) 每一會計年度終了，本局應於認可營業支出，提列呆

- operation and after provision has been made for bad and doubtful debts, depreciation in assets, contributions to staff and pension funds and such other contingencies as are usually provided for by banks.
- (3) Subject to subsection (4), such part of the net profit of the Authority, as the board determines, shall be placed to the credit of the General Reserve Fund and the remainder shall be paid to the Government.
 - (4) Where at the end of a year the General Reserve Fund is
 - (a) less than half the paid-up capital of the Authority, the whole of the net profit shall be credited to the General Reserve Fund; and
 - (b) not less than half the paid-up capital of the Authority but less than twice the paid-up capital of the Authority, not less than 30% of the net profit shall be credited to the General Reserve Fund.

Board of directors

7. -- (1) There shall be a board of directors of the Authority which shall be responsible for the policy and general administration of the affairs and business of the Authority.
- (2) The board shall, from time to time, inform the Government of the banking and credit policy of the Authority.
 - (3) The board shall consist of
 - (a) a chairman who shall be appointed by the President on the recommendation of the Cabinet; and
 - (b) not less than 4 and not more than 9 other directors, one of whom shall be the deputy chairman, appointed in accordance with sections 8 and 9.

[26/84; 11/91; 28/98]

Appointment of directors

8. -- (1) The directors referred to in section 7 (3) (b) shall be appointed by the President who shall, on the recommendation of the Minister, also appoint the deputy chairman.

[26/84]

- (2) The directors so appointed
 - (a) shall not act as delegates on the board from any commercial, financial, agricultural, industrial or other interests with which they may be connected;
 - (b) shall hold office for a term not exceeding 3 years and shall be eligible for reappointment; and
 - (c) may be paid by the Authority out of the funds of the Authority such remuneration and allowances as may be determined by the President.

帳、壞帳、資產貶值、對職員之補助、年金基金及其他一般銀行所提列或有負債等準備後，決定其當年度純益。

- (3)除第(4)項另有規定外，本局之純益經理事會決定之部分，應記入普通公積金之貸方，其餘金額應交付與政府。
- (4)會計年度終了，普通公積金
 - (a)少於本局實收資本半數時，全部純益應記入普通公積金之貸方；及
 - (b)未少於本局實收資本半數，但少於本局實收資本二倍時，至少百分之三十純益應記入普通公積金之貸方。

第七條 理事會

- (1)本局設理事會，掌理本局政策及業務。
- (2)理事會應隨時向政府報告其銀行及信用政策。
- (3)理事會由下列成員組成：
 - (a)理事會主席，由內閣提請總統任命之。
 - (b)其他理事四人至九人，其中一人為副主席，依第八條及第九條任命之。

第八條 理事之任命

- (1)第七條第(3)項 (b) 款所指理事，由主管部長提請總統任命之，副主席由總統一併任命之。
- (2)經任命之理事
 - (a)不得在理事會充當其可能相關之商業、金融、農業、工業或其他利益之代言人；
 - (b)任期不得超過三年，並得續加任命；
 - (c)得由本局自本局基金中支付總統所決定報酬及津貼。

- (3) Subsection (2) (b) and (c) shall not apply to a director who is appointed managing director under section 9.

Appointment of managing director

9. -- (1) The President shall, if he concurs with the advice or recommendation of the Public Service Commission, appoint one of the directors appointed under section 8 to be the managing director. [11/91]
- (2) The managing director shall be an employee of the Authority on such terms and conditions of service as the President may decide.
- (3) The managing director shall be entrusted with the day-to-day administration of the Authority, and may, subject to this Act, make decisions and exercise all powers and do all acts which may be exercised or done by the Authority.
- (4) The managing director shall be answerable to the board for his acts and decisions.
- (5) In the event of the absence or inability to act of the managing director, the Minister may appoint a director to discharge his duties during the period of his absence or inability.

Disqualification of directors

10. -- (1) No person may be appointed as or remain a director of the Authority who is a director or salaried official of any financial institution licensed or approved by the Authority under any written law. [28/98]
- (2) The President may terminate the appointment of any director appointed under section 8 (1) if the director
- (a) resigns his office;
 - (b) becomes of unsound mind or incapable of carrying out his duties;
 - (c) becomes bankrupt or suspends payment to or compounds with his creditor;
 - (d) is convicted of an offence involving dishonesty or fraud or moral turpitude;
 - (e) is guilty of serious misconduct in relation to his duties;
 - (f) is absent, without leave, from 3 consecutive meetings of the board; or
 - (g) fails to comply with his obligations under section 13.

Vacancies in office of director

11. If any director appointed under section 8 (1) dies or resigns or otherwise vacates his office before the expiry of the term for which he has been appointed, another person may be appointed by the President for the unexpired period of the term of office of the director in whose place he is appointed.

(3)第(2)項 (b) 款及 (c) 款不適用依第九條任命之常務理事。

第九條 常務理事之任命

- (1)總統同意公務員委員會之建議或提名時，應於依第八條任命之理事中，任命其中一人為常務理事。
- (2)常務理事為本局之聘僱人員，其任期及服務之條件由總統決定之。
- (3)常務理事綜理本局日常事務之管理，得依本法作成決定及行使一切權限，並進行本局所得運用或從事之一切行為。
- (4)常務理事應就其行為及決定對理事會負責。
- (5)常務理事缺位或不能行使職權時，主管部長得於該缺位或不能行使職權之期間內任命其他理事代行其職務。

第十條 理事之不適格

- (1)依法登記或由本局核准之金融機構，其董事或受有薪給之職員不得充任本局之理事，或續任為理事。
- (2)依第八條第(1)項任命之理事，有下列情形之一者，總統得解任之：
 - (a) 辭職；
 - (b) 精神不健全或不能執行其職務；
 - (c) 破產或對其債權人停止支付或與債權人和解；
 - (d) 因違反誠信或詐欺或道德劣行被判有罪確定者；
 - (e) 因職務上嚴重不當行為構成犯罪者；
 - (f) 連續三次理事會未經請假而缺席者，或
 - (g) 未遵守第十三條之義務者。

第十一條 理事之出缺

依第八條第(1)項任命之理事於任滿前死亡或辭職或其他原因出缺者，得由總統就未任滿之期間任命他人繼任。

Presidential concurrence

11A. The President, acting in his discretion, may refuse to appoint any person as chairman, deputy chairman, director or managing director or to revoke any such appointment if the President does not concur with the advice or recommendation of the Minister, the Cabinet, a Minister acting under the general authority of the Cabinet or the Public Service Commission, as the case may be.

[11/91]

Meetings and decisions of board

12. -- (1) The chairman of the board shall summon meetings as often as may be required but not less frequently than once in 3 months.
(2) At every meeting of the board, a quorum shall consist of 4 directors or a simple majority of the directors, whichever is the larger, and decisions shall be adopted by a simple majority of the votes of the directors present and voting except that in the case of an equality of votes the chairman shall have a casting vote.

[28/98]

Director's interest in contract to be made known

13. -- (1) A director who is, directly or indirectly, interested in a contract made, or proposed to be made, by the Authority shall disclose the nature of his interest at the first meeting of the board at which he is present after the relevant facts have come to his knowledge.
(2) A disclosure under subsection (1) shall be recorded in the minutes of the board and, after the disclosure, the director
(a) shall not take part in any deliberation or decision of the board with respect to that contract; and
(b) shall be disregarded for the purpose of constituting a quorum of the board for any such deliberation or decision.
(3) No act or proceeding of the board shall be questioned on the ground that a director has contravened this section.

Preservation of secrecy

14. -- (1) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law, no person who is or has been a director, officer or employee of the Authority shall disclose to any person any information relating to the affairs of the Authority or of any person which he has acquired in the performance of his duties or the exercise of his functions.

[26/84]

第十一條 A 總統之否決權

總統不同意主管部長或內閣或經內閣概括授權之部長、或公務員委員會建議或提名之理事會主席、副主席、理事或常務理事人選時，得拒絕任命之，已任命者並得撤銷之。

第十二條 理事會會議及決議

- (1) 理事主席於必要時應召集理事會，至少每三個月一次。
- (2) 理事會開會時，應有四位或半數以上理事兩者中較大者之出席，始足法定人數，以出席理事過半數之同意作成決議，可否同數時取決於主席。

第十三條 理事契約上利益之揭露

- (1) 與本局擬簽訂或已簽訂之契約，有直接或間接利害關係之理事，應於其已知悉有關事實後出席之第一次理事會，披露其利害關係之性質。
- (2) 第(1)項之披露，應記載於理事會議事錄，於披露後，該理事
 - (a) 不得參加該契約有關之審議及決定；及
 - (b) 就該項審議及決定不計入應出席理事之法定人數。
- (3) 不得以理事違反本條規定而對理事會之行為及程序提出質疑。

第十四條 保密

- (1) 除為執行其職責或行使其職權，或經法院合法要求或依其他法律明文規定外，本局之現任或卸任理事、職員或聘僱人員不得對他人洩漏其於執行職責或行使職權時所取得之有關本局或關係人之資訊。

- (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both.

[26/84]

Remuneration not to be related to profits

15. No salary, fee, wage or other remuneration or allowance paid by the Authority shall be computed by reference to the profits of the Authority.

Public servants

16. The directors, including the managing director, and the officers and employees of the Authority of every description shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

Part III Provisions relating to staff, transfer of functions, employees and assistants, etc.

Appointment of employees

17. -- (1) The Authority may appoint such employees as it thinks fit and determine all matters relating to their remuneration and terms and conditions of appointment and employment.

[26/84]

- (2) The Authority may engage the services of advisers in such manner and on such terms and conditions as it thinks fit.

[26/84]

- (3) The Authority may make rules, not inconsistent with this Act, for the appointment, promotion, conduct and discipline and terms and conditions of service of its employees.

[26/84]

Transfer of employees

18. -- (1) On 1st January 1971, such persons, as the Minister may decide, who were employed by the Government immediately prior to that date and were exercising any of the powers or were discharging any of the functions or duties vested in the Authority by this Act, shall be deemed to be transferred to the service of the Authority on terms not less favourable than those they enjoyed immediately prior to their transfer.

- (2) 違反第(1)項之規定者，應構成犯罪，於判決確定後，應科以二萬元以下罰金或處或併處三年以下有期徒刑。

第十五條 盈餘外之報酬

本局支付之薪津、費用、工資或其他報酬、津貼不得依本局盈餘核計。

第十六條 公務員

本局之理事，包括常務理事，及各種職員及聘僱人員視為刑法上之公務員。

第三章 關於職員、職權移轉、聘僱人員及助理等規定

第十七條 聘僱人員之聘僱

- (1) 本局得任用認為適當之員工，並決定報酬及聘僱之期間及條件。
- (2) 本局得以其認為適當之方式、期間及條件聘請顧問。
- (3) 本局在不牴觸本法之情形下，得就其聘僱人員之任命、陞遷、管理、紀律，服務之期間及條件訂定規章。

第十八條 聘僱人員之轉任

- (1) 本法施行時（1971年1月1日），主管部長得決定在本法施行前由政府所聘僱並行使本法賦與本局權限或執行本法賦與職責之人員，視為以不較轉任前不利之條件轉任至本局服務。

- (2) Such terms (which shall be determined by the Authority) shall take into account the salaries and conditions of service including any accrued rights to leave enjoyed by them while in the employment of the Government.

Pension schemes, provident fund, etc.

19. -- (1) The Authority may, with the approval of the President, make rules for the establishment of a scheme or schemes for the payment of pensions, gratuities, provident fund or other superannuation benefits to such employees or classes of employees of the Authority as it may determine, or to their legal personal representatives or dependants, on the death or retirement of those employees from the service of the Authority or on their otherwise leaving the service of the Authority.
- (2) The Authority in making under subsection (1) any pension, provident fund or other superannuation rules which affect any persons transferred to the service of the Authority under section 18 shall in those rules provide for the payment to those persons or their dependants of benefits not less in value than the amount of any pension, provident fund, gratuity or allowance for which those persons would have been eligible under the Pensions Act (Cap. 225) had they continued in the service of the Government.
- (3) Any such pension, provident fund or superannuation rules relating to length of service of persons shall provide for the recognition as service under the Authority by persons so transferred of service by them under the Government
- (4) Nothing in the rules to be made under subsection (1) shall adversely affect any conditions that would have been applicable to persons transferred to the service of the Authority from their service with the Government as regards any pension, gratuity or allowance under the Pensions Act (Cap. 225).
- (5) Where any person in the service of the Authority whose case does not come within the scope and effect of any pension or other schemes established under this section retires or dies in the service of the Authority or is discharged from that service, the Authority may grant to him or to such other person or persons wholly or partly dependent on him, as the Authority may think fit, such allowance or gratuity as the Authority may determine.

No entitlement in respect of abolition or reorganisation of office

20. Notwithstanding the Pensions Act, no person who is transferred to the service of the Authority under section 18 shall be entitled to claim any benefits under this Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office.

- (2)各該條件（由本局決定）應包括薪津及附隨於受政府聘僱時所享有之請假權利等服務條件。

第十九條 年金制度、養老基金等

- (1)本局經總統之核可，得訂定辦法，建立制度於本局聘僱人員死亡或退休或因其他原因離職時，對其所定聘僱人員或某類聘僱人員或其合法個人代表或眷屬支付年金，退休金、福利金或其他退休給與。
- (2)依第(1)項訂定適用於依第十八條轉任至本局各單位人員之年金、福利金或其他退休辦法，應規定對各該人員或眷屬支付之利益不少於其繼續於政府部門服務時，依年金法可得之年金、福利金、退休加給或津貼之金額。
- (3)任何此一年金、福利金或退休金辦法，應規定轉任人員於政府機關服務之期間應與在本局服務之期間合併計算。
- (4)依第(1)項所定辦法不得對自政府機關轉任至本局服務之人員依年金法之年金、退休金或津貼有不利之影響。
- (5)服務於本局而不在本條所訂年金或其他方案範圍內，而自本局退休或於其任職中死亡或免職者，本局得對其或全部或部分賴其生活之人給予本局所定津貼或退休金。

第二十條 不因機關裁撤、或改組而享權利

除年金法別有規定外，依第十八條轉任本局服務者，不得依本法以機關裁撤或改組，自政府機關退休之理由，請求任何利益。

Transfer of functions, powers, duties, assets and liabilities, etc., to Authority

21. -- (1) As from 1st January 1971, there shall be transferred to the Authority
- (a) all the functions, duties and powers of the Minister for Finance, the Commissioner of Banking and the Accountant-General under the Banking Act (Cap. 19);
 - (b) all the functions, duties and powers of the Minister for Finance, the Commissioner for Finance Companies and the Accountant-General under the Finance Companies Act (Cap. 108); and
 - (c) the functions, duties and powers of the Minister for Finance and the Controller of Foreign Exchange under the Exchange Control Act (Cap. 99).
- (2) On 21st September 1984, there shall be transferred to the Authority:
- (a) all the functions, duties and powers of the Commissioner of Insurance under the Insurance Act (Cap. 142); and
 - (b) all the functions, duties and powers of the Registrar of Companies and the Accountant-General under the Securities Industry Act (Cap. 289).
- [31/72; 26/84]
- (3) As from 1st January 1971, such movable property, assets, rights, interests and privileges as well as such debts, liabilities and obligations connected therewith or appertaining thereto which are related to finance and are vested in or conferred upon the Minister pursuant to any written law, as the President may by notification in the Gazette specify, shall be deemed to have been transferred to and vested in the Authority without further assurance.
- (4) Where in any written law or any document whatsoever there is a reference to the Minister for Finance, the Commissioner of Banking, the Commissioner for Finance Companies, the Commissioner of Chit Funds, the Accountant-General, the Controller of Foreign Exchange, the Commissioner of Insurance or the Registrar of Companies in connection with or related to the performance of any of the functions, duties and powers that are transferred to the Authority under subsection (1) or (2), the written law or document shall have effect as if the Authority has originally been referred to in the written law or document instead of the Minister for Finance, the Commissioner of Banking, the Commissioner for Finance Companies, the Commissioner of Chit Funds, the Accountant-General, the Controller of Foreign Exchange, the Commissioner of Insurance or the Registrar of Companies, as the case may be.
- [31/72; 26/84]
- (5) The Minister shall have power to do all acts or things that he considers necessary or expedient to give effect to subsections (1), (2) and (3).

第二十一條 職權、權限、職責、資產及負債等之移轉於本局

- (1)下列事項於一九七一年一月一日起移由本局掌理：
 - (a) 財政部長、銀行管理局長、主計長依銀行法之一切職權、職責及權限。
 - (b) 財政部長、金融公司管理局長及主計長依金融公司法之一切職權、職責及權限。
 - (c) 財政部長、外匯管理局長依外匯管理條例之職權、職責及權限。
- (2)下列事項於一九八四年九月二十一日移由本局接管：
 - (a) 保險管理局長依保險法之一切職權、職責及權限。
 - (b) 公司登記處長及主計長依證券業法之一切職權、職責及權限。
- (3)一九七一年一月一日起，因與金融有關而經法律明文規定賦與主管部長之動產、資產、權利、利益及特權、債務、責任及與此相牽連或相關之義務，並經總統於公報中公告確定者，應視為已移由本局而毋需進一步確認。
- (4)於依第(1)項及第(2)項移由本局行使之職權、職責及權限相牽連或相關之任何法律明文或文件所指財政部長、銀行管理局長、金融公司管理局長，欠款基金監理處長、主計長、外匯管理局長、保險管理局長或公司登記處長，視為自始即係指本局。
- (5)主管部長有行使其認為能使第(1)項、第(2)項及第(3)項有效之一切必要或有益之行為或事項之權限。

- (6) If any question arises as to whether ?
- (a) any of the functions, duties and powers; or
 - (b) any movable property, assets, rights, interests, privileges, debts, liabilities and obligations,
- have been transferred to or vested in the Authority under subsections (1), (2) and (3), a certificate under the hand of the President shall be conclusive evidence of such transfer or vesting.

Protection from personal liability

22. No suit or other legal proceedings shall lie against any member, officer or employee of the Authority or other person acting under the direction of the Authority for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

[26/84]

Part IV Powers, duties and functions of Authority

Powers, duties and functions of Authority

23. -- (1) The Authority may, in addition to the powers, duties and functions transferred to it by virtue of section 21, exercise and discharge the following powers, duties and functions:
- (a) accept deposits of money and pay interest on such deposits;
 - (b) issue demand drafts and other kinds of remittances made payable at its own office or the offices of agencies or correspondents;
 - (c) purchase, accept on deposit and sell gold coin or bullion;
 - (d) purchase, sell, discount and re-discount Treasury bills of the Government;
 - (e) purchase and sell securities of the Government or of any public authority which have been publicly offered for sale or form part of an issue which is being made to the public at the time of acquisition;
 - (f) purchase, sell, discount and re-discount bills of exchange and promissory notes arising out of bona fide commercial transactions bearing 2 or more good signatures and maturing within 3 months (exclusive of days of grace) from the date of acquisition
 - (g) grant loans, advances or other credit facilities to such financial institutions or class of financial institutions as the Authority may, from time to time, approve for periods not exceeding 3 months (which may at the discretion of the Authority extend for a further period of 3 months) against -

(6)下列事項已否依第(1)項、第(2)項及第(3)項移交或授與本局發生疑問時，總統所持證明文件為該項移交或授與之確定證據。

- (a) 任何職權、職責及權限;或
- (b) 任何動產、資產、權利、利益、特權、債務、責任及義務。

第二十二條 維護個人免於責任

對於任何依本局指示，為執行本法已善意完成或擬予完成之事項，對於行為之理事、職員或聘僱人員不得提起訴訟或其他法律程序。

第四章 本局之權限及職責

第二十三條 本局之權限及職責

(1)除依第二十一條賦與之權限及職責之外，本局得行使及執行下列權限及職責：

- (a) 收受存款並支付其利息；
- (b) 發行即期匯票及辦理其他於其辦公處所或其代理行或聯行之營業處所付款之匯票；
- (c) 購買、承兌及出售金幣或金塊；
- (d) 國庫券之買賣、貼現及重貼現；
- (e) 買賣公開銷售或於取得時係屬公開發行部分之政府債券或任何主管機關之債券；
- (f) 對有二位以上信用良好者簽名及自取得日起三個月內（寬限期不計入）到期，因真實交易所產生之匯票、本票之買賣、貼現或重貼現；
- (g) 本局得隨時依下列擔保對金融機構或某類別之金融機構准予不超過三個月（得依本局之裁量延長至次三個月內）之貸款、融通或其他授信：

- (i) Treasury bills of the Government and securities of the Government;
- (ii) gold coin or bullion;
- (iii) such bills of exchange and promissory notes as are eligible for purchase, discount or re-discount by the Authority up to 75% of their nominal value;
- (iv) warehouse warrants or their equivalent (securing possession of goods), in respect of goods duly insured and with a letter of hypothecation from the owner, except that no such advance shall exceed 60% of the current market value of the goods in question;
- (h) invest in securities of the Government or of any public authority for any amount, and to mature at any time on behalf of staff and pension funds and other internal funds of the Authority;
- (i) acquire, hold and sell shares of any corporation set up with the approval of, or under the authority of, the Government for the purpose of promoting the development of a money market or securities market in Singapore or for the financing of economic development in Singapore;
- (j) purchase and sell currency, and purchase, sell, discount and re-discount bills of exchange and Treasury bills drawn in or on places outside Singapore;
- (k) borrow money, establish credits and give guarantees in any currency, inside and outside Singapore, on such terms and conditions as the Authority may think fit;
- (l) maintain accounts with central banks outside Singapore and with other banks inside and outside Singapore;
- (m) purchase and sell securities of, or guaranteed by, such guarantor, governments or international financial institutions as may be approved by the board, or purchase and sell securities and investments authorised by the President on the recommendation of the board;
- (n) act as correspondent, banker or agent for any central bank or other monetary authority and for any international bank or international monetary authority established under governmental auspices;
- (o) open accounts for, and accept deposits from, the Government, public authorities, companies in which the Government or a public authority has a substantial interest, and companies which are deemed to be related to those companies by virtue of section 6 of the Companies Act (Cap. 50), banks and other credit institutions in Singapore;
- (p) underwrite loans in which the Authority may invest;

- (i) 國庫券及政府債券；
 - (ii) 金幣或金塊；
 - (iii) 由本局對合格匯票及本票以其票面金額百分之七十五買入、貼現或重貼現；
 - (iv) 倉庫擔保或其同類情形（貨品因擔保而持有），貨品應已妥為保險並有所有人之擔保設定同意書，但此融通不得超過申請案件貨品市價百分之六十。
- (h) 以任何金額、任何到期日、以職員為代表投資政府債券或主管機關之債券，及投資年金基金、本局其他基金；
 - (i) 取得、持有及出售任何為推動新加坡貨幣市場或證券市場之發展或資助新加坡經濟發展而依政府之核准或在本局之下所設公司之股份；
 - (j) 買賣新加坡境外之貨幣、匯票、國庫券；
 - (k) 於新加坡境內及境外，以其認為適當之期限及條件，以任何通貨借入款項，授予信用及給予保證；
 - (l) 於新加坡境外中央銀行及境內外銀行開立帳戶；
 - (m) 買賣理事會核准之政府債券或國際金融機構發行或保證之債券，及經理事會建議總統授權買賣有價證券及投資；
 - (n) 為任何中央銀行或其他貨幣主管機關或政府支持下所設立之國際性銀行或國際金融管理機構之聯行、銀行、代理行；
 - (o) 為新加坡政府、公務主管機關、或政府或公務主管機關有相當利益之公司及依公司法第六條與各該公司有關之公司、銀行及其他信用機構開立帳戶及收受存款；
 - (p) 承受貸款以行投資；

- (q) undertake the issue and management of securities issued by the Government or by any public authority; and
- (r) do generally all such things as may be commonly done by bankers and are not inconsistent with the exercise of its powers or the discharge of its duties under this Act.

[31/72; 26/84]

- (2) For the purposes of subsection (1) (o) and section 30 (d), the Government or a public authority shall have a substantial interest in a company if it, either by itself or together with any other public authority, has an interest or interests in one or more voting shares in the company and the nominal amount of that share, or the aggregate of nominal amounts of those shares either held by itself or together with any other public authority, is not less than 20% of the aggregate of the nominal amount of all the voting shares in the company.

[26/84]

Investment of funds

24. The funds of the Authority may be invested in all or any of the following:

- (a) gold coin or bullion;
- (b) notes, coins, money at call and deposits in such country or countries as may be approved by the board;
- (c) Treasury bills of such government or governments as may be approved by the board;
- (d) securities of, or guaranteed by, such government or governments or international financial institutions as may be approved by the board;
- (e) such securities and investments as may be authorised by the President on the recommendation of the board.

[26/84]

Authority as a banker to, and financial agent of, Government and manager of its external assets

25. -- (1) The Authority shall act as a banker to, and a financial agent of, the Government.
- (2) Whenever the Authority receives and disburses Government moneys, the Authority shall keep account thereof and may be paid an agency fee for its services.
 - (3) The Authority may act generally as agent for the Government on such terms and conditions as may be agreed between the Authority and the Government where the Authority can do so appropriately and consistently with the provisions of this Act and with its duties and functions as a monetary authority.
 - (4) The Authority shall, subject to the Financial Procedure Act (Cap. 109) and any other written law, manage the external assets of the Government.

- (q) 承攬政府或公務主管機關債券之發行及管理；並
 - (r) 為銀行業者一般得為之事項，且與其依本法職權之行使或職責之履行不相抵觸者。
- (2) 為第(1)項 (o) 款及第三十條 (d) 款之目的，政府或公務主管機關本身或與其他公務主管機關對某一公司擁有具備投票權之股份利益，且其本身持有或與其他公務主管機構共同持有之名目金額或各該股份名目金額之總和不少於該公司全部有投票權股份名目金額總和百分之二十者，則政府或公務主管機構對該公司有相當利益。

第二十四條 基金之投資

本局資金得投資於下列各款：

- (a) 金幣或黃金條塊；
- (b) 紙幣、硬幣、通知存（貸）款、及存放於經理事會核准之國家；
- (c) 經理事會核准國家之政府國庫券；
- (d) 經理事會核准國家政府或國際金融機構發行或保證之有價證券；
- (e) 由總統因理事會之建議而核可之有價證券及投資。

第二十五條 本局為政府之銀行及財務經理並經理其國外資產

- (1) 本局應擔任政府之銀行及財務經理。
- (2) 本局收付政府款項時，應記入相關帳戶並得因其服務受領代理費用。
- (3) 本局得以符合本法之規定，及其為貨幣主管機構之職能，以其與政府合意之期間及條件概括擔任政府之經理人。
- (4) 本局應依金融程序法及其他法律之明文規定，經理政府國外資產。

Special loans to banks and financial institutions

26. The Authority may, if it thinks such action is necessary to safeguard monetary stability, make a loan or advance to a bank carrying on business under the Banking Act (Cap. 19) or to such financial institutions or class of financial institutions as the Authority may, from time to time, determine against such form of security as the Authority may consider sufficient.

[31/72; 26/84]

Power to issue directions to financial institutions

27. -- (1) The Authority may, if it thinks it necessary in the public interest, request information from and make recommendations to such financial institutions as the Authority may, from time to time, determine and may issue directions for the purpose of securing that effect is given to any such request or recommendation.

[31/72; 26/84]

- (2) Before issuing any direction under subsection (1), the financial institution or financial institutions concerned shall, unless the Authority in respect of any particular direction decides that it is not practicable or desirable, be given an opportunity to make representations with regard to the proposed direction within such time as the Authority shall specify.

[31/72]

- (3) Upon receipt of any representations referred to in subsection (2), the Authority shall consider them and may -
(a) reject the representations; or
(b) amend or modify the proposed direction in accordance with the representations, or otherwise,
and in either event, the Authority shall thereupon issue a direction in writing to such financial institution or financial institutions, as the case may be, requiring that effect be given to the proposed direction or to the proposed direction as subsequently amended or modified by it within a reasonable time, and the financial institution or financial institutions, as the case may be, shall comply with that direction.

[31/72]

- (4) Any financial institution that fails or refuses to comply with a direction given under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

[31/72; 26/84]

Directions to discharge Government's international obligations

- 27A. --(1) The Authority may, from time to time, issue such directions to a financial institution or class of financial institutions as the Authority considers necessary in order to discharge or facilitate the discharge of any obligation binding on Singapore by virtue of a decision of the Security Council of the United Nations.

第二十六條 對銀行及金融機構之特別融資

本局得為維護貨幣穩定之必要，對依銀行法經營業務之銀行或對金融機構或某類別之金融機構，因其提供本局認為足夠之擔保方式，給予貸款或融通。

第二十七條 對金融機構發出指示之權限

- (1) 本局得於其認為公共利益所必要，隨時要求其所定金融機構提供資訊或對各該金融機構提供建議，並得為確保各該要求或建議之效力，發出指示。
- (2) 在依第(1)項發出指示之前，除本局依特別指示決定其為不切實際或不適當者外，應給予有關金融機構於本局所定期限內就所擬發之指示申訴意見之機會。
- (3) 本局於收受第(2)項所指申訴時，應加以審查並得為下列處置：
 - (a) 駁回其申述；或
 - (b) 依其申訴，修正所擬之指示或為其他處理，依前項各款情形處理時，應即對各該金融機構發出書面指示，要求依原擬指示辦理或依其後於相當期間內修正之指示辦理，金融機構應即照辦。
- (4) 金融機構不遵守依本條所發之指示者構成犯罪，並於定罪時科以二萬元以下罰金。

第二十七條 A 清償政府國際債務之指示

- (1) 對於聯合國安全理事會決議新加坡應負擔之債務，本局認為因清償或便利清償之必要，得隨時對金融機構或某類金融機構發出指示。

- (2) A financial institution to which a direction is issued shall comply with it notwithstanding any other duty imposed on the financial institution by any rule of law, written law or contract; and the financial institution shall not in carrying out act in compliance with the direction be treated as being in breach of any such rule of law, written law or contract.
- (3) A financial institution shall not disclose any direction issued to it if the Authority notifies the financial institution that the Authority is of the opinion that the disclosure of the direction is against the public interest.
A financial institution shall not in carrying out any act in compliance with any direction or regulations made under subsection (1) be treated as being in breach of any such rule of law, written law or contract.
- (4) A financial institution which fails or refuses to comply with a direction issued to it, or which discloses a direction issued to it in contravention of subsection (3), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

Power to approve financial institutions and control their operations

28. -- (1) The Authority may require any financial institution or class or classes of financial institutions whose operations are considered by the Authority to affect -
- (a) monetary stability and credit and exchange conditions in Singapore;
 - (b) the development of Singapore as a financial centre; or
 - (c) the financial situation of Singapore generally,
- to be approved by the Authority for the purpose of carrying on business in Singapore.
- [26/84]
- (2) On an application in writing for approval under subsection (1), the Authority may -
 - (a) grant approval;
 - (b) refuse to grant approval and shall not be obliged to give reasons for its refusal; or
 - (c) grant approval subject to such conditions as it sees fit to impose.

[26/84]
 - (3) Without prejudice to the generality of section 27, the Authority may, if it thinks it necessary or expedient in the public interest, give directions either of a general or special nature, to approved financial institutions or any class or classes of approved financial institutions in relation to -

- (2) 受到前項指示之金融機構應即遵行，不因其依一般法則、成文法或契約，負有其他責任而受到影響；該金融機構因遵守指示而履行之作為，得認為不違反各該法律原則、成文法或契約。
- (3) 本局認為揭露對其所發指示違反公共利益，並通知金融機構時，該金融機構不得揭露對其發出之指示。
- (4) 金融機構不遵守對其發出之指示，或違反第(3)項規定揭露對其所發指示者，構成犯罪，並於定罪時，科以二萬元以下罰金。

第二十八條 核准金融機構及管理其經營之權限

- (1) 凡金融機構或某類別金融機構之經營，本局認為足以影響
 - (a) 新加坡之貨幣穩定、信用及外匯狀況者；
 - (b) 新加坡發展成為金融中心；或
 - (c) 新加坡一般金融情勢者，本局得要求其在新加坡營業應經本局之核准。
- (2) 依第(1)項以書面申請核准時，本局得—
 - (a) 予以核准；
 - (b) 不予核准，且得不附理由；或
 - (c) 依其認為適當之條件予以核准。
- (3) 本局得於其認為基於公共利益有必要或有益時，在無礙於第二十七條之普遍適用之情形下，就下列事項，對核准之金融機構或任一類別或多種類別之金融機構為概括或特定之指示，有關金融機構應即照辦：

- (a) the range of activities that they may engage in or the range of services that they may provide;
- (b) the terms and conditions under which they may carry on a particular activity or provide a particular service; and
- (c) all matters in which it appears to the Authority that the activities that they engage in or the services that they provide affect or are likely to affect monetary or economic policy or credit conditions or the development of Singapore as a financial centre, and the financial institutions concerned shall comply with such directions.

[26/84]

- (4) The Authority may, from time to time, issue guidelines to and impose conditions of operation on such financial institutions as it thinks fit and may amend or revise those guidelines and conditions.

[26/84]

- (5) The Authority may withdraw approval of a financial institution if it appears to the Authority that -

- (a) any information required to be furnished in connection with an application for approval was false or misleading in a material particular;
- (b) the financial institution has failed to comply with any direction or guideline issued or condition attached to an approval or conditions of operation imposed under this section;
- (c) the financial institution has conducted its affairs so as to threaten the interests of its depositors or customers; or
- (d) it is in the public interest to do so.

[26/84]

- (6) Any financial institution, which is aggrieved by a decision of the Authority to withdraw approval, may appeal against the decision to the Minister whose decision shall be final.

[26/84]

- (7) A financial institution, required under subsection (1) to obtain the Authority's approval, that carries on its business without first obtaining that approval shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 and, in the case of a continuing offence, to a further fine of \$3,000 for every day during which the offence continues after conviction.

[26/84]

- (8) An approved financial institution that fails to comply with any direction given under subsection (3) or any condition subject to which an approval is granted under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine of \$2,000 for every day during which the offence continues after conviction.

[26/84]

- (a) 得從事活動之範圍或得提供服務之範圍；
 - (b) 得從事特定活動或提供特定服務之條件；
 - (c) 本局認為所從事之活動或所提供之服務影響或可能影響新加坡之貨幣或經濟政策、信用狀況、或發展新加坡成為金融中心之一切事項。
- (4) 本局得隨時對其認為適合之金融機構發出指示或課以經營之條件，並得修訂之。
- (5) 本局發現有下列情形之一時，得撤回其對金融機構之許可：
- (a) 申請許可應行提出之資料有不實或於重要項目有誤導之情事；
 - (b) 金融機構未遵守依本條規定所發指示或許可時所附條件或對經營所課條件；
 - (c) 金融機構經營業務危及存戶或客戶利益時；或
 - (d) 因公共利益而有必要時。
- (6) 對於本局撤回許可之決定不服之金融機構，得向主管部長申訴作最後之決定。
- (7) 依第(1)項應經本局許可之金融機構在未經許可前經營業務者構成犯罪，於定罪時，應科以五萬元以下罰金，於定罪後，繼續犯罪者每日加罰三千元。
- (8) 經許可之金融機構未遵守第(3)項之指示或依第(2)項所發許可之條件者，構成犯罪，於定罪時，科以二萬元以下罰金，於定罪後，繼續犯罪者每日加罰二千元。

Fees

29. -- (1) Every financial institution approved by the Authority under section 28 may be required to pay such fees in respect of anything done under or by virtue of that section as the Authority may by notification in the Gazette prescribe. [26/84]
- (2) The Authority may prescribe different fees in respect of different classes of financial institutions and such fees shall apply uniformly to such classes. [26/84]
- (3) The manner of payment shall be as specified by the Authority. [26/84]

Agents

30. In the exercise of its powers and the performance of its functions under this Act, the Authority may -
- (a) establish agencies at such places outside Singapore as it thinks fit;
 - (b) arrange with and authorise a person to act as agent of the Authority outside Singapore;
 - (c) act as agent of a bank carrying on business inside or outside Singapore; and
 - (d) act as agent of any public authority or any company in which the Government or a public authority has a substantial interest or any company which is deemed to be related to that company by virtue of section 6 of the Companies Act (Cap. 50) either generally or for a particular purpose inside or outside Singapore. [26/84]

Part IV A Financial Sector Development Fund

Establishment of Financial Sector Development Fund

- 30A. --(1) There shall be established a fund to be called the Financial Sector Development Fund (referred to in this Part as the Fund) which shall, subject to the directions of the Minister, be controlled and administered by the Authority
- (2) The Fund shall consist of -
- (a) such proceeds raised in connection with the sale of the transferee holding company's shares as is referred to in section 10 of the Exchanges (Demutualisation and Merger) Act 1999;
 - (b) all moneys contributed by the Government to the Fund;
 - (c) all donations and gifts accepted by the Authority for the Fund; and
 - (d) any interest, dividend and other income derived from the investment of the moneys in the Fund.

第二十九條 費用

- (1) 本局得於公報中規定依第二十八條許可之金融機構應支付依該條規定所為事項之費用。
- (2) 本局得依各類金融機構分別規定其費用並分別適用之。
- (3) 支付費用之方式由本局訂定之。

第三十條 代理

依本法行使權限，履行職責時，本局得—

- (a) 於新加坡境外之適當地點設立機構；
- (b) 洽商並委任新加坡境外之本局代理人；
- (c) 為在新加坡境內或境外營業之銀行之代理人；及
- (d) 為公務主管機關或政府或公務主管機關有相當利益之公司或依公司法第六條，在新加坡境內或境外之一般或特定目的視為相關之公司擔任經理人。

第四章 A 金融業發展基金

第三十條 A 設立金融業發展基金

- (1) 茲設立金融業發展基金（以下簡稱本基金），由本局依主管部長指示管理及運用。
- (2) 本基金範圍如下：
 - (a) 1999年證券交易法（釋股及合併）第十條規定，因出售「受讓人控股公司」股份之相關所得。
 - (b) 政府所撥給之款項。
 - (c) 由本局收受，指定給基金之捐款及贈與。
 - (d) 基金資本投資所得之利息、紅利及收入。

- (3) The Fund shall be used for the objects and purposes set out in section 30B and shall be deemed not to be a fund of the Authority for the purposes of any written law.

Objects of Fund and expenditure of moneys of Fund

30B. --(1)The objects for which moneys of the Fund may be applied are as follows:

- (a) the promotion of Singapore as a financial centre;
 - (b) the development and upgrading of skills and expertise required by the financial services sector;
 - (c) the development and support of educational and research institutions, research and development programmes and projects relating to the financial services sector; and
 - (d) the development of infrastructure to support the financial services sector in Singapore.
- (2) In carrying out the objects of the Fund, the Authority may, from time to time, authorise moneys of the Fund to be paid out and expended for all or any of the following purposes carried out in Singapore or elsewhere:
 - (a) establishing or expanding facilities or assisting in the maintenance of facilities for training courses and training programmes designed to promote the skills or expertise for purposes consistent with the objects of the Fund;
 - (b) the provision of scholarships, grants, subsidies, rebates, loans or other financial assistance or incentives for purposes consistent with the objects of the Fund; and
 - (c) such other purposes not inconsistent with the objects of the Fund as the Minister may approve.
 - (3) The Authority may also authorise moneys of the Fund to be used to pay the following:
 - (a) all claims in satisfaction of any indemnity or warranty given by the Authority in relation to the sale of the transferee holding company's shares as defined in the Exchanges (Demutualisation and Merger) Act 1999;
 - (b) all expenses incurred by the Authority or its employees or agents in the administration of the Fund; and
 - (c) the fees referred to in section 30C (3).
 - (4) The Minister may, from time to time, approve the payment of such sums in the Fund to the Consolidated Fund as the Minister may determine.

Investment

30C. --(1)The Authority may invest the moneys of the Fund available for

- (3)本基金應依本法第三十條B規定之目標及宗旨運用，且依法應視為不屬於本局之基金。

第三十條 B 基金之宗旨及基金款項之支出

- (1)本基金之宗旨如下：
- (a)發展新加坡成為金融中心；
 - (b)發展及提升金融服務業所需專業知識及技能；
 - (c)發展及支援教育及研究機構有關金融服務業之研究發展計畫及方案；及
 - (d)發展基礎建設以支持新加坡金融服務業。
- (2)為達成本基金之宗旨，本局得於新加坡或其他地區，為下列目的之全部或一部，隨時授權動支基金之款項：
- (a)建立或擴充為提升符合本基金宗旨之技能及專業而設計之之訓練課程及訓練計畫之設施；
 - (b)提供符合本基金宗旨之獎學金、補助金、津貼貸款，或其他財務協助或獎勵；及
 - (c)其他經主管部長核可，不違反本基金宗旨之目的。
- (3)本局並得授權將基金款項支付下列費用：
- (a)對於出售1999年交易（釋股及合併）法界定之「受讓人控股公司」股份，本局提供擔保認賠之一切請求；
 - (b)本局或本局聘僱人員或本局代理人因經管本基金所支出之費用；及
 - (c)第三十條C(3)所指費用。
- (4)主管部長得隨時核可將本基金款項支付予其決定之合併基金。

第三十條 C 投資

- (1)本局得就可用以投資之款項，比照受託人依法律之授權

investment in such manner as trustees may by any written law be authorised to invest, or in such other manner as the Minister may determine.

- (2) The Authority may delegate all or any of its powers and functions under subsection (1) to any employee or agent as it may appoint.
- (3) The Authority may pay to any person appointed under subsection (2) a fee for any service rendered in exercise of any power and function delegated to that person under that subsection.

Financial provisions

30D. Sections 32, 33 and 34 shall apply, with the necessary modifications, to the Authority in relation to its administration of the Fund.

Act38/99, wef08/10/1999

Part V Miscellaneous

Statistics

- 31.** -- (1) The Authority may, at any time, for the purpose of carrying out its functions under this Act request such persons or classes of persons as it may decide to collect and furnish such statistical information as the Authority may specify and those persons or classes of persons shall comply with that request.
- (2) Statistical information received from the persons or classes of persons referred to in subsection (1) shall be regarded as secret between them and the Authority.
 - (3) Any person who fails to comply with a request of the Authority under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[26/84]

Authority's financial year

32. The financial year of the Authority shall begin on 1st April of each year and end on 31st March of the succeeding year.

Budget

32A. --(1)The Authority shall, in every financial year, prepare a budget containing estimates of income and expenditure of the Authority for the ensuing financial year and a supplementary budget (if necessary) for any financial year and present them to the President for his approval under Artic 22B of the Constitution.

[11/91]

- (2) The budget and supplementary budget (if any) when approved by the President shall be published in the Gazette.

[11/91]

- 而進行投資或以主管部長得決定之其他方式進行投資。
- (2) 本局得將其依第(1)項規定之全部或部分權限及職權，委任本局得任命之聘僱人員或代理人。
 - (3) 本局對於依第(2)項任命之人員，得支付其因行使該項規定之委任權限及職權所生之勞務之費用。

第三十條 D 財務條款

第三十二條、第三十三條、第三十四條之規定，經必要之修正，於本局對本基金之管理亦適用之。

第五章 附 則

第三十一條 統計

- (1) 本局得隨時因執行本法所賦與之職責，要求其所指定之任何人或任何類別之人應蒐集並提供其所指定之統計資料，各該被要求之人均應照辦。
- (2) 自第(1)項所指定之人取得之統計資料，為各該人士與本局間之機密事項。
- (3) 不遵守第(1)項本局之要求者構成犯罪，應於定罪時科以二千元以下罰金。

第三十二條 本局會計年度

本局之會計年度自每年四月一日起至次年三月三十一日止。

第三十二條 A 預算

- (1) 本局應於每會計年度，擬具本局包括下一會計年度收支預估之預算及追加預算（必要時），送請總統依憲法第二十二條 B 之規定核可。
- (2) 前項經總統核可之預算及追加預算，應刊登於政府公報。

Audit

33. The accounts of the Authority shall be audited by the Auditor-General.

Preparation and publication of annual accounts and annual report

34. -- (1) The Authority shall, within 6 months from the close of its financial year, transmit to the President ?
- (a) a copy of the annual accounts certified by the Auditor-General, and those accounts shall then be published in the Gazette; and
 - (b) a report by the board on the working of the Authority throughout the financial year and that report shall be published by the Authority.
- (2) The Authority shall cause the annual accounts and the annual report to be presented as soon as possible to Parliament.

Borrowing from Authority by employees

35. The Authority may grant loans to its employees for any purpose specifically approved by the Authority.

[26/84]

Power to appoint attorney

36. -- (1) The Authority may, by instrument under its common seal, appoint a person (whether in Singapore or in a place outside Singapore) to be its attorney.
- (2) The person so appointed may, subject to the instrument, do any act or execute any power or function which he is authorised by the instrument to do or execute.

Validity of acts and transactions of Authority

37. The validity of an act or transaction of the Authority shall not be called in question in any court on the ground that any provision of this Act has not been complied with.

Guarantee by Government

38. -- (1) The Government shall be responsible for the payment of all moneys due by the Authority.
- (2) Nothing in this section shall authorise a creditor or other person claiming against the Authority to sue the Government in respect of his claim.

Fiat of Attorney-General

39. No prosecution in respect of any offence under this Act shall be instituted without the consent in writing of the Attorney-General.

第三十三條 稽核

本局之帳目應受主計長之稽核。

第三十四條 年度報表及年度報告之編製及公告

- (1)本局應於每會計年度終了後六個月內，向總統提出
 - (a)經主計長簽證之年度報表副本，並應刊登於政府公報，及
 - (b)理事會關於本局之全年工作報告，並應由總局公告之。
- (2)本局應將年度報表及年度報告儘速送達國會。

第三十五條 聘僱人員向本局之借款

本局得依其核可之特定目的，對其聘僱人員辦理貸款。

第三十六條 指定訴訟代理人之權限

- (1)本局得依簽蓋其關防之文書，指定其（在新加坡境內或境外）訴訟代理人。
- (2)指定之訴訟代理人得執行任何文書上所授與之權限或職責。

第三十七條 本局之行為及交易之有效性

本局行為或交易之有效性，不得以未遵守本法規定為理由於法院中提出質疑。

第三十八條 政府保證

- (1)政府應對本局應付之一切款項之支付負責。
- (2)但本條不授權對本局有所請求之債權人或他人就其請求對政府起訴。

第三十九條 檢察總長之命令

對本法犯罪之追訴未經檢察總長書面同意不得為之。

Legal officer of Authority may act for Authority in civil proceedings

39A. Notwithstanding the provisions of any written law, a legal officer of the Authority who has been admitted as an advocate and solicitor under the Legal Profession Act (Cap. 161) or a State Counsel may

- (a) appear in any civil proceedings on behalf of the Authority under the Futures Trading Act (Cap. 116) or the Securities Industry Act (Cap. 289), including proceedings referred to in section 104A of the Securities Industry Act; and
- (b) make and do all acts and applications in respect of such proceedings on behalf of the Authority.

Act 2/2000 wef 06/03/2000

Immunity of Authority from defamation suits

40. -- (1) The Authority shall not, in the absence of malice on its part, be liable to any action for defamation at the suit of any person in respect of any statements made in the discharge of any of its functions under this Act whether the statements are made orally or in writing.

[26/84]

- (2) Subsection (1) shall not restrict or affect any other right or privilege or immunity of the Authority as a defendant in an action for defamation.

[26/84]

- (3) For the purposes of this section ?

"affairs" includes trading, dealings and business of financial institutions;

"functions" includes the function of exercising supervisory powers over financial institutions whether this is by way of inquiry into the conduct of their affairs or otherwise.

[26/84]

Jurisdiction of District Court

41. Notwithstanding the provisions of any other written law, a District Court shall have jurisdiction to try all offences under this Act and to impose the full penalty prescribed therefore.

Power of Authority to make regulations

42. The Authority may, with the approval of the President, make regulations for the better carrying out of the objects and purposes of this Act.

第三十九條 A 本局法務人員得於民事程序中代理本局

無論其他成文法律有何規定，本局法務人員經登錄為法律專業法（新加坡共和國法律第 161 章）規定之辯護人或律師或國家顧問者得：

- (a) 依期貨交易法（新加坡共和國法律第 116 章）或證券業法（新加坡共和國法律第 289 章），代理本局於民事程序，包括證券業法第 104 A 規定之程序到場。
- (b) 代理本局進行與各該訴訟程序有關之一切行為及聲請。

第四十條 本局毀謗訴訟之豁免

- (1) 本局不應在其無故意之情形下，對任何因執行本法所賦與之職權所為口頭或書面報告之行為負誹謗之責。
- (2) 第(1)項不限制或影響本局為誹謗訴訟被告時之任何其他權利或特權或豁免權。
- (3) 依本條之宗旨
“業務”包括金融機構之買賣、交易及營業。
“職權”包括對金融機構行使監督權力之職權，而不問依調查其業務之經營之方式或其他方式。

第四十一條 管轄

不問其他法律之規定如何，地方法院應有審理本法所定一切犯罪行為並科處本法所定一切刑罰之管轄權。

第四十二條 本局訂定規章之權限

為使本法目標更能圓滿達成，本局得經總統之核可，訂定規章。

Operation of Act not to affect Currency Act

43. Nothing in this Act shall affect the operation of the Currency Act (Cap. 69)

第四十三條 本法施行不影響通貨法
本法不影響通貨法之施行。

十一、Central Bank of Malaysia
Act 1958
馬來西亞中央銀行法

Central Bank of Malaysia Act 1958

Part I	Preliminary
Part II	Establishment, capital and administration of the Bank
Part III	Currency
Part IV	Reserve of external assets
Part V	Business of the Bank
Part VI	Relations with the government
Part VII	Relations with banking and other financial institutions
Part VIII	General
Part IX	Extension of jurisdiction

馬來西亞中央銀行法

法務室 劉鈺玲 譯

- 第一章 總則
- 第二章 本行之設立、資本及行政管理
- 第三章 通用貨幣
- 第四章 國際準備
- 第五章 本行之業務
- 第六章 與政府之關係
- 第七章 與銀行及其他金融機構之關係
- 第八章 附則
- 第九章 管轄權之延伸

Central Bank of Malaysia Act 1958

Amendment effected on 18 March, 1994

An Act to provide for the establishment, administration, powers and duties of a Central Bank of Malaysia.

Part I Preliminary

(Short title)

1. This Act may be cited as the Central Bank of Malaysia Act 1958.
(Proviso omitted).

(Interpretation)

2. In this Act, unless the context otherwise requires—

"bank", in relation to Malaysia, means a licensed bank as defined in the Banking and Financial Institutions Act 1989 or an Islamic bank, and in relation to any country, territory or place outside Malaysia means a person lawfully carrying on therein business corresponding in whole or in part or in substance to banking business" as defined in the Banking and Financial Institutions Act 1989, or to "Islamic banking business" as defined in the Islamic Banking Act 1983;

"Bank" or "Central Bank" means the Central Bank of Malaysia established by section 3;

"banking institution" means a licensed bank, a licensed merchant bank or a licensed finance company as defined in the Banking and Financial Institutions Act 1989 or an Islamic bank;

"Board" means the Board of Directors of the Central Bank;

"certificate of deposit" means a document relating to money, in any currency, which has been deposited with the issuer or some other person, being a document which recognises an obligation to pay a stated amount to bearer or to order, with or without interest, and being a document by the delivery of which, with or without endorsement, the right to receive that stated amount, with or without interest, is transferable;

"Deputy Governor" means any Deputy Governor of the Central Bank;

"director" means a director appointed under section 10, and includes the Governor or Deputy Governor;

馬來西亞中央銀行法

1994年3月18日修正施行

規定馬來西亞中央銀行之設立、管理及職責之法律

第一章 總 則

第一條 簡稱

本法得簡稱為1958年馬來西亞中央銀行法。

第二條 解釋

除上下文另有訂定者外，本法所稱

「銀行」：於馬來西亞，指依「1989年銀行及金融機構法」領有執照之銀行或伊斯蘭銀行；於馬來西亞境外之國家、屬地或地區，指合法從事全部或部分或大體符合「1989年銀行及金融機構法」定義之「銀行業務」，或「1983年伊斯蘭銀行法」定義之「伊斯蘭銀行業務」者；

「本行」或「中央銀行」：指依第三條設立之馬來西亞中央銀行；

「金融機構」：指依「1989年銀行及金融機構法」定義之領有執照銀行、商業銀行、金融公司或伊斯蘭銀行；

「理事會」：指本行之理事會；

「定存單」：指銀行或其他機構，無條件依面額支付款項之有息或無息憑證；且轉讓時無論有否背書，及有無利息，均可取得票面權利之可轉讓憑證；

「副總裁」：指本行副總裁；

"Governor" means the Governor of the Central Bank;

"investment account liabilities" in relation to an Islamic bank means the deposit liabilities at that bank in respect of funds placed by a depositor with that bank for a fixed period of time under an agreement to share the profits or losses of that bank on the investment of such funds;

"Islamic bank" means a bank licensed under the Islamic Banking Act 1983;

"licensed institution" has the meaning assigned thereto in the Banking and Financial Institutions Act 1989;

"Minister" means the Minister charged with the responsibility for finance;

"other deposit liabilities" in relation to a banking institution other than an Islamic bank means deposit liabilities at that banking institution other than savings account, sight and time liabilities and deposit liabilities from another banking institution or the Central Bank; and in relation to an Islamic bank means deposit liabilities at that bank other than savings account, investment account, sight and time liabilities and deposit liabilities from another banking institution or the Central Bank;

"other financial institution" means—

- (a) any licensed discount house, licensed money-broker, or scheduled institution, or representative office, as defined in the Banking and Financial Institutions Act 1989;
- (b) any non-scheduled institution, as defined in the aforesaid Act, which is engaged in the "provision of finance" as this expression is defined in that Act; or
- (c) such other person as may be specified by the Bank, from time to time, by notice published in the Gazette;

"record of balance of payments" means a record of such economic and financial transactions of Malaysia, whether direct or indirect, howsoever, wheresoever, or by whosoever, made, in relation to countries, territories or places outside Malaysia as the Bank may, from time to time, determine for the purpose of being included in such record;

"savings account liabilities" in relation to a banking institution means the total deposits at that banking institution which normally require the presentation of passbooks or such other documents in lieu of passbooks as approved by the Central Bank for the deposit or withdrawal of monies;

「理事」：指依第十條任命，包括總裁及副總裁之理事；

「總裁」：指本行總裁；

「投資帳戶」：指在伊斯蘭銀行中，存戶與銀行約定，定期享有銀行以存戶存款投資之利得與損失之帳戶；

「伊斯蘭銀行」：指依「1983年伊斯蘭銀行法」領有執照之銀行；

「領照機構」：指依「1989年銀行及金融機構法」領有執照之機構；

「部長」：指財政部長；

「其他存款」：指除伊斯蘭銀行以外之其他金融機構之存款負債中，除儲蓄存款、活期及定期存款、及本行及其他金融機構存於該行之存款以外之存款；於伊斯蘭銀行係指，除儲蓄存款、投資帳戶、活期及定期存款、以及本行及其他金融機構存於該行之存款以外之存款；

「其他金融機構」：係指—

(a) 依「1989年銀行及金融機構法」定義之領有執照貼現商號、領有執照貨幣經紀商或表列之機構或類似機構；

(b) 非前述法律規定之表列機構，但從事該法有關金融條款規定事項者；

(c) 其他本行隨時指定並於政府公報公告之機構。

「國際收支平衡表之記錄」：指馬來西亞與馬來西亞境外之國家、屬地或地區間之經濟及金融交易，不論直接或間接，如何交易，何處交易或與何人交易，本行得隨時予以統計之記錄。

「儲蓄存款」：指金融機構之存款負債中，需憑存摺或其他經本行核准類似存摺之憑證存取款項之存款負債；

"sight liabilities" in relation to a bank means the total deposits at that bank which are repayable on demand, but does not include savings account liabilities or the deposits of any other banking institution or of the Central Bank at that bank;

"time liabilities" in relation to a banking institution means the total deposits at that banking institution which are repayable otherwise than on demand, but does not include savings account liabilities or the deposits of any other banking institution or of the Central Bank at that banking institution.

Part II Establishment, capital and administration of the Bank

(Establishment of Bank)

3. There shall be established a bank, to be called "Bank Negara Malaysia" or, in English, "Central Bank of Malaysia", which shall be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in its own name.

(Principal objects of Bank)

4. The principal objects of the Bank shall be—
 - (a) to issue currency in Malaysia and to keep reserves safeguarding the value of the currency;
 - (b) to act as a banker and a financial adviser to the Government;
 - (c) to promote monetary stability and a sound financial structure; and
 - (d) to influence the credit situation to the advantage of Malaysia.

(Offices of the Bank)

5. (1) The Bank shall have its Head Office in Kuala Lumpur.
 - (2) The Bank may open branches and appoint agents and correspondents within and without Malaysia.

(Capital)

6. (1) The authorized capital of the Bank shall be two hundred million ringgit.
 - (2) Twenty million ringgit of the authorized capital shall be subscribed and paid up by the Government on the establishment of the Bank.

「活期存款」：指銀行之存款負債中，於請求即需支付款項之存款，但儲蓄存款及本行及其他金融機構存於該行之存款除外；

「定期存款」：指金融機構之存款負債中，除請求即需支付之存款以外之存款，但儲蓄存款及本行及其他金融機構存於該行之存款除外。

第二章 本行之設立、資本及行政管理

第三條 本行之設立

馬來西亞銀行應予設立。（於英文稱為「馬來西亞中央銀行」）。該行為一永久存續之法人，得以其名義起訴或被訴。

第四條 本行之主要目標

本行之主要目標為：

- (a) 於馬來西亞發行通貨並維持足以保護通貨幣值之準備；
- (b) 擔任政府之銀行及財務經理；
- (c) 促進貨幣穩定及健全之金融結構；
- (d) 影響有利馬來西亞之信用狀況。

第五條 本行辦公處所

- (1) 本行總行應設於吉隆坡。
- (2) 本行得於馬來西亞及其他地方設立分行及代理處或指定代理人。

第六條 資本

- (1) 本行之核定資本為二億馬幣。
- (2) 本行設立時核定資本經政府決定之二千萬元部分，應由

- (3) The paid up portion of the authorized capital may be increased by such amount as the Minister may approve from time to time and the Government shall subscribe and pay the amount of the increase to the Bank:

Provided that the payment of the increase in capital may be made by way of such transfers from the General Reserve Fund as the Minister may from time to time approve.

(General Reserve Fund)

7. (1) There shall be a General Reserve Fund of the Bank.
- (2) At the end of each financial year, the net profit of the Bank for that year shall be determined after allowing for the expenses of operation and after provision has been made for bad and doubtful debts, depreciation in assets, contributions to staff and pension funds and such other contingencies as are usually provided for by banks.
- (3) The net profit of the Bank shall be dealt with as follows:
 - (a) such amount as the Minister, after consultation with the Board, so determines shall be placed to the credit of the General Reserve Fund; and
 - (b) the remainder shall be paid to the Government:

Provided that—

- (i) in the case of any year at the end of which the General Reserve Fund is less than half the paid up capital of the Bank, the whole of the net profit shall be credited to the General Reserve Fund; and
- (ii) in the case of any year at the end of which the General Reserve Fund is not less than half the paid up capital of the Bank, but less than twice the paid up capital of the Bank, not less than thirty per centum of the net profit shall be credited to the General Reserve Fund.

(Board of Directors)

8. (1) There shall be a Board of Directors constituted as provided in this section, which shall be responsible for the policy and general administration of the affairs and business of the Bank.
- (2) The Board of Directors of the Bank shall consist of—
 - (a) the Governor;
 - (b) not more than three Deputy Governors; and

政府認定並撥足。

- (3)核定資本實收之部分，得經主管部長核准隨時增加，並由政府認定並撥付。
- (4)核定資本之增撥，得由主管部長隨時核准，自普通公積金中以轉撥之方式為之。

第七條 普通公積金

- (1)本行設普通公積金。
 - (2)每一會計年度終了，本行應於認可營業支出，提列呆帳、壞帳、資產貶值、對職員之補助、年金基金及其他一般銀行所提列或有負債等準備後，決定其當年度純益。
 - (3)本行之純益處理如下：
 - (a) 本行之純益經主管部長洽商理事會決定之部分，應記入普通公積金之貸方；
 - (b) 其餘金額應交付與政府。
- 會計年度終了，普通公積金
- (a) 少於本行實收資本半數時，全部純益應記入普通公積金之貸方；及
 - (b) 未少於本行實收資本半數，但少於本行實收資本二倍時，至少百分之三十純益應記入普通公積金之貸方。

第八條 理事會

- (1)本行設理事會，掌理本行政策及業務。
- (2)理事會由下列成員組成：
 - (a) 總裁；
 - (b) 三位以下之副總裁；及

- (c) not less than five but not more than eight directors appointed under section 10.
- (3) The Governor or, during any period of his absence or inability to act from illness or any other cause, any Deputy Governor so designated by the Governor, shall be entrusted with the day-to-day administration of the Bank, and may, subject as is expressly stated in this Act, give decisions and exercise all powers and do all acts which may be exercised or done by the Bank.
- (4) The Governor and the Deputy Governors shall be answerable to the Board for their acts and decisions.
- (5) In the event of the absence or inability to act of the Governor or any Deputy Governor during his term of office the Minister may appoint a person to discharge the duties of such office during the period of such absence or inability; and while so acting the person so appointed by the Minister shall act as an ex-officio member of the Board.

(Governor and Deputy Governor)

9. (1) The Governor shall be appointed by the Yang di-Pertuan Agong and the Deputy Governors by the Minister.
- (2) The Governor and the Deputy Governors shall each be appointed for a term not exceeding five years and shall be eligible for reappointment.
 - (3) The Governor and Deputy Governor shall devote the whole of their professional time to the service of the Bank and while holding office shall not occupy any other office or employment whether remunerated or not:
Provided that they may if so appointed with the approval of the Minister—
 - (a) act as members of any committee or commission appointed by the Government to enquire into any matter affecting currency, banking, economic or financial matters in Malaysia;
 - (b) become directors, governors or members of the board, by whatever name called, of any international bank or international monetary authority to which the Government shall have adhered or given support or approval;
 - (c) become directors of any corporation in Malaysia in which the Bank may participate under section 30 (1)(j);
 - (d) become directors or members of the board of management, by whatever name called, of any statutory authority or of any company as defined in section 4 (1) of the Companies Act 1965.
 - (4) The Governor and the Deputy Governors shall be appointed on such terms and conditions as may be provided for in their respective letters of appointment. Note.
 - (5) Notwithstanding anything contained in the foregoing provisions of this section, or in any other provision of this Act, it shall be lawful for the

- (c) 其他依第十條任命之理事五人至八人。
- (3) 總裁缺席、因病或其他事由不能行使職權時，由所指定代理之副總裁綜理本行之日常事務，並得依本法作成決定及行使一切權限，並進行為本行所得行使或從事之一切行為。
- (4) 總裁及副總裁應就其行為及決定對理事會負責。
- (5) 總裁及副總裁缺席或不能行使職權時，主管部長得於總裁及副總裁缺席或不能行使職權之期間內，任命他人代理其職務；該代理者視為本行理事會之當然理事。

第九條 總裁及副總裁

- (1) 總裁由最高元首任命之，副總裁由主管部長任命之。
- (2) 總裁及副總裁任期不得超過五年，期滿並得續加任命。
- (3) 本行總裁及副總裁為專任，且不得兼任其他有給或無給之職務或工作。

但經主管部長核准指派之下列職務不在此限：

- (a) 擔任政府為調查影響馬來西亞貨幣、銀行、經濟或金融等事項所成立之委員會委員；
- (b) 擔任政府參與、支持或核准之國際銀行或國際貨幣組織等之理事、總裁或理事會成員；
- (c) 擔任本行依本法第三十條第(1)項第(j)款規定，所投資公司之董事；
- (d) 擔任 1965 年公司法第四條定義之公司或法定組織之常務董事會董事或成員。
- (4) 總裁及副總裁被任命之期限及條件，應明定於任命文中。
- (5) 無論本條前述規定或本法其他規定如何，其他成文法明

Governor or the Deputy Governors to be appointed by any written law to exercise such powers, discharge such duties, and perform such functions as may be specified in or under such written law, and to be conferred by such written law with such title of office in relation thereto as may be specified in such written law.

(Appointment of directors)

10. (1) The directors referred to in section 8 (2) (c) shall be appointed by the Yang di-Pertuan Agong.
- (2) The directors appointed under subsection (1) shall be persons of standing and experience in affairs, and as directors of the Bank shall not act as delegates on the Board from any commercial, financial, agricultural, industrial or other interests with which they may be connected:
Provided that the said prohibition shall not extend to any directors holding or for the time being acting in the office of Secretary General to the Treasury or Deputy Secretary General to the Treasury.
- (3) A director appointed under subsection (1) shall hold office for a term not exceeding three years and shall be eligible for reappointment.
- (4) The directors appointed under subsection (1) shall be paid by the Bank such remuneration and allowances as may be prescribed by the Minister.

(Disqualification of directors)

11. (1) No person shall be appointed or shall remain as Governor, Deputy Governor or other director of the Bank who—
- (a) is or becomes a member of the Senate or House of Representatives or any Legislative Assembly;
- (b) is or becomes an "officer" or, subject to section 9 (3), a "director" (as those words are defined in the Banking and Financial Institutions Act 1989) of any banking institution or other financial institution; or
- (c) is or becomes a public officer:
Provided that one of the directors appointed under section 10 may be the person holding the office of Secretary General to the Treasury or Deputy Secretary General to the Treasury, and notwithstanding section 10 (3) any director so appointed shall remain a member of the Board for so long as he holds the office of Secretary General to the Treasury or Deputy Secretary General to the Treasury, as the case may be, or for such lesser time as may be provided in his letter of appointment.
- (2) The Yang di-Pertuan Agong may terminate the appointment of the Governor, or any other director if he—
- (a) resigns his office;
- (b) becomes of unsound mind or incapable of carrying out his duties;
- (c) becomes bankrupt or suspends payment or compounds with his creditors;

文明定總裁、副總裁行使職權、執行職務及履行職責之相關職務時，其等經依該法之任命，應屬合法。

第十條 理事之任命

- (1)依第八條第(2)項第(c)款規定之理事，應由最高元首任命。
- (2)依本條第(1)項任命之理事，應具備與其職務有關之專業知識，且不得在理事會充當其可能相關之商業、金融、農業、工業、或其他利益之代言人。但經任命之理事同時擔任財政部常務次長或副常務次長者不在此限。
- (3)依本條第(1)項任命之理事，任期不得超過三年，並得續加任命。
- (4)依本條第(1)項任命之理事，應由本行支付主管部長決定之報酬及津貼。

第十一條 理事之不適格

- (1)下列人員不得充任或續任本行總裁、副總裁或理事：
 - (a)國會或地方議會之議員；
 - (b)銀行或金融機構之職員或董事（依1989年「銀行及金融機構法」定義之「職員」或「董事」）
 - (c)公務人員。財政部常務次長或副常務次長之兼任理事，不問第十條第(3)項如何規定，其理事任期得同財政部常務次長或副常務次長之任期，或依任命文中所定較短之任期為其任期。
- (2)總裁或其他理事有下列情形之一者，最高元首得解任之：
 - (a)辭職；
 - (b)精神不健全或不能執行其職務；
 - (c)破產或對其債權人停止支付或與債權人和解；

- (d) is convicted by a court of law in Malaysia of an offence and sentenced to imprisonment for a term of not less than two years, or of any offence involving dishonesty, and has not received a free pardon;
 - (e) is guilty of serious misconduct in relation to his duties;
 - (f) is absent, except on leave granted by the Minister, from all meetings of the Board held during two consecutive months or during any three months in any period of twelve months;
 - (g) fails to comply with his obligations under section 14.
- (3) The Minister may terminate the appointment of any Deputy Governor on the grounds specified in subsection (2).

(Vacancies in the office of Governor or Deputy Governor or of another director)

12. If the Governor or any Deputy Governor or any other director dies or resigns or otherwise vacates his office before the expiry of the term for which he has been appointed another person may be appointed by the Yang di-Pertuan Agong, or in the case of a Deputy Governor, by the Minister, for the unexpired period of the term of office of the person in whose place he is appointed.

(Meeting and acts of the Board)

13. (1) The Governor, or in his absence any Deputy Governor so designated by the Governor, shall be the chairman of the Board.
- (2) The chairman of the Board shall summon meetings as often as may be required but not less frequently than once in each month.
- (3) At every meeting of the Board a quorum shall consist of four directors, and decisions shall be adopted by a simple majority of the votes of the directors present and voting:
Provided that in the case of an equality of votes, the chairman shall have a casting vote.

(Directors interest in contract to be made known)

14. (1) A director who is directly or indirectly interested in a contract made, or proposed to be made, by the Bank shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.
- (2) A disclosure under subsection (1) shall be recorded in the minutes of the Board and, after the disclosure, the director—

- (d) 因違法經法院判有期徒刑二年以上之罪確定，或違反誠信經判有罪確定，尚未無條件赦免者；
 - (e) 因職務上嚴重不當行為構成犯罪者；
 - (f) 除經主管部長同意者外，連續二個月或一年中有三個月理事會未經請假而缺席者，或
 - (g) 未遵守第十四條之義務者。
- (3) 副總裁有本條第(2)項情形者，財政部長得解任之。

第十二條 總裁、副總裁或理事之出缺

總裁、副總裁或理事於任滿前死亡或辭職或其他原因出缺者，得由最高元首（副總裁由主管部長）就未任滿之期間任命他人繼任。

第十三條 理事會會議及決議

- (1) 總裁或經總裁授權代理其職務之副總裁，為理事會之理事主席。
- (2) 理事主席於必要時應召集理事會，至少每個月一次。
- (3) 理事會開會時，應有四位以上理事之出席，出席理事過半數之同意作成決議，可否同數時取決於主席。

第十四條 理事契約上利益之揭露

- (1) 與本行擬簽訂或已簽訂之契約，有直接或間接利害關係之理事，應於其已知悉有關事實後，出席之第一次理事會披露利害關係之性質。
- (2) 依第(1)項之披露，應記載於理事會議事錄，於披露後，該理事

- (a) shall not be present at, or take part in, any deliberation or decision of the Board with respect to that contract; and
 - (b) shall be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.
- (3) No act or proceeding of the Board shall be questioned on the ground of the contravention by a member of the Board of this section.

(Officers and employees of the Bank)

15. (1) The Bank may appoint such officers and employees as it considers to be necessary for the efficient conduct of the business of the Bank.
- (2) Officers and employees of the Bank shall hold office for such period or periods, receive such salaries and allowances, and be subject to such other terms and conditions of service as may be determined by the Board.
- (3) The Bank may, with the approval of the Minister, out of the funds of the Bank establish and maintain a pension and provident fund for its officers and employees and their dependents.
In this subsection, the expression "officers" includes the Governor and Deputy Governors.
- (4) Where officers or employees of the Bank have been seconded or transferred to the service of the Bank from or have previously been in the service of the Federal or a State Government or other public authority approved by the Board, the appointments of those officers or employees shall, subject to any Federal or State law, be made in accordance with such arrangements as to pensions and allowance for previous service as the Board may determine.
- (5) The Bank may, with the approval of the Minister, out of the funds of the Bank, create and maintain a trust account to be called "the Bank Negara Malaysia Staff Welfare Account" for the benefit of its officers and employees, including their dependants.
- (6) The Bank Negara Malaysia Staff Welfare Account shall be utilised for such purposes conducive to the welfare of the officers and employees of the Bank, including their dependants, as may from time to time be provided in trust directions to be issued by the Board with the approval of the Minister, and such directions may provide for the manner and the procedure for the making of the grants, loans or other payments from such Account.

(Preservation of secrecy)

16. Without prejudice to section 16A, except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under any law, no director, officer, or employee of the Bank, shall disclose to any person any information relating

- (a) 不得出席或參加該契約有關之審議及決定；及
 - (b) 就該項審議及決定不計入應出席理事之法定人數。
- (3) 不得以理事違反本條規定而對理事會之行為及程序提出質疑。

第十五條 本行職員及聘僱人員

- (1) 本行為有效經營業務之必要，得任用職員及聘僱人員。
- (2) 本行職員及聘僱人員職務之任期、薪資及津貼，以及相關之服務條件及事項，得由理事會決定之；
- (3) 本行得經主管部長核准，於本行主管之基金外，為本行職員、聘僱人員及其眷屬，設立年金及福利金之基金。本項所稱職員，包括總裁及副總裁。
- (4) 再任或自聯邦、州政府或其他經理事會核准之公務機關轉任至本行服務之職員及聘僱人員，應由理事會依聯邦或各州法律之規定，就其等先前服務之年金及津貼相當之條件決定之。
- (5) 本行得經主管部長核准，創設及保管以其職員及聘僱人員或眷屬為受益人之「馬來西亞銀行職工福利金」信託帳戶。
- (6) 「馬來西亞銀行職工福利金」帳戶，應基於本行職員及聘僱人員或其眷屬之福利，隨時依理事會經主管部長核准所發之信託指示動用之，該信託指示得指定信託帳戶為放款、融通或其他支付之方式及程序。

第十六條 保密

於無違反第十六條A之情形下，除為執行其職責或行使其職權，或經法院合法要求，或依其他法律明文規定外，本

to the affairs of the Central Bank or of a banking institution or other financial institution or of a customer of the Central Bank or of a banking institution or other financial institution which he has acquired in the performance of his duties or the exercise of his functions. [sic]

(Bank's power to report suspected offence)

16A.

- (1) Where the Bank in the course of the exercise of any of its powers, or the discharge of any of its duties, or the performance of any of its functions, under this Act, the Exchange Control Act 1953, the Insurance Act 1963, the Islamic Banking Act 1983, the Takaful Act 1984, the Banking and Financial Institutions Act 1989, the Money-Changing Act 1998, or under any other written law whatsoever, suspects any person to have committed any offence under this Act, or any of the aforesaid Acts, or any other written law whatsoever, it shall be lawful for the Bank to give information of such commission to a police officer in charge of a police station or to any other police officer, or to convey any or all information in relation to such offence to any banking institution, or to any other financial institution or other person affected by such offence, or to any authority or person having power to investigate under, or enforce, the provision of the law under which the offence is suspected by the Bank to have been committed. Act A1010.
- (2) Subsection (1) shall have full force and effect, notwithstanding anything inconsistent therewith, or contrary thereto, in the Act and the Acts mentioned in subsection (1) or in any other written law.

(Remuneration not to be related to profits)

17. No salary, fee, wage, or other remunerations, or allowance, paid by the Bank shall be computed by reference to the profits of the Bank.

Part III Currency

(Unit of currency)

18. (1) The unit of currency in Malaysia shall be the ringgit, which shall be divided into one hundred sen.
- (2) Upon the coming into force of this section, every contract, sale, payment, bill, note, instrument and security for money and every transaction, dealing, matter and thing whatsoever relating to money or involving the payment of, or the liability to pay, any money which but for this subsection would have been deemed to be made, executed, entered into, done and had for, in and in relation to Malaysian dollars shall be deemed instead to be made, executed, entered into, done and

行之理事、職員或聘僱人員不得對他人洩漏有關本行或其他銀行及金融機構之業務、顧客之資料，或於其執行職責或行使職權時所取得之資訊。

第十六條 A 本行對告發犯罪之權限

- (1) 本行依本法、「1953 年外匯管制法」、「1963 年保險法」、「1983 年伊斯蘭銀行法」、「1984 年勞動關係法」、「1989 年銀行及金融機構法」或其他成文法，執行權限、履行職責或執行職權時，發現有違反本法、前述法律或其他成文法規定之嫌疑者，本行應向該管警察局長或警官告發其犯行，或通知與該犯行有關受有影響之銀行或其他金融機構，或向有權依規定調查或執行，相關犯罪之主管機關告發其犯行。
- (2) 無論有無不同或相反之規定，第(1)項之規定於本法或前述法律或其他成文法中應有完全之效力。

第十七條 盈餘外之報酬

本行支付之薪津、費用、工資或其他報酬、津貼不應依本行之盈餘而計算。

第三章 通用貨幣

第十八條 通用貨幣單位

- (1) 馬來西亞通用貨幣單位為馬幣，一百分為壹馬幣。
- (2) 本條規定生效前，因收付款項、清償債務而以契約、買賣、支付、匯票、紙幣、票券或證券所為之轉讓、交易及事務，其以馬元締約、交易、履行或成交者，於本條

had for, in and in relation to ringgit.

(Parity)

19. (1) The parity of the ringgit shall be determined by the Minister on the recommendation of the Bank in terms either of the currency or currencies of other members of the International Monetary Fund, the Special Drawing Right, the common denominator prescribed by the International Monetary Fund under paragraph I of Schedule C to the Articles of Agreement of the International Monetary Fund, or any other denominator consistent with the obligations of Malaysia under Article IV and Schedule C to the Articles of Agreement of the International Monetary Fund:

Provided that if and when the Bank notifies the International Monetary Fund of the parity of the ringgit upon the International Monetary Fund deciding under the Articles of Agreement to introduce a widespread system of exchange arrangements based on stable but adjustable par values, such parity shall be published in the Gazette and shall take effect accordingly.

- (2) The parity of the ringgit may be changed to such an extent as the Minister on the recommendation of the Bank may determine.
- (3) Any change under subsection (2) shall be published in the Gazette and shall take effect accordingly in substitution of the parity gazetted under subsection (1).
- (4) Notwithstanding subsection (1), the Minister may decide on the recommendation of the Bank that it is necessary and expedient for Malaysia not to determine a parity for the ringgit, but instead to apply any exchange arrangement for the ringgit that is not inconsistent with the Articles of Agreement of the International Monetary Fund, including, but not limited to, the severing of the parity of the ringgit to any currency or currencies or any denominator.

(Right to issue bank notes and coin)

20. The Bank shall have the sole right of issuing notes and coin throughout Malaysia and neither the Government nor the Government of any State nor any public authority, or banking institution or other financial institution, or other institution or persons shall issue currency notes, bank notes or coin or any documents or tokens payable to bearer on demand being documental tokens which, in the opinion of the Bank, are likely to pass as legal tender.

生效後，視同已以馬幣為之。

第十九條 平價

- (1)馬幣之平價應由本行建議經主管部長決定，依國際貨幣基金協定條款目錄C第I節規定，與國際貨幣基金會員國間之特別提款權之比率；或依國際貨幣基金協定條款目錄C第四章規定，與含有馬來西亞負債之比率定之。但當本行公告國際貨幣基金對於馬幣之平價決定，依國際貨幣基金協定條款提議以固定但可調整之貨幣平價為基準之兌換率機制時，該馬幣平價應刊登於政府公報並生效。
- (2)馬幣的平價得調整為本行建議經主管部長決定之幅度。
- (3)第(2)項之調整應登載於政府公報時生效，且取代第(1)項公告之平價。
- (4)不論本條第(1)項規定如何，對馬來西亞有必要且適宜時，主管部長得經本行建議決定不依國際貨幣基金協定條款規定訂定馬幣之平價，而由馬幣與某一通用貨幣或某些通用貨幣間之兌換率，訂其平價。

第二十條 紙幣及硬幣之發行

馬來西亞之紙幣及硬幣由本行專屬發行。政府、各州政府、公務主管機關、銀行、金融機構、其他機構或團體，均不得發行本行認定可作支付憑證、具有法償效力之紙幣、硬幣、票券或憑證。

(Power to buy and sell Malaysian currency)

21. The Bank shall at its discretion buy and sell Malaysian currency against gold or other currency eligible for inclusion in the reserve of external assets specified under section 28:

Provided that the rate of exchange quoted for any such transaction shall be consistent with the Articles of Agreement of the International Monetary Fund.

(Printing of notes, minting of coins and issue of notes and coins)

22. The Bank shall —

- (a) arrange for the printing of notes and the minting of coins;
- (b) issue, re-issue and exchange notes and coins at the Bank's offices and at such agencies as the Bank may, from time to time, establish or appoint;
- (c) arrange for the safe custody of unissued stocks of currency and for the preparation, safe custody and destruction of plates and paper for the printing of notes and of dies for the minting of coins.

(Denominations and forms of notes and coins)

23. (1) Notes and coins issued by the Bank—

- (a) shall be in such denominations of the ringgit or fractions thereof as shall be approved by the Minister on the recommendation of the Bank;
 - (b) shall be of such forms and designs and bear such devices as shall be approved by the Minister on the recommendation of the Bank.
- (2) The standard weight and composition of coins issued by the Bank and the amount of remedy and variation shall be determined by the Minister on the recommendation of the Bank.

(Legal tender)

24. (1) Notes issued by the Bank shall, if such notes are not defaced, be legal tender in Malaysia at their face value for the payment of any amount.

- (2) Coins issued by the Bank shall, if such coins have not been tampered with, be legal tender in Malaysia at their face value—
 - (a) for the payment of any amount in the case of coins of the denomination exceeding one ringgit;
 - (b) for the payment of an amount not exceeding ten ringgit in the case of coins of the denomination of fifty sen and one ringgit; and

第二十一條 買賣貨幣權

本行應以等值之黃金、或其他可計入本法第二十八條規定之國際準備之合格通貨，買賣馬來西亞貨幣。但其兌換比率應同國際貨幣基金協定條款之規定。

第二十二條 紙幣及硬幣之印製、鑄造及發行

- (a) 本行應統籌紙幣之印製及硬幣之鑄造；
- (b) 本行得隨時設立或指定本行之單位或本行之受託者，發行、委託發行及收兌紙幣及硬幣。
- (c) 本行應統籌庫存貨幣之安全控管及紙幣用紙、硬幣鑄版之準備、安全控管及鑄版之銷毀等事。

第二十三條 紙幣及硬幣之面額及形式

- (1) 本行發行之紙幣及硬幣
 - (a) 應以馬幣或由本行建議主管部長核准之小額幣為面額單位。
 - (b) 應具有本行建議經主管部長核准之形式及圖案。
- (2) 本行發行之硬幣，其重量及成份標準，以及擬修正或變更之重量及成份之幅度，應由本行建議主管部長核准之。

第二十四條 法償貨幣

- (1) 本行發行之紙幣未經污損者，對馬來西亞境內一切支付，具有法償效力。
- (2) 本行發行之硬幣未經毀損者，其法償效力如下：
 - (a) 以逾面額一馬幣之硬幣支付時，對一切金額之支付具有法償效力。
 - (b) 以面額五十分及一馬幣之硬幣支付時，對不逾十馬幣之金額之支付，具有法償效力。

- (c) for the payment of an amount not exceeding two ringgit in the case of coins of the denomination of less than fifty sen.
- (3) Notwithstanding subsections (1) and (2) the Bank shall have power, on giving not less than three months' notice in the Gazette of its intention to do so, to call in any of its notes and coins on payment of the face value thereof; and any such notes or coins with respect to which notice has been given under this subsection shall, on the expiration of the notice, cease to be legal tender.

(Coins tampered with or notes defaced)

25. A coin shall be deemed to have been tampered with if the coin has been impaired, diminished or lightened otherwise than by fair wear and tear or has been defaced by stamping, engraving or piercing, whether the coin shall or shall not have been thereby diminished or lightened, and a note shall be deemed to have been defaced if any word, sign, symbol, drawing, caricature, or other thing whatsoever, has been written, inscribed, or in any other manner or by any other means whatsoever has been shown on its surface, or if it is torn, marred, burnt, injured, spoilt or otherwise howsoever mutilated.

(Withdrawal of notes and coins and their disposal)

26. (1) The Bank may take all such steps as it may deem appropriate to withdraw from circulation coins which are worn or which have been tampered with, or note which are defaced, or unfit for circulation, and may destroy, deal with or otherwise dispose of the same in such manner as may be directed in writing by the Governor or any Deputy Governor or other officer of the Bank as may be authorised in writing by either the Governor or any Deputy Governor.
- (2) The provisions of subsection (1) as to destruction or disposal of, or dealing with, notes and coins shall apply to notes and coins which have been called in and will cease to be, or have ceased to be, legal tender under section 24 (3).

(Refund of lost or imperfect notes or coins)

27. (1) No person shall be entitled to recover from the Bank the value of any lost, stolen or imperfect note or coin or any coin that has been tampered with or any note which is defaced.
- (2) The circumstances in which, and the conditions and limitations subject to which, the value of lost, stolen, or imperfect notes or coins or coins that have been tampered with or notes which are defaced may be refunded as an act of grace shall be within the absolute discretion of the Bank.

- (c) 以未逾面額五十分之硬幣支付時，對不逾二馬幣之金額之支付，具有法償效力。
- (3) 不論本條第(1)項及第(2)項規定如何，本行有於政府公報公告等值收回已發行貨幣之權，公告期間不得少於三個月，經公告期滿收回之貨幣，失其法償效力。

第二十五條 硬幣或紙幣之毀損

硬幣經污損、縮減面積或重量、磨切表面、或無論是否縮減面積或重量之重壓、切割或戳戮者，視為已毀損之硬幣；紙幣表面經塗寫文字、簽章、符號、圖記或經撕裂、火焚、污損、破損或切割者，視為已毀損之紙幣。

第二十六條 貨幣之銷毀

- (1) 經總裁或副總裁或本行相關主管，或總裁或副總裁授權者之書面核定，本行得對污損、破損或不適流通之紙幣及硬幣，予以銷毀。
- (2) 前項經收回或將銷毀之紙幣及硬幣，適用第二十四條第(3)項之規定失其法償效力。

第二十七條 遺失或瑕疵券幣之兌償

- (1) 任何人不得以貨幣遺失、被竊、污損或破損等由向本行求償。
- (2) 貨幣遺失、被竊、污損或破損等情形，得由本行斟酌情況，全權處理。

(Restriction on the use of photographs, drawing or design of note or coin in advertisement, etc.)

27A.

Except with the permission of the Bank, no person shall, in any size, scale or colour, use any photograph of or any drawing or design resembling any note or coin or part thereof, in any advertisement or on any merchandise or products which that person manufactures, sells, circulates or otherwise distributes.

Part IV Reserve of external assets

(Reserve of external assets)

28. It shall be the duty of the Bank to maintain at all times a reserve of external assets to meet its obligations under this Act, consisting of all or any of the following:

- (a) gold coin or bullion;
- (b) notes, coin, bank balances and money at call in such country or countries as may be approved by the Minister on the recommendation of the Board;
- (c) Treasury bills of such government or governments as may be approved by the Minister on the recommendation of the Board of a maturity not exceeding one year;
- (d) bill of exchange bearing at least two good signatures and drawn on and payable at such place or places as may be approved by the Minister on the recommendation of the Board and having a maturity not exceeding three months (exclusive of days of grace);
- (e) securities of, or guaranteed, by such government or governments or international financial institutions as may be approved by the Minister on the recommendation of the Board;
- (f) securities purchased under section 30 (1)(oo)(i);
- (g) any readily available international drawing facility as may be approved by the Minister on the recommendation of the Board.

(External reserves as proportion of Bank's liabilities)

29. The aggregate value of the reserve of external assets specified in section 28 shall not be less than such percentage of the Bank's notes and coins in circulation as the Minister may by notice in the Gazette declare to correspond to the minimum reserve of external assets which the Board of

第二十七條 A 貨幣之相片、圖片或圖案用於廣告之限制

除本行同意者外，無論其大小、尺寸、或顏色如何，任何人不得以貨幣之全部或部分之相片、圖片、或類似圖案，用於廣告、商品或貨品之中，予以製造、販賣、流通或散布。

第四章 國際準備

第二十八條 國際準備

本行應隨時維持支應本法規定債務所需之國際準備如下：

- (a) 金幣或金塊；
- (b) 經理事會建議主管部長核准收存之貨幣、銀行存款；
- (c) 經理事會建議主管部長核准之政府之自取得日起一年內到期之國庫券；
- (d) 經理事會建議主管部長核准，對有二位以上信用良好者簽名、開出、付款及自取得日起三個月內到期（寬限期不計入）之地區之匯票；
- (e) 經理事會建議主管部長核准之政府或國際金融機構發行或保證之債券；
- (f) 購買第三十條第(1)項第(oo)款規定之債券；
- (g) 經理事會建議主管部長核准可隨時兌現之國際提款機制。

第二十九條 本行負債之國際準備率

依第二十八條規定之國際準備總值不得少於經主管部長於政府公報公告之本行發行之流通貨幣，包括本法第三章生

Commissioners of Currency, Malaya and British Borneo, would have been required to maintain against notes and coin issued by the Commissioners under the Currency Ordinance 1951, including any amendments thereto in force immediately prior to the coming into effect of Part III: [sic] Provided that the Yang di-Pertuan Agong may by order published in the Gazette vary the percentage declared.

Part V Business of the Bank

(Authorized business of Bank)

30. (1) The Bank may—

- (a) issue and redeem notes and coin in accordance with Part III; w.e.f. 12-Jun-1967.
- (b) issue demand drafts and other kinds of remittances made payable at its own offices and branches or at the offices of agencies or correspondents;
- (bb) (i) issue, with the approval of the Minister, securities in its own name and the issue, holding and sale of such securities shall be subject to such terms and conditions as the Bank may determine at the time of the issue of such securities:
Provided that the total amount of securities so issued shall not at any time exceed three times the total of the Bank's paid-up capital and General Reserve Fund;
- (ii) purchase, sell and redeem securities issued by the Bank pursuant to paragraph (bb) (i);
- (c) purchase, accept on deposit and sell gold coin or bullion;
- (d) accept deposit of money in any currency;
- (e) purchase, sell, discount and rediscount inland bills of exchange and promissory notes arising out of bona fide commercial transactions bearing two or more good signatures and maturing within twelve months or such period as may be approved by the Minister on the recommendation of the Board (exclusive of days of grace) from the date of acquisition;
- (f) purchase, sell, discount and rediscount inland bills of exchange and promissory notes bearing two or more good signatures drawn or issued for the purpose of financing seasonal agricultural operations or the marketing of primary produce and maturing within twelve months or such period as may be approved by the Minister on the

效前，於馬來西亞及英屬婆羅州，由貨幣政策委員會之理事會，依 1951 年貨幣法發行之貨幣，所有效取得及維持之發行貨幣資產準備之最低限度。但國王得以命令修正前述準備並登載於政府公報。

第五章 本行之業務

第三十條 本行之法定業務

(1) 本行之業務如下：

- (a) 發行及收兌本法第三章規定之紙幣及硬幣；
- (b) 發行即期匯票及辦理其他於其辦公處所、分行或其代理行或聯行之營業處所付款之匯票；
- (bb)
 - (i) 發行經主管部長核准之本行債券；債券之發行、持有及買賣，應依本行發行時決定之條件。但任何時期所發債券總金額，不得超過本行實收資本額及普通公積金總和之三倍；
 - (ii) 買賣及收兌本行依 (bb) (i) 規定發行之債券；
- (c) 購買、承兌及出售金幣或金塊；
- (d) 收受存款；
- (e) 對有二位以上信用良好者簽名及自取得日起十二個月內，或經理事會決議，主管部長核准之期限（寬限期不計入）到期，因真實交易所產生之匯票、本票之買賣、貼現或重貼現；
- (f) 對有二位以上信用良好者簽名及自取得日起十二個月內，或經理事會決議，主管部長核准之期限（寬限期不計入）到期，因季節性農業金融或現貨市場

recommendation of the Board (exclusive of days of grace) from the date of acquisition;

- (ff) make advances for the purpose of assisting the growing or marketing of primary produce, to—
 - (i) authorities formed under any written law in Malaysia; and
 - (ii) co-operative societies engaged in farming, agricultural, horticultural, pastoral, grazing or fishing operations;

- (fff) make advances to such public authorities and corporations in which the Government or the Bank has an interest, including an interest in shares (as that expression is to be construed under the Banking and Financial Institutions Act 1989), as the Minister may approve on the recommendation of the Board:

Provided that the total amount of advances so made shall not at any time exceed two-and-one-half times the total of the Bank's paid-up capital and General Reserve Fund;

- (ffff) establish a Special Investment Fund to finance specific projects, wholly or partly, in the public sector and on such terms as may be approved by the Minister on the recommendation of the Board for the purpose of promoting economic development from monies set aside from the reserve held at the Central Bank by banking institutions under section 37 (1) (c) and by other financial institutions required by the Bank from time to time to hold such reserve:

Provided always that the total amount so set aside for such Special Investment Fund shall be approved by the Minister on the recommendation of the Board and shall not exceed the amount of the General Reserve Fund of the Bank;

- (fffff) allow for a temporary overdrawing by account holders subject to the imposition of such rate of interest on the overdraft as the Bank may deem fit;
- (g) purchase, sell, discount and rediscount Treasury bills of the Government or of the Government of any State authorized to issue Treasury bills;
- (h) purchase and sell securities of the Government or of the Government of any State, or of any public authority maturing in not more than thirty years which have been publicly offered for sale or form part of an issue which is being made to the public at the time of acquisition and any other securities as may be approved by the Minister on the recommendation of the Board;
- (i) invest in securities of the Government or of the Government of any State, or of any public authority for any amount, and to mature at any time, on behalf of staff and pension funds and other internal funds of

- 交易所產生之匯票、本票之買賣、貼現或重貼現；
- (ff) 提供下列機構以協助發展或為現貨市場交易之融通：
- (i) 馬來西亞成文法規定之機關；及
 - (ii) 從事農、林、漁、牧各業之公會。
- (fff) 依理事會之建議主管部長之核准，對於政府或本行有股權(「1989 銀行及金融機構法」相關解釋)之政府機關及公司提供融通。但任何時期之融通總額不得超過本行實收資本額及普通公積金總額之二點五倍。
- (ffff) 設立為促進經濟成長之金融計畫之「特別投資基金」，基金期限經理事會建議，主管部長核准，資金由銀行及其他金融機構依本法第三十七條第(1)項第(c)款規定存放於本行之存款準備中支付，但支付基金總額應經理事會建議主管部長核准，且不得超過普通公積金總額。
- (fffff) 必要時，本行得許可於本行開立帳戶者，依本行訂定之利率，臨時透支。
- (g) 國庫券或其他州政府發行之國庫券之買賣、貼現及重貼現；
- (h) 買賣公開銷售或於取得時係屬公開發行部分，未超過三十年期之政府債券、其他州政府債券或任何主管機關之債券；
- (i) 以任何金額、任何到期日、以職員為代表投資政府債券、其他州政府債券或主管機關之債券，及投資

the Bank;

- (j) with the approval of the Minister, acquire, hold and sell shares of any corporation set up with the approval of, or under the authority of, the Government for the purpose of promoting the development of a money market or securities market in Malaysia or for the financing of economic development in Malaysia:

Provided that the total amount so invested shall not at any time exceed fifty per centum of the General Reserve Fund of the Bank;

- (k) grant advances for fixed periods not exceeding three months against Treasury bills of the Government or of the Government of any State authorized to issue Treasury Bills;
- (l) grant advances for fixed periods not exceeding twelve months or such period as may be approved by the Minister on the recommendation of the Board secured by the pledge with the Bank of—

- (i) gold coin or bullion;

- (ii) securities of the Government or of the Government of any State, or of any public authority which have been publicly offered for sale and are to mature within a period of thirty years or any other securities as may be approved by the Minister on the recommendation of the Board:

Provided that no such advance so secured shall at any time exceed the market value of the security pledge;

- (iii) such bills of exchange and promissory notes as are eligible for purchase, discount or rediscount by the Bank;

- (iv) warehouse warrants or their equivalent (securing possession of goods), in respect of staple commodities or other goods duly insured and with a letter of hypothecation from the owner:

Provided that no such advance shall exceed sixty per centum of the current market value of the commodities or goods in question;

- (m) purchase and sell currencies, and purchase, sell, discount and rediscount bills of exchange and Treasury bills drawn in or on places outside Malaysia and maturing within one year from the date of acquisition;

- (mm) borrow money, establish credits and provide guarantees and indemnities in any currency, within and without Malaysia on such terms and conditions as it may deem fit;

- (mmm) establish a credit bureau to collect, in such manner as the Bank may think fit, credit information on the customers of banking institutions and other financial institutions and to disclose the information so collected in such manner as may be deemed appropriate by the Bank to these institutions;

- 年金基金、本行其他基金；
- (j) 經主管部長核准取得、持有及出售任何為推動馬來西亞貨幣市場或證券市場之發展或資助馬來西亞經濟發展而依政府之核准或在本行之下所設公司之股份，但投資總額不得超過當時普通公積金之百分之五十；
 - (k) 本行得依國庫券或州政府發行之國庫券為擔保，辦理不超過三個月之融通。
 - (l) 本行得依下列擔保辦理不超過十二個月之融通：
 - (i) 金幣或金塊；
 - (ii) 已公開發行未超過三十年期之政府債券、其他州政府債券、任何主管機關之債券或其他經主管部長核准之債券，但此融通不得超過申請案件債券之擔保市價；
 - (iii) 由本行對合格匯票及本票以其票面金額買入、貼現或重貼現；
 - (iv) 倉庫擔保或其同類情形（貨品因擔保而持有），重要商品或其他貨品應已妥為保險並有所有人之擔保設定同意書，但此融通不得超過申請案件貨品市價百分之六十。
 - (m) 買賣自取得日起一年內到期之馬來西亞境外貨幣、匯票、國庫券；
 - (mm) 本行得以適當之條件及期限，提供馬來西亞境內及境外任何貨幣為擔保，借入款項；
 - (mmm) 設立信用局，並以本行認為適當之方法，收集及揭露銀行及其他金融機構之客戶信用資訊，但該收集

Provided that the credit information so collected shall be used solely for the purpose of operating the credit bureau and that any information disclosed by the Bank to such institutions shall be secret between the Bank and these institutions;

- (mmmm) establish a central bureau to collect, in such manner and to the extent as the Bank may think fit, information on and relating to rejection by a paying bank of any cheque for reason of insufficient funds in the account of the drawer of the cheque, and to disclose any such information to any bank for the purpose only of assisting the bank to assess the eligibility of the drawer to maintain or open any current account with the bank;
- (n) maintain accounts with central banks outside Malaysia and with other banks within and without Malaysia;
- (nn) place deposits in any banking institution within Malaysia;
- (nnn) purchase, under repurchase agreements, and subject to such terms as may be approved by the Minister on the recommendation of the Bank, and sell any certificate of deposit issued by any banking institution;
- (o) purchase and sell securities of, or guaranteed by, such government or governments or international financial institutions as may be approved by the Minister on the recommendation of the Board;
- (oo)
 - (i) purchase and sell such other securities as may be approved by the Minister on the recommendation of the Board;
 - (ii) pay to the International Monetary Fund the subscriptions in respect of which the Government is responsible under the Bretton Woods Agreements Act 1957, as amended from time to time, and take to the Bank's own account the payments of the aforesaid subscriptions already made by the Government;
 - (iii) pursuant to paragraph (oo) (ii), create and issue to the International Monetary Fund in such form as is appropriate any such non-interest bearing and non-negotiable notes or other obligations as the International Monetary Fund may under section 4 of Article III of the Articles of Agreement of the International Monetary Fund determine to accept in place of any part of the subscription of the Government which would but for such acceptance be payable in Malaysian currency;
 - (iiia) draw from time to time on the compensatory financing facility and other facilities of the International Monetary Fund and upon the request of the Government make available to the Government funds arising from such drawings, which funds the Government is hereby authorised to receive;

之資訊應僅限於信用局業務所需，且本行對相關機構揭露之任何資訊，應屬本行與該機構間之機密。

(mmmm) 設立中央局，以本行認為適當之方法及範圍收集以銀行為付款人之支票、存款不足存戶之資訊，並於銀行為評估是否繼續擔任存戶付款人或辦理新開戶業務時，提供相關資訊。

(n) 於馬來西亞境外中央銀行及境內外銀行開立帳戶；

(nn) 於馬來西亞境內外銀行存款；

(nmm) 買賣經本行建議主管部長核准之附買回條件之任何金融機構發行之定期存單；

(o) 買賣理事會建議主管部長核准之政府債券或國際金融機構發行或保證之債券；

(oo)

(i) 買賣其他經理事會建議，主管部長核准之債券；

(ii) 繳交國際貨幣基金，關於政府依 1957 年布列敦森林協定法規定應認繳之攤額，自政府設於本行之前述認繳攤額帳戶中隨時收取之。

(iii) 對於前項規定攤額中，依國際貨幣基金協定條款第三章，可以馬來西亞貨幣支付之部分，對國際貨幣基金發行不計利息之無記名票據，不可轉讓票券或其他負債。

(iiia) 簽發以國際貨幣基金之補償性融資機制或其他機制為付款人之票據，且政府以前述票據支付，在國際貨幣基金中之基金，視為款項已達該基金。

(iiv) 簽發以國際貨幣基金之儲蓄股份金融機構為付款人之票據，且政府以前述票據用以計入，馬

- (iv) draw from time to time on the buffer stock financing facility of the International Monetary Fund and make available to the Government funds arising from such drawing required for contribution to any buffer stock created under any international commodity agreement to which Malaysia is a signatory; and in the case where such drawing is not available or insufficient to meet the requirement, make available to the Government funds from the Bank's own resources;
- (v) create and issue to the International Monetary Fund in such form as is appropriate any such non-negotiable notes or obligations as may be acceptable to the International Monetary Fund in respect of any transactions with the International Monetary Fund;
- (vi) exchange, if requested by other members of the International Monetary Fund at the time of purchase, balances of Malaysian currency purchased by other members from the International Monetary Fund, or obtained by other members in exchange for currency purchased from the International Monetary Fund, for a freely usable currency (defined in Article XXX (f) of the Articles of Agreement of the International Monetary Fund) selected by the Bank at an exchange rate between the ringgit and that currency as may be consistent with section 7 (a) of Article XIX of the Articles of Agreement of the International Monetary Fund;
- (p) act as correspondent, banker or agent for any central bank or other monetary authority and for any international bank or international monetary authority established under governmental auspices;
- (q) open accounts for and accept deposits from the Government, State Governments, public authorities, banking institutions and other financial institutions and, with the prior approval of the Minister, other persons in Malaysia;
- (r) underwrite loans in which it may invest;
- (s) undertake the issue and management of loans publicly issued;
 - (i) by the Government;
 - (ii) by the Government of any State;
 - (iii) by any public authority; or
 - (iv) with the approval of the Minister, by any corporation referred to in paragraph (j);

來西亞亦為簽約國之貨物協定之股份中，如前述票據款項不足時，自政府設於本行之基金帳戶中支付。

- (v) 對國際貨幣基金發行，其可接受且認為適當做為與該基金交易工具之不可轉讓票券或其負債。
- (vi) 如有從基金會員國中購買可自由通用之貨幣（國際貨幣基金協定條款第XXX章(f)之定義）之需時，可以國際貨幣基金會員國自國際貨幣基金買得或取得之馬來西亞貨幣餘額，就本行依國際貨幣基金協定條款第XIX章第7條(a)規定，於馬幣與該幣間選擇一兌換率，進行換匯。
- (p) 為任何中央銀行或其他貨幣主管機關或政府支持下所設立之國際性銀行或國際金融管理機構之聯行、銀行、代理行；
- (q) 為馬來西亞政府、州政府、公務主管機關、銀行、金融機構或其他經主管部長核准之境內機構開立帳戶及收受存款；
- (r) 承受貸款以行投資；
- (s) 承攬下列機構所發債券之發行及管理：
 - (i) 政府；
 - (ii) 州政府；
 - (iii) 公務主管機關；
 - (iv) 依本條第(j)項規定，經主管部長核准之公司；

- (t) (Repealed);
 - (tt) (Repealed);
 - (ttt) (Repealed);
 - (u) accept from customers for custody securities and other articles of value;
 - (v) undertake on behalf of customers and correspondents the purchase, sale, collection and payment of securities, currencies and credit instruments within and without Malaysia, and the purchase or sale of gold and silver;
 - (w) establish bank Clearing Houses in Kuala Lumpur and in such other places as the Bank may consider necessary;
 - (ww) participate in schemes undertaken in conjunction with Central Banks or authorities outside Malaysia to promote regional and international co-operation in economic and financial research and training;
 - (www) with the approval of the Minister, participate on its own behalf or as agent of the Government in schemes undertaken in conjunction with Central Banks or authorities outside Malaysia to promote regional and international monetary cooperation;
 - (x) do generally all such things as may be commonly done by bankers and are not inconsistent with the exercise of its powers or the discharge of its duties under this Act or under the Banking and Financial Institutions Act 1989 or the Islamic Banking Act 1983.
- (2) The expression "primary produce" in subsection (1) (f) and (ff) means such goods as the Minister may on the recommendation of the Board prescribe:
Provided that any advance under paragraph (ff) shall not be made for more than one year.
- (3) It shall be the duty of the Bank to administer, enforce, carry out and give effect to the provisions of the Exchange Control Act 1953, the Insurance Act 1963, the Islamic Banking Act 1983, the Takaful Act 1984, the Banking and Financial Institutions Act 1989 and the Money-Changing Act 1998,, and to exercise any other function under any other written law in respect of which provision is made by Federal law.
- (4) The Bank shall maintain at all times for such period or periods as it may deem appropriate, a record of balance of payments containing such information, statistics and particulars as it may from time to time

- (t) (刪除)
 - (tt) (刪除)
 - (ttt) (刪除)
 - (u) 承作票券或其他貴重物品之保管；
 - (v) 承攬境內外票券、貨幣及信用工具之買賣、收集、支付等代理，及黃金、白銀之買賣；
 - (w) 本行於必要時，於吉隆坡或其他地區設立銀行間支付劃撥結算所。
 - (ww) 參加聯合馬來西亞境外央行或主管機關，為促進區域性及國際性合作，有關經濟及金融研究及訓練之計畫；
 - (www) 經主管部長核准，以本行名義或代表政府參加聯合馬來西亞境外之央行或主管機關，為促進區域性或國際性之貨幣合作計畫；
 - (x) 為銀行業者一般得為之事項，且與其依本法、1989年「銀行及金融機構法」或1983年「伊斯蘭銀行法」職權之行使或職責之履行不相牴觸者。
- (2)第(1)項(f)及(ff)所稱「現貨」，係指主管依理事會建議之商品，但(ff)項規定之融通不得超過一年。
- (3)本行有管理、執行、實施、履行「1953年外匯管制法」、「1963年保險法」、「1983年伊斯蘭銀行法」、「1984年勞動關係法」及「1989年銀行及金融機構法」等規定之職責，及行使聯邦法律中其他成文法規定之職權。
- (4)本行應保存所有本行為執行本法第四條規定之目標，及

determine, for the purpose of carrying out the principal objects of the Bank under section 4 and discharging its duties and functions under this Act.

- (5) For the purpose of maintaining the record of balance of payments, the Bank shall have the power to require in writing at any time any person which, in the opinion of the Bank, has in its possession or under its custody or control, or has within its capacity to obtain, compile or submit, any information, statistics or document relating to the record of balance of payments—
- (a) to submit such information, statistics or document to the Bank, within such period, at such intervals, in such manner, in such form and in writing or by means of any visual recording (whether of still or moving images) or any sound recording, or any electronic, magnetic, mechanical or other recording whatsoever, on any substance, material, thing or article as the Bank may specify in the requirement; or
 - (b) to attend before an officer of the Bank to answer any enquiries in relation to such information, statistics or document.
- (6) Any—
- (a) information, statistics or document submitted pursuant to any requirement under paragraph (a); or
 - (b) answer to any enquiry pursuant to any requirement under paragraph (b),
- of subsection (5), shall be true, correct and complete, and shall not be designed, directly or indirectly, to mislead the Bank in relation to such requirement.
- (7) The Bank may publish in any manner it deems fit, consolidated statements of all or any part of the record of balance of payments, aggregating the information, statistics or particulars in documents received or obtained under subsection (5), provided that such publication shall not in any manner lead to the identification of any person to which such information, statistics or particulars relate.
- (8) Notwithstanding section 16A or any other written law, but without prejudice to subsection (7), any information, statistics or document received or obtained by the Bank under subsection (5) shall be used by the Bank for the purposes of maintaining the record of balance of payments, carrying out its principal objects under section 4 and discharging its duties and functions under this Act, and shall not be disclosed by the Bank to any person other than the Governor, Deputy Governors, or an officer or employee of the Bank for all or any of the

履行本法規定之職務及職責，對於國際收支平衡表之統計數及細目紀錄之資訊。

(5)為保存國際收支平衡表之紀錄，本行有權於任何時間，以書面要求本行認為持有或監管或控制或有能力取得、編輯或提出與國際收支平衡表紀錄有關之資訊、統計或文件之人—

(a)提出本行指定含有資訊之期間、地點、方法、形式在內之書面或以照相、錄音、電傳、磁片、或任何機械紀錄之物體、材料、事物或商品等資料，連同相關資訊、統計或文件送交本行；或

(b)參加本行職員有關資訊、統計或文件等之事前調查。

(6)任何

(a)依第(5)項第(a)款提出之資訊、統計或文件之相關資訊；或

(b)依第(5)項第(b)款事前調查之回答，應真實、正確、完整，且不應直接或間接設計、誤導本行關於相關資訊之要求。

(7)本行得以適當之方法出版，依第(5)項規定獲得或取得之資訊、統計文件、或細目，予以合計專屬之國際收支平衡表之全部或部分紀錄，且該出版品不得以任何方式引起相關資訊、統計或細目係與任何人有關之聯想。

(8)無論第 16A 條或其他成文法規定如何，除第(7)項規定外，任何本行第(5)項獲得或取得之資訊、統計或文件，僅限本行為保存，國際收支平衡表之紀錄，履行本法第

aforesaid purposes.

- (9) For the purposes of giving effect to subsections (4), (5) and (6), the Bank may make such regulations under section 54 as it deems necessary or expedient.

(Business which Bank may not transact)

31. The Bank may not—

- (a) engage in trade or otherwise have a direct interest in any commercial, agricultural, industrial or any other undertaking except

—

- (i) as provided in section 30 (1) (j); or
(ii) in the course of the satisfaction of debts due to the Bank: provided that any such interest shall be disposed of at the earliest suitable opportunity;
- (b) grant loans upon security of any shares;
- (c) except as provided in section 30 (1) (j) and (oo) (i), purchase the shares of any corporation, including the shares of any banking institution or other financial institution which is a company;
- (d) except as provided in sections 33, 42 and 49, grant unsecured advances or advances secured otherwise than as laid down in section 30 (1) (ff), (fff), (ffff), (fffff), (k) and (l):

Provided that in the event of any debt due to the Bank becoming in the opinion of the Bank endangered, the Bank may secure such debt on any immovable or movable property of the debtor and may acquire such property, which shall, however, be resold at the earliest suitable moment;

- (e) purchase, acquire or lease immovable property except in accordance with the proviso to paragraph (d) and except so far as the Bank shall consider necessary or expedient for the provision, or future provision, of business premises for the Bank and its agencies and any Clearing Houses established pursuant to section 30 (1)(w) and of residences for the Governor, Deputy Governors, officers and employees and of amenities for the promotion of the welfare of officers and employees:

Provided that where any immovable property purchased, acquired or leased by the Bank for any of the said purposes, is not immediately required for those purposes, or where any immovable property referred to in the proviso to paragraph (d) cannot be immediately resold, it shall be lawful for the Bank to grant leases or tenancies of such immovable property for such period as the property is not required for the said purposes or cannot be resold, as the case may be;

4 條之主要目標及執行本法之職責及職權之用；且除本行總裁、副總裁、或與前述目的有關之本行職員、聘僱人員外，本行不得揭露前述資訊。

(9)為執行本條第(4)、(5)、(6)項之規定，本行認為必要且適當時，得依第 54 條之規定，訂定規章。

第三十一條 本行不得辦理之事項

(a)從事交易或直接參與工、商、農業或其他企業之經營，
但

(i)依第 30 條第(1)項第(j)款之規定；或

(ii)因清償本行之債權而參與者，不在此限，惟應儘速處分之。

(b)辦理以股票為擔保品之放款。

(c)除第 30 條第(1)項第(j)、(oo)、(i)款規定外，買入包含銀行、其他金融機構在內之公司股票。

(d)除第三十三條、第四十二條及第四十九條規定外，辦理擔保融通及未提出第 30 條第(1)項第(ff)、(fff)、(ffff)、(fffff)、(k)、(l)款規定擔保品之擔保融通；但為免本行債權損失，而以該動產或不動產為擔保融通者，不在此限，惟該動產及不動產應儘速變賣之；

(e)購買、取得或租用不動產，但(d)項但書、或為供本行現在、未來之營業處所、代理處或第三十條第(1)項第(w)款規定之銀行間支付劃撥結算所、總裁、副總裁、職員及聘僱人員宿舍及供職員及聘僱人員福利之用者，不在此限。

- (f) draw or accept bills payable otherwise than on demand;
- (g) allow the renewal or substitution of maturing bills of exchange purchased, discounted or rediscounted by or pledged with the Bank:

Provided that in exceptional circumstances the Bank may authorize one renewal or one substitution only in either case of not more than fifty per centum of the original amount of any such bill for a period not exceeding ninety days;

- (h) accept for discount, or as security for an advance made by the Bank, bills or notes signed by members of the Board or by the Bank's officers or employees, except in relation to any loan made by the Bank under section 49.

(Loans to and acquisition of banking and other financial institutions)

31A.

- (1) Notwithstanding section 31, where the Bank considers that a licensed institution, or an institution in respect of which an order has been made by the Minister under section 24 (1) or 93 (1) of the Banking and Financial Institutions Act 1989 is—
 - (i) likely to become unable to meet its obligations; or
 - (ii) about to suspend payment,the Bank may, with the concurrence of the Minister—
 - (a) grant loans to such institution against the security of its own or any shares or any other sufficient security;
 - (b) grant loans to any licensed institution to purchase any shares or the whole or any part of the properties and liabilities of such institution; or
 - (c) purchase any shares of such institution for the purpose of controlling the business of such institution.
- (2) For the purposes of this section, section 31B, section 78 of the Banking and Financial Institutions Act 1989, there shall be established an Advisory Panel to advise the Minister on matters falling within the purview of those provisions for which the concurrence or consent of the Minister is required.

- (f) 簽發或承兌非即期之票據；
- (g) 許可買入、貼現、重貼現或本行得保證之到期匯票之展期或換票，但有異常狀況時，本行得規定展期或換票其中之一，其金額未超過原來之百分之五十，且展期不超過 90 天者，不在此限。
- (h) 為本行擔保品之票券本行理事會或本行職員或聘僱人員簽發之匯票及本票貼現，但依第 49 規定之放款，不在此限。

第三十一條 A 對金融機構之貸款

- (1) 無論第三十一條規定如何，本行於主管部長依「1989 年銀行及金融機構法」第二十四條第(1)項或第九十三條第(1)項規定，對某一銀行或金融機構有下列情形，而有指示時：
 - (i) 將不能履行其債務；或
 - (ii) 暫停支付款項，本行得經主管部長同意：
 - (a) 貸款予該金融機構支應其簽發之票據或資本或其他票據；
 - (b) 貸款予其他機構，支應其買入該金融機構之股份或其他資產負債之全部或部分；或
 - (c) 以控管業務之目的，買入該金融機構之部分股權。
- (2) 為本條、第三十一條 B 及「1989 年銀行及金融機構法」第七十八條之目的，應設立顧問團，於主管部長有需要時，提出關於含有貸款要項在內之處理方法之建議予主管部長。

- (3) The Advisory Panel shall consist of such persons as may be appointed by the Minister on the recommendation of the Bank.
- (4) The persons appointed under subsection (3) shall be paid by the Bank such remuneration and allowances as may be specified in writing by the Minister.

(Power of Bank to make an order in respect of a deposit-taker to protect the interests of its depositors, etc.)

31B.

- (1) The Bank may, with the concurrence of the Minister, if it is satisfied that —
 - (a) a deposit-taker—
 - (i) has become, or is likely to become, unable to meet all or any of its obligations; or
 - (ii) is about to suspend, or has suspended, payment to any extent; and
 - (b) it is consequently necessary to take action under this section for the purpose of—
 - (i) securing or maintaining the financial stability of Malaysia; and
 - (ii) the protection of the interests of depositors in the deposit-taker, by order published in the Gazette, make all or any of the provisions:
 - (aa) provide for the Bank—
 - (i) to purchase any shares of a licensed finance company;
 - (ii) to make an advance of its funds to a licensed finance company, repayable with or without interest, for the purpose of being utilised by the licensed finance company solely to acquire the property and liabilities of the deposit-taker, or the interests of the depositors in the deposit-taker; or
 - (iii) to make an advance of its funds to a bank incorporated in Malaysia, repayable with or without interest, to be utilised by the bank solely to acquire a licensed finance company which, thereafter, shall acquire the property and liabilities of the deposit-taker or the interests of the depositors in the deposit-taker; and
 - (bb) provide for the depositors, in exchange for their interest in the deposit-taker, to be given shares in the licensed finance company referred to in subparagraph (i), (ii), or (iii), as the case may be, of paragraph (aa).

- (3)顧問團成員應含有依本行建議並由主管部長任命之人員。
- (4)依第(3)項任命之人員，應由本行依主管部長決定之薪資及津貼支付之。

第三十一條 B 本行命令收受存款者以保護存款人利益之權限

(1)本行經主管部長核准，並於有下列情形時：

(a) 收受存款者

- (i) 出現或可能出現無法履行其全部或任何之義務；或
 - (ii) 即將暫停或已經暫停繳付任何程度之付款；且
- (b) 由此因而有必要採取本條所定之措施，以
- (i) 確保及維護馬來西亞金融穩定；及
 - (ii) 保障存款人對收受存款者之權益時，

得下令公告於公報，公布以下全部或任一之措施：

(aa) 由本行

- (i) 取得一家經領有執照之金融公司之任何股份；
或
- (ii) 自其基金提撥有息或無息貸款給一家經領有執照之金融公司，以便透過該經領有執照之金融公司單獨去取得該收受存款者之資產及負債、或存款人對於該收受存款者之權益；或
- (iii) 自其基金提撥有息或無息貸款給一家設立於馬來西亞之銀行，以便透過該銀行單獨去取得該收受存款者之資產。

(bb) 由存款人，以其對於該收受存款者之權益交換，發給前(i)、(ii)、(iii)目所定之該經領有執照金融公司、或(依具體個案)發給前(aa)款所定銀行之股份。

- (2) An order under subsection (1) shall not be made by the Bank unless—
- (a) the consent of the deposit-taker has been obtained;
 - (b) the available unencumbered assets of the deposit-taker are insufficient to meet its deposit-liabilities; and
 - (c) the consents of the depositors have been obtained, except where, on the application of the Bank to the High Court by way of ex parte originating summons, it is ordered by the High Court that such consents be dispensed with:

Provided that the above provisions shall not apply to any amendment or revocation of the original order made under subsection (1).

- (3) Where the Bank makes an order under subsection (1), order shall constitute sufficient authority for the Bank or any other person named or described in the order to do all or any of the acts or things as may be required or authorised to be done by the Bank or such person under the terms of the order, and to do all other acts and things as may be reasonably incidental to, or reasonably necessary to be done, to give effect to such terms.
- (4) For the purpose only of giving effect to the terms of an order under subsection (1), the Bank may authorise the licensed finance company referred to in the order by virtue of subparagraph (i), (ii) or (iii), as the case may be, of subsection (1) (aa), to—
- (a) undertake a reconstruction exercise;
 - (b) purchase and acquire the property and liabilities of the deposit-taker and the interests of the depositors in the deposit-taker;
 - (c) enter into such arrangement, agreement or transaction with the deposit-taker or its depositors as may be necessary, expedient or desirable; or
 - (d) do any other act or thing which is not inconsistent with the order, which, in the opinion of the Bank, is required to be done to ensure the successful implementation of the order.
- (5) An order under subsection (1) may provide for all or any of the following:
- (a) the date on and from which the order shall take effect, being a date earlier or later than the date of the making of the order (hereinafter in this section referred to as "the transfer date");
 - (b) the vesting of any property held by the transferor either alone or jointly with any other person in the transferee either alone or, as the

- (2)本行不得為第(1)項所示之命令，除—
 - (a) 已獲得該收受存款者之同意；
 - (b) 該收受存款者可享有之未經設定抵押之資產不足以清償其存款負債；及
 - (c) 已獲存款人之同意，但本行已向高等法院聲請一份片面起始通知書，且高等法院已裁定得豁免上開同意者，不在此限。
- (3)當本行依第(1)項規定下令時，該命令中應明示充分之授權予本行或該命令所指定之人，以使本行或該命令所指定之人能履行全部或任何被要求或經授權之行為或事項，並執行所有其他為達該命令效果而合理地相關或必要之行為或事項。
- (4)為使第(1)項所指之命令有效起見，本行得對該命令中所定之金融公司，依第(i)、(ii)或(iii)目所示、或於具體個案內依第(1)項(aa)款所示，
 - (a) 承受重整過程；
 - (b) 收購並取得該收受存款者之資產及負債、及存款人對該收受存款者之權益；
 - (c) 與該收受存款者或其存款人進行權宜性或周全之安排、協議或交易；或
 - (d) 進行任何其他本行認為確保該命令實行所必要之行為或事項，但應與該命令不相違背。
- (5)第(1)項所定之命令得規定以下全部或任一之內容：
 - (a) 命令生效之日期，該日期得早於或晚於命令作成之日期(本項內下稱「轉換日期」)
 - (b) 讓與人所持有之資產，無論單獨持有、或與受讓人或依具體個案與第三人共同持有，其自轉換日期起以相

case may be, jointly with such other person, on and from the transfer date, in the same capacity, upon the trusts, and with and subject to the powers, provisions and liabilities applicable thereto respectively;

- (c) for any existing instrument, whether in the form of a deed, will or otherwise, or order of any court, under or by virtue of which any property became vested in the transferor, to be construed and to have effect as if for any reference therein to the transferor there were substituted a reference to the transferee;
- (d) for any existing contract or agreement to which the transferor was a party to have effect as if the transferee had been a party thereto instead of the transferor;
- (e) for any account between the transferor and its customer, including a depositor, to become an account between the transferee and the customer or depositor, subject to the conditions and incidents as theretofore, and for such accounts to be deemed for all purposes to be a single continuing account;
- (f) for any existing instruction, order, direction, mandate, power of attorney, authority, undertaking or consent, whether or not in relation to an account, given to the transferor, either alone or jointly with another person, to have effect, in respect of anything due to be done as if given to the transferee either alone or, as the case may be, jointly with the other person;
- (g) for any negotiable instrument or order for payment of money drawn on, or given to, or accepted or endorsed by, the transferor payable at the place of business of the transferor, whether so drawn, given, accepted or endorsed before, on, or after, the transfer date, to have the same effect on and from the transfer date, as if it had been drawn on, or given to, or accepted or endorsed by, the transferee or were payable at the place of business of the transferee;
- (h) for the custody of any document, goods or thing held by the transferor as bailee immediately before the transfer date to pass to the transferee and the rights and obligations of the transferor under any contract of bailment relating to any such document, goods or thing to be transferred to the transferee;

同內容透過信託而移轉，但應依所應分別適用之授權、規定、責任而定。

- (c) 關於任何現存之交易證券，無論是否以契約立據、書面或其他方式，或任何法院裁定，移轉資產給讓與人時，其對讓與人之效力及於受讓人。
- (d) 關於任何現存之讓與人為當事人一方之契約或協議書，其效力將如同受讓人自始列為當事人一般，而取代讓與人地位。
- (e) 關於任何讓與人與其客戶間(包括存款人)之帳戶，應轉變為受讓人與客戶或存款人間之帳戶，但應依斯時之前之條件及附隨條款而定，且該等帳目應視為單一目的之存續帳戶。
- (f) 關於該讓與人所受任何現存之指令、裁定、指示、委託、委任、授權、承擔或承認，無論是否與一帳戶有關、或單獨或連同第三人為之，其效力亦如同自始由受讓人所受讓一般，而單獨或依具體個案與第三人共同為之。
- (g) 關於供付款而由讓與人所簽發、收受、承兌或背書、或於讓與人營業處所兌付之任何可轉讓票據、匯票，無論是否簽發、收受、承兌或背書於轉換日期之前、當時或之後，自轉讓日期後仍具有相同之效力，如同係由受讓人所簽發、收受、承兌或背書、或於受讓人營業處所兌付一般。
- (h) 關於在轉換日期之前，任何直接由讓與人以受託人地位所持有之文書、貨物或物品，均應轉交受讓人，且讓與人基於有關該等文書、貨物或物品之寄託契約所生之權利及義務，亦應轉讓給受讓人。

- (i) for any security held immediately before the transfer date by the transferor, or by a nominee of, or trustee for, the transferor, as security for the payment or discharge of any liability of any persons to be held by the transferee or, as the case may be, to be held by that nominee or trustee as the nominee of, or trustee for, the transferee, and to the extent of those liabilities, be available to the transferee as security for the payment or discharge of those liabilities; and where any such security extends to future advances or future liabilities, to be held by, and to be available as aforesaid to, the transferee as security for future advances by, and future liabilities to, the transferee in the same manner in all respects as future advances by, or future liabilities to, the transferor were secured thereby immediately before the transfer date;
 - (j) where any right or liability of the transferor is transferred to the transferee, for the transferee to have the same rights, powers and remedies (and in particular the same rights and powers as to taking or resisting legal proceedings or making or resisting applications to any authority) for ascertaining, protecting or enforcing that right or resisting that liability as if it had at all times been a right or liability of the transferee, including those rights or liabilities in respect of any legal proceedings or applications to any authority pending immediately before the transfer date by or against the transferor;
 - (k) any judgement or award obtained by or against the transferor and not fully satisfied before the transfer date to be enforceable by or, as the case may be, against the transferee; and
 - (l) for all and every such incidental, consequential and supplemental matters as are necessary, expedient, or desirable, to give full force and effect to the terms of the order.
- (6) Where the order under subsection (1) provides for the transfer of any property vested in or held by, or any liabilities suffered by, the transferor, either alone or jointly with any other person, then, by virtue of the order, that property and those liabilities shall, subject to subsection (8), on and from the transfer date, become vested in or held by, or be suffered by, the transferee, either alone or jointly with such other person, as the case may be.

- (i) 關於任何在轉換日期之前，直接由讓與人、或由其指名之人或受託人所持有以供對任何第三人之任何付款保證或免除責任之擔保，視為如同由受讓人、或(依具體個案)由其指名之人或受託人所提出以供對任何第三人之任何付款保證或免除責任之擔保，並且，在該責任範圍內，有利於受讓人作為付款或免除責任之擔保；而當該等擔保延伸至未來之貸款或負債時，亦應由受讓人持有或並有利於受讓人，同樣地作為未來貸款或負債之擔保，如同讓與人在轉換日期之前所享有之關於未來貸款或負債之擔保一般。
- (j) 讓與人任何之權利或義務均移轉給受讓人後，受讓人亦享有相同之權利、權限及救濟(特別是任何之司法程序實施權或向主管機關聲請或拒絕之權)，以確認、保護、或執行該等權利或免除債務，如受讓人自始享有此權利一般。包括於轉換日期前，由讓與人提起或對讓與人提起之任何司法程序或向主管機關之聲請程序。
- (k) 讓與人所獲之任何有利或不利之判決或裁判，且在轉換日期前尚未清償者，得由受讓人進行，或依具體個案對受讓人進行強制執行；以及
- (l) 有關所有及每一附隨的、後續的、補充的事項，其屬於必要的、權宜的或周全的，應於該命令中賦予權利及效力。
- (6) 當第(1)項所示之命令規定任何移轉給或由讓與人所持有之資產、或任何讓與人所負之債務，無論單獨或與任何第三人共同享有，除第(8)項另有規定外，該等資產及負債應依本命令自轉換日期起，變為移轉給受讓人或由其持有或承擔，無論依具體個案係單獨或與任何第三人共同享有。

- (7) The Bank shall, within thirty days of the publication of an order in the Gazette under subsection (1), lodge a copy of the order with—
- (a) the Registrar of Companies;
 - (b) the Registrar General of Co-operative Societies in West Malaysia, or the respective Registrar of Co-operative Societies in Sabah or Sarawak, or the Registrar of Farmers' Organizations, or the Registrar of Fishermen's Associations, as may be relevant, where the deposit-taker to which the order relates is a co-operative society;
 - (c) any other authority, person, or body which is responsible for the registration, licensing or otherwise of the deposit-taker to which the order relates; and
 - (d) the appropriate authority, if any, concerned with the registration or recording of dealings in any movable property, or interest in any movable property, transferred pursuant to the order.
- (8) Any provision in any order under subsection (1) providing for the transfer of any alienated land, or any share or interest in any alienated land, to any person shall not have effect unless the transferee makes an application to the High Court by way of an ex parte originating summons for an order of the High Court vesting such alienated land, or such share or interest in alienated land, in the transferee, pursuant to the order under subsection (1), and where the High Court grants an order to vest the same in the transferee—
- (a) the High Court shall, where the alienated land is in West Malaysia, pursuant to section 420 (2) of the National Land Code, cause a copy of such order to be served on the Registrar of Titles or the Land Administrator, as the case may be, immediately after the making of such order so that the Registrar of Titles or the Land Administrator, as the case may be, gives effect to subsections (2), (3) and (4) of the said section 420;
 - (b) where the alienated land is in Sabah, the transferee shall, as soon as practicable after such order has been made, present such order to the Registrar of Titles for registration of the transferee as the registered owner of such alienated land, or of such share or interest in alienated land, as provided under section 114 (2) of the Land Ordinance of Sabah; or

- (7) 本行應在依第(1)項所示公布該命令於公報時起三十日內，向下列機關提出該命令之副本：
- (a) 商業登記司；
 - (b) 該命令所指之收受存款者涉及一共同合作社時，向設於西馬來西亞之共同合作社總登記處，或設於沙巴或沙勞越之共同合作社登記處之代表，或依事件之相關情形，向漁夫公會之登記處為之。
 - (c) 關於該命令所涉之收受存款者，掌管其登記、許可或其他情形主管機關、個人或團體。
 - (d) 關於該命令所涉之移轉，其掌管任何動產或動產上權利之交易登記或記錄之適當主管機關。
- (8) 依第(1)項所示任何命令內之任何規定，其涉及任何可讓與之不動產、或存於該不動產上之任何股份或利益者，除經向高等法院聲請一份片面起始通知書而聲請裁定依第(1)項所示命令而命移轉該等可讓與不動產或其股份或利益給受讓人之外，對任何人均不生效力，且當高等法院准許上開移轉給受讓人之裁定時，
- (a) 當該可讓與不動產位於西馬來西亞時，高等法院應依國家不動產法第四百二十條第(2)項規定，於裁定作成後，立即將該裁定副本送達所有權或不動產行政登記處(依具體個案所需)，以便該所有權或不動產行政登記處依上開第四百二十條第(2)、(3)、(4)項賦予一定效力。
 - (b) 當該可讓與不動產位於沙巴時，受讓人應於該裁定作成後，盡可能立即提出該裁定於所有權登記處，以便依沙巴不動產條例第一百一十四條第(2)項規定，登記受讓人為前開可讓與不動產或於其上之股份或利益的所有人；或

- (c) where the alienated land is in Sarawak, the transferee shall, as soon as practicable after such order has been made, produce an authenticated copy of such order to the Registrar for the registration of the vesting of such alienated land, or of such share or interest in alienated land, in the transferee, as provided under section 171 of the Land Code of Sarawak.
- (9) An order under subsection (1) may relate to any property or business of the transferor in any country, territory or place outside Malaysia and, if it so relates, effect may be given to it in accordance with the law applicable in such country, territory or place.
- (10) Without prejudice to subsection (2) (a) and (c), an order under subsection (1) shall be legally binding on all persons to whom the order is directed or who are affected thereby, regardless that the person to whom it is directed or who is affected by it had no notice of any of the circumstances which led to the making of the order, or had no opportunity to make any representation thereon to, or to be heard thereon by, the Bank.
- (11) Where, pursuant to subsection (1) (aa) (i), the Bank purchases any shares of a licensed finance company, it shall dispose of any shares it may continue to hold after the order under subsection (1) under which such shares were purchased has been given effect to, and the Bank is satisfied that the circumstances referred to in subsection (1) (a), and the purposes mentioned in paragraph (b) of that subsection, no longer exist.
- (12) For the purposes of this section—
- (a) "deposit", "depositor", "liabilities", "licensed finance company", and "property" have the respective meaning assigned thereto in section 2 (1) of the Banking and Financial Institutions Act 1989, with the definition of "deposit" modified in the manner provided under section 25 (3) of that Act;
- (b) "business" and "security" have the respective meaning assigned thereto in section 50 (8) of the Banking and Financial Institutions Act 1989; and
- (c) "deposit-taker" means (without prejudice to paragraphs (i) and (ii) of this definition) any person who takes, receives, or accepts, a deposit in contravention of section 25 of the Banking and Financial Institutions Act 1989 and includes—

- (c) 當該可讓與不動產位於沙勞越時，受讓人應於該裁定作成後，盡可能立即提出該裁定之驗證本於登記處，以便依沙勞越不動產法第一百七十一條規定，登記該可讓與不動產或於其上之股份或利益的移轉情形。
- (9) 依第(1)項所示之命令得及於讓與人於馬來西亞以外任何國家、屬地或地區內之任何資產或營業；當該命令如此規定時，該命令得依照該國家、屬地或地區內所應適用之法律而認為有效。
- (10) 於不違背第(2)項第(a)及(c)款情形下，依第(1)項所示之命令應拘束該命令所指及所影響之一切對象，該命令所指或所影響之對象是否注意到任何足以導致該命令頒發之情形、而有無機會陳述或為本行所知悉，在所不問。
- (11) 當本行依第(1)項第(aa)款第(i)目，收購一家經領有執照之金融公司之任何股份時，應於依第(1)項所定之命令生效後，處分其繼續持有之任何股份，直到第(1)項第(a)款所述情形以及同條第(b)款目的不再存在為止。
- (12) 有關本條之用語：
- (a) 「存款」、「存款人」、「負債」、「經領有執照之金融公司」及「資產」悉依「1989年銀行及金融機構法」第二條第(1)項之定義，並依該法第二十五條第(3)項修正之"存款"定義。
- (b) 「營業」及「擔保」悉依「1989年銀行及金融機構法」第五十條第(8)項之定義。
- (c) 「收受存款者」(此不影響本定義第(i)、(ii)款)指任何取得、受領或接受存款而不屬於「1989年銀行及金融機構法」第二十五條定義之任何人，包括：

- (i) a co-operative society as defined in that Act; or
 - (ii) a pawnbroker as defined in the Pawnbrokers Act 1972.
- (13) This section shall have full force and effect notwithstanding—
- (a) anything inconsistent therewith or contrary thereto contained in any other provision of this Act;
 - (b) anything contained in the written law by or under which the deposit-taker is registered, incorporated, established, appointed or constituted; and
 - (c) anything contained in any other written law, other than the Constitution.

(Power to reduce share capital and to cancel shares of financial institution)

31C.

- (1) Notwithstanding anything in any written law or the articles of association of a financial institution, where the Bank has, under section 73 (2) (a) of the Banking and Financial Institution Act 1989 assumed control of and carries on the business of the financial institution and the paid up capital of such financial institution is lost or unrepresented by available assets, the Bank may apply to the High Court for an order to reduce the share capital of such financial institution by cancelling any portion of its paid up capital which is lost or unrepresented by available assets.
- (2) Where the High Court makes an order referred to in subsection (1) to reduce the share capital of a financial institution, the Court may—
 - (a) on the application by the Bank; and
 - (b) if, on the expiry of thirty days from the date of any call made by the financial institution on its shareholders to pay on their respective shares, payment on any such shares has not been made, direct that such shares for which payment has not been made be cancelled accordingly.
- (3) Where the share capital of a financial institution is reduced pursuant to subsection (1), or any of its shares has been cancelled pursuant to subsection (2), the Bank may cause the memorandum of association of such financial institution to be altered accordingly.
- (4) For the purposes of this section—
 - (a) section 64 of the Companies Act 1965 shall, subject to subsection (1) and if the High Court so directs, apply accordingly; and
 - (b) "financial institution" means an Islamic bank, a licensed local institution as defined in the Banking and Financial Institutions Act 1989, or an institution in respect of which the Minister has made an order under section 24 (1) or 93 (1) of that Act, respectively.

- (i) 該法所指之共同合作社，或
 - (ii) 依 1972 年典當業法所指之當舖。
- (13) 雖有以下情形，本條仍具完全之效力及生效適用：
- (a) 本法中其他不相符合或抵觸之規定；
 - (b) 收受存款者所據以登記、成立、設立、指派或構成之成文法；及
 - (c) 憲法以外之任何成文法之規定。

第三十一條 c 本行對金融機構減少資本及銷除股份之權限

- (1) 無論成文法或銀行公會章程規定如何，當本行依「1989 年銀行及金融機構法」第七十三條第(2)項第(a)款規定，已接管金融機構業務及該金融機構之實收資本已喪失或不能實現為資產時，本行得申請高等法院以命令銷除其股份之方式減少其資本。
- (2) 高等法院依第(1)項規定，以命令減少該金融機構之資本時，高等法院得為下列指示，銷除其股份。
 - (a) 在向本行之申請書上；及
 - (b) 對該金融機構之股東定三十日期滿換取新股票。
- (3) 金融機構之資本依第(1)項減少，或依第(2)項規定銷除股份時，本行得提議銀行公會應予變更章程。
- (4) 為本條之目的—
 - (a) 適用「1965 年公司法」第六十四條規定時，應依第(1)項及最高法院之指示；及
 - (b) 「金融機構」係指伊斯蘭銀行、「1989 年銀行及金融機構法」定義之地區領有執照銀行，或主管部長依該法第二十四條第(1)項或第九十三條第(1)項指示之機構。

Part VI Relations with the government

(Bank as a banker to the Government)

32. (1) The Bank shall act as a banker and a financial agent of the Government.
- (2) Whenever the Bank shall receive and disburse Government moneys it shall keep account thereof without remuneration for such service.
- (3) In any place where the Bank has no branch, it may appoint any banking institution to act as its agent for the collection and payment of Government moneys.
- (4) The Bank may act generally as agent for the Government on such terms and conditions as may be agreed between the Bank and the Government, where the Bank can do so appropriately and consistently with the provisions of this Act and with its duties and functions as a central bank.

(Temporary advances to the Government)

33. (1) The Bank may grant temporary advances to the Government and the Government is hereby authorised to receive such advances in respect of temporary deficiencies of budget revenue at such rate or rates of interest as the Bank may determine.
- (2) The total amount of advances granted under subsection (1) outstanding shall not at any time exceed twelve and a half per centum of the estimated receipts of Malaysia shown in the statement laid before the House of Representatives pursuant to Article 99 of the Constitution for the Government's financial year in which the advances are granted.
- (3) All advances granted under subsection (1) shall be repaid as soon as possible and shall in any event be payable not more than three months after the end of the Government's financial year in which they are granted; and if after that date any such advances remain unrepaid, the power of the Bank to grant further such advances in any subsequent financial year shall not be exercisable unless and until the outstanding advances have been repaid.

(Issues of policy)

34. (1) The Board shall keep the Minister informed of—
- (a) the monetary and banking policy;
- (b) the policies in respect of institutions in relation to which the Bank

第六章 與政府之關係

第三十二條 本行為政府之銀行

- (1)本行應擔任政府之銀行及財務經理。
- (2)本行收付政府款項時，應記入相關帳戶，但不得因其服務受領報酬。
- (3)本行未設分行之處，本行得委託其他銀行代理收付政府款項。
- (4)本行得以符合本法之規定，及其為貨幣主管機構之職能，以其與政府合意之期間及條件概括擔任政府之經理人。

第三十三條 對政府之臨時墊款

- (1)本行得於政府歲入暫時短缺時，以本行決定之利率提供政府臨時墊款。
- (2)依前項提供墊款之金額，任何時候均不得超過依憲法第九十九條規定，政府向國會說明之報告書中所載馬來西亞政府當年會計年度預估歲收之百分之十二點五。
- (3)政府依本條第(1)項之墊款，應儘可能儘速歸墊，且不應於政府當年會計年度結束後，逾三個月歸墊；該融通如超過前述期限仍未歸墊，本行有權於其後之會計年度，不再墊款，直至未歸墊部分歸墊為止。

第三十四條 政策之爭議

- (1)理事會應報告主管部長有關下列本行已執行或計畫執行之政策：
 - (a) 貨幣及金融政策；
 - (b) 依「1963年保險法」、「1983年伊斯蘭銀行

is conferred with powers under the Insurance Act 1963, the Islamic Banking Act 1983, the Takaful Act 1984, the Banking and Financial Institutions Act 1989 and the Money- Changing Act 1998; and Act A1010.

- (c) the policies in respect of the Exchange Control Act 1953, pursued or intended to be pursued by the Bank.
- (2) The Minister may, from time to time, if he disagrees with the Board on any of the aforesaid policies pursued or intended to be pursued by the Bank, issue directives to the Board relating to such policies, and any such directive shall become binding on the Board, which shall forthwith take all steps necessary or expedient to give effect thereto.
- (3) If the Board objects to any such directive, the Board may submit its objections and the reasons therefor in writing to the Minister, who shall cause the same, together with his directive, to be laid before the House of Representatives.

Part VII Relations with banking and other financial institutions

(Co-operation with banking institutions and other financial institutions)

35. The Bank shall use its best endeavours in co-operation with other banks in Malaysia— Note.

- (a) to promote and maintain banking and financial services for the public
- (b) to foster higher standards of banking and finance in Malaysia.

36. (Repealed).

(Recommendations to banking institutions, other financial institutions or institutions or persons as specified in paragraphs (a), (b), (c), (d) and (e))

37.(1) When the Board is satisfied that it is necessary to do so for the purpose of giving effect to the objects of the Bank, the Board may make recommendations to the banking institutions, other financial institutions or institutions or persons as specified in paragraphs (a), (b), (c), (d) and (e) on all or any of the following matters:

- (a) the policy to be followed by banking institutions in relation to the granting of advances and the extension of credit facilities, including the classes of purposes for which advances may or may not be made or credit facilities extended;
- (b) in the case of banking institutions other than Islamic banks, the rates of interest payable to or by, the rates of discount chargeable by, or the rates of commission and other charges payable to, such banking institutions;

法」、「1984年勞動關係法」、及「1989年銀行及金融機構法」規定，授權本行得行使職權之金融機構之相關政策；及

- (c) 與「1953年外匯管制法」有關之政策。
- (2) 主管部長如不同意本行已執行或計畫執行之前項政策，得隨時就相關政策對理事會發出指令，且該指令應即有效拘束理事會立即採取必要且權宜之措施。
- (3) 理事會對前項指令有異議時，得向主管部長書面陳述其異議及理由，主管部長應就相關文件連同其指令送交國會。

第七章 與銀行及其他金融機構之關係

第三十五條 與銀行及其他金融機構合作

本行應盡其所能，與馬來西亞其他銀行合作下列事項—

- (a) 促進及維護金融業之大眾服務；
- (b) 提昇馬來西亞金融業之水準。

第三十六條 (刪除)

第三十七條 對銀行、其他金融機構、或法人之建議

- (1) 理事會為達成本行之目標，於必要時，得對銀行、其他金融機構、機構、或法人，作成下列全部或部分之建議：
- (a) 關於銀行應遵守之放款及授信之政策；包括可否承做放款或授信之種類；
- (b) 除伊斯蘭銀行外，金融機構之利率、貼現率、手續費或其他費用；

- (c) a reserve to be held by each banking institution, other than an Islamic bank, at the Central Bank comprising such amounts expressed as a percentage of such banking institution's sight, savings account, time and other deposit liabilities in Malaysia and such other liabilities as may be approved by the Minister on the recommendation of the Board, whether denominated in Malaysian or foreign currency;
- (d) a reserve to be held by each Islamic bank at the Central Bank comprising such amounts expressed as a percentage of each bank's sight, savings account, investment account, time and other deposit liabilities as may be approved by the Minister on the recommendation of the Board, whether denominated in Malaysian or foreign currency;
- (e) any other matter relating to—
 - (i) the supervision and regulation of banking institutions and other financial institutions pursuant to this Act, the Islamic Banking Act 1983 or the Banking and Financial Institutions Act 1989;
 - (ii) the supervision and regulation of institutions and other persons pursuant to the Insurance Act 1963, the Takaful Act 1984 or;
 - (iii) monetary policy to be given effect to by banking institutions, other financial institutions or other institutions or persons, whether or not such matter is similar to those specified in paragraphs (a), (b), (c) and (d).
- (2) The recommendations made in pursuance of subsection (1) (c) or (d) may specify different ratios of reserves for different categories of banking institutions. The Board may determine the categories by reference to the size or location of such banking institutions or to both, size being measured in relation to the number of branches, any or all categories of assets or liabilities of such banking institution or any combination thereof.
- (3) In respect of subsection (1) (a) the Board may, in regard to the advances of such banking institution or each class of purpose for which these advances are made, specify that a deposit or deposits be placed by such banking institution with the Central Bank against such advances at such rates of interest payable to such banking institution as may be determined by the Central Bank.

(Recommendations to persons or classes of persons)

38. When the Board is satisfied that it is necessary to do so for the purpose of giving effect to the objects of the Bank, the Board may make recommendations to such persons or classes of persons (other than banking institution) carrying on business in relation to the receipt of money on deposit from members of the public as may be determined by the Minister

- (c) 除伊斯蘭銀行外之金融機構，於本行收管之定期存款、活期存款、儲蓄存款及其他存款準備金之比率，及其他經理事會決議，主管部長核准之境內外負債之比率；
 - (d) 伊斯蘭銀行於本行收管之定期存款、活期存款、儲蓄存款及其他存款準備金之比率，及其他經理事會決議，主管部長核准之境內外負債之比率；
 - (e) 與前 (a) (b) (c) (d) 款無論是否相似之下列事項：
 - (i) 依本法、「1983 年伊斯蘭銀行法」或「1989 年銀行及金融機構法」規定之銀行及金融機構監理；
 - (ii) 依「1963 年保險法」或「1984 年勞動關係法」規定之機構及法人監理；
 - (iii) 對銀行、金融機構、或其他機構或法人之有效貨幣政策；
- (2) 第(1)項第 (c) 款或 (d) 款之建議，得就各類之準備，規定不同存款準備金比率，理事會得就銀行之規模或處所，區分其各種準備。規模之評量以銀行之分行數或資產負債之全部或部分計算之。
- (3) 關於第(1)項 (a) 款銀行之放款或各該放款之種類，理事會得規定銀行，應將相對存款存放本行，並由本行決定利率支付各該銀行。

第三十八條 對全體或部分法人建議

理事會於為達成本行目標效果之必要時，得對全體或部分（不含銀行）法人，建議關於經營收受經理事會決議主管

on the recommendation of the Board in relation to the rates of interest payable to or by, or the rates of discount chargeable by, such persons or classes of persons.

(Directions to banking institutions, etc.)

39. (1) When the Board has made a recommendation in accordance with section 37 or 38, the Bank may subsequently, with the approval of the Minister, issue a direction in writing to any institution or person referred to in section 37 or any person or class of persons referred to in section 38 on all or any of the matters referred to in such section requiring that effect is given to the recommendation within a reasonable time.
- (2) The direction issued under subsection (1) in relation to a reserve to be held by a banking institution at the Bank may specify different ratios of the reserve for different categories of banking institutions. The Bank may determine the categories by reference to the size or location of the banking institutions or to both, size being measured in relation to the number of branches, any or all categories of assets or liabilities of the banking institution or any combination thereof.

(Saving in respect of sections 37 to 39)

40. Nothing in sections 37 to 39—

- (a) authorizes a recommendation or a prescription to be made or a direction to be given in relation to an advance made or proposed to be made or the extension of credit facilities to a particular person or the rate of interest or rate of discount chargeable to a particular person;
- (b) affects the validity of a transaction entered into in relation to an advance or credit facility or affects the right of any institution or person referred to in section 37 or 38 to recover money advanced or enforce the security given in respect of money advanced.

(No discrimination in directions)

41. The Bank shall not discriminate among licensed banks, licensed merchant banks, or licensed finance companies, (as defined in the Banking and Financial Institutions Act 1989), respectively, or among Islamic banks, in any directions issued under section 39 in regard to the policy to be followed by such banking institutions in granting advances or extending credit facilities or, in the case of banking institutions other than Islamic banks, the rates of interest payable to or by such banking institutions, or the rates of discount chargeable by such banking institutions:

Provided that the Bank may provide in such directions for different classes, categories or descriptions of licensed banks, licensed merchant banks or

部長核准之會員存款時，之收付利率或貼現率。

第三十九條 對銀行之指示

- (1)當理事會依第三十七條或第三十八條之規定提出建議之後，本行得經主管部長核准，對第三十七條規定之機構或法人，或第三十八條規定之全體或部分法人，發出關於各該建議之指示。
- (2)依第(1)項所發關於銀行於本行之存款準備之指示，得載明各類存款之準備金比率，本行得決定各該準備之種類，係以銀行規模或處所定之，規模之評量係以銀行之分行數或資產負債之全部或部分計算之。

第四十條 第三十七條至第三十九條之排除規定

第三十七條至第三十九條之規定不得—

- (a) 授權承做或擬做某一融通、對特定人授信或給特定人特別利率或貼現率之建議、指令或指示；
- (b) 影響融通承做及信用擴張之記載，或影響任何機構或法人關於第三十七條或第三十八規定融通之收取或執行之權利。

第四十一條 所發指示不得差別待遇

本行依第三十九條所發關於遵守融通承做及信用擴張之政策，或除伊斯蘭銀行以外之金融機構之利率或貼現率等之指示，不得對註冊銀行、商人銀行或金融公司（「1989銀行及金融機構法」之定義）有差別待遇。

但本行指示中規定各類別、等級或種類之個別領有執照銀行、商人銀行、金融公司之不同比率之存款，得用於本行規定之融通或授信，且本行得決定以規模或處所決定前述

licensed finance companies, respectively, such different proportions of their deposits as the Bank may specify which may be used for granting advances or extending credit facilities in such different proportions for such different purposes as the Bank may specify, and the Bank may determine such classes, categories or descriptions by reference to the size or location of the banking institution or to both, size being measured in relation to the number of branches, any or all categories of assets and liabilities, of the banking institution, or any combination thereof.

(Special loans to banking and other financial institutions)

42. The Central Bank may, if it deems such action necessary to safeguard monetary stability, make a loan or advance to any banking institution or other financial institution against such form of security as the Central Bank may consider sufficient.

(Clearing Houses and settlement of balances between banking and other financial institutions)

43. (1) In order to facilitate the clearing of cheques and other credit or payment instruments for banking institutions and other financial institutions the Bank shall, at an appropriate time and in conjunction with such institutions, establish a Clearing House in Kuala Lumpur and in such other place or places as the Bank may consider necessary.

(2) A banking institution or other financial institution shall settle, in such manner as the Central Bank may from time to time specify by notice in writing, all balances between itself and any other banking institution or other financial institution arising out of the general clearances effected in Kuala Lumpur and such other places as the Central Bank may specify.

44. (Repealed).

Part VIII General

(Bank's financial year)

45. The financial year of the Bank shall begin on the first day of January and end on the thirty-first day of December of each year.

(Audit)

46. The accounts of the Bank shall be audited by the Auditor General.

(Return of assets and liabilities)

47. (1) The Bank shall forthwith after the fifteenth day and after the last day of

類別，而規模之評量係以銀行之分行數或資產負債表之全部或部分計算者，不在此限。

第四十二條 對銀行及金融機構之特別融資

本行因維護貨幣穩定之必要，得於銀行或金融機構，提供本行認為足夠之擔保時，給予貸款或融通。

第四十三條 銀行及金融機構間之支付劃撥結算

- (1)為便利銀行及金融機構之支票及其他信用或支付工具之交換，本行應於適當時間，會同各該機構，於吉隆坡或本行認為必要之地區，設立交換所。
- (2)銀行或金融機構，應隨時依本行規定之方式，於吉隆坡或本行規定之地區，辦理與其他銀行或金融機構間，交換差額之清算。

第四十四條 (刪除)

第八章 附 則

第四十五條 本行會計年度

本行之會計年度自每年一月一日起至十二月三十一日止。

第四十六條 稽核

本行之帳目應受主計長之稽核。

第四十七條 資產收益及負債

- (1)本行應於每月十五日及最後一日，立即編製並發布至各

each month make up and publish a return of its assets and liabilities as at the close of business on such days respectively or, if either of those days is a holiday, then at the close of business on the last business day preceding those days.

(2) A copy of each return made under subsection (1) shall be transmitted to the Minister.

(Preparation and publication of annual report and balance sheet)

48. (1) The Bank shall within three months from the close of its financial year

—
(a) transmit to the Minister a copy of the annual accounts certified by the Auditor General, and such accounts shall then be published in the Gazette;

(b) transmit to the Minister a report by the Board on the working of the Bank throughout the year and such report shall be published by the Bank.

(2) The annual accounts and annual report shall, as soon as may be, be laid before the Senate and the House of Representatives.

(Loans and scholarships to officers and employees, and scholarships and study loans to other persons)

49. (1) Without prejudice to section 15 (5) and (6), but subject to subsections (2), (3) and (4) of this section the Bank shall not lend money to an officer or employee.

(2) The Bank may lend money to an officer or employee—

(a) for the purchase, erection, alteration, renovation or enlargement of a house in which he resides or intends to reside; or

(b) to discharge a mortgage or encumbrance on such a house; or

(c) for the purchase of a vehicle.

(3) The Bank may, where the Governor is satisfied that special or compassionate circumstances exist or the purpose is appropriate, lend to an officer or employee on such terms and conditions as the Governor thinks fit, money not exceeding at any one time an amount equal to three months' salary of the officer or employee.

(4) The Bank may grant study loans or scholarships to any officer or employee of the Bank or any child (including a step-child or adopted child) of such officer or employee, or to any suitable person, in accordance with such terms and conditions as may be approved by the Board generally or in any particular case.

該日營業終了時之資產收益及負債，各該日為假日時，以前一營業日代替之。

(2) 第(1)項資產收益及負債之副本應送主管部長。

第四十八條 年度報表及年度報告之編製及公告

- (1) 本行應於每會計年度終了後三個月內，向主管部長提出
- (a) 經主計長簽證之年度報表副本，並應刊登於政府公報，及
 - (b) 理事會關於本行之全年工作報告，並應由本行公告之。
- (2) 本行應將年度報表及年度報告儘速送達國會。

第四十九條 對職員及聘僱人員貸款或其他人之獎助學金

- (1) 無損第十五條第(5)項及第(6)項規定之權利時，本行得依本條第(2)、(3)及(4)項之規定貸款給職員及聘僱人員。
- (2) 本行得因下列原因，貸款給職員及聘僱人員—
- (a) 為購買、建造、改造、整修或增建住宅或前述計畫者；或
 - (b) 清償以住宅設定抵押之債權；或
 - (c) 購買交通工具。
- (3) 總裁認為有特殊或情狀可憫之情事，或為特別之目的時，本行得以總裁認為合適之條件及期限，貸款給本行職員或聘僱人員，其額度不得逾其等值三個月之薪水。
- (4) 依理事會就專案或通案核准之條件及期限，提供助學貸款及獎學金，給本行職員或聘僱人員或該等人員之子女（包括養子女及繼子女），或其他合適之人選。

(Power to appoint Attorney)

49A.

The Bank may, by instrument, under its seal, appoint a person (whether in Malaysia or in a place outside Malaysia) to be its Attorney, and the person so appointed may, subject to the instrument, do any act or execute any power or function which he is authorized by the instrument to do or execute.

50.(Repealed).

(Penalties)

51. (1) Any banking institution or other financial institution which—

(a)-(b) (Repealed).

(c) fails to comply with section 43 (2),

shall, on conviction, be liable to a fine not exceeding one thousand ringgit for every day during which such default or contravention continues.

(2) (Omitted).

(3) Any institution or person referred to in section 37 which, or any person who, fails to comply with any direction issued under section 39 other than in relation to a reserve to be held by the bank shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit, and to a further fine not exceeding five thousand ringgit for every day during which the default continues.

(4)(a) Any banking institution which, or any person who, fails to comply with any direction issued under section 39 in relation to a reserve to be held by the banking institution shall be liable to pay, on being called upon to do so by the Central Bank, a penalty of not more than one-tenth of one per centum of the amount of the deficiency for every day during which the deficiency continues.

(b) Any banking institution which, or any person who, fails or refuses to pay a penalty under paragraph (a) shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit.

(5) Any person who contravenes section 16 shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding five thousand ringgit or to both.

(6) Any person who contravenes section 27A shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit.

第四十九條 A 指定訴訟代理人之權限

本行得依簽蓋印信之文書，指定其訴訟代理人（在馬來西亞境內或境外），依文書所載，為一切行為，或執行任何文書上所授與之權限或職責。第五十條（刪除）

第五十條（刪除）

第五十一條 罰則

- (1) 銀行或金融機構有下列情形者—
 - (a) - (b)（刪除）
 - (c) 違反第四十三條第(2)項規定，構成犯罪，並於定罪時，科以違規期間每日一千馬幣以下罰金。
- (2)（刪除）
- (3) 第三十七條規定之機構或法人，違反本行依第三十九條規定所發之指示者，除應提準備事項外，構成犯罪，並於定罪時，科以五十萬馬幣以下罰金，及違規存續期間每日五千馬幣以下罰金。
- (4)
 - (a) 銀行或金融機構違反第三十九條關於本行指定應提準備之指示者，處以違規期間每日存款準備不足百分之千分之一以下之罰金。
 - (b) 金融機構或法人不遵守第(a)款規定，繳交應繳之罰款者，構成犯罪，並於定罪時，科以五十萬馬幣以下罰金。
- (5) 違反第十六條之規定者，構成犯罪，並於定罪時，處三年以下之有期徒刑，或科或併科五千馬幣以下之罰金。
- (6) 違反第二十七條 A 之規定者，構成犯罪，並於定罪時，科以五千馬幣以下之罰金。

- (7) Any person who fails to comply with any requirement of the Bank under section 30 (5) or who contravenes section 30 (6) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(Power of Governor to compound)

51A.

- (1) The Governor with the concurrence of the Minister may compound any offence punishable under this Act by accepting such sum of money as he thinks fit not exceeding the amount of the maximum fine to which that person would have been liable if he had been convicted of the offence.
- (2) Any monies paid to the Governor pursuant to subsection (1) shall be paid into and form part of the Consolidated Fund.

(Fiat of Public Prosecutor)

52. No prosecution in respect of any offence under this Act shall be instituted without the consent in writing of the Public Prosecutor.

(Jurisdiction)

53. Notwithstanding the provisions of any other written law, a Sessions Court shall have jurisdiction to try any offence against this Act and to impose the full penalty prescribed therefor.

(Bank may be represented by director, officer or employee of Bank in civil proceedings)

53A. Notwithstanding the provisions of any written law—

- (a) in any civil proceedings by or against the Bank; or
- (b) in any other civil proceedings in which the Bank is required or permitted by the court to be represented, or to be heard, or is otherwise entitled to be represented or to be heard, any director, officer or employee of the Bank authorised by the Governor for the purpose, may, on behalf of the Bank, institute such proceedings or appear as an advocate therein and may make all appearances and applications and do all acts in respect of such proceedings on behalf of the Bank.

- (7)不遵守本行依第三十條第(5)項規定之要求或違反同條第(6)項之規定者，構成犯罪，並於定罪時，科以五萬馬幣以下罰金，或處或併處六個月以下之徒刑。

第五十一條 A 總裁之和解權

- (1)總裁經主管部長同意，得以各該罰金限額以下之適當金額，與違反本法之犯罪者，達成和解。
- (2)依第(1)項交付總裁之款項，應收入於統一基金。

第五十二條 檢察總長之命令

對本法犯罪之追訴未經檢察總長書面同意不得為之。

第五十三條 管轄

不問其他法律之規定如何，地方法院應有審理本法一切犯罪行為並科處本法所定一切刑罰之管轄權。

第五十三條 A 本行理事、職員或受僱人員得代理本行進行民事訴訟

不問其他成文法之規定如何—

- (a) 於本行為原告或被告之民事訴訟程序中；或
- (b) 於本行依法院之要求或許可或其他情形中，須有代理人或須陳述證言之其他民事訴訟程序中，經總裁授權之本行理事、職員或受僱人，得代表本行起訴或擔任訴訟代理人，並得代理本行於各該訴訟程序中到場及進行一切有關之行為及聲請。

(Power of Bank to make regulations)

54. The Bank may, with the approval of the Minister, make regulations for the better carrying out of the objects and purposes of this Act.

55. (Omitted).

Part IX Extension of jurisdiction

(Special provision relating to extension of jurisdiction etc., of the Bank)

56. Whenever the Government shall have entered into an agreement with the Government of any territory whereby the jurisdiction powers and obligations of the Bank may be extended to any such territory, and such agreement has been approved by resolution of the House of Representatives, the Yang di-Pertuan Agong may by order amend, adapt or repeal such provisions of this Act as appear to him necessary for the purpose of bringing the provisions of this Act into accord with the provisions of such agreement.

第五十四條 本行訂定規章之權限

為使本法目標更能圓滿達成，本行得經主管部長之核可，訂定規章。

第五十五條（刪除）

第九章 管轄權之延伸

第五十六條 本行管轄權延伸之特別條款

政府與他國政府簽訂本行管轄權限及義務延伸至其領域之協定，並經國會批准後，為使本法規定符合協定條款，於必要時國王得以命令修正、變更或廢止本法規定。

十二、Reserve Bank Act 1959 (Australia)

澳大利亞準備銀行法

Reserve Bank Act 1959

Part I	Preliminary
Part II	Constitution, policy and management of the Reserve Bank
	Division 1 Constitution of the Reserve Bank
	Division 2 Policy and management of the Reserve Bank
Part III	The Reserve Bank Board and the Governor and Deputy Governor of the Bank
Part IIIA	The Payments System Board
	Division 1 the members of the Payments System Board
	Division 2 Meetings
	Division 3 Other administrative provisions
Part IV	Central banking
Part V	The note issue
Part VII	The Reserve Bank Service
Part VIII	Miscellaneous

澳大利亞準備銀行法

法務室 李靜惠 譯

第一章 總則

第二章 準備銀行之組織、政策及管理

第一節 準備銀行之組織

第二節 準備銀行之政策及管理

第三章 準備銀行理事會與本行總裁、副總裁

第三章之一 支付系統委員會

第一節 支付系統委員會之委員

第二節 會議

第三節 其他行政規定

第四章 中央銀行業務

第五章 紙幣之發行

第七章 準備銀行之服務人員

第八章 附則

Reserve Bank Act 1959

Amendment effected on 1 July, 2003

An Act relating to the Reserve Bank of Australia, and for other purposes

Part I Preliminary

1 Short title

This Act may be cited as the Reserve Bank Act 1959.

2 Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

4 Repeal and saving

(1) The following Acts are repealed:

Commonwealth Bank Act 1945;

Commonwealth Bank Act 1948;

Commonwealth Bank Act 1951;

Commonwealth Bank Act 1953.

(2) Subsection (1) does not affect the operation of any amendment of an Act made by an Act referred to in that subsection or any provision for the citation of an Act as so amended.

5 Interpretation

(1) In this Act, unless the contrary intention appears:

ADI (authorised deposit-taking institution) means a body corporate that is an ADI for the purposes of the Banking Act 1959.

APRA means the Australian Prudential Regulation Authority.

澳大利亞準備銀行法

2003年7月1日修正施行

澳大利亞準備銀行及其他目的之法

第一章 總 則

第一條 簡稱

本法稱為一九五九年準備銀行法。

第二條 施行日期

本法自公告所定之日施行。

第四條 廢止及保留

(1)下列法規均予廢止：

- 一九四五年聯邦銀行法。
- 一九四八年聯邦銀行法。
- 一九五一年聯邦銀行法。
- 一九五三年聯邦銀行法。

(2)第(1)項各款法規之廢止，其效力不及於依該法規而制定或依該法規而修正之各項規定。

第五條 名詞定義

(1)除有相反之規定外，本法所稱：

- ADI（收受存款機構）：係指依一九五九年銀行法所定之公司法人。
- APRA：係指澳大利亞金融監理委員會（簡稱金融監理委員會）。

APRA member has the same meaning as in the Australian Prudential Regulation Authority Act 1998.

APRA staff member has the same meaning as in the Australian Prudential Regulation Authority Act 1998.

Australia includes the Territories.

Deputy Governor means the Deputy Governor of the Bank.

monetary and banking policy means monetary and banking policy for the purposes of the Bank's functions or powers under this Act or any other Act, but does not include payments system policy.

payment system has the same meaning as in the Payment Systems (Regulation) Act 1998.

payments system policy means policy for the purposes of the Bank's functions or powers under:

- (a) the Payment Systems (Regulation) Act 1998; and
- (b) the Payment Systems and Netting Act 1998; and
- (c) Part 7.3 of the Corporations Act 2001.

repealed Act means an Act repealed by this Act or by the Commonwealth Bank Act 1945.

staff member of the Reserve Bank Service means:

- (a) a person appointed by the Bank under section 67; or
- (b) a person engaged by the Bank under section 68.

statutory office means the office of Governor or Deputy Governor.

the Bank or the Reserve Bank means the Reserve Bank of Australia.

the former Commonwealth Bank of Australia means the Commonwealth Bank of Australia established under the Commonwealth Bank Act 1911 and continued in existence under the Commonwealth Bank Act 1945.

the Governor means the Governor of the Bank.

- (2) Unless the contrary intention appears, a reference in this Act to an Act includes a reference to regulations made under that Act.

- 金融監理委員會委員：其定義與一九九八年金融監理委員會組織法之規定相同。
 - 金融監理委員會職員：其定義與一九九八年金融監理委員會組織法之規定相同。
 - 澳大利亞：包括所屬各轄區。
 - 副總裁：係指本行之副總裁。
 - 貨幣及金融政策：係指依本法或其他法律所定，為本行職權之貨幣及金融政策，但不包括支付系統政策在內。
 - 支付系統：其定義與一九九八年支付系統（管理）法之規定相同。
 - 支付系統政策：係指依下列法律所定，屬於本行職權之政策：
 - (a) 一九九八年支付系統（管理）法。
 - (b) 一九九八年支付系統及結算法。
 - (c) 二〇〇一年公司法第七章之三。
 - 已廢止之法律：係指依本法或一九四五年聯邦銀行法所廢止之法律。
 - 準備銀行之職員：係指
 - (a) 由本行依第六十七條規定任命之人。
 - (b) 本行依第六十八條所聘用之人。
 - 法定辦公室：係指總裁或副總裁之辦公室。
 - 本行或準備銀行：係指澳大利亞準備銀行。
 - 前澳大利亞聯邦銀行：係指依一九一一年聯邦銀行法設立且依一九四五年聯邦銀行法仍存續之澳大利亞聯邦銀行。
 - 總裁：係指本行總裁。
- (2)除有相反之規定外，本法之相關規定包含依本法授權訂定之法規。

6 Application to Territories

Subject to section 6A, this Act extends to all the Territories.

6A Cessation of application to Territory

- (1) The Treasurer may, by notice published in the Gazette, declare that, on a date specified in the notice, this Act shall cease to extend to an external Territory specified in the notice, and, on and after the date specified in such a notice, this Act, other than subsection (2) of this section, does not extend to the Territory so specified and a reference in this Act, other than this section, to a Territory does not include a reference to the Territory so specified.
- (2) Section 8 of the Acts Interpretation Act 1901 applies in relation to a notice published under this section as if the notice were an Act repealing this Act to the extent that, immediately before the date specified in the notice, this Act extended to the Territory specified in the notice.

6B Application of Criminal Code

The Criminal Code applies to all offences against this Act.

Part II Constitution, policy and management of the Reserve Bank

Division 1 Constitution of the Reserve Bank

7 The Reserve Bank of Australia

- (1) Notwithstanding the repeal effected by subsection 4(1), the body corporate established under the Commonwealth Bank Act 1911 and continued in existence under the Commonwealth Bank Act 1945, under the name Commonwealth Bank of Australia:
 - (a) is preserved and continues in existence as a body corporate under and subject to the provisions of this Act, under the name Reserve Bank of Australia, but so that the corporate identity of the body corporate shall not be affected;
 - (b) shall have a seal; and
 - (c) is capable of acquiring, holding and disposing of real and personal property and of suing and being sued.

第六條 適用地區

除第六條之一之規定，本法適用於全部轄區。

第六條之一 停止適用地區

- (1) 財經部長得以公報刊登公告，宣布本法於指定日起停止適用於某一特定地區，則自公告刊登之日起，除本條第(2)項之規定外，本法所適用之地區不包括前述之特定地區在內。
- (2) 一九〇一年法律解釋法第八條之規定，適用於依本條之規定所刊登之公告，該公告視同廢止本法關於該公告所定之日期前適用於該公告所定地區之法律。

第六條之二 刑法之適用

違反本法規定之行為，適用刑法有關之規定。

第二章 準備銀行之組織、政策及管理

第一節 準備銀行組織

第七條 澳大利亞準備銀行

- (1) 雖有第四條第(1)項之廢止規定，依一九一一年聯邦銀行法設立，名稱為澳大利亞聯邦銀行，且依一九四五年聯邦銀行法存續之法人：
 - (a) 名稱改為澳大利亞準備銀行，依本法規定繼續存在為法人，但其法人同一性不受影響。
 - (b) 應有專用印信。
 - (c) 得購置、保有及處分動產或不動產，以及起訴及被起訴資格。

Note: Subject to section 7A, the Commonwealth Authorities and Companies Act 1997 applies to the Bank. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability and conduct of officers.

7A Special provisions relating to how the Commonwealth Authorities and Companies Act 1997 applies to the Bank

- (1) Sections 14 and 18 of the Commonwealth Authorities and Companies Act 1997 do not apply in relation to the Bank.
- (2) For the purposes of the Commonwealth Authorities and Companies Act 1997, the members of the Reserve Bank Board (rather than the members of the Payments System Board) are the directors of the Bank.
- (3) However, sections 21 to 27 of the Commonwealth Authorities and Companies Act 1997, and Schedule 2 to that Act, apply to the members of the Payments System Board as though they were directors of the Bank.

8 General powers

The Bank has such powers as are necessary for the purposes of this Act and any other Act conferring functions on the Bank and, in particular, and in addition to any other powers conferred on it by this Act and such other Acts, has power:

- (a) to receive money on deposit;
- (b) to borrow money;
- (c) to lend money;
- (d) to buy, sell, discount and re-discount bills of exchange, promissory notes and treasury bills;
- (e) to buy and sell securities issued by the Commonwealth and other securities;
- (f) to buy, sell and otherwise deal in foreign currency, specie, gold and other precious metals;
- (g) to establish credits and give guarantees;
- (h) to issue bills and drafts and effect transfers of money;
- (i) to underwrite loans; and
- (j) to do anything incidental to any of its powers.

附註：依第七條之一之規定，一九九七年聯邦主管機關及公司法適用於本行。該法規範聯邦主管機關有關事項，包括官員之報告義務、應負責任及品格操守等。

第七條之一 一九九七年聯邦主管機關及公司法適用於本行之特別規定

- (1)一九九七年聯邦主管機關及公司法第十四條及第十八條規定，不適用於本行。
- (2)依一九九七年聯邦主管機關及公司法規定之旨趣而言，準備銀行理事會之成員（不包括支付系統委員會成員），為本行董事。
- (3)但一九九七年聯邦主管機關及公司法第二十一條至第二十七條、該法附則二之規定，亦將支付系統委員會之成員視為本行理事，而有其適用。

第八條 一般職權

本行依本法規定目的之必要，以及本法或其他法律所授與之職權，有下列之職權：

- (a) 收受存款。
- (b) 借款。
- (c) 放款。
- (d) 匯票、本票及國庫券之買賣、貼現及重貼現。
- (e) 聯邦政府或其他人所發行證券之買賣。
- (f) 外幣現鈔、硬幣、黃金及其他貴重金屬之買賣。
- (g) 授信及保證。
- (h) 發行本票、匯票，以及辦理款項之移轉。
- (i) 清償貸款之承諾。
- (j) 其他與職權有關事項。

Division 2 Policy and management of the Reserve Bank

8A The Boards of the Bank

- (1) The Bank has 2 Boards:
 - (a) the Reserve Bank Board; and
 - (b) the Payments System Board.
- (2) The Reserve Bank Board is responsible for the Bank's monetary and banking policy, and the Bank's policy on all other matters, except for its payments system policy (see section 10).
- (3) The Payments System Board is responsible for the Bank's payments system policy (see section 10B).
- (4) Disagreements between the Boards are to be resolved in accordance with section 10C.
- (5) For how the Commonwealth Authorities and Companies Act 1997 applies in relation to the 2 Boards, see subsections 7A(2) and (3).

9 Establishment of Reserve Bank Board

There shall be a Reserve Bank Board, which shall be constituted as provided by Part III.

10 Functions of Reserve Bank Board

- (1) Subject to this Part, the Reserve Bank Board has power to determine the policy of the Bank in relation to any matter, other than its payments system policy, and to take such action as is necessary to ensure that effect is given by the Bank to the policy so determined.
- (2) It is the duty of the Reserve Bank Board, within the limits of its powers, to ensure that the monetary and banking policy of the Bank is directed to the greatest advantage of the people of Australia and that the powers of the Bank under this Act and any other Act, other than the Payment Systems (Regulation) Act 1998, the Payment Systems and Netting Act 1998 and Part 7.3 of the Corporations Act 2001, are exercised in such a manner as, in the opinion of the Reserve Bank Board, will best contribute to:
 - (a) the stability of the currency of Australia;
 - (b) the maintenance of full employment in Australia; and
 - (c) the economic prosperity and welfare of the people of Australia.

第二節 準備銀行政策及管理

第八條之一 本行決策委員會

- (1)本行有二委員會，包括：
 - (a) 理事會。
 - (b) 支付系統委員會。
- (2)理事會負責支付系統以外本行所有其他相關事項之政策，包括本行貨幣、銀行政策（見第十條）。
- (3)支付系統委員會負責本行支付系統政策（見第十條之二）。
- (4)委員會之間有不同意見時，依第十條之三規定辦理。
- (5)一九九七年聯邦主管機關及公司法規定如何適用於本行二決策委員會，依第七條之一第(2)項及第(3)項有關規定。

第九條 理事會之設立

準備銀行應設理事會，其組織於第三章定之。

第十條 理事會功能

- (1)依本章之規定，理事會除支付系統政策外，就任何其他事項，得決定應採取之政策；為確保該政策效力，於必要時，並得採取各項措施。
- (2)理事會於其職權範圍內，應確保本行貨幣及銀行政策能謀取澳大利亞人民之最大福祉；並使本行依本法及一九九八年支付系統（管理）法、一九九八年支付系統及結算法及二〇〇一年公司法第七章之三規定以外之其他法律所賦予職權之行使，依理事會之見解，致力於下列目標：
 - (a) 穩定幣值。
 - (b) 維持充分就業。
 - (c) 促進經濟繁榮及人民福利。

10A Establishment of Payments System Board

There is to be a Payments System Board of the Reserve Bank which is to be constituted as provided in Part IIIA.

10B Functions of Payments System Board

- (1) The Payments System Board has power to determine the Bank's payments system policy.
- (2) The Payments System Board has power to take whatever action is necessary to ensure that the Bank gives effect to the policy it determines.
- (3) It is the duty of the Payments System Board to ensure, within the limits of its powers, that:
 - (a) the Bank's payments system policy is directed to the greatest advantage of the people of Australia; and
 - (b) the powers of the Bank under the Payment System (Regulation) Act 1998 and the Payment Systems and Netting Act 1998 are exercised in a way that, in the Board's opinion, will best contribute to:
 - (i) controlling risk in the financial system; and
 - (ii) promoting the efficiency of the payments system; and
 - (iii) promoting competition in the market for payment services, consistent with the overall stability of the financial system; and
 - (c) the powers and functions of the Bank under Part 7.3 of the Corporations Act 2001 are exercised in a way that, in the Board's opinion, will best contribute to the overall stability of the financial system.

10C Resolving differences between the Boards

- (1) If a policy determined by the Reserve Bank Board and a policy determined by the Payments System Board are inconsistent:
 - (a) the Reserve Bank Board's policy prevails; and
 - (b) the Payments System Board's policy has effect as if it were modified to remove the inconsistency.
- (2) If there is a disagreement between the Reserve Bank Board and the Payments System Board as to:

十條之一 支付系統委員會之設立

準備銀行設立支付系統委員會，其組織於第三章之一定之。

第十條之二 支付系統委員會之功能

- (1) 支付系統委員會有決定本行支付系統政策之權限。
- (2) 為確保本行支付系統之有效運作，支付系統委員會得採行任何必要之措施。
- (3) 支付系統委員會於其權限範圍內，有確保下列事項之責任：
 - (a) 引導本行支付系統政策致力於謀取澳大利亞人民之最大福祉。
 - (b) 本行依一九九八年支付系統（管理）法、一九九八年支付系統及結算法所賦予之權限，依委員會之見解，應致力於下列目標：
 - (i) 控制金融體系之風險。
 - (ii) 增進支付系統之效率。
 - (iii) 於確保整體金融穩定之範圍內，增進支付服務之市場競爭力。
 - (c) 二〇〇一年公司法第七章之三所規定本行職權之行使，依委員會之見解，應致力於整體金融穩定。

第十條之三 委員會歧見之解決

- (1) 準備銀行理事會與支付系統委員會決定之政策不一致時：
 - (a) 以準備銀行理事會之政策為準，
 - (b) 支付系統委員會已刪除該不一致部分後之政策仍有效力。
- (2) 準備銀行理事會與支付系統委員會就下列事項有歧見時，由總裁裁決之：

- (a) whether there is an inconsistency of policy to which subsection (1) applies, or the extent of such an inconsistency; or
- (b) the effect of paragraph (1)(b) on a policy of the Payments System Board;

the disagreement is to be resolved as determined by the Governor.

- (3) If there is a disagreement between the Reserve Bank Board and the Payments System Board as to which of the Boards is responsible for determining the Bank's policy on a matter, the disagreement is to be resolved as determined by the Governor.

11 Differences of opinion with Government on questions of policy

- (1) The Government is to be informed of the Bank's policy as follows:
 - (a) the Reserve Bank Board is to inform the Government, from time to time, of the Bank's monetary and banking policy;
 - (b) the Payments System Board is to inform the Government, from time to time, of the Bank's payments system policy.
- (2) In the event of a difference of opinion between the Government and one of the Boards (the **relevant Board**) about whether a policy determined by the relevant Board is directed to the greatest advantage of the people of Australia, the Treasurer and the relevant Board shall endeavour to reach agreement.
- (3) If the Treasurer and the relevant Board are unable to reach agreement, the relevant Board shall forthwith furnish to the Treasurer a statement in relation to the matter in respect of which the difference of opinion has arisen.
- (4) The Treasurer may then submit a recommendation to the Governor-General, and the Governor-General, acting with the advice of the Federal Executive Council, may, by order, determine the policy to be adopted by the Bank.
- (5) The Treasurer shall inform the relevant Board of the policy so determined and shall, at the same time, inform the relevant Board that the Government accepts responsibility for the adoption by the Bank of that policy and will take such action (if any) within its powers as the Government considers to be necessary by reason of the adoption of that policy.
- (6) The relevant Board shall thereupon ensure that effect is given to the policy determined by the order and shall, if the order so requires, continue to ensure that effect is given to that policy while the order remains in operation.
- (7) The Treasurer shall cause to be laid before each House of the Parliament,

- (a) 應適用第(1)項規定之政策歧見存在與否，或歧見之範圍，
 - (b) 第(1)項第(b)款關於支付系統委員會政策之效力。
- (3) 準備銀行理事會與支付系統委員會，就本行對某事項之政策，應由何委員會負責決定有不同意見時，由總裁裁決之。

第十一條 與政府間對政策之不同意見

- (1) 本行應向政府報告下列政策：
- (a) 準備銀行理事會就貨幣政策及銀行政策，應隨時向政府報告。
 - (b) 支付系統委員會就支付系統政策，應隨時向政府報告。
- (2) 如政府對於本行之理事會或支付系統委員會所採行之政策是否能謀取澳大利亞人民之最大福祉有不同意見時，財經部長與本行相關委員會間，應盡力取得協調。
- (3) 如財經部長與本行相關委員會無法達成協議時，本行相關委員會應就該不同意見，向財經部長提出書面聲明。
- (4) 繼由財經部長向總督提交建議書，總督於聽取聯邦執行委員會意見後，以命令決定本行應採之政策。
- (5) 財經部長應同時將決策情形通知相關委員會，說明本行採行該項決策所生責任由政府負擔，而政府於其職權範圍內，對決策之施行得採取必要措施。
- (6) 本行相關委員會應遵行決策命令，並於命令有效期間內繼續施行，以確保該決策發生效力。
- (7) 財經部長依第(4)項之規定，將決策通知本行相關委員會

within 15 sitting days of that House after the Treasurer has informed the relevant Board of the policy determined under subsection (4):

- (a) a copy of the order determining the policy;
- (b) a statement by the Government in relation to the matter in respect of which the difference of opinion arose; and
- (c) a copy of the statement furnished to the Treasurer by the relevant Board under subsection (3).

12 Management of the Bank

- (1) There shall be a Governor of the Bank and a Deputy Governor of the Bank, who shall be appointed and hold office as provided by Part III.
- (2) Subject to sections 10 and 10B, the Bank shall be managed by the Governor.
- (3) The Deputy Governor shall perform such duties as the Governor directs and, in the event of a vacancy in the office of Governor, the Deputy Governor shall perform the duties of the Governor and shall have and may exercise the powers and functions of the Governor.

13 Governor and Secretary to Treasury to establish liaison

The Governor and the Secretary to the Department of the Treasury shall establish a close liaison with each other and shall keep each other fully informed on all matters which jointly concern the Bank and the Department of the Treasury.

Part III The Reserve Bank Board and the Governor and Deputy Governor of the Bank

14 Membership of Reserve Bank Board

- (1) The Reserve Bank Board shall consist of:
 - (a) the Governor;
 - (b) the Deputy Governor;
 - (c) the Secretary to the Department of the Treasury; and
 - (d) 6 other members, who shall be appointed in writing by the Treasurer in accordance with this section.
- (2) Of the 6 members appointed under paragraph (1)(d), at least 5 shall be persons who are not officials.

後，應於十五日內將下列文件送交國會：

- (a) 決策命令之副本。
- (b) 政府對不同意見之書面聲明。
- (c) 本行相關委員會依第(3)項向財經部長所提書面聲明。

第十二條 本行之管理

- (1) 本行設總裁及副總裁各一人，依第三章之規定任命及執行職務。
- (2) 除第十條及第十條之二之規定外，本行由總裁管理之。
- (3) 副總裁應執行總裁所指示之職務；於總裁出缺時，副總裁應執行總裁職務，並具有總裁之權限，據以行使。

第十三條 總裁與財經部常務次長間之聯繫

總裁與財經部常務次長應相互密切聯繫，就本行及財經部共同相關之事項，應相互告知。

第三章 準備銀行理事會與本行總裁、副總裁

第十四條 理事會成員

- (1) 準備銀行理事會包括下列人士：
 - (a) 總裁。
 - (b) 副總裁。
 - (c) 財經部常務次長。
 - (d) 其他理事六人，由財經部長依本條規定任命之。
- (2) 第(1)項第(d)款所指定之理事六人，其中至少五人應由政府官員以外人員派充。

- (3) A member appointed under paragraph (1)(d) who is an official at the time of his or her appointment holds office during the pleasure of the Treasurer.
- (4) A member appointed under paragraph (1)(d) who is not an official:
 - (a) is to be appointed for a period, not exceeding 5 years, specified in the instrument of appointment; and
 - (b) holds office subject to good behaviour.
- (6) In this section:
official means:
 - (a) a staff member of the Reserve Bank Service; or
 - (b) a person appointed or engaged under the Public Service Act 1999.

15 Remuneration of members

- (1) A member of the Reserve Bank Board shall be paid such remuneration (if any) as is determined by the Remuneration Tribunal.
- (2) A member of the Reserve Bank Board shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the Remuneration Tribunal Act 1973.
- (4) A reference in this section to a member of the Reserve Bank Board does not include a reference to the Governor or the Deputy Governor.

16 Declaration by members

- (1) A member of the Reserve Bank Board shall, before entering upon his or her duties or exercising any power under this Act, make, before a Justice of the Peace or a Commissioner for taking Affidavits, an oath or affirmation of allegiance in accordance with the form in the Schedule to the Constitution and a declaration of secrecy in accordance with the prescribed form.
- (2) However, the member does not have to do so if he or she is also a member of the Payments System Board and has made an oath or affirmation, and a declaration of secrecy, under section 25E.

17 Disqualifications from membership

- (1) A person who is a director, officer or employee of an ADI is not capable of appointment, or of continuing to act, as a member of the Reserve Bank Board.

- (3)依第(1)項第(d)款所任命理事中，於任命時具政府官員之身分者，其任期由財經部長定之。
- (4)依第(1)項第(d)款所任命理事中，於任命時不具政府官員之身分者：
 - (a)應於任命之詔令中，明定其任期不得超過五年。
 - (b)應克盡職責。
- (5)本條所稱「政府官員」，係指下列人員之一：
 - (a)準備銀行之職員。
 - (b)依一九九九年公共服務法所任命或聘用之人員。

第十五條 理事之報酬

- (1)理事如支領酬勞者，其數額由公職人員薪資委員會定之。
- (2)理事得支領規定之津貼。
- (3)一九七三年公職人員薪資條例之規定，適用於本條。
- (4)本條對理事之規定，於總裁、副總裁不適用之。

第十六條 理事之宣誓

- (1)理事依本法執行職務或行使職權之前，應依憲法附則所定之形式，於治安官或宣誓公證人之前宣誓克盡職責，並保守職務上之祕密。
- (2)理事同時擔任支付系統委員職務並已依第二十五條之五之規定宣誓克盡職責、保守職務上祕密者，上述規定不適用之。

第十七條 理事之消極資格

- (1)擔任收受存款機構董事、職員或受雇人者，不得被任命或繼續執行準備銀行理事之職務。

17A Resignation

A member of the Reserve Bank Board appointed under paragraph 14(1)(d) may resign his or her appointment by giving a written resignation to the Treasurer.

18 Termination of appointment

(1) If a member of the Reserve Bank Board appointed under paragraph 14(1)

(d):

- (a) becomes permanently incapable of performing his or her duties; or
- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- (d) is absent, except on leave granted by the Reserve Bank Board in accordance with section 18A, from all meetings of the Reserve Bank Board held during 2 consecutive months or during any 3 months in any period of 12 months; or
- (e) fails to comply with his or her obligations under subsection 18A(3) or section 27F or 27J of the Commonwealth Authorities and Companies Act 1997;

the Treasurer shall terminate his appointment.

(2) In this section, **month** means any of the 12 months of the year.

18A Leave of absence

- (1) This section applies to a member appointed under paragraph 14(1)(d).
- (2) The Reserve Bank Board may grant to a member leave of absence from a meeting of the Reserve Bank Board.
- (3) A member must not take part in a decision of the Reserve Bank Board granting, or refusing to grant, leave to the member.

20 Chairperson and Deputy Chairperson

- (1) The Governor shall be the Chairperson of the Reserve Bank Board and the Deputy Governor shall be the Deputy Chairperson of the Reserve Bank Board.

第十七條之一 理事之辭職

依第十四條第(1)項第(d)款任命之理事，得向財經部長提出書面辭呈，辭去其所任職務。

第十八條 理事之出缺

(1)依第十四條第(1)項第(d)款任命之理事有下列情形之一者，財經部長應予以免職：

(a) 永久不能執行職務者。

(b) 宣告破產、或須依法令之救濟以解除債務、或與債權人協議延期清償、或將其酬勞移轉由債權人收取者。

(d) 未經理事會依第十八條之一規定之同意，連續兩個月未出席理事會會議，或於十二個月期間內有三個月未出席理事會者。

(e) 未依第十八條之一第(3)項規定、一九九七年主管機關及公司法第二十七條之六、第二十七條之十之規定克盡職責者。

(2)本條所稱「月」，係指一年十二個月之任一月份。

第十八條之一 理事之缺席

(1)本條適用於依第十四條第(1)項第(d)款所任命之理事。

(2)理事會得同意其理事於理事會會議時缺席。

(3)缺席之理事，於理事會依本條為同意或拒絕同意之決定時，無參與決定之權利。

第二十條 主席及副主席

(1)理事會以總裁為其主席，以副總裁為副主席。

Note: For the manner in which the Chairperson and Deputy Chairperson may be referred to, see section 18B of the Acts Interpretation Act 1901.

21 Meetings of Reserve Bank Board

- (1) The Reserve Bank Board shall meet at such times and places as the Reserve Bank Board determines or as the Chairperson or the Deputy Chairperson directs.
- (2) Subject to section 21A, the Chairperson shall preside at all meetings of the Reserve Bank Board at which he or she is present and, in the absence of the Chairperson, the Deputy Chairperson shall preside.
- (3) 5 members form a quorum at a meeting of the Reserve Bank Board.
- (4) Questions arising at a meeting of the Reserve Bank Board shall be decided by a majority of the votes of the members present and voting.
- (5) The member presiding at a meeting of the Reserve Bank Board shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

21A Exclusion of Governor and Deputy Governor from certain deliberations

- (1) The Governor and the Deputy Governor shall not be present during any deliberation of the Reserve Bank Board, or take part in any decision of the Reserve Bank Board, in relation to the determination or application of any terms or conditions on which the Governor or the Deputy Governor holds office.
- (2) Where the Governor and the Deputy Governor are required by subsection (1) not to be present during deliberations of the Reserve Bank Board, the members present shall appoint one of their number to preside.

22 Secretary may nominate alternate to attend meetings of Reserve Bank Board

- (1) The Secretary may, by writing, nominate a specified person who is an SES employee or acting SES employee in the Department to attend a particular meeting, or all meetings, of the Reserve Bank Board at which the Secretary is not present.
- (2) A person so nominated may attend a meeting to which the nomination applies and, if the person does so, he or she is taken, for the purposes of this Part, to be a member of the Reserve Bank Board.

附註：主席及副主席之相關規定，請參一九〇一年法律解釋法第十八條之二。

第二十一條 理事會會議

- (1)理事會會議之時間、地點，由理事會或主席、副主席決定。
- (2)除第二十一條之一規定外，理事會會議於主席出席時，由主席主持；主席缺席時，由副主席主持。
- (3)理事會會議以理事五人為法定人數。
- (4)理事會會議所討論事項，以出席及參與表決人數過半數之同意決之。
- (5)理事會會議時，擔任主席之人有商議性投票權；於正反雙方票數相等時，有決定性投票權。

第二十一條之一 總裁及副總裁之迴避

- (1)總裁及副總裁於與自身職務有關之事項或條件之決定或適用，於理事會會議中商討時，不得出席或參與理事會之決議。
- (2)總裁及副總裁依第(1)項之規定不能出席理事會會議時，出席理事應由其中推派一人為主席。

第二十二條 財經部常務次長得指定代理人參加準備銀行理事會

- (1)財經部常務次長未出席理事會會議時，得以書面指定該部之SES職員或相當於SES之職員，參加準備銀行指定或每次之會議。
- (2)上述被指派參加理事會會議而出席之人員，於本章規定之目的範圍內，視為理事會之一員。

22A Conduct of meetings

The Reserve Bank Board may regulate proceedings at its meetings as it considers appropriate. However, proceedings at a meeting must not be inconsistent with this Part.

Note: Section 33B of the Acts Interpretation Act 1901 contains further information about the ways in which members may participate in meetings.

22B Resolutions without meetings

A resolution is taken to have been passed at a meeting of the Reserve Bank Board if:

- (a) the Reserve Bank Board has determined:
 - (i) that resolutions may be passed in accordance with this section; and
 - (ii) the method of indicating agreement with a resolution passed in accordance with this section; and
- (b) without meeting, a majority of the members indicate agreement with the resolution in accordance with the method determined by the Reserve Bank Board; and
- (c) the majority would have constituted a quorum at a meeting of the Reserve Bank Board; and
- (d) all members were informed of the proposed resolution, or reasonable efforts were made to inform all members of the proposed resolution.

24 Governor and Deputy Governor

- (1) The Governor and the Deputy Governor:
 - (a) are to be appointed by the Treasurer; and
 - (b) shall be appointed for such period, not exceeding 7 years, as the Treasurer determines but are eligible for re-appointment; and
 - (c) hold office subject to good behaviour.

24A Terms and conditions of employment not provided for by Act

The Governor and the Deputy Governor hold office on such terms and conditions (including terms and conditions relating to remuneration and allowances) in relation to matters not provided for by this Act as are determined by the Reserve Bank Board.

第二十二條之一 會議之進行

理事會於認為適當時，得就會議之程序訂定規則，但理事會會議之程序，不得與本章之規定不符。

附註：一九〇一年法律解釋法第三十三條之二之規定，包含會員參與會議方式之進一步規範。

第二十二條之二 未經開會之決議

依下列規定作成之決議，視為已經理事會會議通過：

- (a) 為理事會已決定：
 - (i) 得依本條規定通過之議案。
 - (ii) 表示同意依本條規定通過議案之方式。
- (b) 未經開會而由多數理事表示同意依準備銀行理事會所定之方式作成之決議。
- (c) 該多數構成準備銀行理事會會議法定人數。
- (d) 該擬提議案已通知，或已盡合理之努力通知全部理事。

第二十四條 總裁及副總裁

(1)總裁及副總裁：

- (a) 由財經部長任命。
- (b) 任期由財經部長決定，最長不得超過七年，但得連任。
- (c) 應克盡職責。

第二十四條之一 本法未規定之聘雇期間及條件

總裁及副總裁任職之期間及條件（包括有關薪資及津貼之期間及條件），本法未規定之事項，由理事會決定之。

24B Resignation

The Governor or the Deputy Governor may resign his or her appointment by giving a written resignation to the Treasurer.

25 Vacation of Office

If the Governor or the Deputy Governor:

- (a) becomes permanently incapable of performing his or her duties; or
 - (b) engages in any paid employment outside the duties of his or her office;
or
 - (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her salary for their benefit;
- the Treasurer shall terminate his appointment.

Part III A The Payments System Board

Division 1 The members of the Payments System Board

25A Membership of Payments System Board

The Payments System Board consists of the following members:

- (a) the Governor;
- (b) one representative of the Bank;
- (c) one representative of APRA;
- (d) up to 5 other members.

25B Appointment of members

- (1) The member who is the representative of the Bank referred to in paragraph 25A(b) is to be appointed by the Governor. The person appointed must be a member of the Reserve Bank Board or a staff member of the Reserve Bank Service.
- (2) The member who is the representative of APRA referred to in paragraph 25A(c) is to be appointed by APRA. The person appointed must be an APRA member or an APRA staff member.

第二十四條之二 辭職

總裁及副總裁得向財經部長提出書面辭呈，以辭去其所任職務。

第二十五條 職位之出缺

總裁及副總裁有下列各款情事之一者，財經部長應予免職：

- (a) 永久不能執行職務者。
- (b) 除現職外，另擔任其他有給職者。
- (c) 宣告破產、須依法令之救濟以解除其債務、與債權人協議延期清償，或將其酬勞移轉由債權人收取者。

第三章之一 支付系統委員會

第一節 支付系統委員會之委員

第二十五條之一 支付系統委員會成員

支付系統委員會包括下列成員：

- (a) 總裁。
- (b) 本行代表一人。
- (c) 金融監理委員會代表一人。
- (d) 其他委員最多五人。

第二十五條之二 委員之任命

- (1) 依第二十五條之一第 (b) 款擔任委員之本行代表，由總裁任命之；該委員必須同時為準備銀行理事會或準備銀行業務單位之成員。
- (2) 依第二十五條之一第 (c) 款擔任委員之金融監理委員會代表，由該委員會最高執行官員任命之；該委員必須同時為金融監理委員會之成員或其幹部。

- (3) Each other member referred to in paragraph 25A(d) is to be appointed by the Treasurer for a period specified in the instrument of appointment. The period specified must not exceed 5 years.
- (4) All appointments under this section are to be in writing.
- (5) All appointments under this section are to be on a part-time basis.

Note 1: Members appointed under subsection (1) or (2) are not appointed for a specified period, however, their appointments can be terminated at any time (see section 25K).

Note 2: The Governor is an ex officio member of the Payments System Board (and so is not separately appointed to the Board).

25C Chair of the Payments System Board

The Governor is the Chair of the Payments System Board.

25D Deputy Chair of the Payments System Board

- (1) The member of the Payments System Board referred to in paragraph 25A
(b) is the Deputy Chair of the Board.
- (2) The Deputy Chair is to act as the Chair during any period when:
 - (a) the office of Governor is vacant; or
 - (b) the Governor is absent from Australia or is, for any reason, unable to perform the duties of Chair of the Payments System Board.
- (3) The Deputy Chair has, when acting as the Chair, all the powers, duties, rights and entitlements of the Chair of the Payments System Board.

25E Declaration by members

- (1) Each member of the Payments System Board must, before first starting to act as a member of the Board:
 - (a) make an oath or affirmation of allegiance; and
 - (b) make a declaration of secrecy.However, the member does not have to do so if he or she is also a member of the Reserve Bank Board and has made an oath or affirmation, and a declaration of secrecy, under section 16.
- (2) The oath or affirmation of allegiance:
 - (a) is to be in accordance with the form set out in the Schedule to the Constitution; and
 - (b) is to be made before a Justice of the Peace or a Commissioner for taking Affidavits.

- (3)依第二十五條之一第(d)款擔任委員之其他各成員，由財經部長任命；任命狀內並應載明任期，該任期不得超過五年。
- (4)依本條所為之任命，應以書面為之。
- (5)依本條所為之任命，係屬於兼職性質。

附註一：依第(1)項及第(2)項規定所任命之委員無固定任期，得隨時予以終止。(見第二十五條之十一)

附註二：總裁係支付系統委員會之當然委員(並非單獨任命)。

第二十五條之三 支付系統委員會主席

支付系統委員會以總裁為主席。

第二十五條之四 支付系統委員會副主席

- (1)依第二十五條之一第(b)款規定擔任支付系統委員會之委員為副主席。
- (2)副主席於下列各款期間擔任主席之職務：
 - (a)總裁出缺時。
 - (b)總裁離開澳大利亞或因其他理由不能執行支付系統委員會主席之職務。
- (3)副主席於執行主席職務時，具有支付系統委員會主席所享有之權力、責任及權利。

第二十五條之五 委員之宣誓

- (1)支付系統之委員於行使委員之職務前，應：
 - (a)宣誓盡忠職守。
 - (b)宣誓保守秘密。但支付系統委員同時擔任理事職務，並已依第十六條之規定宣誓克盡職責、保守職務上秘密者，上述規定不適用之。
- (2)宣誓盡忠職守之方式：
 - (a)應依憲法附款所定之形式為之。
 - (b)應於治安法官或宣誓公證人之前為之。

- (3) The declaration of secrecy:
 - (a) is to be in the prescribed form; and
 - (b) is to be made before a Justice of the Peace or a Commissioner for taking Affidavits.

Division 2 Meetings

25F Meetings

- (1) The Payments System Board is to meet at times and places as determined by the Payments System Board or as directed by the Chair.
- (2) The Chair is to preside at all meetings of the Payments System Board at which he or she is present. In the Chair's absence, the Deputy Chair is to preside.
- (3) Five Members of the Payments System Board form a quorum at a meeting of the Payments System Board.
- (4) Questions arising at a meeting of the Payments System Board are to be decided by a majority of the votes of the members present and voting.
- (5) The member presiding at a meeting of the Payments System Board:
 - (a) has a deliberative vote; and
 - (b) if necessary, also has a casting vote.

25G Conduct of meetings

The Payments System Board may regulate proceedings at its meetings as it considers appropriate. However, proceedings at a meeting must not be inconsistent with this Part.

Note: Section 33B of the Acts Interpretation Act 1901 contains further information about the ways in which members may participate in meetings.

25H Resolutions without meetings

A resolution is taken to have been passed at a meeting of the Payments System Board if:

- (a) the Payments System Board has determined:
 - (i) that resolutions may be passed in accordance with this section; and

(3)宣誓保守秘密之方式：

(a) 應依所定之形式為之。

(b) 應於治安法官或宣誓公證人之前為之。

第二節 會議

第二十五條之六 會議

(1)支付系統委員會會議之時間、地點，由委員會或委員會主席決定。

(2)支付系統委員會會議於主席出席時，由主席主持；主席缺席時，由副主席主持。

(3)支付系統委員會會議以委員五人為法定人數。

(4)支付系統委員會會議所討論事項，以出席並參與表決人數過半數之同意決之。

(5)擔任支付系統委員會會議主席者：

(a) 有審議性投票權。

(b) 必要時，有決定性投票權。

第二十五條之七 會議之進行

支付系統委員會於認為適當時，得就委員會會議程序訂定規則，但其會議程序不得與本章規定不符。

附註：一九〇一年法律解釋法第三十三條之二，包含會員參與會議方式之進一步規範。

第二十五條之八 未經開會之決議案

依下列規定作成之決議，視為已經支付系統委員會會議通過：

(a) 支付系統委員會已決定：

(i) 得依本條通過之議案。

- (ii) the method of indicating agreement with a resolution passed in accordance with this section; and
- (b) without meeting, a majority of the members indicate agreement with the resolution in accordance with the method determined by the Payments System Board; and
- (c) the majority would have constituted a quorum at a meeting of the Payments System Board; and
- (d) all members were informed of the proposed resolution, or reasonable efforts were made to inform all members of the proposed resolution.

Division 3 Other administrative provisions

25I Remuneration

- (1) A member of the Payments System Board is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the member is to be paid the remuneration that is prescribed.
- (2) A member of the Payments System Board is to be paid the allowances that are prescribed.
- (3) This section has effect subject to the Remuneration Tribunal Act 1973.

25J Leave of absence

The Payments System Board may grant leave of absence to another member of the Payments System Board on the terms and conditions that it determines.

25K Resignation

A member of the Payments System Board (other than the Governor) may resign his or her appointment by giving a written resignation to:

- (a) if he or she is the member referred to in paragraph 25A(b)- the Governor; or
- (b) if he or she is the member referred to in paragraph 25A(c)-APRA; or
- (c) if he or she is a member referred to in paragraph 25A(d)-the Treasurer.

- (ii) 表示同意依本條規定通過之議案之方式。
- (b) 未經開會而由多數委員表示同意依支付系統委員會所定之方式作成之決議。
- (c) 該多數構成支付系統委員會會議法定人數。
- (d) 該擬提議案已通知，或已盡合理努力通知全部委員。

第三節 其他行政規定

第二十五條之九 報酬

- (1) 支付系統委員會委員支領之酬勞，其數額由公職人員薪資委員會定之；如實務上公職人員薪資委員會對該項酬勞未有規定者，委員之酬勞依規定給付。
- (2) 支付系統委員會委員之津貼依規定給付。
- (3) 一九七三年公職人員薪資條例之規定適用於本條。

第二十五條之十 委員之缺席

支付系統委員會得於其所訂定之期間及條件範圍內，允許委員會其他成員之缺席。

第二十五條之十一 委員之辭職

支付系統委員會之委員（總裁除外），得依下列各款規定，向任命之人提出書面辭呈：

- (a) 依第二十五條之一第 (b) 款規定任命之委員，向總裁提出。
- (b) 依第二十五條之一第 (c) 款規定任命之委員，向金融監理委員會最高執行官員提出。
- (c) 依第二十五條之一第 (d) 款規定任命之委員，向財經部長提出。

25L Termination of appointment

- (1) The following provisions apply to the member of the Payments System Board referred to in paragraph 25A(b):
 - (a) the Governor may, at any time, terminate the member's appointment;
 - (b) the member's appointment is terminated automatically if he or she ceases to be a member of the Reserve Bank Board or a staff member of the Reserve Bank Service.
- (2) The following provisions apply to the member of the Payments System Board referred to in paragraph 25A(c):
 - (a) APRA may, at any time, terminate the member's appointment;
 - (b) the member's appointment is terminated automatically if he or she ceases to be an APRA member or an APRA staff member.
- (3) The Treasurer may terminate the appointment of a member of the Payments System Board referred to in paragraph 25A(d) for misbehaviour or physical or mental incapacity.
- (4) The Treasurer must terminate the appointment of a member of the Payments System Board referred to in paragraph 25A(d) if:
 - (a) the member becomes permanently incapable of performing his or her duties; or
 - (b) the member:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with his or her creditors; or
 - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
 - (c) is absent, except on leave of absence granted by the Payments System Board, from:
 - (i) 2 or more consecutive meetings of the Payments System Board; or
 - (ii) 3 or more meetings of the Payments System Board in any period of 12 months; or
 - (d) fails to comply with his or her obligations under section 21 of the Commonwealth Authorities and Companies Act 1997.

第二十五條之十二 任命之終止

- (1) 下列各款規定，適用於依第二十五條之一第 (b) 款規定任命之委員：
 - (a) 總裁得隨時終止其任用。
 - (b) 該委員於不再擔任理事會理事或準備銀行業務單位職務時，其任期自然終止。
- (2) 下列各款規定，適用於依第二十五條之一第 (c) 款規定任命之委員：
 - (a) 金融監理委員會最高執行官員得隨時終止其任用。
 - (b) 該委員於不再擔任金融監理委員會成員或幹部時，其任期自然終止。
- (3) 依第二十五條之一第 (d) 款規定任命之委員有不當行為，或其身心狀況有不適任之情形時，財經部長得終止其任用。
- (4) 依第二十五條之一第 (d) 款規定任命之委員有下列各款情形之一者，財經部長應終止其任用：
 - (a) 永久不能執行職務者。
 - (b) 財務狀況發生下列情形：
 - (i) 破產。
 - (ii) 須依法令之救濟以解除債務。
 - (iii) 與債權人協議延期清償。
 - (iv) 將其酬勞移轉由債權人收取。
 - (c) 未經支付系統委員會之允許擅自缺席而有下列各款情形之一者：
 - (i) 連續兩次以上未參加支付系統委員會會議者。
 - (ii) 於十二個月之期間內，有三次以上未參加支付系統委員會會議者。
 - (d) 未能遵守一九九七年聯邦主管機關及公司法第二十一條之義務者。

25M Payments System Board's report to the Minister

- (1) The Payments System Board must, as soon as practicable after 30 June in each year, prepare and give to the Minister a report that:
 - (a) describes the standards determined under section 827D of the Corporations Act 2001 during the financial year ending on that 30 June; and
 - (b) describes any variations made to standards determined under that section that were in force during the financial year ending on that 30 June; and
 - (c) describes any revocations of standards determined under that section that were in force for part of the financial year ending on that 30 June; and
 - (d) discusses developments in the clearing and settlement industry during the financial year ending on that 30 June that are relevant to Australia's financial stability.
- (2) Section 34C of the Acts Interpretation Act 1901 does not apply in relation to a report under subsection (1).

Part IV Central banking

26 Reserve Bank to act as a central bank

The Reserve Bank:

- (a) is the central bank of Australia;
- (b) shall carry on business as a central bank; and
- (c) subject to this Act and to the Banking Act 1959 shall not carry on business otherwise than as a central bank.

27 Bank to be banker for Commonwealth

The Bank shall, in so far as the Commonwealth requires it to do so, act as banker and financial agent of the Commonwealth.

第二十五條之十三 支付系統委員會向財經部第一政務次長報告

- (1) 支付系統委員會於每年六月三十日之後，應依下列各款規定方式儘速完成準備，並向財經部第一政務次長提出報告：
 - (a) 依二〇〇一年公司法第八百二十七條之四所定各項標準，於六月三十日會計年度終結時，說明當年度作業狀況。
 - (b) 依上述規定當時所定各項標準，於當年六月三十日會計年度終結時，就執行之差異情形加以說明。
 - (c) 上述規定當時所定各項標準，於當年度有遭廢止者，應於當年六月三十日會計年度終結時提出說明。
 - (d) 與澳大利亞金融穩定有關之結算及清算業者之發展情形，應於當年六月三十日會計年度終結時，提出檢討。
- (2) 一九〇一年法律解釋法第三十四條之三之規定，於依第(1)項規定所為之報告，不適用之。

第四章 中央銀行業務

第二十六條 準備銀行擔負中央銀行任務

準備銀行：

- (a) 為澳大利亞中央銀行。
- (b) 辦理中央銀行業務。
- (c) 依本法及一九五九年銀行法之規定，不得辦理中央銀行以外之業務。

第二十七條 為聯邦之銀行專業經營者

本行依聯邦之所需，為聯邦之銀行及金融經理機構。

28 Capital

The capital of the Bank for the purposes of this Part shall be the aggregate of:

- (a) the capital of the former Commonwealth Bank of Australia for the purposes of Part V of the Commonwealth Bank Act 1945 immediately before the commencement of this Act; and
- (b) such other sums as are transferred from the Reserve Bank Reserve Fund in pursuance of section 29.

29 Reserve Fund

- (1) The Bank shall have a reserve fund (to be called the Reserve Bank Reserve Fund), which shall consist of:
 - (a) the amount standing to the credit of the Commonwealth Bank Reserve Fund existing under the Commonwealth Bank Act 1945 immediately before the commencement of this Act; and
 - (b) such other sums as are placed to its credit in pursuance of section 30.
- (2) The Reserve Bank Board may, from time to time, transfer from the Reserve Bank Reserve Fund to the capital of the Bank for the purposes of this Part such sums as the Reserve Bank Board determines.

30 Profits

- (1) Subject to subsection (2), the net profits of the Bank in each year shall be dealt with as follows:
 - (aa) such amount as the Treasurer, after consultation with the Reserve Bank Board, determines is to be set aside for contingencies; and
 - (a) such amount as the Treasurer, after consultation with the Reserve Bank Board, determines shall be placed to the credit of the Reserve Bank Reserve Fund; and
 - (b) the remainder shall be paid to the Commonwealth.
- (2) If the net profit of the Bank for a year is calculated on a basis that requires the inclusion of unrealised gains on assets during the year, the amount to which subsection (1) applies is to be worked out as follows:
 - (a) deduct from the net profit an amount equal to the total of all amounts of unrealised gains included in the net profit; and

第二十八條 資本額

本行資本額為下列兩款規定之總和：

- (a) 本法施行前，依一九四五年聯邦銀行法第五章所稱前澳大利亞聯邦銀行之資本額。
- (b) 依第二十九條之規定，由準備銀行準備基金撥付之款項。

第二十九條 準備基金

- (1) 準備銀行應有準備基金（稱為準備銀行之準備基金），包括下列兩項：
 - (a) 本法施行前，依一九四五年聯邦銀行法之規定，列為聯邦銀行準備基金之貸方款項。
 - (b) 依第三十條之規定，撥入本行貸方科目之其他款項。
- (2) 為本章規定目的，理事會得按時將準備銀行準備基金撥轉為本行之資本，其數額由理事會定之。

第三十條 淨利

- (1) 依第(2)項之規定，本行年度淨利，應作下列分配：
 - (aa) 財經部長於洽商理事會後決定之數額，保留作為臨時需用。
 - (a) 財經部長於洽商理事會後所定數額，撥入準備銀行準備基金貸方項下。
 - (b) 其餘解繳聯邦國庫。
- (2) 本行年度淨利之計算基準如包括該年度未實現之資本利得在內時，則第(1)項所規定之數額，依下列規定計算：
 - (a) 於淨利中扣除相當於其內含之全部未實現利得之總額。

- (b) if an asset in respect of which unrealised gains were included in the net profit for a previous year or years is realised during the year—add to the amount remaining after applying paragraph (a) the total amount of those unrealised gains.

Part V The note issue

32 Interpretation

In this Part, unless the contrary intention appears:

Australian note means a note issued under the Australian Notes Act 1910, under Part VII of the Commonwealth Bank Act 1911, under Part VI of the Commonwealth Bank Act 1945 or under this Part as in force at any time.

34 Issue, re-issue and cancellation of notes

(1) Subject to this Act, the Bank may:

- (a) issue Australian notes;
- (b) re-issue Australian notes; and
- (c) cancel Australian notes.

(2) Australian notes shall be printed by, or under the authority of, the Bank.

35 Denominations of notes

Australian notes may be issued in any of the following denominations, namely, One dollar, Two dollars, Five dollars, Ten dollars, Twenty dollars, Fifty dollars or One hundred dollars or in any other denomination that the Treasurer, by instrument in writing published in the Gazette, determines.

36 Notes to be legal tender

(1) Australian notes are a legal tender throughout Australia.

(2) For the purposes of subsection (1), an Australian note of a denomination specified in the first column of the following table has the value in the currency provided for by the Currency Act 1965 that is set out in the second column of that table opposite to the denomination of that note:

- (b) 包含於以前各年度淨利中之未實現利得之資產，其利得已於本年度實現者，於第(a)款規定算出未實現利得總額後，加上其餘額。

第五章 紙幣之發行

第三十二條 名詞定義

除有相反之規定外，本章所稱「澳大利亞紙幣」，係指依一九一〇年澳大利亞紙幣法、一九一一年聯邦銀行法第七章、一九四五年聯邦銀行法第六章或依本章之規定所發行之紙幣。

第三十四條 紙幣之發行、再發行及註銷

(1) 本行得依本法之規定：

- (a) 發行澳大利亞紙幣。
- (b) 重新發行澳大利亞紙幣。
- (c) 註銷澳大利亞紙幣。

(2) 澳大利亞紙幣應由本行，或依本行授權他人印製。

第三十五條 紙幣之面額

澳大利亞紙幣之面額分為下列幾種，即：壹圓、貳圓、伍圓、拾圓、貳拾圓、伍拾圓、壹佰圓，或財經部長決定之其他面額；各該面額應刊登於政府公報。

第三十六條 法償紙幣

- (1) 澳大利亞紙幣於澳大利亞境內，有法償效力。
- (2) 依第(1)項規定之目的，下表第一欄所列澳大利亞紙幣之面額，與第二欄所列而依一九六五年通貨法所發行通貨之面額，其相對應者，價值相同。

Table

First Column	Second Column
Ten shillings	One dollar
One pound	Two dollars
Five pounds	Ten dollars
Ten pounds	Twenty dollars
Twenty pounds	Forty dollars
Fifty pounds	One hundred dollars
One hundred pounds	Two hundred dollars
One thousand pounds	Two thousand dollars

37 Signature on notes

- (1) The Australian notes issued in pursuance of this Part shall bear the signature of the Secretary to the Department of the Treasury or of such other officer of the Department of the Treasury as the Treasurer directs, and the signature of the Governor or, if the Governor so directs, of the Deputy Governor, or a staff member of the Reserve Bank Service, specified by the Governor.
- (2) The signatures may be made in the handwriting of those persons or may be made by engraving or by any other process determined by the Bank.

43 Bank not to issue notes other than Australian notes

The Bank shall not issue bills or notes (other than Australian notes) intended for circulation as money.

44 Other persons not to issue notes

- (1) A person shall not issue a bill or note for the payment of money payable to bearer on demand and intended for circulation.
Penalty: 50 penalty units.
Note: Chapter 2 of the Criminal Code sets out the general principles of criminal responsibility.
- (2) A State shall not issue a bill or note for the payment of money payable to bearer on demand and intended for circulation.

紙幣與通貨面額對照表

第 一 欄	第 二 欄
拾 先 令	壹 圓
壹 英 鎊	貳 圓
伍 英 鎊	拾 圓
拾 英 鎊	貳 拾 圓
貳 拾 英 鎊	肆 拾 圓
伍 拾 英 鎊	壹 佰 圓
壹 佰 英 鎊	貳 佰 圓
壹 仟 英 鎊	貳 仟 圓

第三十七條 紙幣之簽章

- (1)依本章規定發行之澳大利亞紙幣，須由財經部常務次長或財經部長所指定該部之其他官員，及總裁或總裁批示由副總裁或其他由總裁所指定之本行行員，共同簽章。
- (2)簽章得由上述人員親筆簽名、蓋章，或以本行所定之其他方式為之。

第四十三條 本行不得發行一般銀行券

本行不得於澳大利亞紙幣以外，發行票券或銀行券作為流通貨幣。

第四十四條 他人不得發行紙幣

- (1)任何人均不得發行持有人得憑以持兌及供流通使用之幣券。
違反本項規定者，科五十單位之罰金。
附註：刑法第二章規定刑責之基本原則。
- (2)任何一州均不得發行持有人得憑以持兌及供流通使用之幣券。

Part VII The Reserve Bank Service

66 The Reserve Bank Service

The persons appointed, engaged or assisting the Bank under this Part constitute the Reserve Bank Service.

67 Appointment of staff

- (1) The Bank may appoint such staff as the Bank considers necessary for the performance of its functions.
- (2) The terms and conditions of appointment (including as to remuneration) are to be determined by the Bank.

68 Consultants and other people engaged to perform services

- (1) The Bank may engage consultants, or other people, that are suitably qualified to provide advice to it or perform services for it.
- (2) The terms and conditions of engagement (including as to remuneration) are to be determined by the Bank.

Part VIII Miscellaneous

74 Head office

- (1) The head office of the Bank shall be at Sydney in the State of New South Wales.

75 Agents etc.

In the exercise of its powers and the performance of its functions, the Bank may:

- (a) establish branches and agencies at such places, whether within or beyond Australia, as the Bank thinks fit;
- (b) arrange with a person to act as agent of the Bank in any place, whether within or beyond Australia; and
- (c) act as the agent of an ADI carrying on business within or beyond Australia.

第七章 準備銀行之服務人員

第六十六條 服務人員

依本章之規定經本行任命、聘用或為協助之人員，為本行服務人員。

第六十七條 職員之任命

- (1)本行因職權行使認為有必要者，得任命職員。
- (2)任用之期間及條件（包括薪資在內），由本行定之。

第六十八條 顧問及其他聘用之服務人員

- (1)本行得聘用顧問，或其他可提供諮詢或執行本行業務之合格人士。
- (2)聘用之期間及條件（包括薪資在內）由本行定之。

第八章 附 則

第七十四條 總行

- (1)本行總行設於新南威爾斯州之雪梨。

第七十五條 代理機構等規定

為執行職務行使職權，本行得：

- (a)於澳大利亞境內外本行認為適當之地點，設立分行或代理機構。
- (b)於澳大利亞境內外聘用人員，由其擔任本行代理人。
- (c)於澳大利亞境內外擔任收受存款金融機構之代理行，辦理其業務。

76 Attorney of Bank

The Bank may, by instrument under its seal, appoint a person (whether in Australia or in a place beyond Australia) to be its attorney and a person so appointed may, subject to the instrument, do any act or execute any power or function which he or she is authorized by the instrument to do or execute.

77 Guarantee by Commonwealth

The Commonwealth is responsible for the payment of all moneys due by the Bank but nothing in this section authorizes a creditor or other person claiming against the Bank to sue the Commonwealth in respect of his or her claim.

79 Taxation

The Bank is not liable to taxation under any law of a State or of a Territory to which the Commonwealth is not subject and the income of the Bank is not liable to income tax under a law of the Commonwealth.

79A Secrecy

(1) In this section:

court includes a tribunal, authority or person having the power to require the production of documents or the answering of questions.

financial institution means a body (other than the Reserve Bank) that has at any time carried on, is carrying on, or proposes to carry on, a business that consists of, or includes, the provision of financial products or financial services (including a body that has previously carried on such a business but has ceased to exist).

financial sector supervisory agency means a person or body having the function, in Australia or in a foreign country, of supervising or regulating financial institutions.

officer means:

- (a) the Governor, the Deputy Governor, the Secretary to the Department or any other member of the Reserve Bank Board; or
- (aa) a member of the Payments System Board; or
- (b) a staff member of the Reserve Bank Service; or
- (d) the Statistician or a member of the staff of the Australian Bureau of Statistics; or

第七十六條 本行之代理人

本行得以蓋有印信之文書，任命本行之代理人（不論該人於澳大利亞境內或境外）；該受任之代理人依委任文書之內容，得於被授權範圍內執行職務。

第七十七條 聯邦之保證

本行應付之一切款項均由聯邦負責，但本行之債權人或第三人，不得依本條之規定向聯邦訴請給付。

第七十九條 稅捐

聯邦依州或地方之法律免納之稅捐，本行亦免繳納；本行之所得，依聯邦之法律免納所得稅。

第七十九條之一 保密條款

(1)本條中：

- 法院：包括法庭、主管機關或有權要求製作文件或回答問題之人。
- 金融機構：係指準備銀行以外之法人，其已經營、正經營或準備經營之業務，包括金融商品或金融服務之提供者（包括先前經營上述業務現已消滅之法人在內）。
- 金融業監理機構：係指於澳大利亞境內或於其他外國，具有監督或管理金融機構權限之個人或法人。
- 官員係指：
 - (a) 總裁、副總裁、財經部常務次長或理事會之其他理事。
 - (aa) 支付系統委員會之委員。
 - (b) 準備銀行業務單位之職員。
 - (d) 統計官員或澳大利亞統計局之職員。

- (e) any other person who, because of his or her employment, or in the course of that employment:
 - (i) has acquired protected information; or
 - (ii) has had access to protected documents.

produce includes permit access to.

protected document means a document given or produced (whether before or after the commencement of this section) under, or for the purposes of, this Act, the Banking Act 1959, the Payment Systems (Regulation) Act 1998, the Payment Systems and Netting Act 1998 or the repealed Banks (Shareholdings) Act 1972 and containing information relating to the affairs of:

- (a) a financial institution; or
- (b) a body corporate (including a body corporate that has ceased to exist) that has at any time been, or is, related (within the meaning of the Corporations Act 2001) to a financial institution that is a body corporate; or
- (c) a person who has been, is, or proposes to be, a customer of a financial institution;

It also includes a document given or produced under, or for the purposes of, the performance or exercise of the functions or powers of the Reserve Bank under Part 7.3 of the Corporations Act 2001. It does not however include any document to the extent that it contains information that has already been lawfully made available to the public from other sources.

protected information means information disclosed or obtained (whether before or after the commencement of this section) under, or for the purposes of, this Act, the Banking Act 1959, the Payment Systems (Regulation) Act 1998, the Payment Systems and Netting Act 1998 or the repealed Banks (Shareholdings) Act 1972 and relating to the affairs of:

- (a) a financial institution; or
- (b) a body corporate (including a body corporate that has ceased to exist) that has at any time been, or is, related (within the meaning of the Corporations Law) to a financial institution that is a body corporate; or
- (c) a person who has been, is, or proposes to be, a customer of a financial institution;

(e) 其他人員因僱傭關係或因受雇而有下列情形之一者：

(i) 取得應保密之資訊。

(ii) 有權取得應保密之文件。

- 製作：包括允許取得在內。
- 應保密之文件：係指依本法、一九五九年銀行法、一九九八年支付系統（管理）法、一九九八年支付系統及結算法或一九七二年廢止銀行（控股）法之規定，或依其規範之目的所提出或製作（包括本條規定施行前後之情形在內），與下列有關事項之資料：

(a) 金融機構。

(b) 公司法人（包括已消滅之公司法人）經與或正與具公司法人身分之金融機構（於二〇〇一年公司法規定範圍內）有關者。

(c) 已經、正要或計畫成為金融機構客戶之自然人。

應保密之文件，同時包括準備銀行依二〇〇一年公司法第七之三章規定執行或行使權力所揭露或取得之資料在內，但不包括自他處取得已依法公開之資料。

- 應保密之資料：係指依本法、一九五九年銀行法、一九九八年支付系統（管理）法、一九九八年支付系統及結算法或一九七二年廢止銀行（控股）法之規定，或依其規範之目的所提出或製作（包括本條規定施行前後之情形在內），與下列有關事項之資料：

(a) 金融機構。

(b) 公司法人（包括已消滅之公司法人）經與或正與具公司法人身分之金融機構（於公司法規定範圍內）有關者。

(c) 已經、正要或計畫成為金融機構客戶之自然人。

It also includes information disclosed or obtained in the course of, or for the purposes of, the performance or exercise of the functions or powers of the Reserve Bank under Part 7.3 of the Corporations Act 2001. It does not however include any information that has already been lawfully made available to the public from other sources.

Statistician means the Australian Statistician referred to in subsection 5(2) of the Australian Bureau of Statistics Act 1975.

- (2) Subject to this section, a person who is or has been an officer must not, except for the purposes of this Act, the Banking Act 1959, Part 7.3 of the Corporations Act 2001, the Payment Systems (Regulation) Act 1998, the Payment Systems and Netting Act 1998 or the repealed Banks (Shareholdings) Act 1972, directly or indirectly:
- (a) disclose to any person, or to a court, any protected information acquired by the first-mentioned person in the course of his or her duties as an officer; or
 - (b) produce to any person, or to a court, a protected document.

Penalty: Imprisonment for 2 years.

Note 1: Subsection 4B(2) of the Crimes Act 1914 allows a court to impose an appropriate fine instead of, or in addition to, a form of imprisonment.

Note 2: Chapter 2 of the Criminal Code sets out the general principles of criminal responsibility.

- (3) Subsection (2) does not prohibit a person from disclosing prohibited information, or producing a protected document, if the person to whose affairs the information or document relates:
- (a) is the employer of the first-mentioned person; or
 - (b) agrees in writing to the disclosure of the information or the production of the document, as the case may be.
- (4) Subsection (2) does not prohibit a person from disclosing protected information or producing a protected document:
- (a) if the person is satisfied that the disclosure of the information, or the production of the document, will assist a financial sector supervisory agency to perform its functions or exercise its powers—to that agency; or
 - (b) if the Governor approves—to another person.
- (5) The Governor may, by signed writing:

應保密之文件，同時包括準備銀行依二〇〇一年公司法第七之三章規定執行或行使權力所揭露或取得之資料在內，但不包括自他處取得已依法公開之資料。

• 統計人員：係指一九七五年澳大利亞統計局組織法第五條第(2)項所稱之澳大利亞統計人員。

(2)除因本法、一九五九年銀行法、二〇〇一年公司法第七章之三、一九九八年支付系統（管理）法、一九九八年支付系統及清算法或一九七二年廢止銀行（控股）法規範目的之外，現任或曾任政府官員者，依本條之規定，不得直接或間接為下列之行為：

(a) 不得向他人或法院，揭示其於擔任政府官員時所取得之應保密之資料。

(b) 不得為他人或法院製作應保密之文件。

違規之處罰：科有期徒刑二年。

附註一：一九一四年犯罪法第四條之二第(2)項規定，准許法院視個案情形得改科處適當之罰金，或併科處罰金之處罰。

附註二：刑法第二章規定罪犯責任之基本原則。

(3)第(2)項規定未禁止向下列人員揭露或製作其業務有關之應保密資料或文件：

(a) 對上述人員之雇主。

(b) 經書面同意揭露或製作者。

(4)第(2)項規定未禁止向下列人員揭露應保密之資料或製作應保密之文件：

(a) 於其認為應保密資料之揭露或應保密文件之製作，有助於金融監理機構執行職權或行使權力者，得向該機構為之。

(b) 於總裁同意時，得向其他人為之。

(5)總裁得以書面為下列指示：

- (a) give approvals for the purposes of paragraph (4)(b); or
 - (b) delegate to the Deputy Governor or a staff member of the Reserve Bank Service the power to give approvals for the purposes of that paragraph.
- (6) Subsection (2) does not prohibit a person from disclosing protected information, or producing a protected document, to:
- (a) the Governor, the Deputy Governor or any other member of the Reserve Bank Board; or
 - (aa) a member of the Payments System Board; or
 - (b) a staff member of the Reserve Bank Service;
- for the purposes of the performance of the functions, or the exercise of the powers, of the Bank under a law of the Commonwealth, of a State or of a Territory.
- (6A) Subsection (2) does not prohibit a person from disclosing protected information, or producing a protected document, to the Australian Securities and Investments Commission if the person is satisfied that the disclosure of the information, or the production of the document, to that body will assist it to perform its functions or exercise its powers under Part 7.3 of the Corporations Act 2001.
- (6B) Subsection (2) does not prohibit a person from:
- (a) disclosing protected information that is information disclosed or obtained in the course of, or for the purposes of, the performance or exercise of the functions or powers of the Reserve Bank under Part 7.3 of the Corporations Act 2001; or
 - (b) producing a protected document that is a document given or produced under, or for the purposes of, the performance or exercise of the functions or powers of the Reserve Bank under Part 7.3 of the Corporations Act 2001;
- if the disclosure or production is:
- (c) to the Minister; or
 - (d) to the Secretary of the Department for the purpose of advising the Minister, or to an officer of the Department authorised by the Secretary for the purpose of advising the Minister.
- (7) Subsection (2) does not prohibit a person from disclosing information, or producing a document, if the information, or the information contained in the document, as the case may be, is in the form of a summary or collection of information that is prepared so that information relating to any particular person cannot be found out from it.
- (8) A person who is or has been an officer cannot be required to disclose to a court any protected information, or to produce in a court a protected docu-

- (a) 為第(4)項第(b)款之目的，給予同意。
 - (b) 授權副總裁或準備銀行之職員行使前款之同意權。
- (6)第(2)項規定，於依聯邦、州或轄區法律之規定執行職權或行使權力之目的，未禁止向下列人員揭露應保密之資料或製作應保密之文件：
- (a) 總裁、副總裁或準備銀行理事會之理事。
 - (aa) 支付系統委員會之委員。
 - (b) 準備銀行業務單位之職員。
- (6A)於應保密資料之揭露或應保密文件之製作，有助於澳大利亞證券及投資委員會依二〇〇一年公司法第七之三章執行職權或行使權力時，第(2)項規定未禁止向該委員會為之。
- (6B)第(2)項規定未禁止為下列之揭露或製作：
- (a) 準備銀行依二〇〇一年公司法第七之三章規定，執行職權或行使權力而揭露或取得應保密之資料；或
 - (b) 準備銀行依二〇〇一年公司法第七之三章規定，執行職權或行使權力而給予或製作應保密之文件；而該揭露或製作，
 - (c) 係向財經部第一政務次長所為；或
 - (d) 向財經部常務次長或其授權人員所為，供其轉陳財經部第一政務次長。
- (7)第(2)項規定，未禁止對不涉及特定人之資料或文件，以摘要或彙編方式而為之揭露或製作。
- (8)除因本法、一九五九年銀行法、二〇〇一年公司法第七之三章、一九九八年支付系統(管理)法、一九九八年支付系統及結算法或一九七二年廢止銀行(控股)法規

ment, except when it is necessary to do so for the purposes of this Act, the Banking Act 1959, Part 7.3 of the Corporations Act 2001, the Payment Systems (Regulation) Act 1998, the Payment Systems and Netting Act 1998 or the repealed Banks (Shareholdings) Act 1972.

(9) A document that:

- (a) is a protected document; or
- (b) contains protected information;

is an exempt document for the purposes of section 38 of the Freedom of Information Act 1982.

(9A) For the avoidance of doubt, information or a document that, as permitted by subsection 127(2A) of the Australian Securities and Investments Commission Act 2001, is disclosed to the Bank does not become, because of that disclosure, protected information or a protected document.

(10) At the end of 5 years after the commencement of this section, the definition of **financial sector supervisory agency** in subsection (1), and subsections (4) and (5), are taken to be repealed.

79B Secrecy: documents or information to which section 79A does not apply

(1) Subject to this section, a staff member of the Reserve Bank Service, or an agent or other person carrying on any business of the Reserve Bank, must not:

- (a) permit a person to have access to, or give to a person copies of or extracts from, a document belonging to, or in the possession of, the Reserve Bank; or
- (b) give to a person information relating to the business of the Reserve Bank;

except by the direction or authority of the Reserve Bank or under compulsion or obligation of law.

Penalty: 1 penalty unit.

Note: Chapter 2 of the Criminal Code sets out the general principles of criminal responsibility.

(2) Paragraph (1)(b) does not apply to the giving to a person of information with respect to matters of a customer of the Reserve Bank if the person is the customer or the information is given at the direction or request of the customer.

- 範目的確有其必要之外，法院不得要求現任或曾任政府官員者，向其揭露應保密之資料或製作應保密之文件。
- (9)依一九八二年資訊自由法第三十八條之規範目的，下列文件不受規範：
- (a) 應保密之文件。
 - (b) 內含應保密資料之文件。
- (9A)為避免滋生疑義，依二〇〇一年澳大利亞證券及投資委員會法第一百二十七條第(2A)項之許可向本行所揭露之資料或文件，不因本條之規定，變成應保密之資料或文件。
- (10)本條之規定施行滿五年後，第(1)項、第(4)項及第(5)項關於「金融業監理機構」之定義，將予廢止。

第七十九條之二 保密條款：不適用第七十九條之一規定之文件或資料

- (1)依本條規定，準備銀行之職員、代理人或其他執行準備銀行業務之人員，除因準備銀行之指示、授權，或遵守法律規定或履行義務之外，不得為下列行為：
- (a) 許可他人取得、使用準備銀行所有或持有之文件，或給予影本或摘要。
 - (b) 給予準備銀行業務有關之資料。
- 違規之處罰：一單位罰金。

附註：刑法第二章規定刑責之基本原則。

- (2)第(1)項第(b)款之規定，對於準備銀行給予其客戶與該客戶自身有關之資料，或依客戶之指示或請求提供時，不適用之。

(3) Subsection (1) does not apply to:

- (a) a document that is a protected document for the purposes of section 79A; or
- (b) information that is protected information for the purposes of that section.

82 Returns

The Bank shall furnish to the Treasurer such periodical statements as are prescribed.

83 Power to improve property and carry on business

Where the Bank holds any property (whether real or personal) or business as security for a loan or advance, and the property or business falls into the hands of the Bank, the Bank may maintain, repair or improve the property, or carry on the business, until the Bank can, in its discretion, dispose of the property or business in the best interests of the Bank.

84 Execution of contracts

- (1) Contracts on behalf of the Bank may be made, varied or discharged in accordance with the succeeding provisions of this section, and all contracts so made are effectual in law, and are binding upon the Bank and on all other parties to the contract, their heirs, assigns, executors or administrators, as the case may be.
- (2) A contract which, if made between private persons, would be by law required to be in writing under seal may be made, varied or discharged in the name and on behalf of the Bank in writing under the seal of the Bank.
- (3) A contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith may be made, varied or discharged in the name and on behalf of the Bank in writing signed by any person acting with the express or implied authority of the Bank.
- (4) A contract which, if made between private persons, would by law be valid although made by parol only and not reduced into writing, may be made, varied or discharged by parol in the name and on behalf of the Bank by a person acting with the express or implied authority of the Bank.
- (5) Nothing in this section invalidates a contract executed on behalf of the Bank by a duly appointed attorney of the Bank if the contract would be valid if executed by the attorney on his own behalf.

(3)第(1)項規定，於下列情形不適用之：

- (a) 屬於第七十九條之一所規定之應保密文件。
- (b) 屬於上述條文規範目的之應保密文件。

第八十二條 報 表

本行應依規定格式，將定期報表送交財經部長。

第八十三條 改良財產及經營業務之權力

本行因借貸或墊款而以持有之財產（不論為動產或不動產）或營業作為擔保，該財產或營業嗣後移屬於本行時，本行得就該財產為保存、修繕、改良，或就該營業續予經營，至本行能以最有利之條件處分財產或營業為止。

第八十四條 契約之履行

- (1)本行得依下列各項規定，以本行名義訂立、修改或履行各種契約。上述契約在法律上為有效，並對於本行、契約其他相對人、繼受人、受讓人、執行人及管理人，均有拘束力。
- (2)法律規定私人間所締結之契約須以書面並蓋章為之者，本行得以本行名義並為本行利益，以書面蓋用印信為簽訂、修改或履行。
- (3)法律規定私人間所締結之契約須以書面並由雙方簽名為之者，得由本行以明示或默示授權之人，以本行名義並為本行利益，以書面簽名為簽訂、修改或履行。
- (4)法律規定私人間所締結之契約僅以口頭約定不需書面即生效力者，得由本行以明示或默示授權之人，以本行名義並為本行利益，以口頭為簽訂、修改或履行。
- (5)契約由代理人以其名義締結及執行即生效力者，本行如以經由正式任命之代理人以本行名義為之時，不因本條之規定而無效。

85 The Reserve Bank's seal

- (1) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Bank affixed to a document and shall presume that it was duly affixed.
- (2) The Bank's seal is to be kept in such custody as the Reserve Bank Board directs, and is not to be used except as authorised by the Reserve Bank Board.

85A Judicial notice of statistical information published by Bank

- (1) All courts, judges and persons acting judicially are to take judicial notice of statistical information contained in a publication issued in the name of, by, or under the authority of, the Bank.
- (2) A publication purporting to be issued in the name of, by, or under the authority of, the Bank is to be taken, in any judicial or other proceeding, to have been so issued unless the contrary is proved.

86 Priority of debts due by other ADIs

Notwithstanding anything contained in any law relating to the winding-up of companies, but subject to subsection 13A(3) of the Banking Act 1959, debts due to the Bank by an ADI shall, in the winding-up, have priority over all other debts other than debts due to the Commonwealth.

87 Validity of acts and transactions of Bank

The validity of an act or transaction of the Bank shall not be called in question in any legal proceedings on the ground that any provision of this Act has not been complied with.

89 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act or for the conduct of business by the Bank and, in particular, prescribing penalties not exceeding 10 penalty units for offences against the regulations.

第八十五條 準備銀行之印信

- (1)各法院、法官及司法人員，對於加蓋於文件上之本行印信，應予認證，並推定為合法加蓋。
- (2)本行印信應依理事會指示之方式為保管，非經理事會之授權，不得擅自蓋用。

第八十五條之一 本行所發布經認證之統計資訊

- (1)各法院、法官及司法人員，對於以本行之名義或經本行之授權所發布，刊載於本行出版品之統計資訊，應予認證。
- (2)除有明確之反證外，即將以本行之名義或經本行之授權所發行之出版品，應以司法或其他程序為之。

第八十六條 對收受存款機構債權之優先權

依一九五九年銀行法第十三條之一第(3)項規定，凡任一收受存款機構於清算時積欠本行債務者，不論法律對公司之清算有何規定，本行對其債權之優先順序僅次於聯邦。

第八十七條 本行之行為及交易之效力

對於本行之行為及交易，於訴訟程序中，不得以其與本法之規定不符而提出質疑。

第八十九條 辦法之訂定

於不違反本法之範圍內，總督得就本法應規定或得規定之事項，或於本法之施行或生效有必要或較有利，或為本行業務之經營，特別是對於違反辦法者，科以不超過十單位罰金等事項，訂定辦法規範之。

十三、Bank of Canada Act
加拿大銀行法

Bank of Canada Act

Short title

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Constitution of the Bank

Management

Executive Committee

Government directive

Bank staff

Secrecy

Capital and shares

Business and powers of the Bank

Note issue

Redemption of notes other than those of the Bank

Rest fund

Audit

Returns

Liability

Offences and punishment

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By-laws

Schedule I

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加拿大銀行法

法務室 謝淑芬 譯

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單行規章

附表一

附表二及附表三

Bank of Canada Act

(R.S., 1985, c. B-2)

Amendment effected on October 24, 2001

CHAPTER B-2

An Act respecting the Bank of Canada

Preamble

WHEREAS it is desirable to establish a central bank in Canada to regulate credit and currency in the best interests of the economic life of the nation, to control and protect the external value of the national monetary unit and to mitigate by its influence fluctuations in the general level of production, trade, prices and employment, so far as may be possible within the scope of monetary action, and generally to promote the economic and financial welfare of Canada;

THEREFORE, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title

Short title

1. This Act may be cited as the Bank of Canada Act.
R.S., c. B-2, s. 1.

Interpretation

Definitions

2. In this Act,

"authorized foreign bank" has the meaning assigned to that expression by section 2 of the *Bank Act*;

"Bank" means the Bank of Canada;

"bank" means a bank listed in Schedule I or II to the *Bank Act*;

"Board" or "Board of Directors" means the Board of Directors of the Bank;

"Deputy Governor" in sections 5, 6, 8, 13, 15, 30 and 31 means the Deputy Governor appointed under section 6;

"director" means a member of the Board of Directors other than the Governor or the Deputy Governor or the member acting by virtue of subsection 5(2);

加拿大銀行法

2001年10月24日修正施行

有關加拿大銀行之法律

前言

為調節信用與通貨，追求本國經濟生活之最佳利益，控管並維護國幣之對外價值，並藉以減緩生產、貿易、物價與就業等一般水準之波動，盡可能維持在貨幣操作之範圍內，以促進加拿大之經濟與金融福利，實有於加拿大設立中央銀行之必要：

英皇陛下爰依加拿大參、眾兩院之建議及同意，制定法律如下：

標題

第一條【標題】

本法名稱為加拿大銀行法。

解釋

第二條【定義】

本法所稱：

「指定外商銀行」係指依銀行法第二條規定所指定者。

「本行」係指加拿大銀行。

「銀行」係指銀行法附表一或附表二所列之銀行。

「理事會」係指本行理事會。

第五條、第六條、第八條、第十三條、第十五條、第三十條及第三十一條之「副總裁」係指依第六條規定指派之副總裁。

"Governor" means the Governor of the Bank or the person acting for the Governor pursuant to this Act;

"Minister" means the Minister of Finance;

"notes" means notes intended for circulation in Canada.

R.S., 1985, c. B-2, s. 2; 1999, c. 28, s. 93; 2001, c. 9, s. 185.

Constitution of the Bank

Bank constituted

3. (1) There is hereby established a bank to be called the Bank of Canada.

Body corporate

(2) The Bank is a body corporate.

R.S., c. B-2, s. 3.

Head office

4. (1) The head office of the Bank shall be in the city of Ottawa.

Branches and agencies

(2) The Bank may establish branches and agencies and appoint agents in Canada and may also, with the approval of the Governor in Council, establish branches and appoint agents elsewhere than in Canada.

R.S., c. B-2, s. 4.

Management

Board of Directors

5. (1) The Bank shall be under the management of a Board of Directors composed of a Governor, a Deputy Governor and twelve directors appointed in accordance with this Act.

Deputy Minister of Finance to be member of Board

(2) In addition to the members of the Board as constituted by subsection

「理事」係指總裁或副總裁以外，或依第五條第(2)項規定充任之理事會成員。

「總裁」係指本行之總裁，或依本法規定代行總裁職務之人。

「部長」係指財政部長。

「鈔券」係指得在加拿大流通之本行鈔券。

本行之組成

第三條

【本行組成】

(1)依本法設立之銀行稱為加拿大銀行。

【法人】

(2)本行為法人。

第四條

【總行】

(1)本行總行設於渥太華。

【分行及辦事處】

(2)本行得於加拿大境內設立分行及辦事處並指派代理人，並得經樞密院總督之核可於加拿大以外地區設立分行及辦事處。

管理

第五條

【理事會】

(1)本行由理事會經營管理。理事會由依本法規定指派之總裁一名、副總裁一名及十二名理事組成。

【財政部副部長為理事會成員】

(2)除依第(1)項組成之理事會成員外，財政部副部長，或於

(1), the Deputy Minister of Finance or, if he or she is absent or unable to act or the office is vacant, such other officer of the Department of Finance as the Minister may nominate, is a member of the Board but does not have the right to vote.

R.S., 1985, c. B-2, s. 5; 2001, c. 9, s. 186(E).

Governor and Deputy Governor

6. (1) The Governor and Deputy Governor shall be appointed by the directors with the approval of the Governor in Council.

Qualifications

(2) The Governor and Deputy Governor shall be persons of proven financial experience and shall devote the whole of their time to the duties of their offices under this Act or any other Act of Parliament.

Tenure and remuneration

(3) The Governor and Deputy Governor

- (a) shall each be appointed for a term of seven years during good behaviour;
- (b) are eligible for re-appointment on the expiration of their terms of office; and
- (c) subject to the approval of the Governor in Council, shall be paid such salaries as the directors determine, but no such remuneration shall be in the form of a commission or be computed by reference to the income or profits of the Bank.

Disqualifications

(4) No person is eligible to be appointed or to continue as Governor or Deputy Governor who

- (a) is not a Canadian citizen;
- (b) is a member of the Senate or House of Commons or a member of a provincial legislature;
- (c) is employed in any capacity in the public service of Canada or a province or holds any office or position for which any salary or other remuneration is payable out of public moneys;
- (d) except as authorized by or under any Act of Parliament, is a director, partner, officer, employee or shareholder of
 - (i) a member of the Canadian Payments Association,

其缺席、不能執行職務或出缺時，由部長指派之其他財政部官員亦為理事會成員，但無表決權。

第六條

【總裁及副總裁】

(1)總裁及副總裁經樞密院總督之核可，由理事指派擔任。

【資格】

(2)總裁及副總裁應為足證富有金融經驗之人，並依本法或其他國會法律，專職任其職務。

【任期及報酬】

(3)總裁及副總裁：

(a)品位端正時，任期各為七年。

(b)任期屆滿得連任。

(c)其薪資由理事訂定，經樞密院總督核可後支付，但該項報酬不得為佣金形式，亦不得依本行之營業收入或盈餘計算之。

【資格不符】

(4)下列人員不得指派為總裁或副總裁：

(a)非加拿大公民。

(b)參議院或眾議院議員，或省議會議員。

(c)受僱為加拿大或省之公務人員，或擔任任何由國庫給付薪資之職位者。

(d)下列機構之董事、合夥人、職員、受僱人員或股東，但國會法律另有授權或規定者，不在此限：

(i)加拿大支付協會之會員機構。

- (ii) a clearing house or participant, as defined in section 2 of the *Payment Clearing and Settlement Act*,
 - (iii) an investment dealer that acts as a primary distributor of new Government of Canada securities, or
 - (iv) an institution that controls or is controlled by an institution referred to in any of subparagraphs (i) to (iii); or
- (e) has reached the age of seventy-five years.

R.S., 1985, c. B-2, s. 6; 1997, c. 15, s. 94; 2001, c. 9, s. 187.

Additional Deputy Governors

7. (1) The Board may appoint one or more additional Deputy Governors who shall perform such duties as are assigned to them by the Board.

Not members of Board

- (2) A Deputy Governor appointed under this section is not a member of the Board.

R.S., c. B-2, s. 7.

Powers of Governor

8. (1) The Governor of the Bank is the chief executive officer of the Bank and on behalf of the Board has the direction and control of the business of the Bank with authority to act in connection with the conduct of the business of the Bank in all matters that are not by this Act or by the by-laws of the Bank specifically reserved to be done by the Board or by the Executive Committee.

Absence, etc., of Governor

- (2) If the Governor is absent or unable to act or the office is vacant, the Deputy Governor has all the powers and functions of the Governor.

Absence, etc., of Governor and Deputy

- (3) The Board may authorize one of the directors or one of the persons appointed under section 7 to act as the Governor in the event that the Governor and Deputy Governor are absent or unable to act or the offices are vacant, but no such person has authority to act as Governor for a period exceeding one month without the approval of the Governor in Council.

R.S., 1985, c. B-2, s. 8; 2001, c. 9, s. 188.

- (ii) 支付結算與清算法第二條所指結算所或參加機構。
- (iii) 擔任新加拿大政府債券主要經銷商之投資交易商。
- (iv) 控制前述第(i)目至第(iii)目機構或受其控制之機構。
- (e) 年齡已達七十五歲者。

第七條

【增額副總裁】

- (1) 理事會得指派一名以上之增額副總裁執行理事會所定職務。

【非理事會成員】

- (2) 依本條指派之副總裁非屬理事會之成員。

第八條

【總裁權限】

- (1) 本行總裁為本行之行政首長，代表理事會，綜理行務，並對本行業務之經營得為指示監督。但本法或本行單行規章另有特別保留由理事會或執行理事會執行之事項，不在此限。

【總裁缺席等】

- (2) 總裁缺席、不能執行職務或出缺時，副總裁具有總裁之一切權限與功能。

【總裁及副總裁缺席等】

- (3) 總裁及副總裁均缺席、不能執行職務或出缺時，理事會得授權理事會成員之一或依第七條指派之人員之一代行總裁職務，但未經樞密院總督之核可，其代行期間不得超過一個月。

Directors

9. (1) The Minister, with the approval of the Governor in Council, shall appoint directors to hold office, during good behaviour, subject to removal by the Governor in Council at any time for cause, to replace the directors whose terms of office have expired. The term of a director begins on the day he or she is appointed and ends immediately before March 1 of the year that is three years after the year in which the term of office of the director's predecessor expired.

Continuation in office

(1.1) If, on the expiry of a director's term of office, no new director is appointed, the director whose term of office expired may continue in office until a director is appointed under subsection (1).

Vacancy

(2) If a person ceases to be a director during the term for which he or she was appointed, the Minister shall, with the approval of the Governor in Council, appoint a qualified person to hold office for the remainder of the term.

Votes

(3) In the transaction of the business of the Bank, each director has one vote.

Re-appointment

(4) A director on the expiration of the director's term of office is eligible for re-appointment.

R.S., 1985, c. B-2, s. 9; 2001, c. 9, s. 189.

Selection of directors

10. (1) The directors shall be selected from various occupations.

Ineligible persons

(2) No person is eligible to be appointed or to continue as a director if the person is a director, a partner, an officer or an employee of any of the following institutions:

第九條

【理事】

(1)部長經樞密院總督之核可，指派理事接替任期屆滿之理事，以端正之品位執行職務，但樞密院總督得隨時因故解任其職務。理事任期自受指派之日起，至其前任理事職務任期屆滿年度後第三年三月一日為止。

【續任職務】

(1.1)理事任期屆滿，新任理事尚未指派時，該理事得續任職務至依第(1)項規定替派新任理事為止。

【出缺】

(2)理事於任期屆滿前出缺時，部長經樞密院總督之核可，指派適格人員接任補足所餘任期。

【表決權】

(3)對於本行業務各項交易，每一名理事有一表決權。

【續任】

(4)理事任期屆滿時，得續任之。

第十條

【選任理事】

(1)理事應自各種行業選任之。

【不合格者】

(2)下列機構之董事、合夥人、職員、受僱人員不得指派或續任為理事：

- (a) a direct clearer as defined in the by-laws of the Canadian Payments Association;
- (b) a clearing house of a clearing and settlement system designated under subsection 4(1) of the *Payment Clearing and Settlement Act*;
- (c) a participant in the Large Value Transfer System, or its successor, operated by the Canadian Payments Association;
- (d) an investment dealer that acts as a distributor of new Government of Canada securities; or
- (e) an institution that controls, or is controlled by, an institution referred to in any of paragraphs (a) to (d).

Control

(2.1) For the purpose of paragraph (2)(e),

- (a) an institution controls a body corporate if securities of the body corporate to which are attached more than fifty per cent of the votes that may be cast to elect directors of the body corporate are beneficially owned by the institution and the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the body corporate;
- (b) an institution controls a trust, fund or partnership (other than a limited partnership) or an unincorporated association or organization, if more than fifty per cent of the ownership interests, however designated, into which the trust, fund, partnership, association or organization is divided are beneficially owned by the institution and the institution is able to direct the business and affairs of the trust, fund, partnership, association or organization; and
- (c) the general partner of a limited partnership controls the limited partnership.

Restriction on share ownership

(3) Any person who beneficially owns a share in an institution referred to in any of paragraphs (2)(a) to (e) at the time of being appointed director of the Bank shall dispose of that beneficial ownership interest within three months after the appointment. A director of the Bank shall not otherwise beneficially own a share of an institution referred to in any of those paragraphs.

Disqualifications

(4) No person is eligible to be appointed or to continue as director who

- (a)加拿大支付協會章程所界定之直接結算單位。
- (b)依支付結算與清算法第四條第(1)項規定所指定之結算清算系統之結算所。
- (c)加拿大支付協會經營之大額轉帳系統之參與者，或其繼受者。
- (d)經銷新加拿大政府債券之投資交易商；或
- (e)控制前述第(a)款至第(d)款所列機構或其所控制之機構。

【控制】

(2.1)第(2)項第(e)款規定之控制關係，指下列情形：

- (a)機構持有可投票選舉法人董事之法人證券，其選舉權超過百分之五十，足以選出該法人多數董事者，對該法人有控制關係。
- (b)機構持有信託、基金、合夥（有限合夥除外）、非法人團體之協會或組織之所有權益超過百分之五十，並得管理此信託、基金、合夥、協會或組織業務與事務者，對該信託、基金、合夥、協會或組織有控制關係。
- (c)有限合夥之無限合夥人對該有限合夥有控制關係。

【股份所有權之限制】

(3)第(2)項第(a)款至第(e)款所列機構之股權受益人受指派擔任本行理事時，應於受指派後三個月內，處分該股份權益。本行理事不得以其他方法取得上述各款所指機構之股份權益。

【不適格】

(4)下列人員不得受指派或繼續擔任理事：

- (a) is not a Canadian citizen ordinarily resident in Canada;
- (b) is employed, on a full-time basis, in any capacity in the public service of Canada or a province or holds any office or position, other than as a part-time member of any board or advisory body of an agency or department of the government of Canada or a province, for which any salary or other remuneration is payable out of public moneys, except that a director may perform temporary services for the government of Canada or a province for which that director may be reimbursed actual travel and living expenses; or
- (c) has reached the age of seventy-five years.

(5) [Repealed, 2001, c. 9, s. 190]

R.S., 1985, c. B-2, s. 10; 1992, c. 1, s. 142; 1997, c. 15, s. 95; 1999, c. 28, s. 94; 2001, c. 9, s. 190.

Disclosure of conflict

10.1 (1) A director shall disclose to the Bank, in writing or by requesting to have it entered in the minutes of a meeting of the Board, the nature and extent of the director's interest if the director

- (a) is a party to a material contract or transaction, or proposed material contract or transaction, with the Bank;
- (b) is a director or an officer of, or has a material interest in, any person who is a party to a material contract or transaction, or proposed material contract or transaction, with the Bank;
- (c) is or is likely to be materially affected by any action taken or proposed to be taken by the Bank or the Governor under the Payment Clearing and Settlement Act; or
- (d) is a director or an officer of, or has a material interest in, any person who is or is likely to be materially affected by any action taken or proposed to be taken by the Bank or the Governor under the Payment Clearing and Settlement Act.

Time of disclosure

- (2) The disclosure shall be made as soon as the director becomes aware of the contract, transaction or action.

Restriction on voting

- (3) A director who is required to make a disclosure shall not vote on any resolution to approve the contract, transaction or action, unless it relates to directors' fees.

- (a)非經常居住於加拿大之加拿大公民。
- (b)受僱擔任全職之加拿大或省公務員，或擔任兼職以外之加拿大或省政府之辦事處或部門之職位，其薪資或報酬係由國庫負擔者。但理事因履行加拿大或省政府之暫時性職務而受有實際旅費與生活費用之報酬者，不在此限；或
- (c)年齡已達七十五歲者。

(5)【刪除】。

第十條之一

【利益衝突揭露】

- (1)理事應就下列各款所涉利益之性質與範疇，以書面或依要求記載於理事會議事錄，向本行揭露：
 - (a)係本行所訂或擬訂重大契約或交易之當事人。
 - (b)係本行所訂或擬訂重大契約或交易當事人之董事或職員，或享有該當事人之重大利益者。
 - (c)因本行或總裁依支付結算與清算法所採取或可能採取行動而受或可能受重大影響者。
 - (d)因本行或總裁依支付結算與清算法所採取或可能採取行動而受或可能受重大影響者之董事或職員，或享有重大利益者。

【揭露時點】

- (2)理事於知悉該等契約、交易或行動時，應即為揭露。

【表決權之限制】

- (3)負有揭露義務之理事，就該等契約、交易或行動之決議無表決權，但與各理事費用有關事項，不在此限。

Continuing disclosure

- (4) For the purpose of this section, a general notice to the Board by a director, declaring that he or she is a director or officer of or has a material interest in a person, and that he or she is to be regarded as interested in a contract or transaction entered into with that person or an action that affects that person, is a sufficient declaration of interest in relation to a contract or transaction with that person or action that affects that person.

2001, c. 9, s. 191.

Directors' fees

11. The directors are entitled to receive for attendance at directors' meetings and Executive Committee meetings such fees as may be fixed by the by-laws of the Bank.

R.S., c. B-2, s. 11; 1980-81-82-83, c. 40, s. 46.

Chair

12. The Governor is Chair of the Board of Directors.

R.S., 1985, c. B-2, s. 12; 2001, c. 9, s. 192(E).

Executive Committee

Constitution of Executive Committee

13. (1) There shall be an Executive Committee of the Board consisting of the Governor, the Deputy Governor and not less than two or more than four directors selected by the Board.

Deputy Minister of Finance to be member of Executive Committee

- (2) In addition to the members of the Executive Committee as constituted by subsection (1), the person who is a member of the Board by virtue of subsection 5(2) is a member of the Executive Committee, but that person does not have the right to vote.

Powers of Executive Committee

- (3) The Executive Committee is competent to deal with any matter within the competence of the Board and shall keep minutes of its proceedings, which shall be submitted to the Board at its next meeting.

R.S., c. B-2, s. 13; 1980-81-82-83, c. 40, s. 47.

【繼續性揭露】

- (4)理事聲明其係某當事人之董事或職員或享有重大利益，且對該契約、交易或行動享有利益，向理事會為通知者，為本條規定之目的，視為已對影響該當事人之契約或交易之有關利益為充分之聲明。

第十一條【理事費用】

理事出席理事會會議及執行理事會會議，得領取本行單行規章所規定之費用。

第十二條【主席】

總裁為理事會之主席。

執行理事會

第十三條

【執行理事會之組成】

- (1)執行理事會由總裁、副總裁，以及理事會選出二至四名理事組成。

【財政部副部長為執行理事會之成員】

- (2)除依第(1)項規定組成之執行理事會成員外，第五條第(2)項規定之理事會成員亦為執行理事會成員，但無表決權。

【執行理事會權限】

- (3)執行理事會得從事理事會權限範圍內之任何事項，並應作成會議紀錄於下次會議向理事會提出。

Government directive

Consultations

14. (1) The Minister and the Governor shall consult regularly on monetary policy and on its relation to general economic policy.

Minister's directive

- (2) If, notwithstanding the consultations provided for in subsection (1), there should emerge a difference of opinion between the Minister and the Bank concerning the monetary policy to be followed, the Minister may, after consultation with the Governor and with the approval of the Governor in Council, give to the Governor a written directive concerning monetary policy, in specific terms and applicable for a specified period, and the Bank shall comply with that directive.

Publication and report

- (3) A directive given under this section shall be published forthwith in the Canada Gazette and shall be laid before Parliament within fifteen days after the giving thereof, or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that either House of Parliament is sitting.

R.S., c. B-2, s. 14.

Bank staff

Officers and employees

15. (1) Such officers and employees may be employed as in the opinion of the Executive Committee may be necessary.

Pension fund

- (2) The Board may by by-law establish a pension fund for the officers and employees of the Bank and their dependants and may contribute to it out of the funds of the Bank. The pension fund shall be invested in such manner as may be provided by the by-laws of the Bank.

By-laws respecting Governor and Deputy Governor

- (3) A by-law made under subsection (2) that provides for or relates to the

政府指令

第十四條

【諮商】

(1)部長及總裁應就貨幣政策與相關總體經濟政策經常進行諮商。

【財政部指令】

(2)經依第(1)項規定進行諮商後，部長與本行就應採之貨幣政策意見不同時，部長於洽商總裁，並經樞密院總督之核可後，得就特定項目、特定期間之貨幣政策對總裁發出書面指令，本行應遵從該項指令。

【公布及報告】

(3)依本條所發指令應公布於加拿大政府公報，並應於指令發布後十五日內向國會提出；國會休會時，應於國會任一議院之下會期開議後之前十日內提出。

本行員工

第十五條

【職員及受僱人員】

(1)執行理事會認有必要之職員及其他受僱人員，本行得予以進用。

【退撫基金】

(2)理事會得依本行單行規章設立本行職員與受僱人員及其扶養家屬退撫基金，並得由本行資金捐贈。該退撫基金應依本行單行規章規定之方式進行投資。

【有關總裁及副總裁之單行規章】

(3)依第(2)項所定單行規章中作成有關總裁、副總裁退休給

payment of a pension in respect of the retirement of the Governor or Deputy Governor otherwise than by reason of age or disability does not take effect unless it is approved by the Governor in Council.

R.S., 1985, c. B-2, s. 15; 1997, c. 15, s. 96(E).

Secrecy

Oath of directors and staff

16. Before a person starts to act as a director, an officer or an employee of the Bank, he or she shall take an oath, or make a solemn affirmation, of fidelity and secrecy, in the form set out in the schedule, before a commissioner for taking affidavits.

R.S., 1985, c. B-2, s. 16; 1997, c. 15, s. 97; 2001, c. 9, s. 193.

Capital and shares

Capital

17. (1) The capital of the Bank shall be five million dollars but may be increased from time to time pursuant to a resolution passed by the Board of Directors and approved by the Governor in Council and by Parliament.

Shares

(2) The capital shall be divided into one hundred thousand shares of the par value of fifty dollars each, which shall be issued to the Minister to be held by the Minister on behalf of Her Majesty in right of Canada.

Registration

(3) The shares issued to the Minister shall be registered by the Bank in the name of the Minister in the books of the Bank at Ottawa.

R.S., c. B-2, s. 17.

Business and powers of the Bank

Powers and business

18. The Bank may

- (a) buy and sell gold, silver, nickel and bronze coin or any other coin and gold and silver bullion;
- (b) buy and sell foreign currencies and maintain deposit accounts with banks or foreign banks, either in or outside Canada, to facilitate such operations;
- (c) buy and sell securities issued or guaranteed by Canada or any province;

付之規定，非經樞密院總督之核可，不生效力，但因年齡或不能執行職務之原因而退休之情形，不在此限。

保密

第十六條【理事及職員之宣誓】

本行理事、職員或受僱人員到任時，應依附表一所定格式向該管人員宣誓或切結，鄭重確認其忠誠與保密義務。

資本與股份

第十七條

【資本】

(1)本行資本額為加幣五百萬元，但得隨時依理事會決議，並經樞密院總督與國會之核可而增資。

【股份】

(2)本行資本應分為十萬股，每股面額加幣五十元，由部長代表加拿大持有。

【登記】

(3)部長之股份應以部長之名義登記於本行設置於渥太華之本行帳簿中。

本行業務與權限

第十八條【權限與業務】

本行得辦理下列業務：

- (a)買賣黃金、白銀、鎳幣、銅幣或其他貨幣，以及金銀條塊。
- (b)買賣外幣，並於加拿大境內外之銀行或外商銀行開立存款帳戶，以利外幣買賣。
- (c)買賣加拿大或任何省發行或擔保之有價證券。

- (d) buy and sell securities issued or guaranteed by the Government of the United States of America or Japan or the government of a country in the European Union;
- (e) [Repealed, 2001, c. 9, s. 194]
- (f) buy and sell special drawing rights issued by the International Monetary Fund;
- (g) buy and sell bills of exchange and promissory notes endorsed, accepted or issued by a bank or authorized foreign bank that is not subject to the restrictions and requirements referred to in subsection 524(2) of the *Bank Act* and having a maturity not exceeding one hundred and eighty days, excluding days of grace, from the date of acquisition by the Bank;
- (g.1) if the Governor is of the opinion that there is a severe and unusual stress on a financial market or financial system, buy and sell any other securities, treasury bills, obligations, bills of exchange or promissory notes, to the extent determined necessary by the Governor for the purpose of promoting the stability of the Canadian financial system;
- (h) make loans or advances for periods not exceeding six months to members of the Canadian Payments Association on taking security in any property that the institution to which the loan or advance is made is authorized to hold;
- (i) make loans or advances for periods not exceeding six months to the Government of Canada or the government of a province on taking security in readily marketable securities issued or guaranteed by Canada or any province;
- (j) make loans to the Government of Canada or the government of any province, but such loans outstanding at any one time shall not, in the case of the Government of Canada, exceed one-third of the estimated revenue of the Government of Canada for its fiscal year, and shall not, in the case of a provincial government, exceed one-fourth of that government's estimated revenue for its fiscal year, and such loans shall be repaid before the end of the first quarter after the end of the fiscal year of the government that has contracted the loan;
- (k) for the purpose of its open-market operations, buy and sell in the open market from or to any person, either in or outside Canada, securities, bills of exchange and promissory notes of the kinds and maturities and subject to the limitations, if any, referred to in paragraphs (c) to (e) and (g) with or without the endorsement of a bank;
- (l) accept deposits from the Government of Canada and pay interest on those deposits;
- (l.1) accept deposits from any bank, authorized foreign bank that is not subject to the restrictions and requirements referred to in subsection

- (d)買賣美國或日本政府，或歐盟國家政府發行之短期有價證券，但其到期日應自本行取得之日起不超過六個月。
- (e)【由第(d)款取代】
- (f)買賣國際貨幣基金發行之特別提款權。
- (g)買賣由非受銀行法第五百二十四條第(2)項限制之銀行或指定外商銀行背書、承兌或發行之匯票及本票，其到期日自本行取得之日起不得超過一百八十天，但經展期者，不在此限。
- (g1)總裁認為金融市場或金融體系發生重大或異常壓力時，得於促進加拿大金融體系穩定之必要範圍內，買賣任何其他有價證券、國庫券、債券、匯票或本票。
- (h)對加拿大支付協會會員機構為六個月以下之放款或墊款，且須以借款人有權持有之財產作為擔保。
- (i)對加拿大政府或省政府為六個月以下之放款或墊款，且須以加拿大或省發行或擔保之具流通性有價證券作為擔保。
- (j)對加拿大政府或省政府之放款。但其任一時點之未償還餘額，在加拿大政府部分，不得超過該會計年度加拿大政府預估盈收之三分之一；在省政府部分，不得超過該會計年度省政府預估盈收之四分之一。各該放款應於借款政府會計年度終了後第一季結束前清償之。
- (k)為公開市場操作目的，於公開市場及加拿大境內外，與任何人買賣具有第(c)款至第(e)款及第(g)款規定之種類與到期日及其他條件之有價證券、匯票及本票，其經銀行背書與否，則非所問。
- (l)接受加拿大政府之存款並支付利息。
- (l1)接受非受銀行法第五百二十四條第(2)項限制之銀行或指

- 524(2) of the Bank Act or other member of the Canadian Payments Association;
- (l.2) pay interest on the deposits referred to in paragraph (l.1) if the money deposited is to be used for the purpose of making loans or advances referred to in paragraph (h);
 - (l.3) accept deposits from the government of any province or from any corporation or agency of the Government of Canada;
 - (m) open accounts in a central bank in any other country or in the Bank for International Settlements, accept deposits from central banks in other countries, the Bank for International Settlements, the International Monetary Fund, the International Bank for Reconstruction and Development and any other official international financial organization, act as agent, depository or correspondent for any of those banks or organizations, and pay interest on any of those deposits;
 - (n) acquire, hold, lease or dispose of real property or immovables;
 - (o) accept deposits of money that are authorized or required by an Act of Parliament to be transferred to the Bank, and, in accordance with that Act, pay interest on money so deposited and pay out money to any person entitled to it under that Act; and
 - (p) carry on any business activity that is incidental to or consequential on something the Bank is allowed or required to do by this Act.
- R.S., 1985, c. B-2, s. 18; 1992, c. 1, s. 142; 1997, c. 15, s. 98; 1999, c. 28, s. 95; 2001, c. 4, s. 58, c. 9, s. 194.

Publication

19. If the Bank takes any action under paragraph 18(g.1), the Bank shall cause a notice to be published in the Canada Gazette that the Governor has formed an opinion that there is a severe and unusual stress on a financial market or financial system. The notice is to be published as soon as the Governor is of the opinion that its publication will not materially contribute to the stress to which the notice relates.

R.S., 1985, c. B-2, s. 19; 1991, c. 46, s. 581; 1997, c. 15, s. 99; 2001, c. 9, s. 195.

Acquisition of collateral securities

20. The Bank may

- (a) acquire from any bank or authorized foreign bank that is not subject to the restrictions and requirements referred to in subsection 524(2) of the Bank Act and hold any property held by the bank or authorized foreign bank as security under Part VIII of the Bank Act; and
- (b) exercise every right and remedy in respect of any security acquired under paragraph (a) that could have been exercised by the bank or authorized foreign bank.

R.S., 1985, c. B-2, s. 20; 1992, c. 1, s. 142; 1999, c. 28, s. 96; 2001, c. 9, s. 195.

- 定外商銀行，或其他加拿大支付協會會員之存款。
- (l.2)第(l.1)款規定之存款如係用作第(h)款規定之放款或墊款者，應支付利息。
- (l.3)接受各省政府，或加拿大政府之公司或機關之存款。
- (m)於其他國家中央銀行或國際清算銀行開立帳戶，接受其他國家中央銀行或國際清算銀行、國際貨幣基金、國際復興開發銀行及正式國際金融組織之存款，以及擔任前述銀行或機構之代理人、存款行或聯行，並支付利息。
- (n)取得、持有、租賃或處分不動產。
- (o)接受依國會法律授權或規定應移轉予本行金錢之存款，並依該法律支付存款利息予權利人。
- (p)本法許可或應辦事項之附隨或衍生業務。

第十九條【公布】

本行依第十八條第(g.l)款規定採取行動時，應於加拿大政府公報發布總裁已認定金融市場或金融體系發生重大或異常壓力。該項公告應於總裁認為其公布將不至對該相關壓力造成嚴重影響時發布之。

第二十條【擔保證券之取得】

本行得：

- (a)向非受銀行法第五百二十四條第(2)項限制之銀行或指定外商銀行收取並持有該銀行或指定外商銀行依銀行法第八章規定持有供擔保之財產；且
- (b)對於依第(a)款取得之有價證券得行使該款所指銀行、指定外商銀行或會員所得行使之任何權利與救濟。

Publication of minimum interest rates on loans

21. The Bank shall at all times make public the minimum rate at which it is prepared to make loans or advances.

R.S., c. B-2, s. 18.

Time limit for unpaid debts

22. (1) The Bank is not liable in respect of any unpaid debt in respect of which a federal financial institution has made a payment to the Bank under the relevant Act in respect of the federal financial institution if

- (a) the amount paid to the Bank was less than \$500; and
- (b) at least twenty years have gone by since the later of
 - (i) the last time a transaction took place on the books of the federal financial institution in respect of the unpaid debt, and
 - (ii) the last time a statement of account was requested of or acknowledged to the federal financial institution by the former creditor in respect of the unpaid debt.

Time limit for instruments

(1.1) The Bank is not liable in respect of any instrument in respect of which a federal financial institution has made a payment to the Bank under the relevant Act in respect of the federal financial institution if

- (a) the amount paid to the Bank was less than \$500; and
- (b) no payment has been made in respect of the instrument for at least twenty years after the day the instrument was issued or accepted.

Time limit for liquidation claims

(1.2) The Bank is not liable in respect of any claim against a liquidator in respect of the winding-up of a federal financial institution if

- (a) the amount of the claim has been paid to the Minister and by the Minister to the Bank under the relevant Act in respect of the federal financial institution;
- (b) the amount paid to the Bank was less than \$500; and
- (c) at least twenty years have gone by since the later of

第二十一條【最低放款利率之公布】

本行應隨時公布其最低之放款或墊款利率。

第二十二條

【未償還債務之時效】

- (1)聯邦金融機構依相關法律已向本行付款之任何未償還債務，有下列情形時，本行不負責任：
 - (a)支付予本行之額度少於加幣五百元；且
 - (b)自下列二目所列較後之時間起算，至少經過二十年：
 - (i)該聯邦金融機構帳簿記載最後一次發生與該項未償還債務相關交易之時間。
 - (ii)由該項未償還帳務之前債權人最後一次要求或告知該聯邦金融機構提供帳戶表報之時間。

【支付工具之時效】

- (1.1)聯邦金融機構依相關法律已向本行付款之任何支付工具，有下列情形時，本行不負責任：
 - (a)支付予本行之額度少於加幣五百元；且
 - (b)自該支付工具發行或接受之日起，未為付款之時間至少已過二十年。

【清算請求權時效】

- (1.2)對於已結束營業之聯邦金融機構清算人之請求權，有下列情形時，本行不負責任：
 - (a)該請求權金額已依相關法律支付予部長，且由部長支付予本行。
 - (b)支付予本行之額度少於加幣五百元；且
 - (c)自下列二目所列較後之時間起算，至少經過二十年：

- (i) the last time a transaction took place on the books of the federal financial institution in respect of the subject-matter of the claim, and
- (ii) the last time a statement of account was requested of or acknowledged to the federal financial institution by the former creditor in respect of the subject-matter of the claim.

No liability where claims paid

- (2) The Bank is not liable in respect of
- (a) any unpaid debt or any instrument in respect of which a federal financial institution has paid an amount to the Bank in accordance with the relevant Act in respect of the federal financial institution, or
 - (b) any claim against a liquidator in respect of the winding-up of a federal financial institution the amount of which claim has been paid to the Minister and by the Minister to the Bank under the relevant Act in respect of the federal financial institution,
- where an amount equal to the amount so paid has been paid by the Bank to the creditor in accordance with the relevant Act in respect of the federal financial institution or to the Receiver General under subsection (3).

Amounts to be paid to Receiver General

- (3) An amount equal to the amount paid to the Bank in respect of a debt, instrument or claim referred to in subsection (1) shall, within two months after the end of the calendar year in which the applicable twenty year period expired, be paid by the Bank without interest to the Receiver General and the Bank may destroy all records relating to the debt, instrument or claim.

Amounts part of C.R.F.

- (4) Any amount paid by the Bank to the Receiver General under subsection (3) shall form part of the Consolidated Revenue Fund.

Definitions

- (5) For the purposes of this section,
- "federal financial institution" means a bank, an authorized foreign bank, a company to which the Trust and Loan Companies Act applies or an association to which the *Cooperative Credit Associations Act* applies;
- "relevant Act" in respect of a federal financial institution means

- (i) 聯邦金融機構帳簿記載最後一次發生與請求權主要事項相關交易之時間。
- (ii) 請求權主要事項之前債權人最後一次要求或告知該聯邦金融機構提供帳戶表報之時間。

【對已付款請求權不負責任】

(2) 本行對下列各款情形不負責任：

- (a) 聯邦金融機構依據相關法規已支付予本行之任何未償還債務或支付工具。
- (b) 對於已結束營業聯邦金融機構清算人主張之請求權，其金額已依相關法律支付予部長，且由部長支付予本行，

而本行已將相當金額依相關規定支付予債權人或依第(3)項規定支付予國庫署長。

【支付予國庫署長之數額】

- (3) 本行應於二十年時效經過之年度結束後二個月內，將第(1)項所指支付予本行之債務、支付工具或請求權之相當金額無息支付予國庫署長。本行並得銷毀所有與債務、信用工具或請求權相關之紀錄。

【統一歲入基金數額】

- (4) 本行依第(3)項規定支付予國庫署長之金額應歸入統一歲入基金。

【定義】

(5) 本條用語定義如下：

「聯邦金融機構」係指銀行、指定外商銀行、適用信託及貸款公司法之公司或適用信用合作社法之合作社。

「相關法律」，就聯邦金融機構而言：

- (a) in the case of a bank or authorized foreign bank, the Bank Act,
- (b) [Repealed, 1999, c. 28, s. 97]
- (c) in the case of a company to which the Trust and Loan Companies Act applies, that Act, and
- (d) in the case of an association to which the Cooperative Credit Associations Act applies, that Act.

R.S., 1985, c. B-2, s. 22; 1991, c. 46, ss. 582, 583, c. 48, s. 494; 1997, c. 15, s. 100; 1999, c. 28, s. 97; 2001, c. 9, s. 196.

Inspection

22.1 (1) The Bank may require that the Superintendent of Financial Institutions perform, for a specified purpose, an inspection of any financial institution within the meaning of the Office of the Superintendent of Financial Institutions Act.

Costs

- (2) Where an inspection is made under subsection (1), such costs incurred in relation thereto as in the opinion of the Superintendent of Financial Institutions are extraordinary shall be borne by the Bank.

R.S., 1985, c. 18 (3rd Supp.), s. 85.

Prohibited business

23. The Bank shall not, except as authorized by this Act,

- (a) engage or have a direct interest in any trade or business whatever;
- (b) purchase, or make loans on the security of, its own shares or the shares of any bank, except the Bank for International Settlements;
- (c) lend or make advances on the security of any real property or immovable, except that, in the event of any claims of the Bank being in the opinion of the Board endangered, the Bank may secure itself on any real property, or obtain security on any immovable, of the debtor or any other person liable and may acquire that property, which shall be resold as practicable after the acquisition;
- (d) make loans or advances without security;
- (e) pay interest on any money deposited with the Bank; or
- (f) allow the renewal of maturing bills of exchange, promissory notes or other similar documents purchased or discounted by or pledged to the Bank, except that the Board may make regulations authorizing in special circumstances not more than one renewal of any such bill of exchange, promissory note or other document.

R.S., 1985, c. B-2, s. 23; 1997, c. 15, s. 101(E); 2001, c. 4, s. 59.

- (a)於銀行或指定外商銀行之情形，係指銀行法。
- (b)（刪除）
- (c)於適用信託及貸款公司法之公司之情形，係指該法。
- (d)於適用信用合作社法之合作社之情形，係指該法。

第二十二條之一

【檢查】

- (1)本行得要求金融機構之督查長為特定目的，對於金融機構督查長法所指金融機構進行金融檢查。

【費用】

- (2)依第(1)項規定進行檢查所生費用金融機構督查長認為特殊部分，由本行負擔。

第二十三條【禁止業務】

除經本法授權外，本行不得辦理下列事項：

- (a)經營任何企業，或對之擁有直接利益。
- (b)購買本行股份或國際清算銀行以外任何銀行之股份，或以之為擔保借款。
- (c)以不動產為擔保之放款或墊款。但理事會認為危及本行債權時，得以該債務人或其他應負責任者之不動產為擔保，並得取得該不動產所有權，但其後可售出時應即出售。
- (d)無擔保放款或墊款。
- (e)就存放於本行之金錢支付利息。
- (f)同意其所購買，或由銀行貼現或抵押之匯票、本票或類似票據之展期，但依理事會規定授權，於特殊情況，就該等匯票、本票或類似票據展期一次者，不在此限。

Fiscal agent of Canadian Government

24. (1) The Bank shall act as fiscal agent of the Government of Canada.

Charge for acting

(1.1) With the consent of the Minister, the Bank may charge for acting as fiscal agent of the Government of Canada.

To manage public debt

(2) The Bank, if and when required by the Minister to do so, shall act as agent for the Government of Canada in the payment of interest and principal and generally in respect of the management of the public debt of Canada.

Canadian Government cheques to be paid or negotiated at par

(3) The Bank shall not make any charge for cashing or negotiating a cheque drawn on the Receiver General or on the account of the Receiver General, or for cashing or negotiating any other instrument issued as authority for the payment of money out of the Consolidated Revenue Fund, or on a cheque drawn in favour of the Government of Canada or any of its departments and tendered for deposit in the Consolidated Revenue Fund.

R.S., 1985, c. B-2, s. 24; 1997, c. 15, s. 102; 2001, c. 9, s. 197.

Definition of "financial institution"

24.1 (1) In this section, "financial institution" has the same meaning as in section 3 of the *Office of the Superintendent of Financial Institutions Act*.

Information requirement

(2) A financial institution shall provide the Bank with such information as the Bank may require, at such times and in such form as the Bank may require.

Limitation

(3) A financial institution shall not be required under subsection (2) to provide the Bank with information about the accounts or affairs of any particular person.

1997, c. 15, s. 103.

第二十四條

【加拿大政府國庫經理人】

(1)本行擔任加拿大政府之國庫經理人。

【經理費用】

(1.1)經部長同意，本行擔任加拿大政府國庫經理人，得收取費用。

【經理公共債務】

(2)本行依部長要求擔任加拿大政府經理人支付利息本金，並統籌經理加拿大公共債務。

【加拿大政府支票以面額支付或承購】

(3)本行兌付或承購由國庫署長或國庫署長帳戶內付款之支票，或由統一歲入基金付款而簽發之支付工具，或對於以加拿大政府或其任何部門為受款人並存入統一歲入基金之支票，不得收取費用。

第二十四條之一

【「金融機構」定義】

(1)本條所稱「金融機構」與金融機構督查長法第三條之定義相同。

【資訊要求】

(2)金融機構應依本行要求之次數及方式提供資訊。

【限制】

(3)本行依第(2)項規定要求金融機構提供之資訊不得包括任何特定人士之帳戶或事項。

Note issue

Sole right of note issue

25. (1) The Bank has the sole right to issue notes and those notes shall be a first charge on the assets of the Bank.

Arrangements for issue

(2) It is the duty of the Bank to make adequate arrangements for the issue of its notes in Canada and to supply those notes as required for circulation in Canada.

Denominations

(3) Notes of the Bank shall be in such denominations and shall be printed and signed or otherwise executed as the Governor in Council by regulation determines.

Form and material

(4) The form and material of the notes of the Bank shall be subject to approval by the Minister, but each note shall be printed in both the English and French languages.

Notes previously printed

(5) Notwithstanding anything contained in this section, each note of the Bank printed before June 23, 1936, whether issued before, on or after that date, is a valid and binding obligation of the Bank.

Distinction

(6) Notes of the Bank are neither promissory notes nor bills of exchange within the meaning of the *Bills of Exchange Act*.

R.S., 1985, c. B-2, s. 25; 2001, c. 9, s. 198.

Redemption of notes other than those of the Bank

Liability for notes

26. (1) The Bank is responsible for the redemption of notes payable to bearer on demand that were issued and outstanding on March 11, 1935 and

鈔券發行

第二十五條

【鈔券發行專屬權】

- (1)本行具鈔券發行專屬權，各該鈔券應自本行資產優先受償。

【發行安排】

- (2)本行有職責就其於加拿大發行之鈔券為適當安排，並依加拿大流通需求供應鈔券。

【面額】

- (3)本行鈔券單位、印製、簽署及其他作成方法由樞密院總督以命令定之。

【形式及成分】

- (4)本行鈔券之形式及成分應經部長核准，每一鈔券並應同時印有英文及法文二種語文。

【先前印行之鈔券】

- (5)一九三六年六月二十三日之前印製之本行鈔券，不論係於該日期之前、該日期或該日期之後發行，均屬有效拘束本行之債務，不受本條其他規定之限制。

【區別】

- (6)本行鈔券非屬匯票法所指本票或匯票。

本行鈔券以外鈔券之贖回

第二十六條

【鈔券債務】

- (1)本行應負責贖回一九三五年三月十一日發行且流通在

immediately prior to that day constituted a direct liability of Canada, and such notes are and continue to be legal tender.

Idem

(2) The Bank is responsible for the redemption of notes of the Canadian banks listed in Schedule R of the Bank Act, chapter B-1 of the Revised Statutes of Canada, 1970, that were issued prior to January 1, 1950 and intended for circulation in Canada.

R.S., c. B-2, s. 22; 1980-81-82-83, c. 40, s. 50.

Rest fund

Rest fund

27. The Bank shall establish a rest fund and after making such provision as the Board thinks proper for bad and doubtful debts, depreciation in assets, pension funds and all such matters as are properly provided for by banks, the ascertained surplus available from the operations of the Bank during each financial year shall be applied by the Board as follows:

- (a) if the rest fund of the Bank is less than the paid-up capital, one-third of the surplus shall be allocated to the rest fund and the residue shall be paid to the Receiver General and form part of the Consolidated Revenue Fund;
- (b) if the rest fund is not less than the paid-up capital, one-fifth of the surplus shall be allocated to the rest fund until the rest fund reaches an amount five times the paid-up capital and the residue shall be paid to the Receiver General and form part of the Consolidated Revenue Fund; and
- (c) if the rest fund is not less than five times the paid-up capital, the whole of the surplus shall be paid to the Receiver General and form part of the Consolidated Revenue Fund.

R.S., c. B-2, s. 23.

Audit

Appointment of auditors

28. (1) The Governor in Council shall, on the recommendation of the Minister, appoint two firms of accountants eligible to be appointed as auditors of a bank to audit the affairs of the Bank.

外、見票即付之鈔券，各該鈔券於其發行日期之前即構成加拿大直接債務，應繼續為法償貨幣。

【同上】

(2)本行應負責贖回銀行法附表 R、一九七〇年修正之加拿大條例第 B-1 章所列於一九五〇年一月一日之前發行並於加拿大流通之鈔券。

備抵基金

第二十七條【備抵基金】

本行應設立備抵基金。本行每一會計年度營運盈餘於理事會就壞帳、疑為壞帳、資產折舊、退撫基金及各銀行就各該事項提撥基金後，其可動用之盈餘應由理事會依下列各款規定運用：

- (a)本行備抵基金低於實收資本時，盈餘之三分之一應分配予備抵基金；其餘盈餘應交由國庫署長納入統一歲入基金。
- (b)備抵基金高於實收資本時，盈餘之五分之一應分配予備抵基金，直到備抵基金達到實收資本五倍之額度為止；其餘盈餘應交由國庫署長納入統一歲入基金。
- (c)備抵基金高於實收資本之五倍時，所有盈餘應交由國庫署長納入統一歲入基金。

稽核

第二十八條

【指派稽核】

(1)樞密院總督應依部長提名，指派得擔任銀行稽核之合格會計師事務所二家，稽核本行行務。

Term of office

- (2) Every firm of accountants appointed after November 30, 1980 shall be appointed to perform annual audits for the five fiscal years following the year of its appointment except that one of the first two firms of accountants appointed after November 30, 1980 shall be appointed to perform annual audits for the three years following the year of its appointment.

Vacancies

- (3) Where any vacancy occurs in the office of auditor of the Bank, notice thereof shall forthwith be given by the Bank to the Minister who thereupon shall appoint some other firm of accountants eligible to be appointed under this section to audit the affairs of the Bank for the balance of the term of the firm of accountants so replaced.

Persons who may not act

- (4) No firm of accountants of which a director is a member is eligible for appointment as an auditor and no auditor of the Bank is eligible for appointment for a second successive term.

Reports to Minister

- (5) The Minister may from time to time require the auditors to report to the Minister on the adequacy of the procedure adopted by the Bank for the protection of its creditors or shareholders and the sufficiency of their own procedure in auditing the affairs of the Bank, and the Minister may, at his discretion, enlarge or extend the scope of the audit or direct that any other procedure be established or that any other examination be made by the auditors as the public interest may seem to require.

Copies of reports to be sent to Minister

- (6) A copy of every report made by the auditors to the Bank under this section shall be transmitted to the Minister by the auditors at the same time as that report is transmitted to the Bank.

R.S., c. B-2, s. 24; 1980-81-82-83, c. 40, s. 51.

Returns

Weekly balance sheet

29. (1) The Bank shall, as soon as practicable after the close of business on Wednesday of each week, make up and transmit to the Minister its balance sheet as at the close of business on that day.

【任期】

(2)一九八〇年十一月三十日以後指派之會計師事務所應辦理其任職後五個會計年度之年度稽核工作，但一九八〇年十一月三十日以後首次指派的二家會計師事務所之一應辦理其任職後三個會計年度之年度稽核工作。

【出缺】

(3)本行稽核出缺時，本行應通知部長並由其依本條規定指派其他合格會計師事務所，於出缺者所餘任期稽核本行行務。

【不得擔任之人】

(4)本行理事為其成員之會計師事務所，不得被指派為稽核。本行稽核不得受指派續任之。

【向部長報告】

(5)部長得隨時要求本行稽核就本行保護債權人或股東程序之妥適性，以及稽核本行事項程序之周延性向其報告。部長基於公共利益之考量，於必要時，得擴大稽核範圍，或指示本行稽核設定其他程序，或為其他檢查。

【應遞送部長之報告副本】

(6)本行稽核依本條規定對本行所作成之報告，應於遞送本行之同時遞送一份副本予部長。

收益

第二十九條

【週資產負債表】

(1)本行應於每週三營業結束後立即製作該日營業結束時之資產負債表並函報部長。

Monthly balance sheet

- (2) The Bank shall, as soon as practicable after the last business day of each month, make up and transmit to the Minister its balance sheet as at the close of business on that day. The balance sheet shall set out information regarding the Bank's investments in securities issued or guaranteed by the Government of Canada.

Publication of balance sheets

- (3) A copy of each balance sheet shall be published in the issue of the Canada Gazette next following its transmission to the Minister.

R.S., 1985, c. B-2, s. 29; 1997, c. 15, s. 104; 2001, c. 9, s. 199.

Fiscal year

30. (1) The fiscal year of the Bank shall be the calendar year.

Financial statements to Minister

- (2) Within two months after the end of each financial year, the Bank shall send to the Minister its audited financial statements for the financial year, in the form prescribed by the by-laws of the Bank.

Signing of statements

- (2.1) The financial statements must be signed by the Governor or the Deputy Governor and the Chief Accountant or Acting Chief Accountant of the Bank.

Other information

- (2.2) The financial statements must be accompanied by any summary or report by the Governor that the Governor considers desirable or that is required by the Minister. A copy of the signed and audited financial statements must without delay be published in the Canada Gazette.

Report to Parliament

- (3) The Minister shall lay the copy of the accounts and Governor's report mentioned in subsection (2) before Parliament on any of the first twenty-one days that either House of Parliament is sitting after the Minister receives it.

R.S., 1985, c. B-2, s. 30; 1997, c. 15, s. 105.

【月資產負債表】

(2)本行應於每月最後營業日結束後立即製作該日營業結束時之資產負債表並函報部長。資產負債表應含括有關本行投資於加拿大政府發行或保證債券之資訊。

【資產負債表公布】

(3)資產負債表函報部長後，應公布於該期之政府公報。

第三十條

【會計年度】

(1)本行之會計年度應為曆年制。

【給部長之財務報表】

(2)本行應於每一會計年度結束後二個月內，將該會計年度經稽核之財務報表依本行單行規章規定之格式函報部長。

【報表簽署】

(2.1)財務報表須經總裁或副總裁以及本行會計長或代理會計長簽署。

【其他資訊】

(2.2)財務報表應檢附總裁認為必要或經部長要求之摘要或報告。經簽署及稽核之財務報表應立即公布於加拿大政府公報。

【向國會報告】

(3)部長收受第(2)項所指報表及總裁報告後，應於國會任一議院開議之前二十一日內，向國會提出各該資料。

Liability

No liability if in good faith

30.1 No action lies against Her Majesty, the Minister, any officer, employee or director of the Bank or any person acting under the direction of the Governor for anything done or omitted to be done in good faith in the administration or discharge of any powers or duties that under this Act are intended or authorized to be executed or performed.

2001, c. 9, s. 200.

Offences and punishment

Holding office when ineligible

31. Every person who holds office or continues to hold office as the Governor or as a Deputy Governor or director of the Bank, knowing that he or she is not eligible for that office, is guilty of an offence and liable on summary conviction to a fine of not more than one hundred thousand dollars or to imprisonment for a term of not more than six months or to both.

R.S., 1985, c. B-2, s. 31; 2001, c. 9, s. 201.

Verifying false statement, account or list

32. Every director, officer or auditor of the Bank who verifies any statement, account or list required to be furnished to the Minister pursuant to this Act, or who has to do with the delivering or transmitting of that statement, account or list to the Minister, knowing it to be false in any material particular, is guilty of an offence and liable on summary conviction to a fine of not more than one hundred thousand dollars or to imprisonment for a term of not more than six months or to both.

R.S., 1985, c. B-2, s. 32; 2001, c. 9, s. 201.

Contravention of Act

33. Any officer of the Bank or any officer of a bank or any other person who fails or omits to comply with any provision of this Act is guilty of an offence and, unless otherwise provided by this Act, liable on summary conviction to a fine of not more than one hundred thousand dollars or to imprisonment for a term of not more than six months or to both.

R.S., 1985, c. B-2, s. 33; 2001, c. 9, s. 201.

Liquidation or winding-up

Insolvency and winding-up

34. No statute relating to the insolvency or winding-up of any corporation applies to the Bank and in no case shall the affairs of the Bank be wound up

責任

第三十條之一【善意免責】

英皇陛下、部長、本行職員、受僱人員、理事，或依總裁指示而行為之人，依本法行使權力、履行任務時善意之作為或不作為，不得對之提起訴訟。

違法及處分

第三十一條【任職不適格者】

擔任本行總裁、副總裁或理事職務者明知其不適任，而擔任或繼續擔任者，構成犯罪，處加幣十萬元以下之罰金，或六個月以下有期徒刑，或併罰之。

第三十二條【虛假報表、帳簿或清單之查對】

本行理事、職員或稽核明知依本法應提供予部長之報表、帳簿或清單之重要內容有虛假情事，仍為簽證或遞送者，構成犯罪，處加幣十萬元以下罰金，或六個月以下有期徒刑，或併罰之。

第三十三條【違反本法】

本行職員或任何銀行職員或任何人違反本法規定，除本法另有規定外，構成犯罪，處加幣十萬元以下罰金，或六個月以下有期徒刑，或併罰之。

清算或結束營業

第三十四條【破產及結束營業】

有關公司破產或結束營業之法律，於本行不適用之。非經國會議定，本行不得結束營業。經議定本行結束營業時，

unless Parliament so provides, but if provision is made for winding up the Bank the notes of the Bank outstanding are the first charge on the assets.
R.S., c. B-2, s. 30.

By-laws

By-laws

35. (1) The Board, with the approval of the Governor in Council, may make by-laws with respect to
- (a) the calling of meetings of the Board and of the Executive Committee and what number of persons shall constitute a quorum in each case, and how questions considered at those meetings shall be determined;
 - (b) the fees of directors;
 - (c) the duties and conduct of officers and employees of the Bank;
 - (d) the form of the annual statement of accounts; and
 - (e) generally, the management and disposition of the stock, property and undertakings of the Bank.

Publication

- (2) Every by-law and every amendment or repeal thereof shall take effect when published in the Canada Gazette.

R.S., 1985, c. B-2, s. 35; 1997, c. 15, s. 106(E); 2001, c. 4, s. 60(F).

Schedule I

(Section 16)

OATH OR SOLEMN AFFIRMATION OF OFFICE

I,, do solemnly swear (or affirm) that I will faithfully and to the best of my judgment and ability perform the duties that relate to any office or position in the Bank held by me.

I also solemnly swear (or affirm) that I will not communicate or allow to be communicated, to any person not entitled to it, any confidential information that relates to the business or affairs of the Bank that I may learn in the course of performing those duties; use any such information for any purpose other than to perform those duties; or allow any person to inspect or have access to any books and records that belong to or that are in the possession of the Bank and that relate to the business or affairs of the Bank, unless the person is legally entitled to inspect them or to have access to them.

R.S., 1985, c. B-2, Sch. I; 1997, c. 15, s. 107; 2001, c. 9, s. 202.

本行已發行之鈔券應自本行資產中優先受償。

單行規章

第三十五條

【單行規章】

- (1) 理事會經樞密院總督核可，得訂定有關下列各款事項之單行規章：
- (a) 理事會及執行理事會之召集程序及各種議案應出席之人數，以及各該會議審議之議題如何作成決議。
 - (b) 理事費用。
 - (c) 本行職員及受僱人員之職責與行為規範。
 - (d) 年度報表之格式。
 - (e) 本行股票、財產與業務之管理與處分。

【公布】

- (2) 單行規章之訂定、修正及廢除應刊登於加拿大政府公報，始生效力。

附表一

(第十六條)

宣誓書或職務鄭重確認書

本人_____鄭重宣誓（或確認），願赤誠並竭盡所能執行本行賦予本人之任務。

本人並鄭重宣誓（或確認），本人絕不將執行職務所知悉與本行業務或事務有關之任何機密資訊，告知無權知悉之人；

將各該資訊運用於履行職務以外之目的；

或允許依法有檢查或取得權限以外之人檢查或取得屬於本行或本行持有與本行業務或行務有關之任何帳簿或紀錄。

Schedules II and III

[Repealed, 2001, c. 9, s. 202]

附表二及附表三（刪除）

十四、 Banco de México Law
墨西哥銀行法

Banco de México Law

- Chapter I Nature, objectives and functions
- Chapter II Issuance and circulation of currency
- Chapter III Operations
- Chapter IV International reserves and the exchange rate
regime
- Chapter V Issuance of regulations and sanctions
- Chapter VI Government and supervision
- Chapter VII General provisions
- Transitory articles

墨西哥銀行法

法務室 吳坤山 譯

第一章 性質、目標及職掌

第二章 貨幣之發行及流通

第三章 營運

第四章 國際準備及匯率制度

第五章 命令之發布及裁罰

第六章 管理及監督

第七章 通則

過渡條款

Banco de México Law

Amendment effected on November 15, 1995

Chapter I Nature, objectives and functions

ARTICLE 1. The Central Bank shall be a legal entity subject to public law, autonomous in nature, and shall be named Banco de México. Its functions and administration shall be regulated by the provisions of this Law, regulatory of Paragraphs Six and Seven of Article 28 of the Political Constitution of the United Mexican States.

ARTICLE 2. The Banco de México's purpose shall be to provide the country's economy with domestic currency. In pursuing this purpose, its primary objective shall be to seek the stability of the purchasing power of said currency. The Bank shall also have the purpose of promoting the sound development of the financial system and fostering the proper functioning of payment systems.

ARTICLE 3. The Bank shall perform the following functions:

- I. Regulate the issuance and circulation of currency, foreign currency exchange, financial intermediation and services, as well as payment systems;
- II. Operate as reserve bank and lender of last resort for credit institutions;
- III. Provide treasury services to the Federal Government and act as its financial agent;
- IV. Counsel the Federal Government on economic and, particularly, financial issues;
- V. Participate in the International Monetary Fund and other international financial cooperation institutions, as well as those embodying central banks, and

墨西哥銀行法

1995年11月15日修正施行

第一章 性質、目標及職掌

第一條

中央銀行為獨立自主之公法人，命名為墨西哥銀行（以下簡稱本行）；其職權及管理，依本法及「墨西哥憲法」第二十八條第六項、第七項之規定。

第二條

本行以提供國家經濟所需之本國通貨為目的；為達此目的，本行以維持本國通貨購買力之穩定為首要目標；並應以提升金融體系之健全發展及促進支付系統之有效運作為目的。

第三條

本行之職掌如下：

- 一、管理通貨之發行與流通、外匯交易、金融仲介與服務及支付系統。
- 二、擔任準備銀行，並為信用機構之最後融通者。
- 三、提供聯邦政府國庫服務，並擔任其財務代理人。
- 四、提供聯邦政府經濟，尤其是金融問題之諮詢。
- 五、參與國際貨幣基金，包含各中央銀行之機構及其他國際金融合作機構。

- VI. Operate with the institutions referred to in Section V above, with central banks and with other foreign legal entities performing functions of authority in financial issues.

Chapter II Issuance and circulation of currency

ARTICLE 4. Banco de México shall be the sole agency authorized to issue bank notes and order the minting of metallic coins, as well as to put into circulation both types of currency through the operations provided for herein.

ARTICLE 5. Bank notes issued by Banco de México shall bear: the denomination both in numerals and in writing; the serial and number; the date of the corresponding issuance agreement; the facsimile signatures of a member of the Board of Governors and of the Chief Cashier; the legend "Banco de México", and such other features as the Bank may specify.

The Bank is entitled to print its own bank notes or entrust their printing to third parties.

ARTICLE 6. The Bank shall, either directly or through its correspondents, exchange the bank notes and metallic coins put in circulation for other bank notes or coins of the same or different denominations on demand and without limit and as per the bearer's instructions.

Should the Bank or its correspondents lack enough bank notes or metallic coins of the requested denominations, the aforementioned obligation may be fulfilled by giving bank notes or metallic coins of the available denominations closest to those requested.

The metallic coins referred to in Article 62, Section II are excluded from the provisions of this article.

In fulfilling its exchange obligation vis-à-vis credit institutions, the Bank may give them denominations of bank notes or metallic coins whose increased circulation the Bank deems adequate to facilitate payments.

六、與第五款所指之機構、各中央銀行及其他外國金融當局之往來。

第二章 貨幣之發行及流通

第四條

本行為唯一賦與發行紙幣及硬幣之機關，並提供各種形態之通貨，使之流通。

第五條

本行發行之紙幣，具有：數字與文字之面額、連續編號、同意發行之日期、總裁與發行局長之簽章、“墨西哥銀行”之字樣及其他經本行指定之圖案。

本行得自行印製紙幣，亦得委託第三人印製之。

第六條

本行應持有人之要求，得以直接或經由聯行之方式，無限兌換面額相同或不同之流通紙幣及硬幣。

本行或聯行無足夠求兌面額之紙幣或硬幣時，得以最接近求兌面額之紙幣或硬幣兌換之。

第六十二條第二款規定之硬幣，不適用本條規定。

本行得增加提供各種面額之紙幣或硬幣予信用機構，以執行其兌換義務，促進支付工具之流通。

Chapter III Operations

ARTICLE 7. Banco de México shall be entitled to perform the following activities:

- I. Deal with securities;
- II. Grant credit to the Federal Government, to credit institutions and to the Institute for Protection of Bank Depositors;
(Modified in the Official Gazette of the Federation published on January 19, 1999).
- III. Grant credit to the legal entities referred to in Article 3 Section VI,
- IV. Make deposits in either domestic or foreign credit institutions or security depository institutions;
- V. Purchase those securities provided for in Article 20 Section II, issued by international financial institutions or legal entities with foreign domiciles;
- VI. Issue monetary regulation bonds;
- VII. Receive money bank deposits from the Federal Government, domestic and foreign financial institutions, public economic development trusts and those referred to in Section XI below, securities depository institutions, and entities of the federal public administration, when so established by law;
- VIII. Receive money bank deposits from the legal entities referred to in Article 3 Section VI;
- IX. Obtain credit from the legal entities referred to in Article 3 Section VI and from foreign financial institutions, with the sole purpose of foreign exchange regulation;
- X. Carry out transactions involving foreign currency, gold and silver, including repurchase agreements;
- XI. Act as trustee when appointed by law or with respect to trusts whose aim is to contribute to the fulfillment of the Bank's own functions or which have been established by the Bank to fulfill its own labor-related obligations, and
- XII. Receive deposits of securities, either for their safekeeping or for their administration, from the legal entities referred to in Sections VII and VIII above. The Bank may also receive deposits of other financial instruments from the Federal Government.

The Bank may only perform the acts explicitly provided for in this Law or those related thereto.

第三章 營運

第七條

本行得為下列之行為：

- 一、買賣有價證券。
- 二、對聯邦政府、信用機構及存款保險機構之授信。
- 三、對第三條第六款所定法人之授信。
- 四、存款於國內、外之信用機構或證券保管機構。
- 五、購買第二十條第二項第二款所規定之證券，或國際金融機構或外國法人團體所發行之證券。
- 六、發行金融調節債券。
- 七、收受聯邦政府、國內、外金融機構、公共經濟發展信託及第十一款所定證券保管機構、依法設立之聯邦公共行政團體之存款。
- 八、收受第三條第六款所定法人之存款。
- 九、基於外匯管理之特殊目的，自第三條第六款所定法人及外國金融機構取得信用。
- 十、外國貨幣、黃金及白銀之交易，包括附買回條件之交易。
- 十一、於法律指定時、或為促進本行職權之行使而成立之信託、或為履行勞資債務由本行設立之信託，擔任受託人。
- 十二、基於安全保管或行政管理之目的，得保管第七款及第八款所定法人之證券，亦得保管聯邦政府其他金融資產。

本行僅得為本法或其他有關規定所明定之行為。

ARTICLE 8. At the time of contracting the operations referred to in Article 7, the Bank must abide by prevailing market conditions, except in those cases when operations, by their nature, have no market quotation.

Additionally, operations involving securities performed by the Central Bank, except those set forth in Article 7 Sections IV, V and XII, and in Article 9 Section I, shall be exclusively executed through auctions of securities that are payable by the Federal Government, credit institutions or the Bank itself.

ARTICLE 9. Banco de México shall not lend securities to the Federal Government nor purchase securities from it, except when purchases of securities that are payable by the Government comply with one of the two following conditions:

- I. When said purchases are covered by cash deposits, made by the Government in the Bank with the proceeds of the placement of said securities, and which may not be withdrawn before their maturity date; the amounts, terms and yield on these deposits must be equal to the amounts, terms and yield of the securities being traded; or
- II. When purchases of securities result from bids by the Bank in primary auctions of said securities. The amount of these purchases may under no circumstance exceed the amounts of securities payable by the Government, owned by the Bank and redeemable on the same date of placement of the securities being auctioned.

ARTICLE 10. Only the Central Bank may act as the Federal Government's agent in issuing, placing, purchasing and selling Government domestic debt securities and, in general, in servicing said debt.

ARTICLE 11. Banco de México may grant credit to the Federal Government only through the current account the Federal Treasury holds in the Bank, and subject to provisions of Article 12. For the purposes of this Law, securities payable by the Federal Government and owned by the Central Bank are not considered as credit.

ARTICLE 12. Banco de México shall carry a current account for the Federal Treasury which will be managed according to the terms agreed to by both parties and in all cases according to the following:

第八條

本行於辦理前條業務時，除因性質上無市場報價外，均應依照市場行情為之。

除前條第一項第四款、第五款、第十二款及第九條第一款之情形外，本行辦理有價證券之業務，均應透過公開標售聯邦政府、信用機構或本行之有價證券。

第九條

本行不得將有價證券借予聯邦政府，亦不得向聯邦政府承購有價證券。但承購聯邦政府債券符合下列情形之一者，不在此限：

- 一、政府以其處分該有價證券之所得金額存放，且在期滿前不予提取；其存款之總額、期限及收益，應與購買之證券之總額、期限及收益相當。
- 二、該證券係本行於初級市場標購，且承購總額未逾決標當日屆期應贖回之本行持有政府債券金額。

第十條

本行為聯邦政府發行、承銷與買賣本國債券及其相關業務之唯一代理機關。

第十一條

本行對於聯邦政府之授信，僅得透過國庫在本行開立之經常帳戶，並依第十二條規定為之。基於本法之目的，本行持有政府應予支付之債券，不視為授信。

第十二條

國庫得在本行開立經常帳戶，並依下列各款規定及雙方協議之條件處理：

- I. Debits from or credits to this account shall be made only under direct order from the Federal Treasurer to the Bank. The Bank must receive said order at least one banking business day before the date the respective debit or credit must be made;
- II. Banco de México may, without authorization of the Federal Treasurer, charge the account in order to cover the service on the domestic debt of the Federal Government;
- III. No checks or any other documents payable to third parties may be drawn on this account, and
- IV. Should the Federal Government's balance in the current account be negative, said balance must never exceed the equivalent of 1.5 percent of the Federal Government's expenses as laid out in the Federal Expense Budget for the corresponding year, not taking outlays destined to amortize the Government's debt into consideration; this provision may be void if, due to extraordinary circumstances, the temporary differences between public revenues and expenses increase considerably.

Should the negative balance of the account exceed the aforementioned limit, the Bank must proceed to place securities payable by the Federal Government on the market, on behalf of the Government and for an amount equivalent to the balance in excess of the limit. If necessary or appropriate, the Bank, again on behalf of the Federal Government, shall issue securities payable by the Government and place them on the market. In determining the characteristics of the placement and, if necessary, the issuance, the Bank shall seek the best possible terms for the Government as the market allows.

The Bank must place the aforementioned securities within fifteen business days from the date on which the limit is exceeded, and offset the excess credit with the proceeds of the corresponding placement. In exceptional cases, if it helps to prevent disruptions in the financial market, the Board of Governors of the Bank may extend that term, in one or more instances, for a total duration of no longer than three months.

ARTICLE 13. In cases when established by law that Banco de México must make contributions to international financial institutions, the Federal Government will provide the Bank with the respective funds in a timely manner. Nevertheless, payment of contributions to the International Monetary Fund shall be made with Banco de México's own resources.

- 一、帳戶之借貸，須依財政部長對本行之直接指示為之；本行須於各該借貸日至少一個營業日內前收到該項指示。
- 二、本行為彌補對聯邦政府提供本國債券戶收付款項服務之負擔，得不經財政部長之授權，收取手續費。
- 三、不得以第三人為受款人，簽發由本帳戶付款之支票或其他文件。
- 四、聯邦政府經常帳戶餘額為負數時，其餘額不得逾聯邦政府該年度預算支出之1.5%，亦不得動用作為分期清償政府債務之經費。但因特殊情形，歲入與歲出短暫之差距顯著增加時，不在此限。
該帳戶之負數餘額逾上述限額時，本行應即代表政府以相當於該超出限額之餘額，於市場上處分政府債券。本行於必要時，或於適當之情形下，亦得代表政府再發行政府債券，並於市場上處分之。本行決定上述債券之發行及處分時，應以市場認可且為政府最可能接受之條件為之。
本行應於超出上述限額之日起十五個營業日內，處分上述債券，並以處分之所得沖銷超額之授信。但在特殊情形下，為防止金融市場之混亂，理事會得酌予延長一次或數次；其延長之期限不得逾三個月。

第十三條

本行依法律規定須出資國際金融機構時，聯邦政府應適時提供相關經費。但對於國際貨幣基金之出資，須以本行之財源為之。

ARTICLE 14. Any operation carried out by Banco de México vis-à-vis credit institutions shall be effected either through auctions or according to the provisions issued by the Bank.

Financing granted by the Central Bank to credit institutions, whether by means of granting credit or purchasing securities, can only be for the purpose of monetary regulation.

ARTICLE 15. Provisions in Article 8 Paragraph Two and Article 14, will not apply to financing the Central Bank may grant credit institutions in order to prevent disruptions in the payment systems, nor to operations effected by the Bank as lender of last resort.

ARTICLE 16. Financing granted by Banco de México to credit institutions shall be guaranteed by deposits of money and securities that said institutions have at the Central Bank. As the aforementioned financing becomes due, the Bank is entitled to debit the corresponding amounts from the accounts in which the money deposits have been recorded.

ARTICULO 17. Monetary regulation bonds issued by Banco de México shall be securities, nominative or payable to the bearer, and shall have such other characteristics as the Bank may determine; said securities must remain deposited in the Bank for their administration whenever the Bank so decides.

Chapter IV International reserves and the exchange rate regime

ARTICLE 18. Banco de México shall maintain a reserve of international assets aimed at supporting the stability of the purchasing power of the domestic currency by offsetting imbalances between the country's foreign currency receipts and disbursements.

ARTICLE 19. The reserve provided for in the previous article shall be composed of:

第十四條

本行對信用機構辦理之業務，應經公開標售或依本行發布之規定為之。

本行對信用機構所為之融通，不論是以授信或購買有價證券之方式為之，均須以調節金融之目的為限。

第十五條

第八條第二項及第十四條之規定，於本行為防止支付系統失序而對信用機構之授信及本行作為最後融通者所辦理之業務，不適用之。

第十六條

本行對信用機構所為之融通，應以該機構在本行之存款及有價證券為擔保；並得於融通到期時，自該擔保之存款帳戶中扣還相等之金額。

第十七條

本行發行之金融調節債券為記名或無記名之有價證券，並得具有本行所決定之其他特性；為經管之需，本行得決定各該債券應存放於本行。

第四章 國際準備及匯率制度

第十八條

本行為平衡國家外幣收支，以維持本國貨幣購買力之穩定，應保有國際資產準備。

第十九條

前條規定之國際準備包括下列各款：

- I. The foreign currency and gold, property of the Central Bank, that are free of all lien and whose availability is not subject to any restriction;
- II. The amounts resulting from the difference between México's participation in the International Monetary Fund and the balance of unpaid contributions to said institution that are payable by the Bank, when this balance is less than the aforementioned participation, and
- III. The foreign currency procured through financing obtained for exchange regulatory purposes from the legal entities referred to in Article 3 Section VI

To determine the amount of the reserve, the foreign currency not yet received from the sale of domestic currency will not be taken into consideration; and the Bank's liabilities in foreign currency and gold, except for those liabilities with maturities over six months and those corresponding to the financing referred to in Section III of this Article, will be deducted.

ARTICLE 20. Pursuant to this Law, the term foreign currency includes: foreign bank notes and metallic coins, bank deposits, negotiable instruments, securities and all types of credit documents payable abroad and denominated in foreign currency, as well as international means of payment in general.

The foreign currency qualified to be part of the reserve is only the following:

- I. Foreign bank notes and metallic coins;
- II. Deposits, negotiable instruments, securities and other liabilities payable outside national territory that are considered to be first rate in international markets, denominated in foreign currency, and payable by international financial institutions, foreign entities and governments other than the Mexican Government, provided they are highly liquid or redeemable within a term no longer than six months;
- III. Credits payable by central banks, redeemable within a term no longer than six months, and which are current, and
- IV. The special drawing rights issued by the International Monetary Fund.

ARTICLE 21. In foreign exchange rate matters, Banco de México shall act in accordance with the guidelines established by the Exchange Commission, which will be made up of the Secretary and Undersecretary of Finance and Public Credit, another Undersecretary of said Ministry appointed by the

- 一、無任何優先權之負擔，可隨時動用，而屬本行資產之外國貨幣及黃金。
- 二、本國對國際貨幣基金之分擔額與本行應支付而未繳付之出資餘額少於分擔額時之差額。
- 三、基於外匯管理之目的，向第三條第六款所指法人融通取得之外國貨幣。

國際準備總額之計算，以本國貨幣買入之外國貨幣尚未取得者，不予計入；本行之外幣負債及黃金負債，除六個月以上之負債及依前項第三款規定之融通者外，亦應扣除之。

第二十條

本法所稱之外國貨幣，包括外國之紙幣與硬幣、銀行存款、票據、有價證券、於國外付款並以外幣計價之各種信用文件及一般國際支付工具。

得作為準備之外國貨幣，以下列各款為限：

- 一、外國紙幣及硬幣。
- 二、存款、票據、有價證券及其他於國外付款之債券；該債券須在國際市場上被評定為第一等級，以外幣計價，並以國際金融機構、外國法人及墨西哥政府以外之政府為付款人，且具有高度流動性或六個月內到期者。
- 三、以各國中央銀行為付款人，於六個月內到期，並具流通性之債權。
- 四、國際貨幣基金所發行之特別提款權。

第二十一條

本行依外匯委員會所定之原則執行匯率事項。該委員會由財政公共債務部部長與其指派之次長二人，以及本行總裁

corresponding Secretary, the Governor of the Bank and two more members of the Board of Governors designated by the Governor. Members of the Commission shall not have alternates.

Sessions of the Commission will be presided over by the Secretary of Finance and Public Credit, in his absence by the Governor and, in the absence of both by the Undersecretary appointed by the aforementioned Secretary. The officer presiding over the session will have the decisive vote in case of tie.

The Commission may assemble any time when summoned by the Secretary of Finance and Public Credit or by the Governor. At least three of its members must be present for any session to take place, provided that both the Ministry of Finance and Public Credit and Banco de México are represented. Resolutions of the Commission will be made by majority vote, with at least one favorable vote from one of the representatives of the aforementioned Ministry being required in all cases.

The Governor will inform the Board of Governors on said resolutions.

The secretary of the Board of Governors and his alternate will also function in these capacities on the Exchange Commission.

ARTICLE 22. The Commission shall be entitled to:

- I. Authorize the procurement of the credits referred to in Article 7 Section IX;
- II. Establish the criteria that will govern the Bank with regard to the implementation of its functions as described in Articles 32, 34 and 35, as well as in Article 33 concerning development banks, and
- III. Establish guidelines for the management and valuation of the reserve referred to in Article 18.

ARTICLE 23. In pursuing its primary objective, Banco de México may offset any increase in the amount of currency in circulation or in its on demand liabilities resulting from acquisitions of foreign currency made pursuant to the guidelines referred to in Article 21, by placing or, if necessary, issuing securities payable by the Federal Government under the terms established in Article 12 Section IV Paragraph Two. Said placements on account of the Federal Government can only be effected if the amount of securities payable by the Federal Government and held by the Bank as part of its assets is equal

與其指派之理事會理事二人共同組成；該委員會之委員無代理人。

前項委員會議，以財政公共債務部部長為主席；於其缺席時，由本行總裁代理之；二者均缺席時，由該部長所指派之次長代理之。會議之決議，可否同數時，取決於主席。外匯委員會得由財政公共債務部部長或本行總裁隨時召集開會；會議之舉行，應至少有委員三人出席，且財政公共債務部及本行均應有代表出席。會議之決議，採多數決，且案件為可決時，應至少有財政公共債務部之代表一人為贊成之表示。

本行總裁應將會議之決議通知理事會。

本行理事會秘書及其代理人，兼辦外匯委員會事務。

第二十二條

外匯委員會之職權如下：

- 一、核准依第七條第一項第九款規定取得信用。
- 二、訂定本行執行有關第三十二條、第三十四條與第三十五條規定及第三十三條有關開發銀行業務之規範。
- 三、訂定第十八條所指準備之管理及評價原則。

第二十三條

為達成首要目標，本行得依第十二條第四款第二段規定之條件，處分或於必要時發行聯邦政府債券，以抵沖通貨發行增加額或依第二十一條所定原則取得外匯所生即期負債之增加額。上述處分，僅於政府債券與本行作為資產之有

or less than the amount of deposits referred to in Article 9 Section I, and if the Bank does not have any other highly tradable securities available. Upon effecting the placement, the Bank will deposit the proceeds thereof into a non-interest bearing account in favor of the Government. The deposited funds will be returned to the Government at the time of, and in the amount equivalent to, the net sales of foreign currency that the Bank may effect which imply a decrease in the circulation of currency or in the amount of on demand liabilities payable by the Bank.

Chapter V Issuance of regulations and sanctions

ARTICLE 24. Banco de México shall be entitled to issue regulations for the sole objectives of monetary or exchange control, the sound development of the financial system and of the payment system, or the protection of public interest. When issuing its regulations, the Bank must indicate the reasons for doing so.

Said regulations must be of general applicability, and may be pertinent to one or several types of intermediaries, to certain types of operations, regions or locations.

Sanctions imposed by the Bank pursuant to provisions of Articles 27, 29 and 33 must be aimed at preserving the effectiveness of the public-order regulations established herein and, thus, provide for the fulfillment of the objectives mentioned in the Paragraph One of this article.

ARTICLE 25. Banco de México shall determine the conditions under which credit institutions must exchange and withdraw bank notes and metallic coins in circulation.

ARTICLE 26. The characteristics of operations in which credit institutions become creditors or debtors, as well as service operations and granting of credit, loans and repurchase agreements effected by stock exchange intermediaries, shall adhere to the regulations issued by the Central Bank.

The provisions of this Article shall also apply to trusts, mandates and commissions of stock exchange intermediaries and insurance and bonding companies.

價證券之總額，相當於或少於第九條第一款所定存放之總額時，以及於本行無任何其他易處分之有價證券時，始可為之。一經處分，本行應將處分所得為政府之利益存入無息帳戶。該存放之資金，應於本行出售外匯而通貨發行額或本行即期負債總額已等額減少時，歸還政府。

第五章 命令之發布及裁罰

第二十四條

本行為貨幣或外匯管制之目的、金融體系與支付系統之健全發展或公共利益之維護，得發布命令。本行於發布命令時，應闡明其理由。

前項命令應具普遍適用性，並得適用於一種或數種類型之金融仲介業者，或適用於某些類型之業務、地區或地點。本行依第二十七條、第二十九條及第三十三條所為裁罰，應以依本條所發命令，維護公共秩序之有效執行為目的，並藉以達成第一項所定目標。

第二十五條

本行得規定信用機構應予兌換及回收流通券幣之標準。

第二十六條

信用機構之借貸業務，以及證券商辦理授信、借貸及附買回條件契約之業務，均應遵守本行所訂頒之規定。

前項規定亦適用於證券商、保險及債券公司之信託、委任及代理等事項。

ARTICLE 27. Banco de México shall be entitled to impose fines on financial intermediaries as a result of operations in which they become creditors or debtors as well as service operations provided in contravention of the provisions of this Law or in violation of regulations issued by the Bank. Said fines can be up to the equivalent of an annual interest rate of up to one hundred percent of the average percentage cost of term-deposits (costo porcentual promedio de captación) -which the Bank estimates and publishes in the Official Gazette of the Federation (Diario Oficial de la Federación) as representing the average percentage cost of term-deposits for all credit institutions and for the month or months during which said operations are in force- applied on the amount of the corresponding operations and for the length of time during which said operations remain in force.

The Bank will establish the fines referred to in the previous Paragraph taking into consideration the following:

- I. The amount of profit obtained by said intermediaries from operations effected while infringing the aforementioned regulations;
- II. The risks incurred by the intermediaries as a result of having effected said operations, and
- III. Whether the transgressor has relapsed.

ARTICLE 28. Banco de México is entitled to determine the portion of credit institutions' liabilities that must be invested in cash deposits in the Central Bank, bearing interest or not, in highly tradable securities, or in both types of investments.

The previous Paragraph will also apply to trusts, mandates and commissions, except for those constituted by the Federal Government, through which fiduciary institutions take deposits from the public or receive funds for the purpose of granting credit or investing in securities.

The mandatory investments referred to in Paragraphs One and Two of this article cannot exceed twenty and fifty percent, respectively, of the corresponding liabilities or funds.

The Bank can also determine that up to one hundred percent of the resources taken in deposit by credit institutions for specific purposes, or in accordance with special regimes provided by law, remain invested in certain types of assets congruent with said purposes or regimes.

ARTICLE 29. Banco de México can impose fines on financial intermediaries for recording shortages in the investments that must be maintained pursuant to provisions in Article 28. The amount of said fines cannot exceed the equivalent

第二十七條

金融業者作為債權人或債務人之有關業務及所提供之服務，有違反本法或本行所發布之命令者，本行得處以罰款；其罰款金額，以定期存款平均成本年利率百分之一百為上限；其定期存款平均成本，由本行參酌所有授信機構一個月或數個月定存，而視該違規業務之存續期間及其違規業務金額估定，並於聯邦政府公報公布之。

本行依前項規定處以罰款時，應斟酌下列事項：

- 一、金融仲介業者違規營業所得利益之總額。
- 二、金融仲介業者違規營業所致之風險。
- 三、違規者是否再犯。

第二十八條

本行得規定信用機構之負債應繳存於本行計息或不計息之現金存款、或易於變現之有價證券或該二種方式之比率。前項規定，於透過受託機構向大眾收受存款或基於授信及投資有價證券而募集資金所為之信託、委任及代理，亦適用之。但由聯邦政府所委託者不在此限。

第一項及第二項所規定之繳存款項，分別不得超過相當於該負債或資金之百分之二十及五十。

本行得為特定目的，決定信用機構所存放之資金應提高至百分之百；並得依據法律規定之特別機制，保留投資於符合該目的或機制之特定類型資產。

第二十九條

本行得對依第二十八條規定應繳存資金不足之金融仲介業者處以罰款；其罰款總額不得逾相當於定期存款平均成本

of an annual interest rate of up to three hundred percent of the average percentage cost of term-deposits -which the Bank estimates and publishes in the Official Gazette of the Federation as representing the average percentage cost of term-deposits for all credit institutions and for the month or months during which said operations are in force- applied on the amount of the corresponding shortages.

The Bank will set the fines referred to in the previous Paragraph taking into account the causes originating said shortages, particularly whether the shortages are the result of anomalous withdrawals of funds, the critical state of intermediaries, or administrative errors or omissions, which should not have been committed in bad faith as per the judgment of the Bank.

ARTICLE 30. The representatives of the Bank at meetings of the Boards of the supervisory commissions for the financial system will be entitled to suspend the implementation of resolutions adopted by said commissions for up to five business days, if these resolutions may affect monetary policy. Within this period of time, the Bank must inform the respective Board of its comments so that the Board may make a final resolution.

Resolutions adopted by competent authorities regarding mutual funds' purchases of securities payable by the Federal Government or by Banco de México must be approved by the Central Bank prior to their implementation.

ARTICLE 31. The Central Bank can regulate fund transfer services provided by credit institutions and by other companies professionally dedicated to providing such services.

ARTICLE 32. Credit institutions, stock exchange intermediaries, foreign exchange firms, as well as other intermediaries existing as part of financial groups or subsidiaries of the aforementioned institutions or stock exchange intermediaries, will conduct their operations with foreign currency, gold and silver as per the regulations issued by Banco de México. On equal terms, the Bank will have right of preference over any other person or legal entity with regard to purchases, sales and other types of operations usually carried out in their respective markets.

Whenever the Bank so disposes, the aforementioned intermediaries will be obliged to make on demand money deposits, in favor of the Bank and payable by first rate foreign institutions, denominated in the foreign exchange normally used by the Bank to intervene in the foreign exchange market, for the amounts in which said intermediaries' assets in foreign currency, gold and silver exceed their respective liabilities in the same denominations. The Bank will credit, in

年利率之百分之三百；其定期存款平均成本年利率，由本行參酌所有信用機構一個月或數個月相關業務短存資金之總額估定，並於聯邦政府公報公布之。

本行依前項規定處以罰款時，應審酌其繳存不足的原因，尤應注意其是否由於資金之異常提領、各該業者之緊急情況或行政管理之疏失等，依本行之判斷，不應出於惡意所致。

第三十條

金融體系監理委員會作成之決議，影響貨幣政策時，本行與會代表得暫緩該項決議之執行五個營業日。於該期間內，本行應將其意見知會該委員會，俾使其作成最後決定。

主管機關作成以共同基金購買聯邦政府債券或本行債券之決議，於執行前，應經本行同意。

第三十一條

本行管理信用機構之資金移轉業務及其他專營該業務公司之業務。

第三十二條

信用機構、證券商、外匯商及其他金融仲介集團之分支機構、上述機構或證券商之子公司，應依本行之規定經營外幣、黃金及白銀之業務。本行以相同條件從事上述標的之買賣及於個別市場從事之其他交易，較之其他自然人或法人享有優先權。

本行認為必要時，得隨時要求前項業者各就其外幣、黃金及白銀等資產超過其各別負債之金額，以本行干預外匯市場通常使用之外匯幣別，而以本行之名義存放於第一等級

the intermediaries' accounts, the domestic currency equivalent of said deposits, computed using the exchange rate published by the Bank in the Official Gazette of the Federation for the date on which the respective resolution is issued. Foreign currencies other than that referred to above, as well as gold and silver, will be valued as per regulations issued by the Bank, which shall reflect the prevailing market conditions on the corresponding date.

Taking the seriousness of each case into consideration, the Bank can order those financial intermediaries that infringe the provisions of this Article to suspend, for up to six months, all or some of their operations in foreign currencies, gold and silver.

ARTICLE 33. Banco de México shall be entitled to establish limits on the value of operations in which the intermediaries mentioned in Article 32 become creditors or debtors when these operations involve foreign exchange risks.

The Bank can impose fines on those financial intermediaries that infringe regulations issued pursuant to the previous Paragraph; said fines can be for up to the equivalent of five percent of the paid-in equity and capital reserves of the concerned intermediary.

The Bank shall establish the fines referred to in the previous Paragraph taking into consideration the provisions of Article 27 Sections I to III.

ARTICLE 34. The agencies and entities of the Federal Public Administration which are not financial intermediaries must maintain their holdings of foreign currency, and effect foreign currency transactions, as per the regulations, guidelines and policies set forth by Banco de México. For this purpose, they will provide the Bank with the information the latter may request regarding their foreign currency operations. Said agencies and entities must also sell their holdings of foreign currency to the Bank in accordance with regulations issued by the latter, which shall reflect prevailing market conditions.

ARTICLE 35. Banco de México will issue regulations according to which the exchange rate or exchange rates will be determined for the purpose of settling, in domestic currency, liabilities denominated in foreign currency, contracted within the national territory or abroad and payable within the national territory. Likewise, the Bank is entitled to establish the exchange rates applicable to operations where domestic currency is exchanged for foreign currency, as long as any of the currencies is furnished within the national territory.

之外國機構，俾供支付。本行須以相當於上述存款數額，按個別存放日期所刊登於聯邦公報之匯率，折合之本國貨幣存入各該業者帳戶。其他外幣及金銀，以各該徵用日期之市場行情予以評價，並依本行發布之規定徵用之。違反本條規定之金融仲介業者，本行得視個案之嚴重性，命令停止有關外幣及金銀業務之全部或一部；其停止營業之期間，最長為六個月。

第三十三條

前條所指業者之營業涉有外匯風險時，本行得對其借貸業務，設定限額。

本行得對違反依前項規定所發命令之金融仲介業者處以其實收資本及公積百分之五以內之罰款。

本行依前項規定處以罰款時，應斟酌第二十七條第二項第一款至第三款規定之事項。

第三十四條

聯邦政府之代理機構及團體，如非屬金融仲介業者，仍應依本行所訂之規定、指導原則及政策，持有外幣及執行外幣交易；為此目的，應提報本行有關其外幣操作之資訊。上述代理機構及團體亦應依本行發布之命令，將其所持有之外幣以市價售予本行。

第三十五條

本行得訂定有關匯率或下述結算匯率之命令，須以本國貨幣結算之國內外契約，而在國內支付之外幣負債。本行亦得規定本國貨幣與其他任何於國內要求交易之外幣匯率。

ARTICLE 36. Financial intermediaries must provide Banco de México with the information the latter may request on their operations, even regarding some of their operations or one in particular, as well as the data necessary to evaluate their financial situation and, in general, all information required by the Bank to adequately perform its functions.

Upon request by Banco de México, the supervisory commissions for the financial system will perform visitations at the intermediaries' facilities in order to review, verify and evaluate the information provided pursuant to the provisions of the previous Paragraph. Personnel from the Bank may participate in such visitations.

ARTICLE 37. Banco de México can suspend all or some of its operations vis-à-vis those financial intermediaries which infringe this Law or the regulations resulting thereof.

Chapter VI Government and supervision

ARTICLE 38. The performance of the functions and the administration of Banco de México shall be entrusted, within their respective spheres of duty, to a Board of Governors and a Governor.

The Board of Governors shall be made up of five members, who shall be appointed pursuant to the provisions of Article 28 Paragraph Seven of the Constitution. From among these members, the President of the Republic will appoint the Governor of the Bank, who shall preside over the Board of Governors; the remaining members will be called Deputy Governors.

ARTICLE 39. To be appointed a member of the Board of Governors, candidates must fulfill the following requirements:

- I. Be a Mexican citizen by birth and not acquire any other nationality, with full capacity to exercise his or her politic and civil rights and not older than sixty-five years old as of the starting date of his or her term in office;
(Modified in the Official Gazette of the Federation published on January 23, 1998).
- II. Be of renowned competence in monetary matters, and have held, for at

第三十六條

本行為有效執行任務得規定，金融仲介業者應提供本行所指定之業務資訊，以及評估其財務狀況所必要之所有資料。

金融體系監理委員會應本行之請求，進行金融仲介機構之檢視、複核及評估其依前項規定所提供之資訊；本行人員亦得會同檢查。

第三十七條

違反本法或本法授權所定命令之金融仲介業者，本行得停止其業務之全部或一部。

第六章 管理及監督

第三十八條

本行任務之執行及行政管理事項，授權理事會及總裁於其職掌範圍內為之。

理事會由理事五人共同組成；理事依憲法第二十八條第七項規定指派之；本行總裁由總統自理事成員中指派一人充任之，並擔任理事會之主席；其餘理事均為副總裁。

第三十九條

被指派為理事者，應符合下列資格：

- 一、須為出生於本國，且無其他任何國籍之本國公民；於其任職期間內，並須擁有完全之政治及公民權利，且不得逾六十五歲。
- 二、須對於貨幣事項具有相當之聲望與能力，並曾在本

least five years, high-ranking positions within the Mexican financial system or in agencies or institutions with functions of authority on financial matters.

The provisions of the previous Paragraph need not be observed for the appointments of two of the five members of the Board; nonetheless, the candidates must in all cases be distinguished professionals in economic, financial or legal matters. None of these two members may be appointed Governor before having completed three years in his or her post as Deputy Governors, and

- III. Not having been convicted for willful crimes; nor having been disbarred from trade, or from holding posts, positions or commissions within the public service or the Mexican financial system; nor having been previously dismissed as member of the Board of Governors, except if such dismissal was the result of a physical ailment already overcome.

ARTICLE 40 The Governor will be appointed for a term of six years and Deputy Governors for eight years. The term of the Governor will start on the first of January of the fourth year of the President of the Republic's term. The terms of the Deputy Governors will be staggered, with one starting every other year on the first of January of the first, third and fifth years of the President's term. The individuals occupying these posts may be appointed members of the Board of Governors for more than one term.

ARTICLE 41. Vacancies in any post of Deputy Governor will be covered by the new member appointed for the Board of Governors. Should the vacancy be for the post of Governor, the President of the Republic may appoint one of the Deputy Governors already on duty to fill said vacancy, or appoint a new member of the Board of Governors and, after the Board has been constituted, designate the Governor from among its five members. Before the new Governor is appointed, the Deputy Governor with more seniority will be the Interim Governor of the Bank and will preside over the Board of Governors. Should there be two or more Deputy Governors with the same seniority in the post, the Board of Governors will elect the Interim Governor among themselves.

Members of the Board filling vacancies produced before the termination of ordinary terms will be appointed only for the time remaining until the conclusion of the term of the member being replaced. If upon termination of

國金融體系或與金融事務有關之機關或機構擔任高階職位至少五年。

其中二位理事之指派，得不適用前段之規定。但所有被指派者，均應為經濟、金融或法律方面之傑出專業人士。該二位理事，於擔任副總裁職位滿三年之前，不得被指派為總裁。

三、須非曾因故意犯罪受有罪判決確定、或曾被禁止交易或禁止擔任公職或本國金融體系之相關職務、或曾於擔任理事期間遭解職。但其被解職係因身體疾病所致且已復原者，不在此限。

第四十條

總裁任期六年；副總裁任期八年。總裁任期，自總統任期之第四年一月一日起算；副總裁以每隔一年任命一人，其任期分別自總統任期之第一、三、五年一月一日起算。各該職務均得續派連任。

第四十一條

副總裁出缺時，由理事會指派新理事遞補之。總裁出缺時，由總統指派副總裁或新理事一人充之；但理事會成員已補足者，僅得自理事會成員中指派之。於新任總裁被指派前，由最資深之副總裁暫代總裁職務，並為理事會主席。如有二人以上之同等資深副總裁時，由理事會自其中選出一人暫代總裁職務。

理事會之成員遞補缺位之任期，以出缺職位原剩餘任期為

the Governor's term a Deputy Governor on duty is appointed to the post of Governor, said appointment will be for six years irrespective of the time the appointee had been Deputy Governor.

ARTICLE 42. The Governor and Deputy Governors must abstain from participating, as representatives of the Bank, in the activities of political parties.

ARTICLE 43. Members of the Board of Governors may be removed from their posts as a result of:

- I. Mental illness, as well as physical affliction preventing the adequate fulfillment of their functions for more than six months;
- II. Performing any job, position or commission other than those provided for in Article 28 Paragraph Seven of the Constitution;
- III. Stop being a Mexican citizen or fulfilling any of the requirements set forth under Article 39 Section III;
- IV. Failure to observe the agreements sanctioned by the Board of Governors or deliberately acting in excess or in dereliction of his duties;
- V. Using the confidential information available to him or her as a result of his or her position in his or her own benefit or that of third parties, or disclosing said information without the consent of the Board of Governors;
- VI. Knowingly submitting false information for the consideration of the Board of Governors, and
- VII. Leaving his or her post without authorization from the Board of Governors or without justified motive, baring force majeure. The Board of Governors cannot authorize leave of absence for more than six months.

The Governor may also be removed for not observing the agreements sanctioned by the Exchange Commission.

ARTICLE 44. The Board of Governors is entitled to determine whether the conditions for removal mentioned in the previous article have been met upon request by the President of the Republic or by at least two members of the Board. The verdict will be obtained by a majority of votes from the members of the Board of Governors, excluding the vote of the affected party, and after having granted him or her the right to a hearing.

限。但於總裁任期屆滿時，副總裁被指派繼任總裁職務者，其任期為六年，並與其原任副總裁之任期無關。

第四十二條

總裁及副總裁代表本行，不得參與政黨活動。

第四十三條

理事會成員有下列情事之一者，應予解任：

- 一、因精神上或身體上之病痛，妨礙其職務之順利執行，達六個月以上者。
 - 二、從事憲法第二十八條第七項規定以外之工作、職務或任務。
 - 三、不再為墨西哥國公民或不再符合第三十九條第三款規定之資格條件者。
 - 四、不遵守理事會核可之約定，或故意逾越或怠忽其職責者。
 - 五、為自己或第三人之利益，而利用自己因職務取得之機密資訊，或未經理事會同意，而洩露上述資訊者。
 - 六、故意提出不實資訊供理事會審議者。
 - 七、除不可抗力者外，未經理事會之核准或未具正當理由而擅離職守者。理事會不得核准理事請假逾六個月。
- 總裁亦得因不遵守經外匯委員會核可之約定而被解任。

第四十四條

理事會得依總統或理事二人以上之提請，審議是否構成前條解任之條件。其決定，應經理事會之多數決行之。但利害關係人不得參與表決，並應同意當事人有請求聽證之權利。

The aforementioned verdict, including the documentary evidence supporting it and the written argumentation the affected party may have presented in his or her own defense, shall be sent to the Federal Executive. The Federal Executive shall in turn send it, together with the aforementioned documentation and the President's considerations on the admissibility or inadmissibility of the removal, to the Senate or, should the latter not be in session, to the Permanent Commission, for a final judgment.

ARTICLE 45. The Board of Governors may be summoned to meetings by the Governor or by at least two Deputy Governors. At least three Board members must be present at any meeting of the Board. Should the Governor not be present at a meeting, the session will be presided over by the member appointed by the Governor for that purpose or, if no member was appointed for the task, by the corresponding Deputy Governor as per the procedure set forth under Article 41 Paragraph One.

For resolutions to stand, they must be approved by the majority vote of those members present, except in the case described in Article 44 Paragraph One. The member presiding over the session shall have the decisive vote in case of tie.

Upon having been summoned and informed of the corresponding agenda, the Secretary and Undersecretary of Finance and Public Credit may attend the meetings of the Board of Governors with voice but without vote. These officials may call a Board of Governors meeting and suggest the issues to be addressed during the meeting.

The Board of Governors may call for the presence of Bank officials at its meetings in order that they may directly furnish the information requested from them.

Individuals attending the meetings must maintain the confidentiality of the issues addressed therein, excluding any information to be disclosed upon prior authorization by the Board of Governors.

ARTICLE 46. The Board of Governors shall be empowered to:

- I. Dictate the characteristics of bank notes in accordance with provisions set forth under Article 5, and submit the metallic composition of coins for the consideration of the Ministry of Finance and Public Credit pursuant to the Monetary Act of the United Mexican States (*Ley Monetaria de los Estados Unidos Mexicanos*);
- II. Authorize orders to mint coins and manufacture bank notes;

前項決定，應檢同相關證明文件及當事人之書面答辯，一併送至聯邦行政首長；聯邦行政首長再將該項決定併同上述文件及總統對於解任認可或不認可之意見，轉送至參議院，如非於會期中，則送至常設委員會，作最後之決定。

第四十五條

理事會由總裁或副總裁二人以上召集之。須至少三位理事出席，始得開會。總裁無法出席時，由總裁基於該項目的指派之理事代理主席；未經指派時，依第四十一條第一項所定程序，產生之同一副總裁為主席。

會議之議決，除第四十四條第一項規定者外，應經出席理事過半數之同意行之。可否同數時，由主席裁決之。

財政公共債務部部長與次長於理事會召開及相關議程進行時，得出席表示意見，但無表決權；二者亦得請求召開理事會，並於會中提出建議。

理事會得要求財經官員列席會議備供諮詢。

參加理事會議之人對於會議內容，除經理事會同意揭露之資訊外，應保守秘密。

第四十六條

理事會之職權如下：

- 一、依第五條規定，訂定紙幣之規格；並依「墨西哥貨幣法」提出硬幣之成分，供財政公共債務部部長斟酌。
- 二、授命鑄造硬幣及印製紙幣。

- III. Decide on the demonetization of bank notes and on the procedures to destroy and render currency useless;
- IV. Decide on the granting of the Bank's credit to the Federal Government;
- V. Establish the Bank's operational policies and guidelines, and determine the characteristics of operations and those operations which, owing to their importance, must be submitted each time to the Board's approval prior to their execution;
- VI. Authorize the issuance of monetary regulation bonds and specify the characteristics thereof;
- VII. Specify the characteristics of securities payable by the Federal Government and issued by the Bank pursuant to Article 12 Section IV Paragraph Two, as well as the conditions of placement of such securities and of those other securities referred to in said Paragraph;
- VIII. Establish the policies and guidelines according to which the regulations set forth under Chapter V should be issued, without affecting the powers of the Exchange Commission as set forth in Article 22;
- IX. Authorize the statements and reports issued by the Bank and by the members of the Board of Governors on the policies and activities of the Bank;
- X. Authorize the financial statements corresponding to each fiscal year as well as the consolidated monthly statements of account;
- XI. Prescribe the general rules and guidelines for the preparation and execution of the Bank's current expenditure and physical investment budget, as well as authorize said budget and any modification thereto that may be required throughout the financial year. The Board of Governors shall do the above in observance of the principle that the evolution of said budget be congruent with that of the Federal Expense Budget;
- XII. Issue, subject to the general guidelines set forth in Article 134 of the Constitution, the rules according to which the Bank shall contract the acquisition or sale of movable property, the leasing of all types of goods, the execution of real estate projects, and the procurement of all types of services;
- XIII. Decide on the Bank's acquisition or sale of stock or shares of companies providing services to the Bank;
- XIV. Authorize the acquisition or sale of real estate property;
- XV. Decide on the provisioning of the reserves referred to in Article 53;
- XVI. Approve the Bank's Bylaws, which shall be published in the Official Gazette of the Federation;
- XVII. Approve the General Labor Conditions that shall govern the relations

- 三、決定紙幣收回及通貨作廢銷燬之程序。
- 四、決定本行對聯邦政府之融通。
- 五、訂定本行經營政策及指導原則，並決定業務之重點及其各該業務重要事項，應於執行前分別提經理事會同意。
- 六、核准金融調節債券之發行，並確定其發行要點。
- 七、確定由本行依第十二條第四款第二段規定發行聯邦政府債券之要點，以及前述債券與前款有關其他債券之配置情形。
- 八、於不影響第二十二條所定外匯委員會權限之前提下，依據第五章所定命令訂定政策及指導原則。
- 九、核定本行及理事所提有關本行政策及執行事項之說明及報告。
- 十、核定年度財務報告及每月會計合併報表。
- 十一、訂定有關本行經常性支出與實質投資預算之編製及執行之一般規範與指導原則，並核准上述預算及其年度執行後之修正。理事會為上述核准時，應遵守預算成長與聯邦支出預算應有一致性之原則。
- 十二、在憲法第一三四條所定指導原則下，公布本行有關動產買賣、物品租賃、不動產執行計畫及各項採購業務之訂約規則。
- 十三、決定本行取得或出售與本行有業務往來公司之股份或出資額。
- 十四、核准不動產之取得或出售。
- 十五、決定第五十三條所定準備之提存。
- 十六、核定本行規章，並將之刊登於聯邦政府公報。
- 十七、核定一般勞動條件，以規範本行與職員間之關係及

between the Bank and its personnel, and the Bank's wage scales. Wages earned by the Bank's officials and employees shall not exceed those earned by members of the Board of Governors, except in those cases in which a higher remuneration is required due to market conditions for a given professional specialty;

- VIII. Appoint and remove the secretary to the Board of Governors and his or her alternate, both of whom shall be Bank officials;
- XIX. Appoint and remove officials holding the three top hierarchical ranks of the Bank's personnel;
- XX. Approve policies for writing off, either totally or partially, liabilities of third parties payable to the Bank when it is evident that the collection of these debts will be impractical or uneconomical for the Institution, and
- XXI. Decide on issues submitted by the Governor for the consideration of the Board.

ARTICLE 47. The Governor of Banco de México shall:

- I. Be in charge of the Bank's management, of its legal representation and of the fulfillment of the Bank's functions, without affecting the powers conferred to the Board of Governors by this Law;
- II. Carry out the resolutions adopted by the Board of Governors and by the Exchange Commission;
- III. Submit the statements and reports issued by the Bank and referred to in Article 46 Section IX, and the documents referred to in Article 46 Sections X, XI, XII, XVI and XVII, for the consideration and, if applicable, for the approval of the Board of Governors;
- IV. Act on behalf of the Bank as its legal representative and fiduciary delegate;
- V. Be the liaison between the Bank and the Federal Public Administration;
- VI. Be the spokesman of the Bank, and able to delegate this function on to the Deputy Governors;
- VII. Set up regional councils;
- VIII. Decide on the establishment, moving and shutting down of the Bank's branch offices;
- IX. Appoint the Deputy Governors who shall perform duties or commissions in representation of the Bank;
- X. Appoint and remove the Bank's legal representatives and fiduciary delegates;

薪資等級。行員及僱員之薪資不得高於理事之薪資，但經衡酌市場情況而給予專業人員較高報酬者，不在此限。

十八、指派及解任理事會之執行秘書及其代理人；其二人均應為本行行員。

十九、指派及解任本行最高三級之職員。

二十、於第三人無法清償債務或機構經營不善之情況時，核准其對本行之債務得予全部或一部減價償還之政策。

二十一、決定總裁向理事會建議所提出之議案。

第四十七條

本行總裁之職權如下：

- 一、與本法所賦與理事會權限不相衝突之範圍內，負責綜理及履行本行之職責，並為本行之法定代表。
- 二、執行理事會及外匯委員會之決議事項。
- 三、為徵得理事會之同意，而向理事會提出前條第九款之說明與報告及前條第十款至第十二款、第十六款與第十七款之文件。
- 四、為本行之利益而擔任本行之法定代表人及信託代理人。
- 五、充當本行與聯邦政府間之聯絡人。
- 六、擔任本行之發言人，亦得委由副總裁為之。
- 七、設置區域性委員會。
- 八、決定本行分行之設立、遷移及裁撤。
- 九、指派副總裁代表本行執行業務及任務。
- 十、指派及解任本行之法定代表人及信託代理人。

- XI. Appoint and remove the personnel of the Bank, except for those officials referred to in Article 46 Section XIX, and
- XII. Establish, according to the wage scales authorized by the Board of Governors, the wages for the Bank's employees, and authorize the programs for personnel training.

ARTICLE 48. The functions of the regional councils referred to in Article 47 Section VII will be to gather, disseminate and consult general information of economic and, particularly, financial nature.

ARTICLE 49. The remunerations of the Governor of the Bank, as well as those of the Deputy Governors, will be determined by a committee made up of the President of the National Banking Commission and two individuals appointed by the Secretary of Finance and Public Credit. The appointments of these individuals should not represent conflict of interest and they should be renowned for their experience in the labor market pertinent to public and private credit institutions as well as to the corresponding regulatory authority agencies.

The committee shall meet at least once per year and shall make its resolutions by majority vote of its members, who shall have no alternates. In making its resolutions, the committee shall consider the current remunerations at the Bank and the evolution of remunerations in the country's financial system. The criterion guiding the committee's resolutions shall be that, in light of conditions in the aforementioned labor market, the Board of Governors ought to be made up of suitable members and the Bank ought to be able to hire and retain duly qualified employees.

ARTICLE 50. The Secretary of Finance and Public Credit will request, from an accountants collegiate organization or institute widely representative of the profession, to submit the name of three prestigious accounting firms, from which the Secretary, with the concurrence of the Chamber of Deputies' Finance Accounting Vigilance Commission (Comisión de Vigilancia de la Contaduría Mayor de Hacienda), shall designate the external auditor of the Bank and hire its services on behalf of the Bank. The external auditor may not be hired for periods beyond five years.

The auditor shall be fully empowered to examine and express his or her opinion on the Bank's financial statements, and to review the Bank's accounting and all

十一、指派及解任前條第十九款所定以外之本行職員。

十二、依理事會核定之薪資等級，訂定本行僱員之薪資，並核定本行職員之訓練課程。

第四十八條

前條第七款所定區域性委員會之職掌，為蒐集、傳遞及徵詢一般經濟資訊及特定金融資訊。

第四十九條

本行總裁及副總裁之薪資，由全國銀行委員會主席及財政公共債務部部長指派二名代表共同組成之委員會決定之。該代表之指派，應不得有利益衝突，且其於公、私營信用機構之勞工市場及有關監理機關，並應具有一定之聲望及經歷。

前項委員會每年至少開會一次，並以委員過半數議決之；其委員，不得代理之。委員應衡酌本行當前薪資及國家金融體系之薪資變動情形議決之。委員會決議之基準，應考量上述勞動市場之情況、理事會須以適當之成員組成，以及本行須能僱用並留住合適之人才。

第五十條

財政公共債務部部長得要求自會計師學會或充分代表會計專業之研究院，提出三家聲譽卓著之會計師事務所，並於徵得眾議院金融會計監督委員會之同意後，指定其中之一為本行之外部稽核，並代表本行予以聘僱；其聘僱期間不得超過五年。

該稽核有充分權限進行檢查及對本行財務報告提出意見，並可審查本行之會計報表及所有相關文件。該稽核應將審

related documentation. The auditor shall send copies of the reviews submitted to the Board of Governors and a report on the execution of the Bank's current expenditure and physical investment budget to the Federal Executive and to the Congress of the Union.

Chapter VII General provisions

ARTICLE 51. The Bank shall send, to the Federal Executive and to the Congress of the Union, and during the recesses of the latter to Congress' Permanent Commission, the following:

- I. In January of each year, a presentation of the monetary policy to be followed by the Bank during the respective year, as well as a report on the Bank's current expenditure and physical investment budget for the year;
- II. In September of each year, a report on the implementation of monetary policy during the first semester of the respective year, and
- III. In April of each year, a report on the implementation of monetary policy during the second semester of the previous year and, in general, on the activities of the Bank throughout said year, within the context of the domestic and international economic situation.

ARTICLE 52. Any of the two Chambers of the Congress of the Union may summon the Governor of the Bank to report on the Bank's policies and activities.

ARTICLE 53. Banco de México shall, whenever possible, preserve the real value of the sum of its equity plus reserves, and increase said value in accordance with increments in the real gross domestic product. Banco de México may provision reserves in addition to those set forth in this article only when the additional reserves result from the revaluation of the Bank's assets or when the Bank and the Ministry of Finance and Public Credit so agree.

ARTICLE 54. The Bank's financial year shall begin on the first of January and finish on the thirty-first of December of each year. The Bank must publish the year-end's financial balance sheet and a consolidated statement of accounts for the last day of every month.

查文件送交理事會，並應將其對本行經常性支出及實質投資預算執行情形報告提送聯邦行政首長及國會。

第七章 通則

第五十一條

本行應向聯邦行政首長及國會依下列各款規定提送報告；於國會休會期間，各該報告應向國會常設委員會為之：

- 一、於每年一月，提出該年度將採行貨幣政策之說明及當年度經常性支出與實質投資預算之報告。
- 二、於每年九月，提出當年度上半年貨幣政策之執行報告。
- 三、於每年四月，提出前一年度下半年貨幣政策之執行報告，通常亦包括本行於過去一年來在本國及國際經濟情況下之執行情形。

第五十二條

國會兩院之任何一院均得邀請本行總裁報告本行之政策及營運情形。

第五十三條

本行應隨時維持業主權益總額之實際價值，並應配合實質國內生產毛額之增加而提升其價值。本行應依本法規定提存各項準備，並得於經本行及財政公共債務部同意後，另行提存因資產重估而產生之額外準備。

第五十四條

本行之會計年度，從每年一月一日開始，至十二月三十一日結束；本行應公布年終資產負債表及每月月底合併財務報表。

ARTICLE 55. The Bank shall be a non-profit institution and shall hand over to the Federal Government the full amount of its operating surplus after having provisioned the reserves set forth in this Law, providing this does not imply reductions in the reserves resulting from the revaluation of assets. The handing over shall take place no later than April of the financial year following that to which the surplus corresponds.

ARTICLE 56. The bank notes and metallic coins put in circulation by Banco de México shall be registered, at their face value, as liabilities in the Bank's balance sheet. For as long as the aforementioned currency is not put in circulation, it shall be registered in the Bank's assets at its manufacturing cost or purchase value, as the case may be; the corresponding entries shall be adjusted in accordance with changes in the replacement cost of said currency. Upon having been put in circulation for the first time, bank notes and metallic coins shall be dropped from the Bank's assets and debited from the profit and loss account. The Bank shall register the amounts earned from the sale of metal obtained from coins withdrawn from circulation in its assets, and credit said amounts to the profit and loss account.

Coins referred to in Article 2 Paragraph C of the Monetary Act of the United Mexican States which are not intended as general means of payment, and those referred to in Article 2 Bis of said Law, will be registered as per the terms agreed upon by the Board of Governors.

ARTICLE 57. Operations set forth under Article 46 Section XII shall be effected through public bidding, excluding the following:

- I. Purchases of food stuffs or other perishables;
- II. When less than three suitable suppliers or bidders can be found;
- III. When a contract is terminated in advance or rescinded;
- IV. When the amount of the contract does not exceed the equivalent of:
 - a) Sixty times the annualized general minimum wage per day prevailing in the Federal District, for the purchasing, leasing and rendering of services related to movable property;
 - b) Ninety times the annualized general minimum wage per day prevailing in the Federal District, for real estate projects, and

第五十五條

本行為非營利機構，應於盈餘扣除依本法提存各項準備及資產重估之準備後，於次一會計年度之四月份前，全數繳交聯邦政府。

第五十六條

本行流通中之紙幣及硬幣，應按其面額列為本行資產負債表之負債。該通貨於流通前，應按其製造成本或買入價格列為本行資產；該帳項應隨通貨重置成本之變動調整之。該通貨一經開始流通，即應自本行資產項中剔除，並記入損益表之借方。本行應將回籠硬幣列入資產項下，並將該金屬銷售所得款項記入損益表之貸方。

「墨西哥聯邦貨幣法」第二條 c 項所指非通用支付工具之硬幣及該法第二條第二項所指之硬幣，應依本行理事會同意之條件列帳。

第五十七條

第四十六條第十二款規定之採購事項，除下列各款外，應以公開標購方式為之：

- 一、食品或其他易腐壞物品之採購。
- 二、合格供應商或競標者未滿三家時。
- 三、契約遭提前終止或撤銷時。
- 四、當契約總額未逾下列等值金額時：
 - (a) 動產之購買、租賃及相關事項，為聯邦地區通行年平均每日最低工資之六十倍。
 - (b) 不動產計畫，為聯邦地區通行年平均每日最低工資之九十倍。

- c) Ten times the annualized general minimum wage per day prevailing in the Federal District, for selling movable property, as per appraisal effected by a legally qualified person;
- V. In the event of fortuitous circumstances or force majeure;
- VI. When conservation, maintenance, restoration, repair and demolition projects or services are required and it is impractical to precisely determine the scope, the list of items and amounts of work necessary, the specifications, or work schedule thereof;
- VII. Purchases or sales of real estate, as well as services related to real estate projects;
- VIII. In the event of circumstances that may cause serious disruptions, losses or significant additional costs for the Bank;
- IX. When, after having carried out two public biddings, the relevant contract cannot be awarded, or
- X. The purchase of materials required by the Bank to manufacture bank notes or procured for the minting of metallic coins.

ARTICLE 58. Banco de México, the members of the Board of Governors, as well as the Bank's officials and employees shall be bound by the legal provisions regarding banking and fiduciary secrecy as established by Law.

ARTICLE 59. The following shall be non-union employees of Banco de México:

- I. Officials with rank of Deputy Managers or above, employees with positions of ranking equivalent to that of those previously mentioned and employees personally and directly assigned to the Board of Governors and to the members thereof; advisors and secretarial personnel assigned to the aforementioned officials; heads of office or division; security personnel; pilots, copilots and flight engineers; technical personnel assigned to the foreign exchange, metals, investments, securities, and information services departments; operators and coders of telecommunication devices through which written documents are transmitted, as well as technical personnel handling confidential information, and
- II. Personnel referred to in the Statutory Law for Article 123, Division B, Section XIII Bis of the Political Constitution of the United Mexican States, who are not included in the above Paragraph.

The Governor and the Deputy Governors of the Bank shall not be considered as part of the Bank's personnel.

(c) 經合格人員鑑價出售動產，為聯邦地區通行年平均每日最低工資之十倍。

五、偶發或不可抗力之情形。

六、屬於保養、維護、修復、修繕及拆除之計畫或相關事項，且無法精確決定其範圍、項目及工作需求、特性或工作進度者。

七、不動產之買賣及有關不動產企畫之相關事項。

八、可能導致本行嚴重失序、損失或顯著增加額外成本之緊急情況。

九、經兩次公開競標未能拍定時。

十、本行用以印製紙幣或鑄造硬幣所需物料之採購。

第五十八條

本行理事會理事及本行員工均應遵守法律有關銀行業及信託業保密條款之規定。

第五十九條

本行下列職員不得參加工會組織：

一、副經理級以上之行員、具有相當於前述職位與被直接指派處理理事會或理事事務之職員、被指派擔任上述人員之顧問與秘書、各單位部門主管、安全人員、飛行員、助理飛行員與飛航工程師、被指派擔任外匯、金屬、投資、證券與資訊部門之技術人員、操作員與拍發電報文書之通訊員、以及處理機密資訊之技術人員。

二、不屬於前款規定之人員，而為依「墨西哥憲法」第一二三條第b項第十三款制定之法律所指之人員。

本行總裁及副總裁非屬本行職員。

ARTICLE 60. Officials with rank of Deputy Managers or above and employees with positions of equivalent ranking may not hold any post, position or commission in the Federal Public Administration, excluding those in which they may act in representation of the Bank, or at educational, scientific, cultural or charitable organizations.

ARTICLE 61. The Federal Civil Servants' Responsibility Act (Ley Federal de Responsabilidades de los Servidores Públicos) shall apply to members of the Board of Governors and to the Bank's personnel, subject to the following:

- I. The application of the aforementioned Law and the strict enforcement thereof, excluding instances of Political Trial to which members of the Board of Governors may be subject, shall be the concern of a Responsibilities Commission, which shall be made up by the member of the Board of Governors appointed by the Board and by the heads of the Bank's legal and comptroller departments.

The Board of Governors shall determine the accountability regarding violations perpetrated by members of the Board of Governors or by officials holding any of the three highest-ranking positions, and impose the corresponding sanction. For this purpose, the Responsibilities Commission shall submit the relevant dossier to the Board, and

- II. Members of the Board of Governors, officials holding posts of Deputy Manager or above, and the personnel indicated in the Bank's Bylaws due to the nature of their functions, shall submit reports on their personal property. These reports shall be submitted to the Bank's comptroller department, which shall keep record and follow up on the evolution of the relevant personnel's personal property, and inform the Responsibilities Commission or the Board of Governors, as the case may be, of any observations that may result from such follow up.

No defense proceeding before the Federal Fiscal Court shall be valid against the resolutions set forth in this Article.

ARTICLE 62. Banco de México shall be entitled to:

- I. In conjunction with other competent authorities, prepare, collect and publish economic and financial statistics, operate information systems based thereon and collect the data necessary for such purposes;

第六十條

副經理級以上之行員及具相當職位之職員，不得任職於聯邦政府機關。但擔任本行之代表或於教育、科技、文化或慈善機構兼職者，不在此限。

第六十一條

「聯邦公務員責任法」於下列情形，適用於理事會理事及本行職員：

一、本行理事會指派理事與本行法務部門、監察人部門之主管共同組成責任委員會，負責「聯邦公務員責任法」之適用及其執行工作。但對於理事之政治性審判案件不適用之。

理事會負責裁決有關理事或最高三級職員違失之責任，並課予相當之懲罰。基於此目的，該責任委員會應向理事會提出相關之調查報告。

二、理事、具有副經理以上職位之行員及依本行法令負有相關職責之職員，均應提出個人財產報告；該報告應提交本行監察人部門，由其保存及追蹤相關人員財產之變動情形，並於發現有進一步追查之必要時，通知責任委員會或理事會。

於聯邦財政法庭之答辯程序，違反依本條所作裁決者，不生效力。

第六十二條

本行得為下列各款行為：

一、會同其他主管機關編製、蒐集及發行經濟與金融統計，經營與其相關之資訊系統，並蒐集為各該目的所需之資料。

- II Carry out, directly or through third parties, the marketing of commemorative coins, and of bank notes and metallic coins with special packaging or finish;
- III. Use the resources at its disposal to manufacture goods for and render services to third parties, provided that this does not hamper the proper accomplishment of its functions, and
- IV. Purchase or lease the real estate property and contract the building contractors and services necessary or suitable for its proper operation and functioning, and sell the movable property that may become useless for such purposes.

ARTICLE 63. Banco de México is forbidden to:

- I. Provide guaranties;
- II. Purchase or lease real estate not required to perform its functions. Should the Bank find it necessary to receive real estate or rights over real estate in payment for credits granted, or when some of its real estate properties become nonessential to the execution of its functions, the Bank must sell said properties or rights within the term of three years, and
- III. Purchase ownership interests in the capital of corporations, excluding companies providing the required or appropriate services for the performance of the Bank's functions.

Prohibitions or limitations hereunder shall not apply when the Bank acts in compliance with its labor obligations, or in compliance with obligations acquired vis-a-vis members of the Board of Governors in compensation for services provided. In these cases, the Bank may effect the operations and provision the reserves necessary or suitable for the fulfillment of said obligations.

ARTICLE 64. A petition of review may be submitted against the rulings provided for in Articles 27, 29 and 33, and must be filed before the administrative department indicated in the Bank's Bylaws within fifteen business days following the notification date of said rulings.

The purpose of said petition shall be to revoke, modify or uphold the ruling being appealed. The petition's written request shall include the appellant's name and address, the ruling being appealed and the damages or injury claimed, backed by the necessary pieces of evidence and proof of the appellant's identity.

- 二、直接或透過第三人販售紀念幣及具有特殊包裝或裝飾之紙幣與硬幣。
- 三、無礙於本行正常功能之執行，而利用本行資源生產物品及提供服務予第三人。
- 四、為配合本行營運之需要，購買或租賃不動產，與建商簽訂契約，並出售已失其使用目的之動產。

第六十三條

本行不得為以下各款行為：

- 一、提供保證。
- 二、購買或租賃不符合本行任務之不動產。但本行因擔保授信之償還而取得不動產或不動產之權利者，或當其原有不動產已不符合本行任務者，本行應於三年內出售該不動產或其權利。
- 三、購買公司之股權。但提供與本行業務執行有關之公司者，不在此限。

前項禁止或限制之規定，於遵守勞工之義務或履行有關理事勞務之補償者，不適用之；在此情形下，本行得提供必要或足夠之準備金，以履行上述義務。

第六十四條

對於違反第二十七條、第二十九條及第三十三條規定而為之處分，得為申復；其申復，應於行政管理部門依本行法令為上述處分之通知日起十五個工作日內提起之。

前項申復，得請求廢止、修正或確認系爭處分；其申復之書面條件，應包括申復人姓名、地址、系爭處分及請求之損害或損失，並應檢附必要之證據及申復人之身分證明。

The petition's notifications, process and final verdict shall be additionally bound by provisions under Articles 130, 132, 134, 135, 136 Paragraph Three, 137, 139 and 140 of the Federal Fiscal Code, as well as by the statutory laws applicable to these provisions.

ARTICLE 65. Petitions of review shall be resolved within twenty business days from the date of their filing; otherwise, the ruling being appealed shall be considered upheld. The affected party may file a habeas corpus based on presumed infringement of individual rights under the Constitution (Derecho de Amparo) only after having had recourse through the petition of review.

When a petition of review does not indicate the injury or damage claimed, it shall be denied as inadmissible. Should any evidence be omitted, it shall be considered as not submitted.

Final verdicts on petitions of review shall indicate the ruling being appealed, the legal foundation thereof and the summation points.

No defense proceeding before the Federal Fiscal Court shall be valid against the final verdict provided for in this article.

ARTICLE 66. Rulings provided for in Article 64 Paragraph One shall be carried out:

- I. If no petition of review is filed within the term provided for in Article 64;
- II. If the affected party does not substantiate having filed a habeas corpus suit on presumed violations of individual rights under the Constitution within twenty business days following the date on which he or she was notified of the corresponding ruling.
- III. If the aforementioned habeas corpus suit results in a verdict rejecting the suspension of the appealed ruling, or
- IV. Only after the appellant has been found again guilty as charged, if judgment had been passed on the habeas corpus suit granting the suspension of the appealed ruling.

申復人之通知、程序及終局裁定，應受「聯邦財政法」第一三〇條、第一三二條、第一三四條、第一三五條、第一三六條第三項、第一三七條、第一三九條與第一四〇條及其相關法令規定之限制。

第六十五條

申復應於提起後二十個工作日內審決之；否則，系爭處分即告確定。此時，受處分之當事人只要以該申復事項，即得本於憲法所賦予因對個人權利之侵害而可申請人身保護令。

申復未敘明其請求之損害或損失者，應予駁回。如有任何證據漏未提出者，其申復視為未提起。

申復之終局裁定，應闡明系爭處分及其法律基礎與主要爭點。於聯邦財政法庭之答辯程序，違反本條所定終局裁定者，不生效力。

第六十六條

第六十四條第一項所規定之處分，如有下列情形，應予執行：

- 一、於第六十四條所定期間內，無申復者。
- 二、於相關處分通知次日起二十個工作日內，案關當事人未能因具有違反憲法之個人權利而具體提起人身保護令之訴者。
- 三、前款所指人身保護令之訴，遭判決駁回中止系爭處分者。
- 四、人身保護令之訴雖經判決中止系爭處分，惟申復人被控訴再犯者。

ARTICLE 67. The execution procedure under administrative law to collect fines not paid to Banco de México in a timely manner shall be carried out by the Ministry of Finance and Public Credit, or by the Bank itself through the administrative department indicated in its Bylaws.

The execution procedure will be carried out by the department referred to in the previous Paragraph according to the statutes of the Federal Fiscal Code. The aforementioned Bylaws will indicate the offices that shall hear and judge the legal claims set forth under said Code with regard to the execution procedure.

If the Central Bank holds an account for the transgressor, the execution procedure under administrative law shall not be required, and the fine may be collected by charging it to said account.

ARTICLE 68. The Bank's operations will be bound, in addition to this Law and in the order indicated, by the Credit Institutions Act, by mercantile laws, by generally accepted banking and mercantile practices, by the Civil Code for the Federal District in Public matters, and by the Civil Code for the United Mexican States in Federal matters.

Transitory articles

FIRST. This Law shall become effective as of the first of April, 1994, excluding Paragraph Two of this article and Transitory Articles 3 and 13, which shall become effective as of the day following the publication of this Law in the Official Gazette of the Federation.

The first set of members of the Board of Governors shall be appointed pursuant to the provisions of this Law, and shall be appointed before the thirty-first of March, 1994.

SECOND. The term in office of the first Governor of the Bank shall conclude on the thirty-first of December, 1997. The terms of the first Deputy Governors shall conclude on the thirty-first of December, 1994, 1996, 1998 and 2000, respectively; the President of the Republic shall indicate which of the above terms corresponds to each Deputy Governor.

第六十七條

依行政法而適時處以罰款（該項罰款並非繳交本行）之行政程序，應由財政公共債務部或本行依章則所指定之管理部門執行之。

該行政程序，由前項相關部門依「聯邦財政法」之規定執行之；前項法令應規定得依該法所定行政程序而為審理及判決適法起訴之機關。

本行如有受處罰人之帳戶，得不依行政法之執行程序，而於該帳戶逕予扣取罰款。

第六十八條

本行業務除本法及其所指命令外，應就有關聯邦特區之公共事項，受信用機構法、商事法、公認之銀行與商業慣例之拘束。就全國聯邦事務，應受民法之拘束。

過渡條款

第一條

本法於 1994 年四月一日生效。但本條第二項、第三條及第十三條應於本法公布於政府公報之次日即生效力。

第一屆理事應依本法規定及於 1994 年三月三十一日前指派之。

第二條

本行第一任總裁之任期，應於 1997 年十二月三十一日屆滿。第一任副總裁之任期，應分別於 1994、1996、1998 及 2000 年之十二月三十一日屆滿；總統應指派各該任期之副總裁。

THIRD. The remunerations of the Governor and Deputy Governors mentioned in the previous Paragraph, for the Bank's first financial year, shall be determined pursuant to Article 49 of this Law prior to the appointment of said members of the Board of Governors.

FOURTH. Instructions from the Federal Treasurer to the Bank, pursuant to Article 12 Section I, need not be transmitted in advance according to the terms set forth in said Section I for a period of three years as of the date on which this Law becomes effective. Within this same period, the Federal Treasurer may continue issuing checks and other documents referred to in Section III of the aforementioned article.

FIFTH. Banco de México, as a decentralized agency of the Federal Government, is hereby transformed into the new legal entity subject to public law provided for in this Law, maintaining the legal ownership of all goods, rights and obligations of which the former agency's patrimony was made up of.

SIXTH. The Banco de México's Bylaws shall be issued within six months from the date on which the Board of Governors is legally installed. Until such Bylaws are issued, the Bylaws published in the Official Gazette of the Federation on the July 4, 1985, shall remain in force and the legal recourse set forth in Article 64 shall continue to be filed before Banco de México's Legal Department.

References made to the Director General of the Bank either in the Bylaws currently in force or in any other legal document shall be interpreted as referring to the Governor of the Bank, within the scope of the authority conferred upon him by this Law.

SEVENTH. The powers of attorney, mandates, designations of fiduciary delegates and, in general, all legal representation and faculties conferred by Banco de México prior to this Law going into effect shall remain in force until they are explicitly modified or revoked.

EIGHTH. Metallic coins currently in circulation shall become part of the liabilities reported in the Bank's balance sheet as per the provisions of Article 56.

第三條

依前條規定指派之總裁及副總裁之報酬，於本行第一個會計年度時，應依第四十九條規定，於上述理事指派前決定之。

第四條

財政部長依第十二條第一款給予本行之指示，於本法生效之日起三年內，得不依上述規定事先送達。於同一時期內，財政部長得繼續簽發支票及同條第三款所定之其他文件。

第五條

本行為聯邦政府機關之一，依本法改為新公法人時，其原所有之物品、權利及義務等合法權益，均仍續予維持。

第六條

本行之各項法規，應於理事會合法就任之日起六個月內發布之。1985年七月四日刊登在聯邦政府公報之法規，於本行法規發布前，仍具有效力；且依第六十四條所提起之合法申復，於本行法務部門成立前仍可繼續申復。

本行一級主管依據現行有效法規或其他合法文件，而於本法授權範圍內所作成之各項協定，應向本行總裁說明之。

第七條

於本法生效前之委任、命令與受託代表之指定及所有合法代表與本行協商之權力，其效力應存續至被修正或廢止時為止。

第八條

現行流通之硬幣，依第五十六條規定，應為本行預算書負債之一部分。

Funds deposited by the Federal Government in Banco de México, as a result of the difference between the face value of coins delivered by the Mint to the Bank up to one day prior to this Law becoming effective and the costs incurred in the production thereof, shall remain in favor of the Bank.

NINTH. Banco de México may at any time put bank notes in circulation whose date of issue is prior to the date on which this Law goes into effect.

TENTH. The Bank may continue to act as trustee for the trusts it presently administrates and which are not provided for in Article 7 Section XI, and may receive money bank deposits from such trusts.

Credits granted by Banco de México, prior to this Law going into effect, to the public economic development trusts administered by the Bank may continue under their terms until maturity, and may be renewed in one or more instances for a total duration of no longer than twenty years.

Regarding trusts other than those referred to in Paragraph Two of this Article, the Bank shall be entitled to renounce its fiduciary duty when it so deems appropriate. In these cases, the replacement trustee shall be appointed by the following persons in the order of precedence indicated: the persons so empowered in accordance to the legal statutes by which the trust is bound; the settlor or settlors; the beneficiary or beneficiaries; or, lacking these, Banco de México. While the Bank remains as fiduciary of these trusts, the Bank may grant them financing of an exceptional nature, in order to prevent possible infringement of their obligations.

This Article was amended by decree of November 15, 1995, published in the Official Gazette of the Federation on November 17, 1995.

ELEVENTH. While Banco de México issues the regulations provided for in this Law, those issued prior to this Law going into effect shall remain in force in their respective legal areas. Administrative measures taken pursuant to regulations hereby repealed shall remain in force until revoked or modified by competent authorities.

TWELFTH. Financial intermediaries having performed operations in violation of regulations hereby repealed and prior to this Law going into effect, shall be bound, regarding said operations, by the regulations applicable at the time

聯邦政府存放於本行而作為本法生效前鑄幣局送交本行硬幣面額與製造成本間差額之資金，應以本行名義存放之。

第九條

本行得於任何時間內發行流通貨幣；其發行日，並得先於本法生效日。

第十條

本行得繼續擔任目前行政機關信託之受託人，而非第七條第十一款所定之受託人；並得接受該信託之存款。

在本法生效前，對於由本行管理之公共經濟發展信託且經本行擔保之授信，得存續至期限屆滿前，並得更新一次或多次，但總期限不得逾二十年。

對於非屬前項之信託，本行得於適當時機終止其委託；於此情形下，替代本行為受託人者，應以下列人員依序指定之：符合信託法規定得為受託之人、捐助人、受益人，或於無上述人員時，仍由本行為之。當本行仍為此等信託之受託人時，為避免有違反義務之虞，本行得予特別融通。本條於 1995 年十一月十五日修正，1995 年十一月十七日公布於聯邦政府公報。

第十一條

本行應依本法訂頒法規，惟於本法生效前所發布之法規，於特別法域內仍保留其效力。依規定應廢除之行政措施，仍保留其效力至有關機關廢止或修正時為止。

第十二條

金融仲介業者於本法生效前，因違反法令而被撤銷之營運

those operations were performed.

THIRTEENTH. The last financial year of Banco de México, as a decentralized agency of the Federal Government, shall begin on January 1, 1994, and end on March 31, 1994. During this period, the Bank shall not be bound by provisions set forth under Article 7 of Banco de México's Organic Law.

The first financial year of Banco de México as legal entity under this Law shall begin on April 1, 1994 and end on December 31, 1994.

The operating surplus of Banco de México, corresponding to the financial year referred to in this Article's first Paragraph, shall be handed over to the Federal Government no later than April 1995.

FOURTEENTH. Within the month following that in which this Law becomes effective, Banco de México shall send the Federal Executive and the Congress of the Union or, if the case be, to Congress' Permanent Commission, the documents referred to in Article 51 Section I corresponding to the Bank's first financial year, as well as a report on the evolution, between January and March 1994, of Banco de México's domestic credit and the performance of the Treasury of the Federation's account that Banco de México manages on behalf of the Federal Government.

Regarding the Bank's first financial year, the Bank shall not be bound to deliver the report referred to in Article 51 Section II .

FIFTEENTH. As of the date on which this Law becomes effective, and until the total real value of the Bank's capital plus reserves exceeds twenty percent of the sum of bank notes and coins in circulation, plus the Bank's liabilities vis-à-vis financial institutions and the Federal Government, excluding the deposits referred to in Article 9 Section I, the aforementioned total real value shall not be increased according to the expansion of the gross domestic product pursuant to provisions of Article 53. During this length of time, the Federal Government and the Bank may agree on reducing said total real value, provided that these reductions do not imply bringing said value below the equivalent of the aforementioned percentage nor result in monetary expansion.

行為，仍應受營運當時法令之規範。

第十三條

本行作為聯邦政府分散制代理人之最後會計年度，始於1994年一月一日，終於1994年三月三十一日。此期間內，本行不受「墨西哥銀行組織法」第七條規定之限制。

本行依本法成為法人之第一個會計年度，始於1994年四月一日，終於1994年十二月卅一日。

本行關於第一項所指會計年度營運之剩餘預算，應於1995年四月前移交予聯邦政府。

第十四條

本行應於本法生效後次月內，將第五十一條第一款中相當於本行第一個會計年度之文件、1994年一月至三月間本行國內之授信情形及以聯邦政府名義而由本行管理財政部帳戶之營運報告，送交聯邦行政首長及國會或國會常設委員會。

本行送交第一個會計年度之報告，不受第五十一條第二款規定之拘束。

第十五條

於本法生效之日起，迄至本行資本加上各項提存準備之實際總值超過流通紙鈔與硬幣總數、本行對於金融機構與聯邦政府之負債，扣除第九條第一款所定存款等各項負債百分之二十時，聯邦政府及本行得商議減少上述實際總值；其所減少者，不得低於上述比例，亦不得導致通貨擴張。上述實際總值不得因第五十三條所定國內生產毛額之擴大而增加

SIXTEENTH. The deposits referred to in Article 132 of the Credit Instruments and Operations General Act (*Ley General de Títulos y Operaciones de Crédito*) shall be made at Nacional Financiera, S.N.C. Deposits received by Banco de México prior to this Law becoming effective shall be maintained and handed over by the Bank pursuant to the applicable regulations.

SEVENTEENTH. References made to Banco de México's Organic Law, or to itself, in laws, regulations, decrees, administrative resolutions or other legal ordinances shall be interpreted as referring to this Law and to the Institution governed by it.

EIGHTEENTH. Banco de México's Organic Law of December 21, 1984, is hereby repealed.

Article 31 Section IV of the Federal Public Administration's Organic Law, Article 13 Paragraphs One and Two of the Monetary Act of the United Mexican States, Article 48 Paragraphs Two and 12 transitory of the Credit Institutions Act, Article 24 of the National Savings Council Organic Law (*Ley Orgánica del Patronato del Ahorro Nacional*), and all other provisions opposing this Law, are hereby repealed.

Provisions regarding Banco de México set forth in Article 31 Section VII of the Federal Public Administration's Organic Law, in Articles 1, 8 and 14 of the Law Creating the Guarantee and Development Fund for Agriculture, Cattle and Poultry Raising (*Ley que crea el Fondo de Garantía y Fomento para la Agricultura, Ganadería y Avicultura*), and Articles 1, 2, 8 and 21 Section IV of the latter's regulatory law, are hereby annulled.

México City, December 14, 1993. Representative Cuauhtémoc López Sánchez, President.- Senator Eduardo Robledo Rincón, President.- Representative Sergio González Santa Cruz, Secretary.- Senator Israel Soberanis Noguera, Secretary.- Signatures.

第十六條

本行於本法生效前，依「信用工具運用法」第一三二條之規定所收受之國家財政存款，應由本行依有關規定保存及運用。

第十七條

依「墨西哥銀行組織法」或其相關之法律、命令、規章、行政決議或其他合法函示所作成之文件，應參照本法而為解釋，並據以規範有關機構。

第十八條

1984年十二月二十一日之「墨西哥銀行組織法」施行至今，應予廢止。

「聯邦政府機關組織法」第三十一條第四款、「墨西哥聯邦貨幣法」第十三條第一項與第二項、「信用機構法」第四十八條第二項與其過渡條款第十二條、「國家儲蓄委員會組織法」第二十四條及所有其他與本法牴觸之規定，均失其效力。

「聯邦政府機關組織法」第三十一條第七款、「農業畜牧養殖保證暨發展基金法」第一條、第八條、第十四條及其管理法第一條、第二條、第八條、第二十一條第四款等規定，併予廢止。

眾議院議長 Cuauhtemoc Lopez Sanchez、參議院議長 Eduardo Robledo Rincon、眾議院秘書 Sergio Gonzalez Santa Cruz 及參議院秘書 Israel Soberanis Nogueta 於 1993 年十二月十四日，在墨西哥市，共同簽署之。

附錄一 The Central Bank of
China Act
中華民國中央銀行法

The Central Bank of China Act

Chapter I. General Provisions

Chapter II. Organizations

Chapter III. Operations

Chapter IV. Budgets and Fiscal Reports

Chapter V. Appendix

中華民國中央銀行法

法務室

- 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 China Act

Promulgated on May 23, 1935

As amended on November 8, 1979

Text of Articles 23 and 44 amended on May 21, 1997

Article 23 amendment effected on July 7, 1999

Text of Articles 18-1, 18-2 and 18-3 added, 32 and 35 amended on June 5, 2002

Chapter I. General Provisions

Article 1:

The Central Bank of China (hereafter called the Bank) shall be a government bank and an agency under the Executive Yuan.

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.

Article 3:

The Bank shall have its Head Office at the site of the Central Government and may establish branch offices in all regions of the country. The establishment and abolishment of its branch offices shall be authorized by the resolution of the Board of Directors and reported to the Executive Yuan for approval.

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.

中華民國中央銀行法

- 中華民國二十四年五月二十三日國民政府制定公布全文三十六條
中華民國六十八年十一月八日總統令修正公布全文四十四條
中華民國八十六年五月二十一日總統令修正公布第二十三條及第四十四條條文（中華民國八十八年六月二十二日行政院令定於八十八年七月七日施行）
中華民國九十一年六月五日總統令公布增訂第十八條之一至第十八條之三條文；並修正第三十二條及第三十五條條文

第一章 總 則

- 第 一 條 中央銀行（以下簡稱本行）為國家銀行，隸屬行政院。
- 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。
- 第 三 條 本行設總行於中央政府所在地，並得於國內各地區設立分行。分行之設立及撤銷，須經理事會決議，報請行政院核准。
- 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。

Chapter II. Organizations

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. An Executive Board of 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.

Article 6:

The powers and functions of the Board of Directors shall be as follows:

1. To examine 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;
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 the establishment and abolition of the Bank's branch offices;
7. To approve the appointment and the removal of the Bank's department heads and their deputies, and branch managers;
8. To examine matters proposed by the Governor.

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.

第二章 組織

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。

第六條 理事會之職權如左：

- 一、有關貨幣、信用及外匯政策事項之審議。
- 二、本行資本額調整之審議。
- 三、本行業務計劃之核定。
- 四、本行預算、決算之審議。
- 五、本行重要章則之審議及核定。
- 六、本行各分行設立及撤銷之審議。
- 七、本行各局、處、會正副主管及分行經理任免之核定。
- 八、總裁提議事項之審議。

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。

Article 7:

The Bank shall have a Board of Supervisors, composed of five to seven supervisors to be nominated by the Executive Yuan and appointed by the President. The 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.

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 by-laws and regulations of the Bank. The result of such investigation shall be referred to the Board of Directors for corrective action.

Article 9:

The Bank shall have a Governor with the rank of special appointment and two Deputy governors with the rank of selective appointment, all of whom shall be appointed for a term of five years and may be reappointed upon the expiration of such term.

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.

Article 11:

Upon the resolution of the Board of Directors and approval by the Executive Yuan, the Head Office of the Bank may establish the following departments to effect its operations:

1. Department of Banking.
2. Department of Issuing.

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。

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。

第九條 本行置總裁一人，特任；副總裁二人，簡任，任期均為五年，期滿得續加任命。

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。

第十一條 本行總行為辦理各項業務，經理事會之決議，報請行政院核定，得設左列各局、處：

- 一、業務局
- 二、發行局

3. Department of Foreign Exchange.
4. Department of the Treasury.
5. Department of Financial Inspection.
6. Department of Economic Research.
7. Secretariat.
8. Department of Accounting.

The Head Office of the Bank may establish committees to handle special matters.

Chapter III. Operations

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.

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.

Article 14:

The Bank may, whenever necessary, delegate other government banks to issue currency by region 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.

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 Chiou equal to one Yuan.

The denomination, ingredient, 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 the issuance.

- 三、外匯局
- 四、國庫局
- 五、金融業務檢查處
- 六、經濟研究處
- 七、秘書處
- 八、會計處

本行總行為處理特定事務，得設各種委員會。

第三章 業務

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。

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。

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。

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。

Article 16:

For the amount of the currency issued by the Bank and its delegated banks, one hundred per cent reserve shall be kept, in equivalent, in gold and silver bullion, foreign exchange, and eligible bills and securities.

The coins shall be exempt from reserve.

Article 17:

The amount and reserve status of the currency issued by the Bank and its delegated banks shall be made public in regular intervals.

Article 18:

The Bank shall exchange stained or damaged notes and coins deemed to be unfit for circulation in accord with certain standards, and destroy them according to law.

The Bank may announce to redeem the currency issued. The currency announced to be redeemed shall no longer be considered as legal tender. However, the announcement period of redemption shall not be less than one year, during which the holder may exchange for its equivalent in currency from the Bank.

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. The excess portion of the aforesaid maximum amount is prohibited from carrying or mailing into or out of the territory.

Article 18-2

When financial institutions or other enterprises which are authorized to engage in foreign exchange operations receive counterfeit or altered national currency or foreign currency, they shall retain, void and destroy those currencies, save that suspicion of crime involvement shall be reported to the judicial authority. Regulations handling counterfeit or altered currencies shall be stipulated by the Bank.

Article 18-3

The Bank may issue gold and silver coins and commemorative notes and coins. Regulations governing issuance of gold and silver coins and commemorative notes and coins shall be stipulated by the Bank.

- 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。
- 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。
- 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。
- 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。
- 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。
- 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。

The sale or resale prices of aforesaid notes and coins may be higher than their denomination.

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 a ceiling, respectively, on rediscounts and other accommodations to banks.

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 banks for their medium and long term loans.

Article 21:

The interest rates of the Bank's rediscounts and other accommodations shall be determined by the Bank in the light of the financial and economic conditions, and made public. However, the branches of the Bank may establish their own interest rates on rediscounts and accommodations according to local special financial conditions, with prior approval by the Head Office, and make them public.

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 Bankers Associations of the Republic of China.

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 prescribed by the Bank:

1. Checking deposits: 25%
2. Demand deposits: 25%
3. Savings deposits: 15%

前項券幣，得高於面額另定價格發售或轉售。

- 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。
- 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。
- 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。
- 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。
- 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。

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 section 1 of this Article.

The Bank may charge the banks having deficient reserves, on the portion of the deficiency, a penalty interest rate not higher than two times of that prescribed in accord with Article 21, on unsecured temporary advances as stated in item 2, Section 1 of Article 19.

Article 24:

The Bank shall, in conformity with law, receive and keep reserves for indemnity deposited by investment and trust companies.

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 their various liabilities.

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.

Article 27:

The Bank may, for the purpose of monetary regulation, issue certificates of time deposits, savings bonds and short-term bonds, and may purchase and sell them in the open market.

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.

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.

四、定期存款，百分之十五。

五、其他各種負債，百分之二十五。

前項其他各種負債之範圍，由本行另定之。

本行於必要時對自一定期日起之支票存款、活期存款及其他各種負債增加額，得另訂額外準備金比率，不受前項所列最高比率之限制。

本行對繳存準備金不足之金融機構，得就其不足部分按第十九條第一項第二款無擔保短期融通，依第二十一條所定之利率加收一倍以下之利息。

第二十四條 本行依法收管信託投資公司繳存之賠償準備。

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。

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。

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。

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。

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。

Article 30:

The Bank shall prescribe and regulate the accommodations extended by banks to securities dealers and securities finance companies.

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.

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.

Article 33:

The Bank shall hold the international monetary reserves, and undertake the over-all management of foreign exchange.

Article 34:

The Bank may, in the light of balance of payments situation, take measures to adjust the demand for, and supply of, foreign exchange with the view of maintaining an orderly foreign exchange market.

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 engaging 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 appointed banks, with reference to their management and their repayment on 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.

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。

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。

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。

第三十三條 本行持有國際貨幣準備，並統籌調度外匯。

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。

第三十五條 本行辦理左列外匯業務：

- 一、外匯調度及收支計劃之擬訂。
- 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。

Regulations governing requirements of application, the examination procedure, approval of appointment, the scope of foreign operations, withdrawal of appointment, and other matters which banks and other enterprises applying to engage in foreign exchange operations must comply with, shall be stipulated by the Bank.

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.

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.

Article 38:

In conformity with the powers and functions authorized in this Act, the Bank shall undertake the examination of the operations of all financial institutions in the country.

The above examination may be performed in coordination with the bank examination program delegated to the Bank by the Ministry of Finance.

The Bank may delegate a government financial institution to perform the examination of the operations of the credit cooperatives and the credit departments of farmers' associations.

Article 39:

To coordinate the formulation of monetary policies and the exercising of financial operations, the Bank shall, regularly, undertake to collect economic information, compile financial statistics and conduct monetary and economic research.

Chapter IV. Budgets and Fiscal Reports

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.

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。

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。

第三十七條 本行經理中央政府國內外公債與國庫券之發售及還本付息業務；必要時得委託其他金融機構辦理。

第三十八條 本行依本法賦與之職責，辦理全國金融機構業務之檢查。

前項檢查，得與財政部委託之檢查配合辦理。信用合作社及農會信用部之檢查，本行得委託公營金融機構辦理。

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

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。

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.

Article 42:

At the close of each fiscal year, the Bank shall set aside fifty per cent of its net profit as legal retained earnings. In case the amount of the accumulated legal retained earnings reaches that 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 not lower than twenty per cent.

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, due to 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 as the Bank's annual profit or loss.

Any gain from the above changes shall be entered into an Exchange Reserve Account, and any loss shall be offset in the balance of that Account.

Chapter V. Appendix

Article 44:

This Act shall become effective on the date of promulgation.

The effective date of Article 23 amendment shall be prescribed by the Executive Yuan.

- 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。
- 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。
- 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

- 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。

附錄二 日本銀行法

日本銀行法（平成9年法律第89号）

- 第 1 章 総則
- 第 2 章 政策委員会
- 第 3 章 役員及び職員
- 第 4 章 業 務
- 第 5 章 日本銀行券
- 第 6 章 会 計
- 第 7 章 国会に対する報告等
- 第 8 章 違法行為等の是正等
- 第 9 章 雑則
- 第 10 章 罰則

日本銀行法

法務室 謝佳雯 譯

- 第一章 總則
- 第二章 政策委員會
- 第三章 幹部及職員
- 第四章 業務
- 第五章 鈔券
- 第六章 會計
- 第七章 對國會之報告
- 第八章 違法行為之改正等
- 第九章 雜則（附則）
- 第十章 罰則

日本銀行法（平成9年法律第89号）

施行	1998年 4月 1日
改正	1998年 6月 22日
	1998年 12月 15日
	2000年 4月 1日
	2000年 7月 1日
	2001年 1月 6日

第1章 総 則

（目的）

第1条 日本銀行は、我が国の中央銀行として、銀行券を発行するとともに、通貨及び金融の調節を行うことを目的とする。

2 日本銀行は、前項に規定するもののほか、銀行その他の金融機関の間で行われる資金決済の円滑の確保を図り、もって信用秩序の維持に資することを目的とする。

（通貨及び金融の調節の理念）

第2条 日本銀行は、通貨及び金融の調節を行うに当たっては、物価の安定を図ることを通じて国民経済の健全な発展に資することをもって、その理念とする。

（日本銀行の自主性の尊重及び透明性の確保）

第3条 日本銀行の通貨及び金融の調節における自主性は、尊重されなければならない。

2 日本銀行は、通貨及び金融の調節に関する意思決定の内容及び過程を国民に明らかにするよう努めなければならない。

日本銀行法

2001年1月6日修正施行

第一章 總 則

第一條 目的

- 1 日本銀行（以下簡稱本行）為日本之中央銀行，以發行鈔券及執行通貨及金融之調節為目的。
- 2 除前項規定外，本行應以確保銀行及其他金融機構間資金正常順利清算，並維持信用秩序為目的。

第二條 通貨及金融調節之宗旨

本行對通貨及金融之調節，係以穩定物價及健全發展國民經濟為宗旨。

第三條 本行自主性之尊重及透明性之確保

- 1 對於本行調節通貨及金融之自主性應予尊重。
- 2 本行對於通貨及金融之調節所為決策之內容及決策過程應盡量使國民明瞭。

（政府との関係）

第4条 日本銀行は、その行う通貨及び金融の調節が経済政策の一環をなすものであることを踏まえ、それが政府の経済政策の基本方針と整合的なものとなるよう、常に政府と連絡を密にし、十分な意思疎通を図らなければならない。

（業務の公共性及びその運営の自主性）

第5条 日本銀行は、その業務及び財産の公共性にかんがみ、適正かつ効率的に業務を運営するよう努めなければならない。

2 この法律の運用に当たっては、日本銀行の業務運営における自主性は、十分配慮されなければならない。

（法人格）

第6条 日本銀行は、法人とする。

（本店及び支店等）

第7条 日本銀行は、本店を東京都に置く。

2 日本銀行は、財務省令で定めるところにより、財務大臣の認可を受けて、支店その他の事務所を設置し、移転し、又は廃止することができる。

3 日本銀行は、財務省令で定めるところにより、財務大臣の認可を受けて、その業務の一部を取り扱う代理店を設置し、又は廃止することができる。

4 財務大臣は、前二項の認可の申請があった場合において、当該申請に係る認可をしなかったときは、速やかに、その旨及びその理由を当該申請の内容とともに公表しなければならない。

第四條 與政府之關係

為確保所執行之通貨及金融調節為經濟政策之一環，以與政府經濟政策之基本方針相整合，本行應與政府維持經常性之密切聯繫及意見之充分溝通。

第五條 業務之公共性及營運之自主性

- 1 鑒於本行之業務及財產具有公共性，應為適當且有效率之營運。
- 2 適用本法時，應充分考量本行業務營運之自主性。

第六條 法人格

本行為法人。

第七條 總行及分行等

- 1 本行設總行於東京都。
- 2 本行得依據財務省之命令，經財務大臣認可後設置、遷移或裁撤分行及其他辦事處。
- 3 本行得依據財務省之命令，於財務大臣認可後設置代理行，為一部業務之代理。裁撤時亦同。
- 4 財務大臣對前二項申請不為認可時，應儘速將其理由及申請之內容公布之。

（資本金）

第8条 日本銀行の資本金は、政府及び政府以外の者からの出資による一億円とする。

2 前項の日本銀行の資本金のうち政府からの出資の額は、五千五百万円を下回ってはならない。

（出資証券）

第9条 日本銀行は、前条第1項の出資に対し、出資証券を発行する。

2 前項の出資証券その他出資に關し必要な事項は、政令で定める。

（持分の譲渡）

第10条 出資者は、政令で定めるところにより、その持分を譲り渡し、又は質権の目的とすることができる。

（定款）

第11条 日本銀行は、定款をもって、次の事項を規定しなければならない。

- 一 目的
- 二 名稱
- 三 本店及び支店の所在地
- 四 資本金及び出資に關する事項
- 五 政策委員会に關する事項
- 六 役員に關する事項
- 七 業務及びその執行に關する事項
- 八 銀行券の發行に關する事項
- 九 會計に關する事項
- 十 公告及び公表の方法

第八條 資本額

- 1 本行之資本額為日幣一億圓，由政府及政府以外之人共同出資。
- 2 政府之前項出資額不得低於五千五百萬日圓。

第九條 出資憑證

- 1 本行對依前條第一項所為出資發給出資憑證。
- 2 與前項出資憑證及其他出資有關之必要事項，由政令規定之。

第十條 股份之讓與

以政令所規定者為限，出資人之股份得為讓與或為質權之標的。

第十一條 章程

- 1 本行應以章程規定下列事項：
 - 一、目的
 - 二、名稱
 - 三、總行及分行之所在地
 - 四、有關資本及出資之事項
 - 五、有關政策委員會之事項
 - 六、有關幹部之事項
 - 七、有關業務及其執行事項
 - 八、有關鈔券之發行事項
 - 九、有關會計之事項
 - 十、有關公告及公布之方法

2 定款の変更は、財務大臣及び内閣総理大臣の認可を受けなければ、その効力を生じない。

3 第7条第4項の規定は、前項の認可について準用する。

（登記）

第12条 日本銀行は、政令で定めるところにより、登記をしなければならない。

2 前項の規定により登記をしなければならない事項は、登記の後でなければ、これをもって第三者に対抗することができない。

（名称の使用制限）

第13条 日本銀行でない者は、日本銀行という名称を用いてはならない。

第2章 政策委員会

（設置）

第14条 日本銀行に、政策委員会（以下この章及び次章において「委員会」という。）を置く。

（権限）

第15条 次に掲げる通貨及び金融の調節に関する事項は、委員会の議決による。

一 第33条第1項第1号の手形の割引に係る基準となるべき割引率その他の割引率並びに当該割引に係る手形の種類及び条件の決定又は変更

二 第33条第1項第2号の貸付けに係る基準となる

- 2 章程之變更，應經財務大臣及內閣總理大臣之認可，始生效力。
- 3 第七條第四項之規定，於前項認可，準用之。

第十二條 登記

- 1 本行應依政令之規定，就應登記事項辦理登記。
- 2 依前項規定就應登記事項辦理登記後，始生對抗第三人之效力。

第十三條 使用名稱之限制

非本行，不得使用本行之名稱。

第二章 政策委員會

第十四條 設置

本行應設政策委員會（本章以下及第三章簡稱委員會）。

第十五條 權限

- 1 下列通貨及金融調節之有關事項，應依委員會之決議為之：
 - 一、依第三十三條第一項第一款規定所為票據貼現之重貼現率及其他貼現率、重貼現票據之種類及辦理重貼現之條件等之決定及變更
 - 二、依第三十三條第一項第二款規定所為融通之融通利

べき貸付利率その他の貸付利率並びに当該貸付けに係る担保の種類、条件及び価額の決定又は変更

三 準備預金制度に関する法律（昭和三十二年法律第百三十五号）第4条第1項に規定する準備率及び基準日等の設定、変更又は廃止

四 第33条第1項第3号に規定する手形又は債券の売買その他の方法による金融市場調節（金融市場を通じて行う通貨及び金融の調節（公開市場操作を含む。）をいう。）の方針並びに当該金融市場調節に係る手形又は債券の種類及び条件その他の事項の決定又は変更

五 その他の通貨及び金融の調節に関する方針の決定又は変更

六 前各号に掲げる事項の基礎となる経済及び金融の情勢に関する基本的見解その他通貨及び金融の調節に関する日本銀行としての見解の決定又は変更

2 前項の規定により委員会の議決によるものとされる事項のほか、次に掲げる事項は、委員会の議決を経なければならない。

一 第37条第1項の規定による貸付けの実施及び第38条第2項の規定による業務の実施

二 第39条第1項の規定による認可の申請及び当該認可に係る業務に関する重要事項

三 第40条第3項に規定する国際金融面での協力に該当するものとして財務大臣が定めるもののため行う外国為替の売買の実施、第41条に規定する業務に係る各外国中央銀行等（同条に規定する外国中央銀行等をいう。）との取引の開始及び第42条の規定による取引の実施

四 第43条第1項ただし書の規定による認可の申請及び当該認可に係る業務に関する重要事項

率及其他放款利率、相關擔保品之種類、條件及價額之決定及變更

三、與存款準備金有關之法律（昭和三十二年第一百三十五號法律）第四條第一項所規定之及存款準備率及基準期日之設定、變更及廢止

四、第三十三條第一項第三款所規定以票據、債券之買賣，及其他措施調節金融市場（包括公開市場操作等，於貨幣市場進行之通貨及金融調節措施），其方針之決定及變更，及與調節措施有關之票據及債券之種類、條件及其他事項之決定及變更

五、其他與通貨及金融調節事項有關方針之決定及變更

六、本行對與以上各款規定基礎有關之經濟與金融情勢之原則性意見，及其他與通貨及金融調節有關意見之決定及變更

2 其他應經委員會議決之事項：

一、依第三十七條第一項規定所為融通及第三十八條第二項規定所為業務

二、依第三十九條第一項規定為認可之申請，及經認可後與業務相關之重要事項

三、依第四十條第三項規定應經財務大臣決定與外國中央銀行及國際機構合作從事之外匯買賣、依第四十一條所規定進行與外國中央銀行之交易及依第四十二條所規定交易之實施

四、依第四十三條第一項但書規定認可之申請，及與該認可業務相關之重要事項

- 五 第44条第1項に規定する考査に関する契約の内容及び毎事業年度の考査の実施に関する重要事項
 - 六 定款の変更
 - 七 業務方法書の作成又は変更
 - 八 支店その他の事務所及び代理店の設置、移転又は廃止
 - 九 組織及び定員に関する重要事項（前号に掲げるものを除く。）
 - 十 第31条第1項に規定する給与等の支給の基準及び第32条に規定する服務に関する準則の作成又は変更
 - 十一 不動産その他の重要な財産の取得又は処分
 - 十二 経費の予算（第51条第1項に規定する経費の予算をいう。）の作成又は変更、財産目録、貸借対照表、損益計算書及び決算報告書の作成、剰余金の処分その他の会計に関する重要事項
 - 十三 第51条第1項に規定する報告書の作成及び第55条に規定する業務概況書の作成
 - 十四 第59条に規定する規程の作成又は変更
 - 十五 この法律の規定により委員会が定め、又はこの法律若しくは他の法令の規定により委員会が行うこととされる事項
 - 十六 前各号に掲げるもののほか、委員会が特に必要と認める事項
- 3 委員会は、日本銀行の役員（監事及び参与を除く。）の職務の執行を監督する。

（組織）

- 第16条 委員会は、委員九人で組織する。
- 2 委員は、審議委員六人のほか、日本銀行の総裁及び副総裁二人をもってこれに充てる。この場合において、日本銀行の総裁及び副総裁は、第22条第1項及び第2項の規定にかかわらず、それぞれ独立して委員

- 五、依第四十四條第一項規定與考查契約之內容及與每會計年度實施考查有關之重要事項
 - 六、章程之變更
 - 七、業務手冊之訂定及變更
 - 八、分行及其他辦事處、代理行之設置、遷移及廢止
 - 九、前款規定以外之其他有關組織及人員編制之相關事項
 - 十、第三十一條第一項規定之薪給津貼給付標準，及第三十二條所規定之服務相關準則之訂定及變更
 - 十一、不動產及其他重要資產之取得及處分
 - 十二、經費預算（依第五十一條第一項規定）之編列及變更、財產目錄、資產負債表、損益計算書及決算報告書之作成、盈餘之處理及其他與會計有關之重要事項
 - 十三、依第五十四條第一項及第五十五條規定所作成之報告書及業務概況書
 - 十四、依第五十九條規定之章程之制定及變更
 - 十五、依本法及其他法令規定應由委員會決定及辦理事項
 - 十六、除以上各款事由外，經委員會認為有特別必要之事項
- 3 委員會對本行之幹部（監事及顧問除外）所為之職務行為應加以監督。

第十六條 組織

- 1 委員會由委員九人組成之。
- 2 委員由審議委員六人、本行總裁及副總裁二人充任之。總裁及副總裁得獨立行使委員之職權，不受本法第二十

の職務を執行する。

3 委員会に議長を置き、委員の互選によってこれを定める。

4 議長は、委員会の会務を総理する。

5 委員会は、あらかじめ、委員のうちから、議長に事故がある場合に議長の職務を代理する者を定めておかなければならない。

（会議の招集）

第17条 委員会の会議は、議長（議長に事故があるときは、前条第5項に規定する議長の職務を代理する者。以下この条、次条及び第20条において同じ。）が招集する。

2 議長は、委員会の会議のうち第15条第1項各号に掲げる事項（以下この章において「金融調節事項」という。）を議事とする会議については、政令で定めるところにより、これを定期的に招集しなければならない。

3 前項の規定は、議長が必要と認める場合又は現に在任する委員の総数の三分の一以上が必要と認めて議長に対しその招集を求めた場合において金融調節事項を議事とする会議を招集することを妨げるものと解してはならない。

（議事の運営）

第18条 委員会は、議長が出席し、かつ、現に在任する委員の総数の三分の二以上の出席がなければ、会議を開き、議決をすることができない。

2 委員会の議事は、出席した委員の過半数をもって決する。可否同数のときは、議長が決する。

3 この法律に定めるものを除くほか、議事の手続その他委員会の運営に関し必要な事項は、委員会が定める。

二條第一項及第二項規定之限制。

- 3 委員會設議長，由委員互選之。
- 4 議長綜理委員會之會務。
- 5 委員會應預先由委員中選定一人，於議長因故不能執行職務時，代理其職務。

第十七條 會議之召集

- 1 委員會之會議由議長召集之。（議長不能執行職務時，則由前條第五項所規定之代理人召集之。本條以下、第十八條及第二十條同）
- 2 議長應依政令定期召集以第十五條第一項各款事由（以下簡稱「金融調節事項」）為議題之會議。
- 3 議長認有必要，或現任委員總數三分之一以上認有必要而向其為請求時，應即召開與金融調節事項有關之會議，不受前項規定之限制。

第十八條 議事之進行

- 1 委員會應有議長及現有委員三分之二以上之出席，始得開議並為議決。
- 2 委員會之議事表決，應經出席委員過半數同意始可通過。於可否同數之情形，則由議長決定之。
- 3 除本法另有規定外，議事之程序及其他有關委員會進行之必要事項，由委員會決定之。

（政府からの出席等）

第19条 財務大臣又は内閣府設置法（平成11年法律第89号）第19条第2項に規定する経済財政政策担当大臣（経済財政政策担当大臣が置かれていないときは、内閣総理大臣。次項において「経済財政政策担当大臣」という。）は、必要に応じ、金融調節事項を議事とする会議に出席して意見を述べ、又はそれぞれの指名するその職員を当該会議に出席させて意見を述べさせることができる。

2 金融調節事項を議事とする会議に出席した財務大臣又はその指名する財務省の職員及び経済財政政策担当大臣又はその指名する内閣府の職員は、当該会議において、金融調節事項に関する議案を提出し、又は当該会議で議事とされた金融調節事項についての委員会の議決を次回の金融調節事項を議事とする会議まで延期することを求めることができる。

3 前項の規定による議決の延期の求めがあったときは、委員会は、議事の議決の例により、その求めについての採否を決定しなければならない。

（議事録等の公表）

第20条 議長は、金融調節事項を議事とする会議の終了後、速やかに、委員会の定めるところにより、当該会議の議事の概要を記載した書類を作成し、当該書類について金融調節事項を議事とする会議において委員会の承認を得て、これを公表しなければならない。

2 議長は、委員会の定めるところにより、金融調節事項を議事とする会議の議事録を作成し、委員会が適当と認めて定める相当期間経過後に、これを公表しなければならない。

第十九條 政府代表之出席

- 1 財務大臣或依內閣府設置法（平成十一年第八十九號法律）第十九條第二項規定之經濟財政政策大臣（未設有此一大臣時，則由內閣總理大臣擔任。以下簡稱「經濟財政政策大臣」）於必要時，得出席或指定職員代表出席與金融調節事項有關之會議，並得陳述意見。
- 2 前項出席與金融調節事項有關會議之財務大臣或其指定之財務省職員，或經濟財政政策大臣或其指定之內閣府職員，於會議中得提出有關金融調節事項之議案，或要求將該次會議中對於有關金融調節事項之議決延至下次金融調節事項之會議中舉行。
- 3 依據前項規定而請求延期議決時，委員會應依據議事法規，作成同意與否之決定。

第二十條 議事錄等之公開

- 1 有關金融調節事項之會議終了後，議長應立即依委員會之決定，作成記載該次會議議事要旨之文書，經以金融調節事項為議題之委員會會議承認後公布之。
- 2 議長根據委員會之決定，作成金融調節事項會議之議事錄，並應於經委員會認為適當之相當期間經過後公布之。

第3章 役員及び職員

（役員）

第21条 日本銀行に、役員として、審議委員六人のほか、総裁一人、副総裁二人、監事三人以内、理事六人以内及び参与若干人を置く。

（役員職務及び権限）

第22条 総裁は、日本銀行を代表し、委員会の定めるところに従い、日本銀行の業務を総理する。

2 副総裁は、総裁の定めるところにより、日本銀行を代表し、総裁を補佐して日本銀行の業務を掌理し、総裁に事故があるときはその職務を代理し、総裁が欠員のときはその職務を行う。

3 監事は、日本銀行の業務を監査する。

4 監事は、監査の結果に基づき必要があると認めるときは、財務大臣、内閣総理大臣又は委員会に意見を提出することができる。

5 理事は、総裁の定めるところにより、総裁及び副総裁を補佐して日本銀行の業務を掌理し、総裁及び副総裁に事故があるときは総裁の職務を代理し、総裁及び副総裁が欠員のときは総裁の職務を行う。

6 参与は、日本銀行の業務運営に関する重要事項について、委員会の諮問に応じ、又は必要があると認めるときは、委員会に意見を述べるることができる。

（役員任命）

第23条 総裁及び副総裁は、両議院の同意を得て、内閣が任命する。

第三章 幹部及職員

第二十一條 幹部

本行設審議委員六人、總裁一人、副總裁二人、監事三人以下、理事六人以下及顧問若干人為其幹部。

第二十二條 幹部之職權

- 1 總裁對外代表本行，依據委員會之決定，綜理行務。
- 2 副總裁承總裁之命代表本行，輔佐總裁掌理本行之業務，於總裁因故不能執行職務時，代理其職務；總裁出缺時，代行其職務。
- 3 監事監查本行之業務。
- 4 監事依其監查之結果認有必要時，得向財務大臣、內閣總理大臣及委員會提出意見。
- 5 理事依總裁之指示，輔佐總裁及副總裁處理本行業務；總裁及副總裁因故無法執行職務時，代理其職務；總裁及副總裁出缺時，代行其職務。
- 6 顧問於應委員會之諮詢，或認為有必要時，得就與本行業務有關之重要事項，向委員會陳述意見。

第二十三條 幹部之任命

- 1 總裁及副總裁經兩議院同意後，由內閣任命之。

2 審議委員は、経済又は金融に關して高い識見を有する者その他の学識経験のある者のうちから、両議院の同意を得て、内閣が任命する。

3 監事は、内閣が任命する。

4 理事及び参与は、委員会の推薦に基づいて、財務大臣が任命する。

5 総裁、副総裁又は審議委員の任期が満了し、又は欠員が生じた場合において、国会の閉会又は衆議院の解散のために両議院の同意を得ることができないときは、内閣は、第1項及び第2項の規定にかかわらず、総裁、副総裁又は審議委員を任命することができる。

6 前項の場合においては、任命後最初の国会において両議院の事後の承認を得なければならない。この場合において、両議院の事後の承認が得られないときは、内閣は、直ちにその総裁、副総裁又は審議委員を解任しなければならない。

（役員任期）

第24条 総裁、副総裁及び審議委員の任期は五年、監事及び理事の任期は四年、参与の任期は二年とする。ただし、総裁、副総裁又は審議委員が欠員となった場合における補欠の総裁、副総裁又は審議委員の任期は、前任者の残任期間とする。

2 総裁、副総裁、審議委員、監事、理事及び参与は、再任されることができる。

（役員身分保障）

第25条 日本銀行の役員（理事を除く。）は、第23条第6項後段に規定する場合又は次の各号のいずれかに該当する場合を除くほか、在任中、その意に反して解任されることがない。

一 破産の宣告を受けたとき。

- 2 審議委員應為具有經濟或金融及相關學識之專業人員，經兩議院同意後，由內閣任命之。
- 3 監事由內閣任命之。
- 4 理事及顧問經委員會推荐後，由財務大臣任命之。
- 5 總裁、副總裁及審議委員之任期屆滿或出缺時，其因國會休會或眾議院解散，而無法行使國會同意權者，內閣得不依本條第一項及第二項之規定，而逕自行使對各該人員之任命權。
- 6 前項情形，應於任命後首次召開之國會中經兩議院追認之。其未獲兩議院追認者，內閣應將各該人員解任之。

第二十四條 幹部之任期

- 1 總裁、副總裁及審議委員之任期為五年，監事及理事之任期為四年，顧問之任期為二年。但總裁、副總裁及審議委員出缺時，遞補之總裁、副總裁及審議委員，其任期以前任所餘任期為限。
- 2 總裁、副總裁、審議委員、監事、理事及顧問等均得續派連任。

第二十五條 幹部之身分保障

- 1 本行之幹部（理事除外）除依第二十三條第六項後段及下列各款規定之情形外，於任期中不得任意解任之：
 - 一、受破產宣告者

- 二 この法律の規定により処罰されたとき。
 - 三 禁錮以上の刑に処せられたとき。
 - 四 心身の故障のため職務を執行することができないと委員会（監事にあつては、委員会及び内閣）により認められたとき。
- 2 内閣又は財務大臣は、日本銀行の役員が前項各号に掲げる場合のいずれかに該当する場合には、当該役員を解任しなければならない。
- 3 前項の規定によるほか、理事については、財務大臣は、委員会からその解任の求めがあつたときは、当該求めがあつた理事を解任することができる。

（役員行為制限）

- 第26条 日本銀行の役員（参与を除く。以下この条、第31条及び第32条において同じ。）は、在任中、次に掲げる行為をしてはならない。
- 一 国会又は地方公共団体の議会の議員その他公選による公職の候補者となること。
 - 二 政党その他の政治的団体の役員となり、又は積極的に政治運動をすること。
 - 三 報酬のある他の職務（役員としての職務の適切な執行に支障がない職務の基準として第32条に規定する服務に関する準則で定めたものを満たすものと委員会において認めたものを除く。）に従事すること。
 - 四 営利事業を営み、その他金銭上の利益を目的とする業務を行うこと。
- 2 日本銀行の役員が国会又は地方公共団体の議会の議員その他公選による公職の候補者となったときは、当該役員は、その役員たる職を辞したものとみなす。

（代理人の選任）

- 第27条 総裁及び副総裁は、理事又は日本銀行の職

- 二、依本法規定應受處罰者
 - 三、受拘役以上刑之處罰者
 - 四、由委員會（監事則由委員會及內閣）認定因健康或心神喪失無法執行職務者
- 2 如有前項各款規定情事之一者，內閣或財務大臣應解任該幹部。
- 3 除前項規定外，財務大臣於委員會請求時，得解任該理事。

第二十六條 幹部之行為限制

- 1 本行之幹部（除顧問外；本條以下、第三十一條及第三十二條亦同）於任期中不得為下列行為：
- 一、任國會、地方議會之議員或其他公職之候選人
 - 二、任政黨或其他政治團體之幹部，或積極從事政治活動
 - 三、任其他可支領報酬之職務（除不妨礙幹部職務之執行、未逾越第三十二條與服務有關準則所定範圍並經委員會同意者外）
 - 四、經營營利事業或為其他以獲取金錢利益為目的之業務
- 2 本行之幹部如為國會、地方議會之議員或其他公職之候選人者，應視同辭去幹部之職務。

第二十七條 代理人之選任

總裁及副總裁得於理事或本行職員中選任代理人，代理為

員のうちから、日本銀行の本店又は支店の業務に關し一切の裁判上又は裁判外の行為をする権限を有する代理人を選任することができる。

（職員の任命）

第28条 日本銀行の職員は、総裁が任命する。

（役員及び職員の秘密保持義務）

第29条 日本銀行の役員及び職員は、その職務上知ることができた秘密を漏らし、又は盗用してはならない。これらの者がその職を退いた後も、同様とする。

（役員及び職員の地位）

第30条 日本銀行の役員及び職員は、法令により公務に従事する職員とみなす。

（給与等の支給の基準）

第31条 日本銀行は、その役員及び職員の報酬（賞与その他の金銭の給付を含む。）、給与（賞与その他の金銭の給付を含む。）及び退職手当（次項において「給与等」という。）の支給の基準を社会一般の情勢に適合したものとなるよう定め、これを財務大臣に届け出るとともに、公表しなければならない。これを変更したときも、同様とする。

2 前項に規定する給与等の支給の基準のうち役員に係るものは、特別職の職員の給与に關する法律（昭和二十四年法律第二百五十二号）の適用を受ける国家公務員の給与及び退職手当その他の事情を勘案して定められなければならない。

與本行總行及分行業務有關之訴訟及非訟行為。

第二十八條 職員之任命

本行之職員由總裁任命之。

第二十九條 保密義務

本行之幹部及職員對於因職務所知悉之秘密事項不得洩漏或盜用。其離職後亦同。

第三十條 幹部及職員之身分

本行之幹部及職員，視為依法令執行公務之公務員。

第三十一條 薪給津貼之給付標準

- 1 本行對於幹部及職員之報酬（包括獎金及其他金錢之給付等）、薪水（包括獎金及其他給付等）及退職金（以下合稱「薪給津貼」）之給付，應訂定合乎社會一般情形之支給標準，並應於向財務大臣提出時一併公開之。其變更時亦同。
- 2 前項薪給津貼之給付標準中涉及幹部者，應參照有關特別職職員薪給之相關法律（昭和二十四年第二百五十二號法律）中關於公務員之薪給、退職金及其他情事等予以認定。

（服務に関する準則）

第32条 日本銀行は、その業務の公共性にかんがみ、その役員及び職員の職務の適切な執行を確保するため、役員及び職員の職務に専念する義務、私企業からの隔離その他の服務に関する準則を定め、これを財務大臣に届け出るとともに、公表しなければならない。これを変更したときも、同様とする。

第4章 業 務

（通常業務）

第33条 日本銀行は、第1条の目的を達成するため、次に掲げる業務を行うことができる。

- 一 商業手形その他の手形の割引
 - 二 手形、国債その他の有価証券を担保とする貸付け
 - 三 商業手形その他の手形（日本銀行の振出しに係るものを含む。）又は国債その他の債券の売買
 - 四 金銭を担保とする国債その他の債券の貸借
 - 五 預り金
 - 六 内国為替取引
 - 七 有価証券その他の財産権に係る証券又は証書の保護預り
 - 八 地金銀の売買その他前各号の業務に付随する業務
- 2 前項第5号の「預り金」とは、預金契約に基づいて行う預金の受入れをいう。

（国に対する貸付け等）

第34条 日本銀行は、我が国の中央銀行として、前条第1項に規定する業務のほか、国との間で次に掲げる業務を行うことができる。

第三十二條 服務相關準則

本行為配合其業務之公共性，並確保其幹部及職員妥適執行職務，應就幹部及職員之專職義務及不得為與私人企業有關之服務等事項作成規定，並應於向財務大臣提出時公開之。變更時亦同。

第四章 業務

第三十三條 通常業務

1 為達成本法第一條之目的，本行得辦理下列業務：

- 一、商業本票及其他票據之重貼現
- 二、以票據、公債及其他有價證券為擔保之融通
- 三、商業本票及其他（包括本行簽發之）票據或公債及其他債券之買賣
- 四、以金錢為擔保之公債及其他債券之借貸
- 五、存款
- 六、國內匯兌
- 七、有價證券及其他與財產權相關之證券或證書之保管寄存
- 八、金銀塊之買賣及前述各款業務之附帶業務

2 前項第五款之「存款」係指基於存款契約所收受之存款。

第三十四條 對政府之融通

本行為日本之中央銀行，除前條第一項規定之業務外，對政府得辦理下列業務：

- 一 財政法（昭和二十二年法律第三十四号）第5条ただし書の規定による国会の議決を経た金額の範囲内において担保を徴求することなく行う貸付け
- 二 財政法その他の国の会計に関する法律の規定により国がすることが認められる一時借入金について担保を徴求することなく行う貸付け
- 三 財政法第5条ただし書の規定による国会の議決を経た金額の範囲内において行う国債の応募又は引受け
- 四 財務省証券その他の融通証券の応募又は引受け
- 五 貴金屬その他の物品の保護預り

（国庫金の取扱い）

第35条 日本銀行は、我が国の中央銀行として、法令で定めるところにより、国庫金を取り扱わなければならない。

2 日本銀行は、前項の規定により国庫金を取り扱う場合には、第33条第1項に規定する業務のほか、その取扱いに必要な業務を行うことができる。

（国の事務の取扱い）

第36条 日本銀行は、我が国の中央銀行として、法令で定めるところにより、通貨及び金融に関する国の事務を取り扱うものとする。

2 日本銀行は、前項の規定により国の事務を取り扱う場合には、第33条第1項に規定する業務のほか、その取扱いに必要な業務を行うことができる。

3 第1項の国の事務の取扱いに要する経費は、法令で定めるところにより、日本銀行の負担とすることができる。

- 一、依財政法（昭和二十二年第三十四號法律）第五條但書規定，於國會議決金額之範圍內，得為無擔保融通
- 二、依財政法或其他與政府會計相關法律之規定，得為暫時性無擔保融通
- 三、依財政法第五條但書規定，於國會議決之金額範圍內，得認購或承銷公債
- 四、得認購或承銷財務省所發行之證券及其他短期融通證券
- 五、貴金屬及其他物品之保管寄存

第三十五條 經理國庫

- 1 本行為日本之中央銀行，應依法令所定經理國庫資金。
- 2 本行為依前項規定經理國庫，除第三十三條第一項所規定者外，並得為其他必要之業務。

第三十六條 辦理國家事務

- 1 本行為日本之中央銀行，依法令之規定，辦理有關通貨及金融之國家事務。
- 2 本行為辦理前項事務，除第三十三條第一項所規定者外，並得經營其他必要之業務。
- 3 辦理第一項所指之國家事務所需經費，得依法令之規定，由本行負擔之。

（金融機関等に対する一時貸付け）

第37条 日本銀行は、金融機関（銀行その他の預金等（預金保険法（昭和四十六年法律第三十四号）第2条第2項に規定する預金等及び貯金をいう。）の受入れ及び為替取引を業として行う者をいう。以下同じ。）その他の金融業を営む者であつて政令で定めるもの（以下「金融機関等」という。）において電子情報処理組織の故障その他の偶発的な事由により予見し難い支払資金の一時的な不足が生じた場合であつて、その不足する支払資金が直ちに確保されなければ当該金融機関等の業務の遂行に著しい支障が生じるおそれがある場合において、金融機関の間における資金決済の円滑の確保を図るために必要があると認めるときは、第33条第1項の規定にかかわらず、当該金融機関等に対し、政令で定める期間を限度として、担保を徴求することなくその不足する支払資金に相当する金額の資金の貸付けを行うことができる。

2 日本銀行は、前項の規定による貸付けを行ったときは、遅滞なく、その旨を内閣総理大臣及び財務大臣に届け出なければならない。

（信用秩序の維持に資するための業務）

第38条 内閣総理大臣及び財務大臣は、銀行法（昭和56年法律第59号）第57条の2の規定その他の法令の規定による協議に基づき信用秩序の維持に重大な支障が生じるおそれがあるとき、その他の信用秩序の維持のため特に必要があると認めるときは、日本銀行に対し、当該協議に係る金融機関への資金の貸付けその他の信用秩序の維持のために必要と認められる業務を行うことを要請することができる。

第三十七條 對金融機構之暫時性融通

- 1 本行於金融機構（銀行及其他收受存款《依昭和四十六年第三十四號法律「存款保險法」第二條第二項所稱存款及其他儲金》及辦理匯兌業務之金融機構，以下同）及其他依政令規定經營金融業務者（以下併稱「金融機構」）之電子資訊處理系統發生故障及其他偶發事故，造成難以預見之暫時性資金支付不足之情形時，如認為不立即融通支付將造成該金融機構經營困難，而有確保金融機構間資金順利清算之必要者，得對該金融機構於政令限制之期間範圍內，就不足資金部分提供無擔保融通，不受第三十三條第一項規定之限制。
- 2 本行依前項規定為融通時，應儘速報告內閣總理大臣及財務大臣。

第三十八條 為維持信用秩序之業務

- 1 內閣總理大臣與財務大臣基於銀行法（昭和五十六年（1981）第五十九號法律）第五十七條之二規定及依其他法令所訂定之協議，認為信用秩序之維持有產生重大障礙之虞時，或其他為維持信用秩序所必要者，得要求本行對該協議有關之金融機構為資金之融通，或辦理其他維持信用秩序所必要之業務。

2 日本銀行は、前項の規定による内閣総理大臣及び財務大臣の要請があつたときは、第33条第1項に規定する業務のほか、当該要請に応じて特別の条件による資金の貸付けその他の信用秩序の維持のために必要と認められる業務を行うことができる。

（資金決済の円滑に資するための業務）

第39条 日本銀行は、第33条から前条までに規定する業務のほか、内閣総理大臣及び財務大臣の認可を受けて、第33条第1項第5号から第7号までに掲げる業務又は第35条第2項若しくは第36条第2項に規定する業務と一体的に行うことによつて金融機関の間における資金決済の円滑に資すると認められる業務を行うことができる。

2 第7条第4項の規定は、前項の認可について準用する。

（外国為替の売買）

第40条 日本銀行は、必要に応じ自ら、又は第36条第1項の規定により国の事務の取扱いをする者として、外国為替の売買を行うほか、我が国の中央銀行としての外国中央銀行等（外国の中央銀行又はこれに準ずる者をいう。以下同じ。）又は国際機関（我が国が加盟している国際機関をいい、国際決済銀行を含む。以下同じ。）との協力を図るため、これらの者による外国為替の売買の事務の取扱いをする者として、外国為替の売買を行うことができる。

2 日本銀行は、その行う外国為替の売買であつて本邦通貨の外国為替相場の安定を目的とするものについては、第36条第1項の規定により国の事務の取扱い

- 2 本行依前項規定，於內閣總理大臣與財務大臣要求時，除第三十三條第一項規定之業務以外，得依據特別之條件為資金之融通或辦理其他維持信用秩序所必要之業務。

第三十九條 為促使資金清算順利之業務

- 1 本行除第三十三條至前條所規定之業務以外，經內閣總理大臣與財務大臣認可，得辦理與第三十三條第一項第五款至第七款所規定之業務及與第三十五條第二項或第三十六條第二項所規定之業務配合後有助於金融機構間資金清算之順利進行所必要之業務。
- 2 第七條第四項之規定，於前項之認可，準用之。

第四十條 外匯交易業務

- 1 本行除於必要時得自行，或依第三十六條第一項規定以辦理國家事務為由，進行外匯交易外，得以日本中央銀行之名義與外國中央銀行等（指外國之中央銀行或其相當之機構，以下同）或國際機構（指日本加入之國際機構，包括國際清算銀行，以下同），以掌理外匯交易事務之地位進行外匯交易，俾達成合作之目的。
- 2 本行依第三十六條第一項規定處理國家事務，所進行之外匯交易，係以維持本國通貨於外匯市場之安定為目的。

をする者として行うものとする。

3 日本銀行は、第1項の規定により我が国の中央銀行としての外国中央銀行等又は国際機関との協力を図るため、自ら、又はこれらの者の事務の取扱いをする者として行う外国為替の売買のうち、国際金融面での協力を該当するものとして財務大臣が定めるもののため行う外国為替の売買については、財務大臣からの要請に基づき、又はあらかじめその承認を得て、行うものとする。

（国際金融業務）

第41条 日本銀行は、我が国の中央銀行としての外国中央銀行等又は国際機関との協力を図るため、これらの者との間で、次に掲げる業務を行うことができる。

- 一 本邦通貨をもって表示される預金に係る預り金（第33条第2項に規定する預り金をいう。）
- 二 前号の業務により受け入れた預金を対価として行う国債の売却及びその買取り
- 三 有価証券、貴金属その他の物品の保護預り
- 四 当該外国中央銀行等又は国際機関が行う国債の売買の媒介、取次ぎ又は代理
- 五 その他当該外国中央銀行等又は国際機関による本邦通貨又は本邦通貨をもって表示される資産の適切な運用に資すると認められる業務として財務省令で定めるもの

第42条 日本銀行は、前条の規定による業務のほか、我が国の中央銀行としての外国中央銀行等又は国際機関との協力であつて国際金融支援その他の国際金

- 3 本行依本條第一項規定，以日本中央銀行之名義，為與外國中央銀行及國際機構合作，自行或以外匯事務掌理者之身分所進行之外匯交易者，其中因與國際金融合作有關而須由財務大臣決定之外匯交易，應基於財務大臣要求或許可後始得為之。

第四十一條 國際金融業務

本行以日本中央銀行之名義，為與外國中央銀行及國際機構合作，得辦理下列各款業務：

- 一、收受以本國貨幣記帳之存款（即第三十三條第二項規定之存款）
- 二、以辦理前款業務所收受存款之對價出售或買入政府公債
- 三、保管有價證券、貴重金屬及其他物品
- 四、居間、代辦或代理外國中央銀行或國際機構進行政府公債交易
- 五、其他依照財務省令協助各該外國中央銀行及國際機構從事本國貨幣或以本國貨幣計值資產之適切運用

第四十二條

除前條規定外，本行為與外國中央銀行及國際機構合作，

融面での協力を図るため、次に掲げる取引その他の当該協力のために必要な取引を、財務大臣からの要請に基づき、又はあらかじめその承認を得て、行うことができる。

- 一 国際決済銀行が有する外国中央銀行等に対する貸付債権の譲受け
- 二 外国中央銀行等又は国際機関に対する信用の供与

（他業の禁止）

第43条 日本銀行は、この法律の規定により日本銀行の業務とされた業務以外の業務を行ってはならない。ただし、この法律に規定する日本銀行の目的達成上必要がある場合において、財務大臣及び内閣総理大臣の認可を受けたときは、この限りでない。

2 4項の規定は、前項の認可について準用する。

（考査）

第44条 日本銀行は、第37条から第39条までに規定する業務を適切に行い、及びこれらの業務の適切な実施に備えるためのものとして、これらの業務の相手方となる金融機関等（以下この条において「取引先金融機関等」という。）との間で、考査（取引先金融機関等の業務及び財産の状況について、日本銀行が当該取引先金融機関等へ立ち入って行う調査をいう。以下この条において同じ。）に關する契約（考査を行うときはあらかじめ取引先金融機関等に対し連絡しその承諾を得なければならないものであることその他の政令で定める要件を備えたものに限る。）を締結することができる。

2 日本銀行は、考査を行う場合には、当該考査に伴う取引先金融機関等の事務負担に配慮しなければならない

俾以獲得國際金融支援等其他國際金融方面之合作，得以中央銀行之名義，依財務大臣之要求或許可，而為下列及其他合作所必要之交易：

- 一、受讓包括國際清算銀行對外國中央銀行等之融資債權
- 二、對外國中央銀行或國際機構授信

第四十三條 其他業務之禁止

- 1 本行不得為本法規定以外之業務。惟為達成本行依本法所規定之目的所必要，並經財務大臣與內閣總理大臣認可者，不在此限。
- 2 第七條第四項之規定，於前項認可，準用之。

第四十四條 考查

- 1 本行為妥適執行第三十七條至第三十九條之業務，並確保該業務能妥適進行，得與其業務交易之對象，亦即各金融機構（以下簡稱「金融機構等交易對象」），訂定與考查（本行對金融機構等對象之業務與財產狀況進行之實地調查，以下各條同）有關之契約（考查時應事先告知並取得金融機構等交易對象之同意，並以政令規定者為限）。
- 2 本行於進行考查時，應同時考慮金融機構等交易對象因

ない。

3 日本銀行は、金融庁長官から要請があつたときは、その行った考査の結果を記載した書類その他の考査に關する資料を金融庁長官に対し提出し、又はその職員に閲覽させることができる。

（業務方法書）

第45条 日本銀行は、業務方法書を定め、これを財務大臣及び内閣総理大臣に届け出なければならない。これを変更したときも、同様とする。

2 前項の業務方法書には、資金の貸付けに關する事項その他の政令で定める事項を記載しなければならない。

第5章 日本銀行券

（日本銀行券の発行）

第46条 日本銀行は、銀行券を発行する。

2 前項の規定により日本銀行が発行する銀行券（以下「日本銀行券」という。）は、法貨として無制限に通用する。

（日本銀行券の種類及び様式）

第47条 日本銀行券の種類は、政令で定める。

2 日本銀行券の様式は、財務大臣が定め、これを公示する。

（日本銀行券の引換え）

第48条 日本銀行は、財務省令で定めるところにより、汚染、損傷その他の理由により使用することが困難となつた日本銀行券を、手数料を徴収することなく、引き換えなければならない。

受考查所產生之事務負擔。

- 3 本行應於金融廳長官要求時，提出記載考查結果之文件與其他相關資料；亦得向其職員提出之。

第四十五條 業務手冊

- 1 本行應訂定業務手冊，向財務大臣與內閣總理大臣提出之。變更時亦同。
- 2 前項業務手冊，應記載資金融通有關事項及其他政令所定事項。

第五章 鈔 券

第四十六條 發行

- 1 本行得發行鈔券。
- 2 依前項規定由本行所發行之鈔券具有法償之效力，得無限制通用。

第四十七條 種類及樣式

- 1 鈔券之種類依政令定之。
- 2 鈔券之樣式，由財務大臣訂定並公告之。

第四十八條 收兌

本行應依財務省省令之規定，以不收取手續費之方式收兌因污損、破損及其他事由而難以使用之鈔券。

（日本銀行券の製造及び消却）

第49条 日本銀行は、日本銀行券の製造及び消却の
手続を定め、財務大臣の承認を受けなければならない。
これを変更しようとするときも、同様とする。

2 第7条第4項の規定は、前項の承認について準用
する。

第6章 会 計

（事業年度）

第50条 日本銀行の事業年度は、毎年四月一日から
翌年三月三十一日までとする。

（経費の予算）

第51条 日本銀行は、毎事業年度、経費（通貨及び
金融の調節に支障を生じさせないものとして政令で定
める経費に限る。）に關する予算（以下「経費の予
算」という。）を作成し、当該事業年度開始前に、財
務大臣に提出して、その認可を受けなければならない。
これを変更しようとするときも、同様とする。

2 財務大臣は、前項の規定により提出された経費の
予算を認可することが適当でないとき認めるときは、速
やかに、その旨及びその理由を日本銀行に通知すると
ともに、当該提出に係る経費の予算の詳細及び当該理
由を公表しなければならない。

3 日本銀行は、前項の規定による通知があつたとき
は、財務大臣に対し意見を述べ、又は必要に応じ当該
意見を公表することができる。

（財務諸表等）

第52条 日本銀行は、財産目録及び貸借対照表につ
いては四月から九月まで及び十月から翌年三月までの

第四十九條 印製與註銷

- 1 本行應訂定鈔券之印製與註銷程序，並報經財務大臣承認。變更時亦同。
- 2 第七條第四項之規定，於前項承認，準用之。

第六章 會計

第五十條 會計年度

本行之會計年度，為每年四月一日起至翌年三月三十一日止。

第五十一條 經費預算

- 1 本行應於每會計年度編列經費預算（以依政令規定，不妨礙對通貨及金融之調節者為限），並於年度開始前向財務大臣提出並經其認可。變更時亦同。
- 2 財務大臣對於依前項規定所提出之預算認為不應予以認可時，應將其理由儘速通知本行，並公布預算之詳細內容及其理由。
- 3 本行接獲前項規定之通知時，得向財務大臣陳述其意見，必要時並得公布之。

第五十二條 財務報表等

- 1 本行應於四月至九月及十月至翌年三月每半年間製作財

半期ごとに、損益計算書についてはこれらの半期及び事業年度ごとに作成し、これらの書類（以下「財務諸表」という。）に関する監事の意見書を添付して、当該半期又は当該事業年度経過後二月以内に、これを財務大臣に提出し、その承認を受けなければならない。

2 日本銀行は、前項の規定により事業年度に係る財務諸表を財務大臣に提出するときは、これに当該事業年度の決算報告書及び当該決算報告書に関する監事の意見書を添付しなければならない。

3 日本銀行は、第1項の規定による財務大臣の承認を受けたときは、遅滞なく、財務諸表、前項の決算報告書及び前二項の監事の意見書を、本店及び支店に備え置き、政策委員会が適当と認めて定める相当期間、一般の閲覧に供しなければならない。

（剰余金の処分）

第53条 日本銀行は、各事業年度の損益計算上剰余金を生じたときは、当該剰余金の額の百分の五に相当する金額を、準備金として積み立てなければならない。

2 日本銀行は、特に必要があると認めるときは、前項の規定にかかわらず、財務大臣の認可を受けて、同項の剰余金の額のうち同項の規定により積み立てなければならないとされる額を超える金額を、同項の準備金として積み立てることができる。

3 前二項の規定により積み立てられた準備金は、日本銀行において生じた損失の補てん又は次項の規定による配当に充てる場合を除いては、取り崩してはならない。

4 日本銀行は、財務大臣の認可を受けて、その出資者に対し、各事業年度の損益計算上の剰余金の配当をすることができる。ただし、払込出資金額に対する当該剰余金の配当の率は、年百分の五の割合を超えてはならない。

產目錄及資產負債表，並於此每半年之結算及會計年度之決算時製作損益表；上述文件（以下簡稱「財務報表」）並須檢附監事之意見書，於結算及決算後二個月內，向財務大臣提出並經其承認。

- 2 本行依前項規定向財務大臣提交會計年度相關之財務報表時，得於該財務報表中檢附該會計年度之決算報告書及監事對於該決算報告書之意見書。
- 3 本行依據第一項規定取得財務大臣之承認時，應儘速將該財務報表、前項之決算報告書及前二項之監事意見書置於總行及各分行，於政策委員會認為適當之期間內，供大眾閱覽之。

第五十三條 盈餘之處理

- 1 本行於各會計年度損益計算後有盈餘者，應提撥相當於盈餘百分之五之數額，累積為準備金（公積金）。
- 2 本行認為必要時，得不受前項規定之限制，經財務大臣認可，由前項之盈餘中，提撥超出該項規定應累積額度以外之準備金。
- 3 依前二項提撥之準備金，除彌補本行之虧損或依後項規定提撥作為股息之外，不得供作其他用途。
- 4 本行經財務大臣認可後，得提撥各會計年度經損益計算後之盈餘，作為對出資者分配股息之用。但該盈餘分配占實收資本額之比率，不得超過年率百分之五。

5 日本銀行は、各事業年度の損益計算上の剰余金の額から、第1項又は第2項の規定により積み立てた金額及び前項の規定による配当の金額の合計額を控除した残額を、当該各事業年度終了後二月以内に、国庫に納付しなければならない。

6 政府は、前項の規定による各事業年度に係る国庫納付金の一部を、政令で定めるところにより、当該各事業年度中において概算で納付させることができる。

7 第5項の規定による納付金の額は、法人税法（昭和四十年法律第三十四号）の規定による所得及び地方税法（昭和二十五年法律第二百二十六号）の規定による事業税に係る所得の金額の計算上、損金の額に算入する。

8 前三項に定めるもののほか、第5項の規定による納付金に関し必要な事項は、政令で定める。

9 第7条第4項の規定は、第2項及び第4項の認可について準用する。

第7章 国会に対する報告等

（国会への報告及び出席）

第54条 日本銀行は、おおむね六月に一回、政策委員会が議決した第15条第1項各号に掲げる事項の内容及びそれに基づき日本銀行が行った業務の状況を記載した報告書を作成し、財務大臣を經由して国会に提出しなければならない。

2 日本銀行は、前項の報告書について、国会に対し説明をするよう努めなければならない。

3 日本銀行の総裁若しくは政策委員会の議長又はそれらの指定する代理者は、日本銀行の業務及び財産の状況について各議院又はその委員会から説明のため出席することを求められたときは、当該各議院又は委員会に出席しなければならない。

- 5 本行由各會計年度損益計算後之盈餘中，扣除第一項及第二項所規定應累積之準備金，及依前項規定分配之股息後之餘額，於各該會計年度終了之二個月內，應繳交國庫。
- 6 政府對於本行依前項規定於各會計年度應繳交國庫金額之一部，得依政令之規定，於各該會計年度中予以估算並命本行先行繳交。
- 7 依第五項規定之繳交金額，於依法人稅法（昭和四十年第三十四號法律）計算所得，及依地方稅法（昭和二十五年第二百二十六號法律）計算營業稅之金額時，得記入損失之帳目內。
- 8 除前三項之規定外，與第五項規定之繳交金有關之必要事項，得以政令定之。
- 9 第七條第四項之規定，於第二項及第四項之認可，準用之。

第七章 對國會之報告

第五十四條 出席國會及報告

- 1 本行原則上應於每六個月，將經政策委員會對於本法第十五條第一項各款所為議決之內容，及本行依據該決議內容所為業務狀況作成報告書，經財務大臣提送國會。
- 2 本行對前項之報告書，應向國會為詳盡之說明。
- 3 本行總裁或政策委員會議長，或經總裁或議長指定之代理人，於各議會或其委員會要求出席說明本行業務及其資產狀況時，應出席議會或其委員會。

（業務概況書の公表）

第55条 日本銀行は、各事業年度に係る財務諸表について第52条第1項の承認を受けたときは、遅滞なく、当該事業年度に係る業務概況書を作成し、これを当該財務諸表及び当該事業年度の決算報告書とともに公表しなければならない。

第8章 違法行為等の是正等

（違法行為等の是正）

第56条 財務大臣又は内閣総理大臣は、日本銀行又はその役員若しくは職員の行為がこの法律若しくは他の法令若しくは定款に違反し、又は違反するおそれがあると認めるときは、日本銀行に対し、当該行為の是正のため必要な措置を講ずることを求めることができる。

2 日本銀行は、前項の規定による財務大臣又は内閣総理大臣の求めがあつたときは、速やかに当該行為の是正その他の政策委員会が必要と認める措置を講ずるとともに、当該措置の内容を財務大臣又は内閣総理大臣に報告しなければならない。

（財務大臣又は内閣総理大臣の求めによる監査）

第57条 財務大臣又は内閣総理大臣は、日本銀行又はその役員若しくは職員の行為がこの法律若しくは他の法令若しくは定款に違反し、又は違反するおそれがあると認めるときは、日本銀行の監事に対し、当該行為その他の必要な事項について監査し、及びその結果を報告することを求めることができる。

第五十五條 公布業務概況書

本行於各會計年度相關之財務報表依第五十二條第一項之規定取得承認後，應儘速作成該年度之業務概況書，並將該業務概況書與該當財務報表及該年度之決算報告書一併公布之。

第八章 違法行為之改正等

第五十六條 違法行為之改正

- 1 財務大臣或內閣總理大臣認為本行及其幹部或職員之行為違反本法或其他法令或章程，或有違反之虞時，得要求本行採取改正該違法行為之必要措施。
- 2 本行於財務大臣或內閣總理大臣為前項規定之要求時，除應儘速為改正該行為及其他政策委員會認為必要之處置外，並應將該處置內容向財務大臣或內閣總理大臣提出報告。

第五十七條 經財務大臣或內閣總理大臣要求之監查

- 1 財務大臣或內閣總理大臣認為本行及其幹部或職員之行為違反本法或其他法令或章程，或有違反之虞時，得要求本行之監事對該行為及其他必要事項進行監查並提出監查報告。

2 日本銀行の監事は、前項の規定による財務大臣又は内閣総理大臣の求めがあったときは、速やかに当該求めがあった事項について監査し、その結果を財務大臣又は内閣総理大臣に報告するとともに、政策委員会に報告しなければならない。

（報告等）

第58条 財務大臣又は内閣総理大臣は、日本銀行の業務の執行の状況に照らし必要があると認めるときは、日本銀行に対し報告又は資料の提出を求めることができる。

第9章 雑 則

（規程）

第59条 日本銀行は、この法律で別に定めるものを除くほか、組織その他に關する規程を作成したときは、遅滞なく、これを財務大臣に届け出なければならない。これを変更したときも、同様とする。

（解散）

第60条 日本銀行の解散については、別に法律で定める。

2 日本銀行が解散した場合において、その残余財産の額が払込資本金額を超えるときは、その超える部分の額に相当する残余財産は、国庫に帰屬する。

（法人の規定の準用）

第61条 民法（明治二十九年法律第八十九号）第4

- 2 本行之監事於財務大臣或內閣總理大臣為前項規定之要求時，除應儘速對該要求之事項進行檢查外，並應將該檢查結果向財務大臣或內閣總理大臣，及政策委員會提出監查結果之報告。

第五十八條 報告等

財務大臣或內閣總理大臣依據本行之業務執行情形，認為必要時，得要求本行提出報告及資料。

第九章 雜 則（附 則）

第五十九條 規程

除本法另有規定者外，本行於制定其他涉及組織之規程後，應儘速提交財務大臣。變更時亦同。

第六十條 解散

- 1 本行之解散，另以法律定之。
- 2 本行解散後，其剩餘資產超過已繳交之資本額部分，歸屬國庫。

第六十一條 法人規定之準用

民法（明治二十九年第八十九號法律）第四十四條、第五

4条、第50条、第54条及び第57条並びに非訟事件手続法（明治三十一年法律第十四号）第35条第1項の規定は、日本銀行について準用する。

（権限の委任）

第61条の2 内閣総理大臣は、この法律（第19条を除く。）による権限（政令で定めるものを除く。）を金融庁長官に委任する。

（政令への委任）

第62条 この法律に規定するもののほか、この法律を実施するため必要な事項は、政令で定める。

第10章 罰 則

第63条 第29条の規定に違反して秘密を漏らし、又は盗用した者は、一年以下の懲役又は五十万円以下の罰金に処する。

第64条 第57条第2項の規定による監査をせず、又は同項の規定による報告をせず、若しくは虚偽の報告をした者は、五十万円以下の罰金に処する。

第65条 次の各号のいずれかに該当する場合には、その違反行為をした日本銀行の役員又は職員は、五十万円以下の過料に処する。

一 この法律の規定（第43条第1項の規定を除く。）により財務大臣若しくは財務大臣及び内閣総理大臣の認可又は財務大臣の承認を受けなければなら

十條、第五十四條、及第五十七條，及非訟事件程序法（明治三十一年第十四號法律）第三十五條第一項之規定，於本行準用之。

第六十一條之二 權限之委任

內閣總理大臣將其依本法規定（除第十九條外）之權限（除以政令訂定者外），委任金融廳長官行使之。

第六十二條 其他施行政令

除本法規定者外，本法施行之必要事項，另以政令定之。

第十章 罰 則

第六十三條

違反第二十九條規定洩漏或盜用秘密者，處一年以下有期徒刑、拘役或五十萬日圓以下罰金。

第六十四條

未依本法第五十七條第二項規定為監查或報告行為，或為虛偽不實之報告者，處五十萬日圓以下罰金。

第六十五條

本行幹部或職員違反下列各款規定者，處五十萬日圓以下罰鍰：

一、依本法規定（除第四十三條第一項外）應經財務大臣

い場合において、その認可又は承認を受けなかったとき。

二 この法律の規定により財務大臣又は財務大臣及び内閣総理大臣に届出をしなければならない場合において、その届出をせず、又は虚偽の届出をしたとき。

三 この法律の規定により公表をしなければならない場合において、その公表をせず、又は虚偽の公表をしたとき。

四 第12条第1項の規定による政令に違反して登記することを怠ったとき。

五 第26条第1項の規定に違反して報酬のある他の職務に従事し、又は営利事業を営み、その他金銭上の利益を目的とする業務を行ったとき。

六 第43条第1項の規定に違反して日本銀行の業務とされた業務以外の業務を行ったとき。

七 第48条の規定に違反したとき。

八 第52条第3項の規定に違反して財務諸表、決算報告書若しくは監事の意見書を備え置かず、又は閲覧に供しなかったとき。

九 第53条第1項の規定に違反して準備金を積み立てなかったとき。

十 第53条第3項の規定に違反して準備金を取り崩したとき。

十一 第53条第4項ただし書の規定に違反して配当をしたとき。

十二 第56条第2項の規定による報告をせず、又は虚偽の報告をしたとき。

十三 第58条の規定による報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をしたとき。

- 或財務大臣與內閣總理大臣認可，或經財務大臣承認之事項，而未經認可或承認者。
- 二、依本法規定應向財務大臣或財務大臣與內閣總理大臣提出之事項，未為提出或為虛偽不實之提出者。
 - 三、依本法規定應公布之事項，未為公布或為虛偽不實之公布者。
 - 四、違反本法第十二條第一項所規定之政令，就應登記事項未為登記者。
 - 五、違反本法第二十六條第一項之規定，而任其他有報酬之職務、從事營利事業或其他以金錢上之利益為目的之行為者。
 - 六、違反本法第四十三條第一項之規定，從事本行業務範圍以外之行為者。
 - 七、違反第四十八條之規定者。
 - 八、違反第五十二條第三項之規定，未為財務報表、決算報告書或監事意見書之備置，或未供閱覽者。
 - 九、違反第五十三條第一項之規定，未為準備金之累積者。
 - 十、違反第五十三條第三項之規定，為準備金之動用者。
 - 十一、違反第五十三條第四項但書之規定，擅為股息之分配者。
 - 十二、違反第五十六條第二項之規定，未為報告或為虛偽不實之報告者。
 - 十三、違反第五十八條之規定，未為報告或資料之提出，或為虛偽不實之提出者。

第66条 第13条の規定に違反した者は、五十万円以下の過料に処する。

第六十六條

違反第十三條之規定者，處五十萬日圓以下罰鍰。

附錄三 韓國銀行法

韓國銀行法

第 1 章 總 則

第 2 章 金融通貨委員會

第 3 章 執行機關 및 監事

第 4 章 韓國銀行의 業務

第 5 章 金融機關 검사요구 등

第 6 章 政府 등과의 관계

第 7 章 會計 등

第 8 章 補 則

附 則

부 칙 <2003.9.3>

韓國銀行法

法務室 謝淑芬 譯

第一章 總 則

第二章 貨幣政策委員會

第三章 執行機關及監事

第四章 韓國銀行之營運

第五章 要求檢查金融機構等

第六章 與政府間之關係等

第七章 會計等

第八章 罰 則

附 則

附 則 < 2003.9.3 >

韓國銀行法

2003. 9. 3 法律第 6971 號

第 1 章 總 則

第 1 條(目的)

이法은韓國銀行을設立하고 효율적인通貨信用政策의 수립과執行을 통하여物價安定을도모함으로써國民經濟의 건전한 발전에 이바지함을目的으로 한다.

第 2 條(法人格)

韓國銀行은 無資本特殊法人으로 한다.

第 3 條(韓國銀行의 中立性)

韓國銀行의 通貨信用政策은 中立的으로 수립되고 自律的으로 執行되도록 하여야 하며, 韓國銀行의 自主性은 존중되어야 한다.

第 4 條(政府政策과의 調和 등)

- ① 韓國銀行의 通貨信用政策은 物價安定을 저해하지 아니하는 범위내에서 政府의 經濟政策과 調和를 이룰 수 있도록 하여야 한다.
- ② 韓國銀行은 通貨信用政策을 수행함에 있어서 市場機能을 증시하여야 한다.

韓國銀行法

2003年9月3日第6971號法律修正部分條文
〔2004年1月1日修正施行〕

第一章 總 則

第一條（目的）

為設立韓國銀行，並透過制定與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。

第二條（法人）

韓國銀行為無資本之特殊法人。

第三條（韓國銀行之中立性）

韓國銀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。

第四條（與政府政策之協調等）

- (1)於不妨礙物價穩定之範圍內，韓國銀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，韓國銀行應重視市場機制。

第 5 條(韓國銀行의 公共性·透明性)

韓國銀行은 그 업무수행과 기관운영에 있어 公共性和 透明性을 확보하도록 노력하여야 한다.

第 6 條(통화신용정책 운영방향의 수립 등)

- ① 한국은행은 정부와 협의하여 물가안정목표를 정한다. <개정 2003.9.3>
- ② 한국은행은 매년 통화신용정책 운영방향을 수립·공표하여야 한다. <신설 2003.9.3>
- ③ 韓國銀行은 第 1 項의 規定에 의한 物價安定目標의 달성에 최선을 다하여야 한다. <개정 2003.9.3>

第 7 條(事務所)

韓國銀行은 주된 事務所를 서울特別市에 두고, 業務의 수행상 필요하다고 인정하는 때에는 定款이 정하는 바에 의하여 支事務所 및 代理店을 둘 수 있다.

第 8 條(定款)

- ① 韓國銀行의 定款에는 다음 各號의 사항을 기재한다.
 1. 目的
 2. 명칭
 3. 事務所·支事務所 및 代理店에 관한 사항
 4. 執行幹部 및 職員에 관한 사항
 5. 業務와 그 執行에 관한 사항
 6. 豫算 및 會計에 관한 사항
 7. 公告 및 公表의 방법

第五條（韓國銀行為公共利益及透明化而操作）

韓國銀行經營業務與管理操作時，應致力於確保公共利益與透明化。

第六條（貨幣及信用政策營運方針之建立）

- (1) 韓國銀行應與政府協商，訂定物價穩定目標。 <2003.9.3 修正>
- (2) 韓國銀行應於每年訂定發布貨幣及信用政策之營運方針。 <2003.9.3 增訂>
- (3) 韓國銀行應盡全力達成依第(1)項所定之物價穩定目標。 <2003.9.3 修正>

第七條（辦公處所）

韓國銀行設總行於漢城市，於執行業務之必要時，得依據其章程所定，設立分行及辦事處。

第八條（章程）

- (1) 韓國銀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僱職員事項；
 5. 有關業務與其經營事項；
 6. 有關預算與會計事項；
 7. 公告及出版方法；以及

8. 기타 大統領令이 정하는 사항

- ② 韓國銀行은 第 12 條의 規定에 의한 金融通貨委員會의 審議 議決을 거쳐 定款을 변경할 수 있다.

第 9 條(登記)

- ① 韓國銀行은 大統領令이 정하는 바에 의하여 登記하여야 한다.
- ② 韓國銀行은 주된 事務所의 所在地에서 設立登記를 함으로써 成立한다.
- ③ 韓國銀行은 登記를 하여야 하는 사항에 관하여는 그 登記후가 아니면 第 3 者에 對抗하지 못한다.

第 10 條(유사명칭의 사용금지)

韓國銀行이 아닌 者는 韓國銀行 또는 이와 유사한 명칭을 사용하지 못한다.

第 11 條(金融機關의 범위)

- ① 이 法에서 "金融機關"이라 함은 銀行法 第 2 條의 規定에 의한 金融機關과 金融持株會社法에 의한 銀行持株會社를 말한다. <개정 2000.10.23 금융지주회사법>
- ② 農業協同組合中央會, 水產業協同組合中央會의 信用事業部門은 이를 하나의 金融機關으로 본다. <개정 1999.9.7 농업협동조합법, 2000.1.28 수산업협동조합법>
- ③ 보험회사와 相互貯蓄銀行業務 또는 信託業務만을 영위하는 會社는 金融機關으로 보지 아니한다. <개정 2001.3.28 상호저축은행법, 2003.9.3>

8.大統領令規定之事項。

- (2)韓國銀行得依據第十二條規定，經貨幣政策委員會之審議與決議修正其章程。

第九條（登記）

- (1) 韓國銀行應依據大統領令之規定登記之。
- (2) 韓國銀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。

第十條（相似名稱使用之禁止）

除韓國銀行外，任何法人或自然人均不得使用「韓國銀行」或其相似名稱。

第十一條（金融機構之範圍）

- (1) 本法所稱「金融機構」係指普通銀行法第二條所指金融機構，以及金融控股公司法所指銀行控股公司。〈2000年10月23日6274號法律修正〉
- (2) 全國農業合作聯盟與全國漁業合作聯盟之信用與銀行部門應視為金融機構。〈1999年9月7日6018號法律；2000年1月28日6256號法律修正〉
- (3) 保險公司、專營相互儲蓄銀行業務或信託業務之公司，不視為金融機構。〈2001年3月28日6429號法律修正；2003年9月3日修正〉

第 2 章 金融通貨委員會

第 1 節 金融通貨委員會의 구성

第 12 條(設置)

韓國銀行에 政策決定機構로서 金融通貨委員會를 둔다.

第 13 條(구성)

① 金融通貨委員會는 다음의 7 人의 委員으로 구성한다.

1. 韓國銀行 總裁
2. 한국은행 부총재 <신설 2003.9.3>
3. 재정경제부장관이 추천하는 위원 1 人 <개정 2003.9.3>
4. 韓國銀行 總裁가 추천하는 委員 1 人 <개정 2003.9.3>
5. 金融監督委員會 委員長이 추천하는 委員 1 人 <개정 2003.9.3>
6. 大韓商工會議所 會長이 추천하는 委員 1 人 <개정 2003.9.3>
7. 社團法人全國銀行聯合會 會長이 추천하는 委員 1 人 <개정 2003.9.3>

② 韓國銀行 總裁(이하 "總裁"라 한다)는 金融通貨委員會 議長(이하 "議長"이라 한다)을 兼任하며, 國務會議의 審議를 거쳐 大統領이 任命한다.

③ 第 1 項제 3 호 내지 제 7 호의 委員은 金融·經濟 또는 產業에 관하여 풍부한 經驗이 있거나 탁월한 知識을 가진 者로서 大統領令이 정하는 바에 의하여 추천기관의 추천을 받아 大統領이 任命한다. <개정 2003.9.3>

④ 金融通貨委員會 委員(이하 "委員"이라 한다)은 常任으로 한다.

第二章 貨幣政策委員會

第一節 貨幣政策委員會之組成

第十二條（設立）

韓國銀行應設立貨幣政策委員會作為其決策單位。

第十三條（組成）

- (1) 貨幣政策委員會應由下列委員七人組成：
 1. 韓國銀行總裁；
 2. 韓國銀行副總裁；<2003.9.3 增訂>
 3. 由財政經濟部長推薦之委員一人；<2003.9.3 修正>
 4. 由韓國銀行總裁推薦之委員一人；<2003.9.3 修正>
 5. 由金融監督委員會委員長推薦之委員一人；<2003.9.3 修正>
 6. 由大韓工商協進會會長推薦之委員一人；<2003.9.3 修正>
 7. 由社團法人全國銀行聯合會會長推薦之委員一人。<2003.9.3 修正>
- (2) 韓國銀行總裁（以下簡稱「總裁」）應同時為貨幣政策委員會之主席（以下簡稱「主席」），經國務院審議後，由大統領任命之。
- (3) 第(1)項第3款至第7款委員，應由各該組織依據大統領令之規定，推薦對於金融、經濟與產業具有豐富經驗或學識者，由大統領任命之。<2003.9.3 修正>
- (4) 貨幣政策委員會之委員（以下簡稱「委員」）應為常設委員。

第 14 條(議長)

- ①議長은 金融通貨委員會를 代表하며, 金融通貨委員會의 會議를 主宰하고 會務를 統轄한다.
- ②議長이 부득이한 사유로 職務를 수행할 수 없을 때에는 金融通貨委員會가 미리 정한 委員이 議長의 職務를 代行한다.

第 15 條(委員의 任期)

第 13 條第 1 項제 3 호 내지 제 7 호의 委員의 任期는 4 年으로 하되, 連任할 수 있다. <개정 2003.9.3>

第 16 條(補闕委員의 任期)

제 13 조제 1 항제 3 호 내지 제 7 호의 위원에 闕員이 있을 때에는 새로 任命하되, 새로 임명된 委員의 任期는 前任者의 殘任期間으로 한다. <개정 2003.9.3>

第 17 條(委員의 缺格事由)

다음 各號의 1 에 해당하는 者는 委員이 될 수 없다.

- 1. 大韓民國 國民이 아닌 者
- 2. 國家公務員法 第 33 條 各號의 1 에 해당하는 者

第 18 條(委員의 身分保障 등)

①委員은 다음 各號의 1 에 해당하는 경우를 제외하고는 任期중 그 의사에 반하여 解任되지 아니한다.

- 1. 第 17 條 各號의 1 에 해당하는 경우
- 2. 心身의 障碍로 인하여 職務를 수행할 수 없게 된 경우
- 3. 이 法에 의한 職務上의 義務를 위반하여 委員으로서의 직무수행이 부적당하게 된 경우

第十四條（主席）

- (1)主席應代表貨幣政策委員會並應擔任貨幣政策委員會會議之主席。主席應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。

第十五條（委員任期）

第十三條第(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。〈2003.9.3 修正〉

第十六條（出缺委員任期）

第十三條第(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。〈2003.9.3 修正〉

第十七條（不合委員任用資格）

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三十三條任何一款之人員。

第十八條（委員身分之保證）

- (1)除有下列各款情形之一者外，不得解除委員職務：
 1. 有第十七條各款情事之一；
 2. 因心理或身體障礙無法履行其任務；或
 3. 因違反本法賦予之功能義務而不適於履行其任務。

- ② 委員이 第 1 項의 事由로 解任되는 경우 解任되기 전에 委員으로서 한 행위는 그 效力을 상실하지 아니한다.

第 19 條(政治活動의 금지)

委員은 政黨法 第 6 條의 規定에 불구하고 政黨에 가입할 수 없으며, 政治運動에 參與할 수 없다.

第 20 條(兼職 등의 금지)

委員은 在職중 다음 各號의 職을 겸하거나 營利를 目的으로 하는 事業을 營위하여서는 아니된다.

1. 國會議員 또는 地方議會議員의 職
2. 國家公務員 또는 地方公務員의 職
3. 기타 報酬를 받는 職

第 2 節 金融通貨委員會의 운영

第 21 條(會議)

- ① 金融通貨委員會의 會議는 議長이 필요하다고 인정하는 때 또는 委員 2 人이상의 요구가 있을 때 議長이 召集한다.
- ② 金融通貨委員會의 會議는 이 法에 특별한 規定이 있는 경우를 제외하고는 委員 5 人이상의 出席과 出席委員 過半數의 贊成으로 議決한다.
- ③ 委員은 2 人이상의 贊成으로 議案을 發議할 수 있다. 다만, 議長은 單獨으로 議案을 發議할 수 있다.

第 22 條(出席發言 등)

- ① 한국은행 부총재보는 金融通貨委員會의 會議에 出席하여 發言할 수 있다. <개정 2003.9.3>

(2)被取消資格之委員於因第(1)項情事喪失資格前所為之行為仍應有效。

第十九條（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，不適用政黨法第六條之規定。

第二十條（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行為：

1. 國家議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。

第二節 貨幣政策委員會之運作

第二十一條（會議）

- (1)貨幣政策委員會會議應於主席認為必要時，或至少委員二人之要求，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，應有至少五名委員出席以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二人之附議。但主席得自行對貨幣政策委員會提出議案。

第二十二條（出席會議陳述意見等）

- (1)韓國銀行助理總裁得出席貨幣政策委員會會議並陳述意見。〈2003.9.3 修正〉

- ② 金融通貨委員會는 필요한 경우 관계전문가 등을 會議에 출석시켜 의견을 들을 수 있다.

第 23 條(委員의 除斥)

委員은 다음 各號의 1 에 해당하는 사항에 관한 審議·議決에서 除斥된다.

1. 자기와 직접적인 이해관계가 있는 사항
2. 配偶者, 4 寸이내의 血族 또는 2 寸이내의 姻戚의 관계에 있는 者와 직접적인 이해관계가 있는 사항

第 24 條(議決書의 작성 등)

- ① 金融通貨委員會가 議決을 한 때에는 議決書를 작성하여 議決에 참여한 委員이 記名하고 捺印 또는 署名하여야 한다.
- ② 金融通貨委員會는 議事錄을 작성하고, 金融通貨委員會가 정하는 바에 의하여 이를 公開하여야 한다.

第 25 條(損害賠償責任)

- ① 金融通貨委員會가 故意 또는 중대한 過失로 인하여 韓國銀行에 損害를 끼친 때에는 당해 會議에 出席한 모든 委員은 韓國銀行에 대하여 連帶하여 損害賠償責任을 진다. 다만, 그 會議에서 명백히 반대의를 표시한 委員은 그 리하지 아니하다.
- ② 第 1 項의 規定에 의한 損害賠償을 위한 訴訟에 있어서는 監事가 韓國銀行을 代表한다.

第 26 條(緊急措置)

- (2) 貨幣政策委員會得邀請相關專家等參與會議並聽取其意見。

第二十三條（開會迴避）

委員於審議及表決下列各款情形之一之議案時，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。

第二十四條（正式決議紀錄之預備）

- (1) 貨幣政策委員會作成決議時，應作成正式紀錄，參與決議之委員應簽名或蓋章。
- (2) 貨幣政策委員會應就每一次委員會會議作成紀錄，並依貨幣政策委員會之決議公布之。

第二十五條（損害賠償責任）

- (1) 因貨幣政策委員會之故意或過失致韓國銀行受有損害者，出席該次會議之全體委員，應就該項損害對韓國銀行負連帶責任，但對於該次會議中明白表示異議者，不在此限。
- (2) 監事應代表韓國銀行提起第(1)項之損害賠償訴訟。

第二十六條（緊急處置）

- ①總裁는 內憂·外患·天災·地變 또는 중대한 財政經濟上의 위기로 인하여 通貨信用政策에 관하여 緊急措置가 필요한 경우로서 金融通貨委員會를 召集할 시간적 여유가 없을 때에는 金融通貨委員會의 권한 범위안에서 필요한 措置를 할 수 있다.
- ②總裁는 第1項의 規定에 의하여 措置를 한 때에는 지체 없이 金融通貨委員會의 會議를 召集하고 그 내용을 보고 하여야 한다.
- ③金融通貨委員會는 第1項의 規定에 의한 措置를 확인 修正 또는 停止할 수 있다.

第27條(會議運營)

金融通貨委員會의 회의운영에 관하여 필요한 사항은 大統領令으로 정한다.

第3節 金融通貨委員會의 權限

第28條(通貨信用政策에 관한 議決)

金融通貨委員會는 通貨信用政策에 관한 다음 各號의 사항을 審議·議決한다.

1. 韓國銀行券 발행에 관한 기본적인 사항
2. 金融機關이 유지하여야 하는 最低支給準備
3. 韓國銀行의 金融機關에 대한 再割引 기타 與信業務의 기준 및 利率
4. 韓國銀行의 金融機關에 대한 緊急與信에 관한 기본적인 사항
5. 韓國銀行이 與信을 거부할 수 있는 金融機關의 지정
6. 公開市場에서의 韓國銀行의 國債 또는 政府保證證券 등의 賣買에 관한 기본적인 사항

- (1)於內部失序、外部偶發事件、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)總裁於採取前項處置後，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確認、修正或停止第(1)項之處置。

第二十七條（會議運作）

有關貨幣政策委員會會議運作事項應依大統領令定之。

第三節 貨幣政策委員會之職權

第二十八條（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.有關韓國銀行紙幣發行基本事項；
- 2.每一金融機構應維持之最低準備率；
- 3.票據重貼現以及其他韓國銀行與金融機構所為信用操作之利率與標準；
- 4.有關韓國銀行給予金融機構緊急信用之基本事項；
- 5.韓國銀行得拒絕對其提供信用之金融機構之指定；
- 6.有關於公開市場買賣政府債券、政府保證有價證券等之基本事項；

7. 韓國銀行通貨安定證券의 발행·賣出·還買 및 償還 등에 관한 기본적인 사항
8. 韓國銀行通貨安定計定の設置 및 運用에 관한 기본적인 사항
9. 극심한 通貨收縮期에 있어서의 金融機關외의 營利企業에 대한 與信의 기본적인 사항
10. 제 81 조의 규정에 따른 지급결제제도의 운영·관리에 대한 기본적인 사항 <개정 2003.9.3>
11. 금융기관 및 지급결제제도 운영기관에 대한 자료제출 요구. 다만, 통화신용정책의 수립 및 지급결제제도의 원활한 운영을 위하여 필요한 경우에 한한다. <신설 2003.9.3>
12. 金融監督院에 대한 金融機關 檢査 및 共同檢査 요구. 다만, 通貨信用政策의 수립을 위하여 필요한 경우에 한한다. <개정 2003.9.3>
13. 金融機關의 각종 預金에 대한 利子 기타 支給金의 最高率 <개정 2003.9.3>
14. 金融機關의 각종 貸出 등 與信業務에 대한 利子 기타 料金의 最高率 <개정 2003.9.3>
15. 金融機關이 행하는 貸出의 最長期限 및 擔保의 종류에 대한 제한 <개정 2003.9.3>
16. 극심한 通貨膨脹期 등 國民經濟上 緊切한 경우 일정한 기간내의 金融機關의 貸出과 投資의 最高限度 또는 분야별 最高限度의 제한 <개정 2003.9.3>
17. 극심한 通貨膨脹期 등 國民經濟上 緊切한 경우 金融機關의 貸出에 대한 사전승인 <개정 2003.9.3>

7. 有關韓國銀行貨幣穩定債券之發行、銷售、買回與還本付息之基本事項；
8. 有關韓國銀行貨幣穩定帳戶之設立與操作之基本事項；
9. 有關嚴重通貨緊縮時期貸款予金融機構以外營利事業之基本事項；
10. 有關依第八十一條規定辦理支付系統營運與管理之基本事項；〈2003.9.3 增訂〉
11. 要求金融機構及辦理支付系統業務機構提供資料，但以制定貨幣及信用政策，以及支付系統之順利運作所必要者為限；〈2003.9.3 修正〉
12. 要求金融監督局對金融機構進行實地檢查及與韓國銀行進行共同檢查，但以制定貨幣及信用政策所需者為限；〈2003.9.3 修正〉
13. 金融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；〈2003.9.3 修正〉
14. 金融機構就各種放款、墊款或其他授信操作或提供予客戶之服務而得收取之最高利率或費率；〈2003.9.3 修正〉
15. 金融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；〈2003.9.3 修正〉
16. 因嚴重通貨膨脹期間等國家經濟之迫切需要，對金融機構放款與投資之總額或個別種類金額之上限；〈2003.9.3 修正〉
17. 因嚴重通貨膨脹期間等國家經濟之迫切需要，對金融機構放款之事前核准；〈2003.9.3 修正〉

18. 기타 이 법과 다른 法律에 金融通貨委員會의 權限으로 規定된 사항 <개정 2003.9.3>

第 29 條(韓國銀行의 운영에 관한 議決)

金融通貨委員會는 韓國銀行의 운영에 관한 다음 各號의 사항을 審議·議決한다.

1. 韓國銀行의 定款變更에 관한 사항
2. 韓國銀行의 組織 및 機構에 관한 사항
3. 韓國銀行의 豫算 및 決算에 관한 사항
4. 韓國銀行소속 職員의 報酬基準에 관한 사항
5. 기타 韓國銀行의 운영과 관련하여 이 법 또는 定款에 金融通貨委員會의 權限으로 規定된 사항

第 30 條(規程의 制定)

金融通貨委員會는 그 職務를 수행하기 위하여 필요한 規程을 制定할 수 있다.

第 31 條(委員의 업무보좌)

金融通貨委員會는 韓國銀行소속 職員으로 하여금 委員의 업무를 보좌하게 할 수 있다.

第 3 章 執行機關 및 監事

第 1 節 執行機關

第 32 條(執行幹部)

韓國銀行에 執行幹部로서 總裁 및 副總裁 각 1 人과 副總裁補 5 人이내를 둔다.

18.以及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。〈2003.9.3 修正〉

第二十九條（韓國銀行營運核定）

貨幣政策委員會審議與核定下列各款有關韓國銀行營運事項：

1. 韓國銀行章程之修正；
2. 韓國銀行之架構與組織；
3. 韓國銀行之預算與決算報告；
4. 韓國銀行職員報酬標準；
5. 依本法或章程規定，為貨幣政策委員會權限範圍內有關韓國銀行營運之其他事項。

第三十條（規章之訂定）

貨幣政策委員會於執行職務之必要，得訂定規章。

第三十一條（委員事務之協助）

貨幣政策委員會得命令韓國銀行職員協助委員處理其事務。

第三章 執行機關及監事

第一節 執行機關

第三十二條（業務執行幹部）

韓國銀行之業務執行幹部為總裁一人、副總裁一人及五人以下之助理總裁。

第 33 條(總裁)

- ①總裁는 韓國銀行을 代表하고, 그 業務를 統轄한다.
- ②總裁의 任期는 4 年으로 하되, 1 次에 한하여 連任할 수 있다.

第 34 條(總裁의 權限과 義務)

- ①總裁는 金融通貨委員會가 수립한 政策을 수행하며, 이 法 및 定款에 의하여 부여된 기타 權限을 행사한다.
- ②總裁는 金融通貨委員會가 留意하여야 할 사항을 수시로 通報하며, 金融通貨委員會의 審議 議決을 위하여 필요한 資料 및 의견을 제공할 義務를 진다.

第 35 條(代理人의 選任)

- ①總裁는 副總裁 · 副總裁補 또는 職員중에서 韓國銀行의 業務에 관하여 裁判上 또는 裁判外의 모든 행위를 할 權限이 있는 代理人을 選任할 수 있다.
- ②第 1 項의 規定에 의하여 裁判上 代理人으로 選任될 수 있는 職員의 범위는 大統領令으로 정한다.

제 36 조(부총재)

- ①부총재는 총재가 추천하여 대통령이 임명한다.
- ②부총재의 임기는 3 년으로 하되, 1 차에 한하여 연임할 수 있다.

[전문개정 2003.9.3]

제 36 조의 2(부총재보)

- ① 부총재보는 총재가 임명한다.
- ② 부총재보의 임기는 3 년으로 하되, 1 차에 한하여 연임할

第三十三條（總裁）

- (1)總裁代表韓國銀行並綜理行務。
- (2)總裁任期四年，期滿得續派連任一次。

第三十四條（總裁之權限與職務）

- (1)總裁執行貨幣政策委員會制定之政策，並行使本法以及韓國銀行章程賦與之權限。
- (2)總裁應隨時知會貨幣政策委員會其應注意之有關事項，並提供審議與制定政策所需之相關資料與建議。

第三十五條（代表人之指派）

- (1)總裁得指派副總裁、助理總裁或其他職員為韓國銀行業務有關訴訟與非訟事件代理人。
- (2)擔任第(1)項所定訴訟事件代理人之職員，其資格範圍以大統領令定之。

第三十六條（副總裁）

- (1)副總裁由總裁提名，報請大統領派充之。
- (2)副總裁之任期為三年，期滿得續派連任一次。

【2003.9.3 修正】

第三十六條之二（助理總裁）

- (1)助理總裁由總裁派充之。
- (2)助理總裁之任期為三年，期滿得續派連任一次。

수 있다.

[본조신설 2003.9.3]

第 37 條(副總裁 등의 職務)

副總裁는 總裁를 보좌하고, 副總裁補는 總裁와 副總裁를 보좌하며, 각자 定款이 정하는 바에 따라 業務를 分掌한다.

第 38 條(부총재보의 해임)

總裁는 부총재보가 다음 各號의 1 에 해당하는 경우에는 解任할 수 있다. <개정 2003.9.3>

1. 破産宣告를 받은 경우
2. 禁錮이상의 刑 또는 이 法 기타 金融關聯法令(外國의 金融關聯法令을 포함한다)에 의하여 罰金이상의 刑을 宣告받은 경우
3. 心身의 障礙로 인하여 職務를 수행할 수 없게 된 경우
4. 이 法 또는 이 法에 의한 命令 또는 定款을 위반한 경우

第 39 條(職員의 任免)

韓國銀行의 職員은 總裁가 任免한다.

第 40 條(執行機關의 責務)

- ① 總裁 · 副總裁 · 副總裁補 및 職員은 金融通貨委員會가 수립한 通貨信用政策을 성실히 집행하여야 한다.
- ② 金融通貨委員會는 總裁 · 副總裁 · 副總裁補 및 職員의 업무수행에 대하여 필요한 경우 總裁에 대하여 是正을 요구하거나 懲戒를 요구할 수 있다.

【2003.9.3 增訂】

第三十七條（副總裁等之職務）

副總裁輔佐總裁，助理總裁襄助總裁與副總裁，並辦理韓國銀行章程所定各項職務。

第三十八條（助理總裁之解任）

總裁得依下列各款之一，解任助理總裁之職務：<2003.9.3 修正>

1. 經法院宣告破產者；
2. 被判處徒刑以上刑罰者，或因違反本法或其他金融法規（包括外國金融法規）被處以罰金以上刑罰者；
3. 身體或心理狀況無法履行其職責者；或
4. 違反本法、依據本法所發布之大統領令或韓國銀行章程者。

第三十九條（職員之派用與解任）

總裁得任命或解任韓國銀行職員。

第四十條（執行機關之責任）

- (1) 總裁、副總裁、助理總裁及職員應忠誠執行貨幣政策委員會制定之政策。
- (2) 貨幣政策委員會得令總裁改正其自身、副總裁、助理總裁及職員之作為，必要時，並得予以懲戒。

第 41 條(兼職制限)

總裁·副總裁·副總裁補 및 職員은 그 職務외의 營利를 目的으로 하는 業務에 중사하지 못하며, 당해 任命權者의 승인을 얻지 아니하고는 다른 職務를 겸하지 못한다.

第 42 條(清廉 및 秘密維持義務)

- ① 總裁·副總裁·副總裁補 및 職員은 金融機關 또는 그 機關의 任職員에게 與信을 強요하거나 金品 기타 이익을 받아서는 아니된다.
- ② 總裁·副總裁·副總裁補 및 職員 또는 그 職에 있었던 者는 그 職務上 알게 된 情報를 다른 사람에게 누설하거나 職務외의 目的으로 이를 사용하여서는 아니된다.

第 2 節 監 事

第 43 條(任命)

- ① 韓國銀行에 監事 1 人을 둔다.
- ② 監事は 재정경제부장관의 추천으로 大統領이 任命한다.
<개정 2003.9.3>

第 44 條(任期)

監事の 任期는 3 年으로 하되, 1 次에 한하여 連任할 수 있다.

第 45 條(任務)

- ① 監事は 韓國銀行의 業務를 상시 監査하며, 그 結果를 수시로 金融通貨委員會에 보고하여야 한다.
- ② 監事は 매년 綜合監査報告書를 작성하여 政府와 金融通貨委員會에 제출하여야 한다.

第四十一條（兼任職務之限制）

總裁、副總裁、助理總裁及職員不得從事其本職以外之營利活動，且未經其任命權者之同意，不得兼任其他職位。

第四十二條（清廉與保密義務）

- (1)總裁、副總裁、助理總裁及職員不得強迫金融機構或其職員提供信用，且不得就其職務向金融機構或其職員收取金錢或其他貴重物品或利益。
- (2)總裁、副總裁、助理總裁及職員或曾擔任該等職位之人不得洩漏其執行職務知悉之機密事項，亦不得使用該資訊於其職責以外之目的。

第二節 監事

第四十三條（任命）

- (1)韓國銀行應置監事一人。
- (2)監事由財政經濟部長提名，報請大統領派充之。<2003.9.3 修正>

第四十四條（任期）

監事任期為三年，期滿得續派連任一次。

第四十五條（職務）

- (1)監事應隨時查核韓國銀行之營運，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는 監事의 직무수행상 필요한 職員의 任免에 관하여 監事와 協議하여야 한다. 다만, 定款이 정하는 下級職員의 任免에 관하여는 그러하지 아니하다.

第 46 條(監事의 兼職制限 등)

第 38 條·第 41 條 및 第 42 條의 規定은 監事의 解任, 兼職制限, 清廉 및 秘密維持義務에 관하여 이를 準用한다.

第 4 章 韓國銀行의 業務

第 1 節 韓國銀行券의 發行

第 47 條(貨幣의 發行)

貨幣의 發行권은 韓國銀行만이 가진다.

第 48 條(韓國銀行券의 通用)

韓國銀行이 發行한 韓國銀行券은 法貨로서 모든 去來에 무제한 通用된다.

第 49 條(韓國銀行券의 券種 등)

韓國銀行은 政府의 證인을 얻어 金融通貨委員會가 정하는 바에 의하여 어떠한 규격 모양 및 券種의 韓國銀行券도 發行할 수 있다.

第 50 條(韓國銀行보유 韓國銀行券)

韓國銀行이 보유한 韓國銀行券은 韓國銀行의 資產 또는 負債가 되지 아니한다.

(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。但依韓國銀行章程所定基層職員之任免，不在此限。

第四十六條（監事兼任職務之限制等）

第三十八條、第四十一條及第四十二條之規定，於監事之解任、兼任職務限制、清廉與保密義務，準用之。

第四章 韓國銀行之營運

第一節 韓國銀行紙幣之發行

第四十七條（通貨發行）

韓國銀行有發行通貨之專屬權。

第四十八條（韓國銀行紙幣之法償性）

韓國銀行發行之紙幣對所有交易具有無限法償效力。

第四十九條（韓國銀行紙幣面額等）

韓國銀行得依貨幣政策委員會決議並經政府核定之規格、圖案或面額發行紙幣。

第五十條（韓國銀行持有之紙幣）

由韓國銀行持有之韓國紙幣不構成韓國銀行資產或負債之一部分。

第 51 條(韓國銀行의 債權回收 등)

- ① 韓國銀行은 韓國銀行券으로 債權을 回收하며 預金을 受入하여야 한다. 다만, 預金去來는 韓國銀行에 預金할 수 있는 者에 한한다.
- ② 韓國銀行은 預金者의 요구에 의하여 즉시 韓國銀行券으로 預金を 還給하여야 한다. 다만, 還給期에 관하여 約定이 있는 경우에는 그 還給期가 도래한 후 還給한다.

第 52 條(韓國銀行券의 交換 등)

- ① 韓國銀行은 보유하고 있는 韓國銀行券의 사정이 허용하는 한 券種間의 교환요구에 응하여야 한다.
- ② 韓國銀行은 훼손 오염 기타의 사유로 인하여 통용에 적합하지 아니한 韓國銀行券을 新券으로 交換하여야 한다.

第 53 條(鑄貨의 발행)

- ① 韓國銀行은 鑄貨를 發行할 수 있다.
- ② 第 1 項의 規定에 의한 鑄貨에 관하여는 第 48 條 내지 第 52 條의 規定을 準用한다.

第 2 節 金融機關의 預金과 預金支給準備

第 54 條(韓國銀行의 預金受入)

韓國銀行은 金融機關의 預金を 受入할 수 있다.

第 55 條(預金支給準備金の 預置 등)

- ① 金融機關은 預金債務에 대하여 第 56 條의 規定에 의한 預金支給準備金에 상당하는 금액이상의 금액을 預金支給準備金으로 보유하여야 한다.

第五十一條（韓國銀行債權收取等）

- (1) 韓國銀行於收取債權及收受存款時應收受其發行紙幣。
但韓國銀行應僅得收受有權在該行設立存款帳戶者之存款。
- (2) 韓國銀行應於存戶提領存款時，立即以其紙幣支付之。
如該存款定有償還期限者，得於到期日或到期日後支付之。

第五十二條（韓國銀行紙幣兌換等）

- (1) 韓國銀行於其紙幣持有範圍內，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) 韓國銀行對於破損、污損或其他原因而不適流通之紙幣，應予以收回終止其流通，並以新紙幣兌換之。

第五十三條（硬幣之發行）

- (1) 韓國銀行得發行硬幣。
- (2) 第四十八條至第五十二條之規定，於第(1)項所定硬幣，準用之。

第二節 金融機構存款及存款準備金

第五十四條（由韓國銀行收受之存款）

韓國銀行得為金融機構收受並持有存款。

第五十五條（存款準備金）

- (1) 金融機構應維持第五十六條所定存款準備率以上之準備金。

- ② 第 1 項의 規定에 의한 預金支給準備金은 韓國銀行에 支給準備預金으로 보유하여야 한다. 다만, 金融機關은 金融通貨委員會가 定하는 率에 의하여 預金支給準備金의 일부를 韓國銀行券으로 當해 金融機關에 보유할 수 있다.
- ③ 第 2 項의 規定에 의한 支給準備預金에 대하여는 金融通貨委員會가 定하는 率에 의하여 利子を 지급할 수 있다.

第 56 條(預金支給準備金の 決定 등)

- ① 金融通貨委員會는 각 金融機關이 보유하여야 할 預金支給準備金の 最低率(이하 "預金支給準備金"이라 한다)을 定하며, 필요하다고 인정할 때에는 이를 변경할 수 있다.
- ② 預金支給準備金은 第 57 條에 規定하는 경우를 제외하고는 100 分の 50 이하로 하며, 모든 金融機關에 一律적으로 적용한다.

第 57 條(限界預金支給準備金)

金融通貨委員會는 현저한 通貨膨脹期에 있어서 필요하다고 인정하는 경우 金融通貨委員會가 定하는 日의 預金額을 초과하는 증가액에 대하여 預金支給準備金에 해당하는 금액을 초과하여 全額까지를 最低預金支給準備金으로 추가로 保有하도록 要求할 수 있다.

第 58 條(預金種類別 預金支給準備)

金融通貨委員會는 必要하다고 定하는 때에는 第 55 條 及 第 57 條의 범위안에서 預金의 종류별로 預金支給準備 金を 달리 定할 수 있다.

第 59 條(最低預金支給準備金の 계산)

- ① 각 金融機關이 保有할 最低預金支給準備金은 金融通貨

- (2)第(1)項所定存款準備金應以準備存款之形式存放於韓國銀行。但前項準備金，金融機構得部分以貨幣政策委員會所定由韓國銀行紙幣組成之庫存現金充之。
- (3)韓國銀行得依貨幣政策委員會之規定支付第(2)項準備存款之利息。

第五十六條（存款準備率等之決定）

- (1)貨幣政策委員會得訂定各家金融機構應維持之最低存款準備率（以下簡稱「存款準備率」），必要時，並得予以變更。
- (2)除第五十七條規定外，存款準備率不得超過百分之五十，且應統一適用於全體金融機構。

第五十七條（邊際存款準備金）

貨幣擴張期間，貨幣政策委員會於必要時，得要求金融機構就某特定日存款餘額新增部分提存最高至百分之百存款準備率之邊際最低準備金。

第五十八條（各種存款準備金比率）

依據第五十五條及第五十七條規定，貨幣政策委員會於必要時，得就各類存款訂定不同存款準備金比率。

第五十九條（最低準備金之計算）

- (1)各金融機構應提存之最低準備金額應依貨幣政策委員會

委員會가 정하는 바에 따라 매 半月별로 계산한다.

- ② 각 金融機關의 最低預金支給準備金은 大韓民國안에 있는 그 本店·支店 및 出張所를 綜合하여 계산한다.

第 60 條(過怠金の賦課 등)

- ① 당해 半月중 보유한 預金支給準備金이 第 59 條의 規定에 의하여 산출된 最低預金支給準備金에 미치지 못한 때에는 그 金融機關은 당해 半月간 平均 不足額의 100 分の 1 에 해당하는 過怠金을 韓國銀行에 납부하여야 한다.
- ② 2 月半을 초과하는 기간에 걸쳐 預金支給準備金の 부족이 계속된 때에는 金融通貨委員會는 당해 金融機關에 대하여 最低預金支給準備金を 1 月이상 계속하여 보유할 때까지 신규의 貸出 投資 또는 株主에 대한 配當金の 지급 등을 금지할 수 있다.

第 61 條(預金支給準備金の引上)

金融通貨委員會가 預金支給準備率을 引上하는 경우에는 점진적으로 하여야 하며, 모든 金融機關에 대하여 사전통보를 하여야 한다.

第 62 條(預金支給準備金の 사용)

韓國銀行에 보유된 預金支給準備金은 金融通貨委員會가 정하는 바에 따라 韓國銀行 또는 다른 金融機關에 대한 決濟資金으로 사용할 수 있다.

第 63 條(支給準備資産制度)

金融通貨委員會가 필요하다고 인정하는 경우 大統領令이 정하는 바에 의하여 金融機關에 대하여 預金支給準備金과는 별도의 支給準備資産을 보유하도록 요구할 수 있다.

所定方式每半個月計算一次。

- (2)計算各金融機構應提最低準備金時，其在韓國之總行、分行及辦事處視為一個單位。

第六十條（罰則等）

- (1)任何金融機構半個月期所提存之準備金額低於依照第五十九條規定計算之應提最低準備金者，金融機構應就其差額之百分之一繳納罰鍰予韓國銀行。
- (2)如金融機構提存準備金不足持續達五次半個月期間，貨幣政策委員會得禁止該違法金融機構從事新放款與投資，或禁止其對股東發放股利，直至該機構提存之準備金持續一個月以上達到應提存之最低準備金為止。

第六十一條（存款準備金比率之提高）

貨幣政策委員會提高存款準備金比率時，應儘可能以循序漸進之方式為之，並於事前妥為周知各金融機構。

第六十二條（存款準備金之使用）

金融機構提存於韓國銀行之存款準備金，得依據貨幣政策委員會所定方式作為其與韓國銀行或其他金融機構清算差額之用。

第六十三條（準備資產制度）

貨幣政策委員會於必要時，得要求各金融機構於存款準備金外，依據大統領令所定方式提存特別準備資產。

第 3 節 金融機關에 대한 貸出

第 64 條(金融機關에 대한 與信業務)

- ① 韓國銀行은 金融通貨委員會가 정하는 바에 의하여 金融機關에 대하여 다음 各號의 與信業務를 할 수 있다.
1. 金融機關이 받은 약속어음 환어음 기타 信用證券의 再割引·割引 및 賣買. 다만, 韓國銀行이 취득한 날부터 1 年이내에 滿期가 도래하는 證券에 한한다.
 2. 다음의 證券을 擔保로 하는 1 年이내의 期限附 貸出가.
第 1 號의 信用證券
나. 政府의 債務 또는 政府가 보증한 債務를 표시하는 流通證券
다. 韓國銀行의 債務를 표시하는 流通證券
- ② 第 1 項의 規定에 의하여 再割引·割引 또는 買入하거나 擔保로서 취득한 信用證券에는 그 證券을 제공한 金融機關의 背書가 있거나 讓渡證書가 첨부되어야 한다.

第 65 條(金融機關에 대한 緊急與信)

- ① 韓國銀行은 다음 各號의 경우에는 委員 4 人이상의 贊成으로 임시로 適格性을 부여한 資產을 擔保로 金融機關에 대한 與信을 할 수 있다.
1. 通貨와 銀行業의 안정이 직접적으로 위협받는 중대한 緊急事態시에 金融機關에 대하여 일시적으로 與信을 하는 경우
 2. 電算情報處理組織의 障碍 기타 偶發의 事故 등으로 인하여 金融機關의 支給資金의 일시적 부족이 발생함으로써 업무수행에 현저한 지장이 초래될 것으로 인정되어 일시적으로 與信을 하는 경우

第三節 對金融機構之放款

第六十四條（與金融機構之信用操作）

- (1) 韓國銀行得依據貨幣政策委員會所定方式對金融機構辦理下列授信業務：
1. 重貼現、貼現及買賣金融機構取得之本票、匯票或其他信用工具。但自韓國銀行取得各該工具之日起，到期日不得超過一年，以及
 2. 對於提供下列擔保品者，辦理一年以內之定期放款：
 - (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；或
 - (c) 可轉讓之韓國銀行債券。
- (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，應由各該金融機構背書或出具權利移轉證明。

第六十五條（緊急貸款予金融機構）

- (1) 於下列情況時，韓國銀行得對於經至少委員四人之同意暫定為合格有價證券之擔保品，辦理授信業務：
1. 直接危及貨幣與金融穩定之重大緊急事故期間，暫時對金融機構辦理授信業務；或
 2. 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，有導致金融機構經營困難之虞時，暫時對金融機構辦理授信業務。

- ② 第 1 項 第 1 號의 規定에 의하여 與信을 받은 金融機關은 이를 償還하지 아니하고는 金融通貨委員會의 승인없이 貸出과 投資를 증가하여서는 아니된다.
- ③ 韓國銀行은 第 1 項의 規定에 의한 與信과 관련하여 필요하다고 인정하는 경우에는 당해 金融機關의 業務와 財産狀況을 調査·確認할 수 있다.

第 66 條(韓國銀行의 融資拒否 등)

- ① 韓國銀行에 融資를 申請한 金融機關이 다른 金融機關에 비하여 韓國銀行의 與信에 과도하게 의존하여 왔거나 불건전한 貸出方針 또는 投資方針을 지속하여 왔다고 金融通貨委員會가 인정하는 경우 韓國銀行은 당해 金融機關에 대한 融資를 거부할 수 있다.
- ② 金融通貨委員會는 第 1 項에 해당되는 金融機關에 대하여 與信을 허용하는 경우 당해 金融機關에 대한 與信에 적용하는 割引率 또는 利率을 引上할 수 있다.

第 67 條(韓國銀行의 與信制限)

韓國銀行은 극심한 通貨膨脹期에 있어서는 金融機關에 대한 與信을 제한하여야 하며, 부득이한 경우에 한하여 新규모로 與信하되 조속히 與信額을 減縮하도록 노력하여야 한다.

第 4 節 公開市場에서의 證券의 賣買 등

第 68 條(公開市場 操作)

- ① 韓國銀行은 金融通貨委員會가 정하는 바에 의하여 通貨信用政策을 수행하기 위하여 自己計算으로 다음의 證券을 公開市場에서 賣買할 수 있다.
 - 1. 國債

- (2)收受第(1)項第 1 款信用之金融機構，於該債務未清償前，未經貨幣政策委員會事前核准不得增加其放款及投資總額。
- (3)韓國銀行於必要時得查核及確認與第(1)項所定授信有關金融機構之業務及資產狀況。

第六十六條（韓國銀行貸款之駁回）

- (1)貨幣政策委員會認為申請授信之金融機構，相較於其他金融機構，已過度藉助於韓國銀行之信用，或採取不健全之放款及投資政策時，韓國銀行得拒絕其授信之申請。
- (2)貨幣政策委員會如同意對第(1)項所指金融機構辦理授信時，得對該授信收取較高之貼現率及利率。

第六十七條（韓國銀行貸放限制）

韓國銀行於嚴重通貨膨脹期間，除致力儘速縮減其對金融機構未收回授信額度外，應限制其對金融機構之授信，非有不得已情形，不得辦理新增授信。

第四節 於公開市場買賣有價證券

第六十八條（公開市場操作）

- (1)為執行貨幣及信用政策，韓國銀行得依據貨幣政策委員會之規定，於公開市場為自己買賣下列有價證券：
 1. 韓國政府債券；

2. 元利金償還을 政府가 보증한 有價證券
 3. 기타 金融通貨委員會가 정한 有價證券
- ② 第 1 項 各號의 有價證券은 자유롭게 流通되고 발행조 건이 완전히 이행되고 있는 것에 한한다.

第 69 條(韓國銀行通貨安定證券)

- ① 韓國銀行은 法律과 金融通貨委員會가 정하는 바에 의하 여 韓國銀行通貨安定證券(이하 "通貨安定證券"이라 한 다)을 公開市場에서 발행할 수 있다.
- ② 韓國銀行은 通貨安定證券을 還買하거나 滿期日전에 額 面金額으로 抽籤償還할 수 있다.
- ③ 通貨安定證券의 利率·滿期日 및 상환조건에 관한 사항은 金融通貨委員會가 정한다.
- ④ 第 2 項의 規定에 의한 抽籤償還은 金融通貨委員會가 필 요하다고 인정하는 때에 한하여 할 수 있다.
- ⑤ 韓國銀行은 還買 또는 償還한 通貨安定證券을 지체없이 回收하여 폐기하여야 한다. 다만, 還賣渡를 조건으로 買 入하는 경우에는 그러하지 아니하다.
- ⑥ 韓國銀行이 보유하는 通貨安定證券에 관하여는 第 50 條 의 規定을 準用한다. 다만, 還賣渡를 조건으로 買入하는 경우에는 그러하지 아니하다.

第 70 條(韓國銀行通貨安定計定の 設置)

- ① 韓國銀行은 金融通貨委員會가 정하는 바에 의하여 韓國 銀行通貨安定計定을 設置하여 金融機關으로 하여금 그 計定에 預置하게 할 수 있다.
- ② 韓國銀行通貨安定計定에 預置된 금액은 第 4 章 第 2 節

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。

第六十九條（韓國銀行貨幣穩定債券）

- (1)韓國銀行得依據法律與貨幣政策委員會之規定，於公開市場發行韓國銀行貨幣穩定債券（以下簡稱「貨幣穩定債券」）。
- (2)韓國銀行得於公開市場買回貨幣穩定債券，或於到期日前依面額以抽籤方式贖回之。
- (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)第(2)項規定以抽籤贖回之方式僅得於貨幣政策委員會認為必要時為之。
- (5)韓國銀行應立即將買回或贖回之貨幣穩定債券予以註銷作廢，但依再賣出條件而買回者，不在此限。
- (6)第五十條規定應適用於韓國銀行持有之貨幣穩定債券，但依再賣出條件而買回者，不在此限。

第七十條（韓國銀行貨幣穩定帳戶之設立）

- (1)韓國銀行得依據貨幣政策委員會之規定設立韓國銀行貨幣穩定帳戶，並要求金融機構提存特別存款於該帳戶中。
- (2)存放於韓國銀行貨幣穩定帳戶之金額不得視為第四章第

의 規定에 의한 預金支給準備金으로 보지 아니한다.

第 5 節 政府 및 政府代行機關과의 業務

第 71 條(預受機關)

韓國銀行은 大韓民國 國庫金의 預受機關으로서 國고금관리법이 規定하는 바에 의하여 國庫金을 취급한다. <개정 2002.12.30 國고금관리법>

第 72 條(保護預受業務)

韓國銀行은 政府에 속하는 證券·文書 기타 高價物을 保護 預受할 수 있다.

第 73 條(國家事務 취급)

韓國銀行은 法令이 정하는 바에 의하여 國家의 收入徵收를 보조하며, 國債의 발행·賣卻·償還 기타 事務를 취급할 수 있다.

第 74 條(手數料)

韓國銀行은 政府의 事務취급에 대하여 實費의 범위안에서 料金 또는 手數料를 청구할 수 있다.

第 75 條(對政府與信 등)

- ① 韓國銀行은 政府에 대하여 當座貸出 기타 형식의 與信을 할 수 있으며, 政府로부터 國債를 직접 引受할 수 있다.
- ② 第 1 項의 規定에 의한 與信과 직접 引受한 國債의 總額은 金融機關과 一般에 대하여 政府가 부담하는 모든 債務를 합하여 國會가 議決한 起債限度를 초과할 수 없다.

二節所定之存款準備金。

第五節 與政府及政府機關之業務

第七十一條（政府之公庫）

韓國銀行為大韓民國國庫款項保管機關，應依國庫款項管理法之規定處理國家歲入存款。〈2002.12.30 修正國庫款項管理法〉

第七十二條（保管）

韓國銀行得收受保管政府所有之有價證券、契據及貴重物品。

第七十三條（政府業務之處理）

韓國銀行得依據法律規定，協助收取國家歲收，並處理政府債券之發行、銷售或還本付息業務。

第七十四條（手續費）

韓國銀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。

第七十五條（對政府授信等）

- (1) 韓國銀行得以透支或其他方式提供政府信用，及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，連同政府向其他金融機構及大眾之借款，不得超過國會授權政府之負債限額。

- ③ 第 1 項의 規定에 의한 與信에 대한 利率기타 조건은 金融通貨委員會가 정한다.

第 76 條(政府保證債券의 直接引受)

- ① 韓國銀行은 元利金 償還에 대하여 政府가 보증한 債券을 직접 引受할 수 있다.
- ② 第 1 項의 引受에 대한 利率기타 조건은 金融通貨委員會가 정한다.

第 77 條(政府代行機關과의 與受信業務)

- ① 韓國銀行은 政府代行機關의 預金을 受入하며, 이에 대하여 貸出할 수 있다.
- ② 第 1 項에서 "政府代行機關"이라 함은 生産·購買·販賣 또는 配給에 있어서 政府를 위하여 公共의 사업 또는 機能을 수행하는 法人으로서 政府가 지정한 法人을 말한다.
- ③ 第 1 項의 規定에 의한 貸出은 그 元利率償還에 대하여 政府가 보증한 경우에 한한다.
- ④ 金融通貨委員會는 韓國銀行의 政府代行機關에 대한 貸出利率기타 조건을 정한다.

第 78 條(政府代行機關에 대한 與信 제한)

韓國銀行은 通貨膨脹期에 政府代行機關에 대한 與信의 억제와 與信額의 減縮을 위하여 노력하여야 한다.

第 6 節 民間에 대한 業務

第 79 條(民間과의 去來 제한)

韓國銀行은 이 法이 정하는 경우를 제외하고는 政府·政府

- (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。

第七十六條（經政府保證有價證券之直接認購）

- (1)韓國銀行得直接認購由政府擔保本息之有價證券。
(2)第(1)項所定認購有價證券之利率或其他條件由貨幣政策委員會定之。

第七十七條（政府機關之存放款）

- (1)韓國銀行得收受政府機關之存款或放款予政府機關。
(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韓國銀行對政府機關放款之利息及其他條件。

第七十八條（對政府機關授信之限制）

通貨膨脹期間，韓國銀行應致力於限制其對政府機關之授信，並縮減該等信用之未償金額。

第六節 與公眾之業務

第七十九條（與公眾交易之限制）

除本法另有規定外，韓國銀行不得收受政府、政府機關與

代行機關 또는 金融機關외의 法人이나 개인과 預金 또는 貸出의 去來를 하거나 政府·政府代行機關 또는 金融機關외의 法人이나 個人의 債務를 표시하는 證券을 買入할 수 없다. 다만, 韓國銀行은 金融通貨委員會가 정하는 바에 의하여 업무수행에 필요하다고 인정하는 法人과 預金去來를 할 수 있다.

第 80 條(營利企業에 대한 與信)

- ① 金融機關이 기존 貸出金을 회수하며 신규 貸出을 억제하고 있는 심각한 通貨信用의 收縮期에 있어서 韓國銀行은 第 79 條의 規定에 불구하고 委員 4 人이상의 贊成으로 金融機關이 아닌 者로서 金融業을 영위하는 者 등 營利企業에 대하여 與信할 수 있다.
- ② 第 1 項의 規定에 의한 與信에 대하여는 金融通貨委員會가 지정하는 조건을 준수하여야 한다.
- ③ 第 65 條第 3 項의 規定은 第 1 項의 規定에 의하여 與信을 하는 경우에 이를 準用한다.

第 7 節 지급결제업무 <개정 2003.9.3>

第 81 條(지급결제업무)

- ① 한국은행은 지급결제제도의 안전성과 효율성을 도모하기 위하여 한국은행이 운영하는 지급결제제도에 관하여 필요한 사항을 정할 수 있다.
- ② 한국은행은 한국은행외의 자가 운영하는 지급결제제도에 대하여 필요한 경우 당해 운영기관 또는 감독기관에 운영기준 개선 등을 요청할 수 있다.
- ③ 한국은행은 지급결제제도의 원활한 운영을 위하여 제 2 항의 규정에 의한 지급결제제도의 운영기관에 대하여 지

金融機構以外之法人或個人之存款、或對其放款或購買其債務。但韓國銀行於執行其業務之必要，得依貨幣政策委員會所定之方式收受法人之存款。

第八十條（對營利事業授信）

- (1) 儘管有第七十九條之規定，於金融機構要求客戶償還未償借款及限制新增放款之貨幣及信用嚴重緊縮時期，韓國銀行得經至少委員四人之同意，對金融機構以外諸如從事融資服務之營利事業辦理授信。
- (2) 第(1)項所定授信服務應遵守貨幣政策委員會所規定之期間與條件。
- (3) 第(1)項所定授信應適用第六十五條第(3)項規定。

第七節 支付清算業務 <2003.9.3 修正>

第八十一條（支付清算業務）

- (1) 為促進整體支付系統之安全及效率，韓國銀行得決定所經營支付系統之必要事項。
- (2) 非由韓國銀行經營之支付系統，韓國銀行認為必要時，得要求營運機構或責成其監督機關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，韓國銀行得要求第(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。

급결제관련자료를 요구할 수 있다. 이 경우 요구를 받은 기관은 이에 응하여야 한다.

- ④ 한국은행은 제 1 항의 규정에 의한 지급결제제도의 참가 기관에 대하여 필요한 자료의 제출을 요구할 수 있다.
[전문개정 2003.9.3]

제 8 절 기타 업무 <신설 2003.9.3>

第 82 條(外國換業務 등)

韓國銀行은 제정경제부장관의 認可를 받아 다음 各號의 1 에 해당하는 業務를 수행할 수 있다. <개정 2003.9.3>

1. 外國換業務 및 外國換의 보유
2. 外國의 金融機關, 國際金融機構, 外國政府와 그 代行機關 또는 國際聯合機構로부터의 預金の 受入
3. 貴金屬의 賣買

第 83 條(換率政策 등에 대한 協議)

韓國銀行은 政府의 換率政策, 外國換銀行의 外貨 與·受信業務 및 外國換 買入·賣渡超過額의 限度設定에 관한 政策에 대하여 協議하는 기능을 수행한다.

第 84 條(換去來契約)

韓國銀行은 金融通貨委員會가 정하는 바에 의하여 金融機關과 換去來契約을 할 수 있다.

第 85 條(國際機構에서의 政府代表)

韓國銀行은 政府의 指示에 따라 大韓民國이 會員으로 가

(4)韓國銀行得要求其依第(1)項規定經營支付系統之各參加機構提供相關資料。

【2003.9.3 修正】

第八節 其他業務 <2003.9.3 增訂>

第八十二條（外匯業務等）

韓國銀行得依財政經濟部長之授權，從事下列業務：<2003.9.3 修正>

1. 經營外匯業務與持有外匯；
2. 收受外國金融機構、國際金融組織、外國政府與其機構，或聯合國組織之存款；
3. 買賣貴重金屬。

第八十三條（外匯業務政策之建議等）

韓國銀行應就有關匯率、金融機構之外幣貸款與存款，及外匯買超與賣超部位限制之政府政策，履行顧問之職責。

第八十四條（聯行合約）

韓國銀行得依貨幣政策委員會之決議，與金融機構締結聯行合約。

第八十五條（於國際組織代表政府）

韓國銀行應依據政府指示，代表政府與韓國所參與之國際

입한 國際通貨機構 또는 金融機構와의 事務·交涉 및 去來에 있어 政府를 代表한다.

第 86 條(統計資料의 수집·작성 등)

韓國銀行은 通貨信用政策의 수립에 필요한 通貨와 銀行業務·財政·物價·賃金·生産·國際收支 기타 經濟一般에 관한 統計資料의 수집 작성과 經濟에 관한 調査를 할 수 있으며, 이를 위하여 필요한 資料와 情報를 政府機關이나 法人 또는 개인에게 요구할 수 있다.

第 5 章 金融機關 검사요구 등

第 87 條(資料提出要求權)

韓國銀行은 金融通貨委員會가 通貨信用政策 수행을 위하여 필요하다고 인정하는 경우 金融機關(金融機關이 아닌 者로서 金融業을 영위하는 者중 韓國銀行과 當座預金去來約定을 체결한 者를 포함한다)에 대하여 資料提出을 요구할 수 있다. 이 경우 요구하는 資料는 金融機關의 업무부담을 충분히 고려하여 필요한 최소한의 범위로 한정하여야 한다.

第 88 條(檢査 및 共同檢査의 요구 등)

① 韓國銀行은 金融通貨委員會가 通貨信用政策 수행을 위하여 필요하다고 인정하는 경우 金融監督機構의 設置 등에 관한 法律에 의하여 설립된 金融監督院(이하 "金融監督院"이라 한다)에 대하여 구체적 범위를 정하여 金融機關에 대한 檢査를 요구할 수 있으며, 필요시 韓國銀行 소속 職員이 金融監督院의 金融機關 檢査에 공동으로 참

貨幣或金融組織，進行所有、任何往來、協商或交易。

第八十六條（統計資料之蒐集與編製等）

韓國銀行因制定貨幣及信用政策之需要，得蒐集並編製貨幣、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，及為此目的，向政府組織及任何法人或自然人要求任何資料或資訊。

第五章 要求檢查金融機構等

第八十七條（要求資料之權限）

韓國銀行於貨幣政策委員會認為為執行貨幣及信用政策之必要時，得要求金融機構（包括金融機構以外，其他從事融資業務並與韓國銀行簽訂活期存款帳戶合約者）提供任何資料。為兼顧金融機構營運上之負擔，應依最低限度要求其提供資料。

第八十八條（檢查與共同檢查等要求）

(1) 韓國銀行於貨幣政策委員會認為為執行貨幣及信用政策之必要，得要求依據金融監理組織設置法所設置之金融監督局（以下簡稱「金融監督局」）於決議之特定範圍內檢查金融機構；必要時，並得要求由韓國銀行人員會同金融監督局共同檢查金融機構。金融監督局應即依照

여할 수 있도록 요구할 수 있다. 이 경우 금융감독원은 지체없이 이에 응하여야 한다. <개정 2003.9.3>

- ② 韓國銀行은 金融監督院에 대하여 第 1 項의 規定에 의한 檢査結果의 송부를 요청하거나 檢査結果에 따라 金融機關에 대한 필요한 是正措置를 요청할 수 있다. 이 경우 金融감독원은 이에 응하여야 한다. <개정 2003.9.3>

第 89 條(再議要求權)

- ① 金融通貨委員會는 金融監督委員會가 通貨信用政策과 직접 관련되는 措置를 하는 경우 異議가 있을 때에는 再議를 요구할 수 있다.
- ② 第 1 項의 規定에 의한 再議要求가 있는 경우 金融監督委員會가 在籍委員 3 分の 2 이상의 贊成으로 前과 같은 議決을 한 때에는 第 1 項의 措置는 확정된다.

第 6 章 政府 등과의 관계

第 90 條(總裁의 國務會議 出席)

- ① 總裁는 金融通貨에 관한 사항에 대하여 國務會議에 出席하여 發言할 수 있다.
- ② 政府는 總裁에게 國務會議에 出席할 것을 요구할 수 있다.

第 91 條(列席發言)

재정경제부차관은 金融通貨委員會 會議에 列席하여 發言할 수 있다. <개정 2003.9.3>

第 92 條(再議要求)

- ① 재정경제부장관은 金融通貨委員會의 議決이 政府의 經

韓國銀行之要求辦理。〈2003.9.3 修正〉

- (2)韓國銀行得要求金融監督局提交其依第(1)項規定辦理檢查之結果，並依據該結果對相關金融機構採取必要之糾正措施。金融監督局應即依照韓國銀行之要求辦理。〈2003.9.3 修正〉

第八十九條（要求覆議金融監督委員會之決議）

- (1)對於金融監督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，得要求其覆議。
- (2)金融監督委員會對於依第(1)項規定被要求覆議之事項，經全體委員至少三分之二之同意而作出與先前相同之決議時，第(1)項所指決議即生效力。

第六章 與政府間之關係等

第九十條（總裁列席國務院）

- (1)總裁得列席國務院，陳述其對於貨幣及信用相關事項之意見。
- (2)政府得要求總裁出席國務院。

第九十一條（政府官員列席貨幣政策委員會會議）

財政經濟部副部長得列席貨幣政策委員會會議並陳述其意見。〈2003.9.3 修正〉

第九十二條（貨幣政策委員會決議之提請覆議）

- (1)財政經濟部長認為貨幣政策委員會之決議與國家經濟政

濟政策과 상충된다고 판단되는 경우에는 再議를 요구할 수 있다. <개정 2003.9.3>

- ② 第 1 項의 規定에 의한 再議要求가 있는 경우에 金融通貨委員會가 委員 5 人 이상의 贊成으로 전과 같은 議決을 한 때에는 大統領이 이를 최종 決定한다.
- ③ 재정경제부장관은 第 1 項의 規定에 의한 要求를 할 경우에는 大統領令이 정하는 바에 따라 이를 즉시 公表하여야 한다. <개정 2003.9.3>

第 93 條(政策樹立時의 諮問)

政府는 金融通貨에 관한 중요한 政策을 수립하는 때에는 金融通貨委員會의 의견을 들어야 한다.

第 94 條(資料協助)

재정경제부장관과 金融通貨委員會 및 金融監督委員會는 政策의 수립에 필요하다고 인정하는 경우 상호간에 資料를 요청할 수 있다. 이 경우 특별한 사유가 없는 한 이에 응하여야 한다. <개정 2003.9.3>

第 95 條(監査院의 監査)

韓國銀行은 매년 監査院의 監査를 받는다.

第 96 條(國會報告 등)

- ① 韓國銀行은 매년 2 회 이상 통화신용정책의 수행상황에 대한 보고서를 작성하여 國會에 제출하여야 한다. <개정 2003.9.3>
- ② 總裁는 國會 또는 그 委員會가 第 1 項의 規定에 의하여 제출한 보고서와 관련하여 출석을 요구하는 경우에는 출석하여 답변하여야 한다.

- 策衝突時，得提請其覆議。<2003.9.3 修正>
- (2)貨幣政策委員會對於依第(1)項規定提請覆議之事項，經至少委員五人之同意而作出與先前相同之決議時，應由大統領作最後之裁決。
- (3)當財政經濟部長作成第(1)項所定要求時，應依據大統領令之規定立即向大眾公布。<2003.9.3 修正>

第九十三條（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。

第九十四條（資訊交換）

財政經濟部長、貨幣政策委員會與金融監督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，不得拒絕。<2003.9.3 修正>

第九十五條（監事會之查核）

韓國銀行每年應接受監事會之查核。

第九十六條（向國會報告等）

- (1)韓國銀行應造具貨幣及信用政策執行報告至少每年二次，並提交國會。<2003.9.3 修正>
- (2)總裁應依國會或其委員會之邀請，列席國會或其委員會，回答有關第(1)項規定報告之問題。

第 7 章 會計 등

第 1 節 會計

第 97 條(會計年度)

韓國銀行의 會計年度는 政府의 會計年度에 따른다.

第 98 條(豫算·決算)

- ① 韓國銀行의 每 會計年度 豫算은 金融通貨委員會의 議決을 거쳐 확정한다.
- ② 한국은행은 제 1 항의 豫산중 급여성 경비 등 大統領령이 定하는 豫산에 대하여는 미리 재정경제부장관의 승인을 얻어야 한다. <개정 2003.9.3>
- ③ 한국은행은 당해 회계연도 개시 60 일전까지 재정경제부장관에게 제 2 항의 규정에 의한 豫산의 豫산서를 제출하여야 한다. <개정 2003.9.3>
- ④ 總裁는 會計年度 종료후 2 月이내에 당해 年度의 決算書를 재정경제부장관에게 제출하여야 한다. <개정 2003.9.3>

第 99 條(利益金處分)

- ① 韓國銀行은 每 會計年度마다 決算上 純利益金を 資産의 減價償却에 相當한 후 나머지가 있는 때에는 決算上 純利益金의 100 分の 10 을 매년 積立하여야 한다.
- ② 韓國銀行은 決算上 純利益金을 第 1 項의 規定에 의하여 積立한 후 나머지가 있는 때에는 政府의 승인을 얻어야 이를 特정한 目的을 위한 積立金으로 積立할 수 있다.

第七章 會計等

第一節 會計

第九十七條（會計年度）

韓國銀行會計年度應與政府會計年度一致。

第九十八條（預算與決算報告）

- (1) 韓國銀行每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，有關依據大統領令所為薪資等費用支出之預算分配，應經財政經濟部長事前同意。〈2003.9.3 修正〉
- (3) 韓國銀行應於當年度會計年度開始前六十日，向財政經濟部長提交第(2)項所定分項列舉之預算書。〈2003.9.3 修正〉
- (4) 總裁應於每會計年度終了後兩個月內向財政經濟部長提交該年度決算報告。〈2003.9.3 修正〉

第九十九條（盈餘處分）

- (1) 韓國銀行應每年將其扣除資產貶值後之純益提存百分之十為準備。
- (2) 韓國銀行遵循第(1)項規定後仍保有純益者，得經政府許可，為特定目的設立準備基金。

- ③ 韓國銀行은 決算上 純利益金을 第 1 項 및 第 2 項의 規定에 의하여 처분한 후 나머지가 있는 때에는 이를 政府에 歲入으로 납부하여야 한다.

第 100 條(損失補填)

韓國銀行의 會計年度에 있어서 발생한 損失은 積立金으로 補填하고, 積立金이 부족한 때에는 豫算會計法이 정하는 바에 의하여 政府가 補填한다.

第 2 節 貸借對照表와 年次報告書 등

第 101 條(貸借對照表의 公告)

- ① 韓國銀行은 매월 20 日이내에 전월의 最終營業日 현재의 資産 및 負債를 일정한 項目으로 표시하는 貸借對照表를 公告하여야 한다. 이 경우 매 會計年度 最終營業日 현재의 貸借對照表는 당해 會計年度 종료 후 2 月이내에 公告할 수 있다.
- ② 第 1 項의 規定에 의한 貸借對照表에는 韓國銀行의 總裁 監事 및 그 作成擔當責任者가 記名하고 捺印 또는 署名하여야 한다.

第 102 條(年次報告書의 公表)

- ① 韓國銀行은 매 會計年度 경과 후 3 月이내에 당해 會計年度 중의 韓國銀行의 업무상태와 通貨 및 政府의 外換에 관한 政策을 개략적으로 기술하고 金融經濟狀態를 分析한 年次報告書를 政府에 제출하고, 이를 公表하여야 한다.
- ② 第 1 項의 規定에 의한 年次報告書는 金融通貨委員會의 議決을 거쳐야 한다.

- (3)韓國銀行依據第(1)項與第(2)項規定分配其純益後，應將剩餘之純益交付予政府之總歲入帳戶。

第一〇〇條（損失填補）

韓國銀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預算與會計法補充之。

第二節 資產負債表與年度報告書等

第一〇一條（資產負債表之公開）

- (1)韓國銀行應於每月前二十天公布總資產負債表，揭示其至前一個月的最後一個工作天為止之適當資產與負債詳細資料。至於每個會計年度的最後一個工作天為止之總資產負債表，韓國銀行得於前述會計年度終了後兩個月內公布之。
- (2)第(1)項所提總資產負債表由總裁、監事與表報造具人員簽名或蓋用其職章。

第一〇二條（年度報告書之公布）

- (1)韓國銀行應於會計年度結束後三個月內向政府提交年度報告書並公布之。年度報告書應摘要敘述韓國銀行之業務狀況、貨幣政策與政府之外匯政策，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(營利行為의 금지 등)

韓國銀行은 직접 또는 간접을 불문하고 營利行為를 하거나 營利企業의 所有 또는 운영에 참여할 수 없으며, 그 업무수행상 필요한 경우외에는 不動產을 買入하거나 所有할 수 없다.

第 8 章 補 則

第 104 條(罰則)

第 42 條第 2 項(第 46 條에서 準用하는 경우를 포함한다)의 規定을 위반한 者는 3 年이하의 懲役 또는 2 千萬元이하의 罰金에 處한다.

第 105 條(罰則)

第 10 條의 規定을 위반한 者는 1 年이하의 懲役 또는 1 千萬元이하의 罰金에 處한다.

第 106 條(罰則適用에 있어서의 公務員擬制)

- ① 金融通貨委員會 委員과 韓國銀行의 부총재보·감사 및 직원은 刑法 기타 法律에 의한 罰則의 適用에 있어서 이를 公務員으로 본다. <개정 2003.9.3>
- ② 第 1 項의 規定에 의하여 公務員으로 보는 職員의 범위는 大統領令으로 정한다.

第一〇三條（營利活動之禁止等）

韓國銀行不得直接或間接參與營利活動，或營利事業之所有或管理，且除從事業務之必要者外，不得購買或永久擁有不動產。

第八章 罰 則

第一〇四條（刑事罰）

任何人（包括第四十六條所定之監事）違反第四十二條第(2)項規定，處三年以下有期徒刑或科二千萬韓圀以下罰金。

第一〇五條（刑事罰）

任何人違反第十條規定，處一年以下有期徒刑或科一千萬韓圀以下罰金。

第一〇六條（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，及韓國銀行助理總裁、監事及職員，視為刑法及其他法律處罰規定之公務員。<2003.9.3修正>

(2)第(1)項所指職員之意義以大統領令定之。

附 則

第 1 條(施行日)

이 법은 1998 年 4 月 1 日부터 施行한다.

第 2 條(副總裁 및 監事의 連任制限에 관한 적용례)

第 36 條第 2 項 및 第 44 條의 改正規定은 이 법에 의하여 최초로 任命되는 副總裁 및 監事부터 적용한다.

第 3 條(一般的 經過措置)

- ① 이 법 施行전에 종전의 規定에 의하여 金融通貨運營委員會가 행한 認可·승인·決定·命令·처분 기타의 행위는 이 법에 의하여 金融通貨委員會가 행한 행위로 본다.
- ② 이 법 施行전에 종전의 規定에 의하여 金融通貨運營委員會에 대하여 행한 申請·보고 기타의 행위는 이 법에 의하여 金融通貨委員會에 대하여 행한 행위로 본다.

第 4 條(委員 및 執行幹部 등에 관한 經過措置)

이 법 施行당시 金融通貨運營委員會의 議長 및 委員, 韓國銀行總裁·副總裁·理事 및 監事는 이 법에 의하여 金融通貨委員會 議長 및 委員, 韓國銀行總裁·副總裁·副總裁補 및 監事が 새로 任命될 때까지 이 법에 의한 金融通貨委員會의 議長 및 委員, 韓國銀行總裁·副總裁·副總裁補 및 監事의 職務를 수행한다.

第 5 條(委員의 任期에 대한 特例)

이 법에 의하여 최초로 任命되는 委員중 第 13 條第 1 項第 2 號 내지 第 4 號의 委員의 任期는 第 15 條第 2 項의 改正規定에 불구하고 2 年으로 한다.

附 則

第一條（生效日期）

本法應自一九九八年四月一日生效。

第二條（副總裁與監事再任命限制之適用）

第三十六條第(2)項與第四十四條之修正規定應於依據本法分別首次任命副總裁與監事時生效。

第三條（一般過渡措施）

- (1) 貨幣委員會於本法生效前，依據舊規定所作之授權、核准、決議、命令、處分與其他行政決定，應視為係貨幣政策委員會基於本法所為。
- (2) 本法生效前，依據舊規定向貨幣委員會所為之申請、報告與其他行為，應視為係基於本法向貨幣政策委員會所為。

第四條（有關委員與業務執行幹部之過渡措施等）

至本法生效為止，擔任韓國銀行貨幣委員會主席與委員，及本行總裁、副總裁、助理總裁與監事者應依據本法履行其各自之功能，直到基於本法選任出貨幣政策委員會主席與委員，及本行總裁、副總裁、助理總裁與監事為止。

第五條（有關委員任期之特別措施）

首次依本法選任出之委員中，第十三條第(1)項第2款至第4款所定委員之任期為二年，而不適用第十五條之修正規定。

第 6 條(定款의 변경)

韓國銀行은 이 法 施行과 동시에 이 法의 改正內容에 맞게 定款을 변경하여 財政經濟院長官의 認可를 받아야 한다.

第 7 條(다른 法律의 改正)

① 公職者倫理法중 다음과 같이 改正한다.

第 3 條第 1 項第 9 號 및 第 10 條第 1 項第 10 號중 "銀行 監督院長"을 각각 "金融監督院長"으로 한다.

② 國債法중 다음과 같이 改正한다.

第 15 條第 2 項 前段중 "韓國銀行의 任員"을 "韓國銀行 副總裁補"로, "基金出納擔當任員을"을 "基金出納擔當副總裁補를"으로 하고, 同條 後段중 "基金出納擔當任員은"을 "基金出納擔當副總裁補는"으로 한다.

第 15 條第 3 項중 "基金出納擔當任員"을 "基金出納擔當 副總裁補"로 한다.

③ 獨占規制및公正去來에 관한 法律중 다음과 같이 改正한다.

第 14 條의 3 第 1 號를 다음과 같이 한다.

1. 金融監督機構의 設置등에 관한 法律에 의하여 設立된 金融監督院

④ 款의 規制에 관한 法律중 다음과 같이 改正한다.

第 18 條第 1 項중 "韓國銀行法에 의한 銀行監督院"을 " 金融監督機構의 設置등에 관한 法律에 의하여 設立된 金融監督院"으로 한다.

⑤ 第 18 回 冬季유니버시아드大會 및 第 4 回 冬季아시아競技大會 支援法중 다음과 같이 改正한다.

第 19 條第 2 項중 "있으며, 韓國銀行法 第 72 條의 規定에 불구하고 不動產을 취득할 수 있다"를 "있다"로 한다

第六條（章程之變更）

韓國銀行應於本法生效之同時取得財政經濟部長之授權變更章程，使其與本法之修正一致。

第七條（其他法律修正）

(1) 公務人員政風法修正如下：

第三條第(1)項第9款及第十條第(1)項第10款，「銀行監督人」一語應以「金融監督局局長」代之。

(2) 國家債券法修正如下：

第十五條第(2)項，「韓國銀行執行幹部」一語應以「韓國銀行助理總裁」代之；而「負責基金之收入與經費之執行幹部」一語以「負責基金之收入與經費之助理總裁」代之。

第十五條第(3)項，「負責基金之收入與支付之執行幹部」一語應以「負責基金之收入與支付之助理總裁」代之。

(3) 獨佔法規與公平交易法修正如下：

第十四條第(3)項第1款修正如下：

1. 依據金融監理組織設置法所設置之金融監督局。

(4) 有關合約規範法修正如下：

第十八條第(1)項，「依據韓國銀行法所設置之銀行監督局」一語應以「依據金融監理組織設置法所設置之金融監督局」代之。

(5) 贊助第十八屆世界大學生冬季運動會及第四屆冬季亞運法修正如下：

第十九條第(2)項，「且不論韓國銀行法第七十二條規定，得取得不動產」一語，應予刪除。

第 8 條(다른 法令과의 관계)

이 法 施行당시 다른 法令에서 종전의 韓國銀行法의 規定을 인용한 경우에 이 法중 그에 해당하는 規定이 있는 때에는 이 法의 해당 條項을 인용한 것으로 보며, 韓國銀行理事를 인용한 것은 韓國銀行 副總裁補를 인용한 것으로, 韓國銀行銀行監督院 또는 銀行監督院을 인용한 것은 金融監督院을 인용한 것으로, 韓國銀行銀行監督院長 또는 銀行監督院長을 인용한 것은 金融監督院長을 인용한 것으로 본다.

부 칙 <2003.9.3>

①(시행일)

이 법은 2004 년 1 월 1 일부터 시행한다.

②(위원 및 부총재 임기에 관한 경과조치)

이 법 시행 당시 종전의 제 13 조제 1 항제 7 호의 규정에 의하여 임명된 금융통화위원회 위원과 종전의 제 36 조제 1 항의 규정에 의하여 임명된 부총재의 임기는 종전의 규정에 불구하고 2003 년 12 월 31 일까지로 한다.

第八條（與其他立法之關係）

本法生效前，任何法律引用前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視為引用韓國銀行助理總裁。所引銀行監督局或韓國銀行之銀行監督局視為引用金融監督局。所引韓國銀行之銀行監督人或銀行監督人視為引用金融監督局局長。

附則 <2003.9.3>

(1) (生效日)

本法自二〇〇四年一月一日起生效。

(2) (有關過渡期委員及副總裁任期之相關措施)

本法修正生效時，依修正生效前第十三條第(1)項第7款規定任命之貨幣政策委員會委員，以及依修正生效前第三十六條第(1)項規定任命之副總裁之任期均至二〇〇三年十二月三十一日屆滿，不受修正生效前規定之限制。

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