



GUYANA

ACT No. 21 of 2004

**BANK OF GUYANA (AMENDMENT) ACT 2004**

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title.
2. Amendment of section 9 of the Principal Act.
3. Amendment of section 10 of the Principal Act.
4. Amendment of section 12 of the Principal Act.
5. Amendment of section 14 of the Principal Act.
6. Amendment of section 17 of the Principal Act.
7. Insertion of new sections 17A and 17B in the Principal Act.

A handwritten signature in black ink, appearing to read 'Sharral Jagedo'.

Sharral Jagedo,  
President.  
30<sup>th</sup> November, 2004

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## AN ACT to amend the Bank of Guyana Act 1998.

A.D. 2004

Enacted by the Parliament of Guyana:-

Short title  
Act No. 19  
of 1998.

1. This Act, which amends the Bank of Guyana Act 1998, may be cited as the Bank of Guyana (Amendment) Act 2004.

Amendment  
of section 9  
of the  
Principal  
Act.

2. Section 9 of the Principal Act is hereby amended in the following respects –

- (a) in subsection 1(c), for the words “two” and “four” substitute the words “four” and “six”, respectively;
- (b) by the insertion immediately after subsection (2) of the following as subsection (2A) -
- “2A The contractual terms and conditions of the appointment of the Governor and Deputy Governor, including remuneration and other benefits shall be specified upon appointment.”;
- (bb) by the insertion immediately after subsection (2A) of the following as subsection (2B) -
- “(2B) The substantive offices of Governor and Deputy Governor shall not remain vacant for a period in excess of six months of becoming vacant.”;
- (c) by the insertion immediately after subsection (4) of the following as subsection (4A) and (4B) -

defined in that Act, of such insurance company;

(iv) any other institution supervised by the Bank.”

Insertion of  
section 17 in the  
Principal Act.

6. Section 17 of the Principal Act is hereby amended by the insertion immediately after subsection (2) of the following as subsection (2A) –

“(2A) Upon appointment and prior to assumption of duty as Director, other officer or employee of the Bank, the person shall take an oath, or make a solemn affirmation, of fidelity and secrecy, in the form set out in the Schedule.”

Schedule.

Insertion of new  
sections 17A and  
17B in the  
Principal Act.

7. The Principal Act is hereby amended by the insertion immediately after section 17 of the following as sections 17A and 17B –

“Committees. 17A.(1) The Board may establish committees to deal with any matter within the competence of the Board.

(2) A Committee shall keep minutes of its proceedings, which shall be submitted to the Board at its next meeting.

Disclosure of  
conflict.

17B.(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 under the Financial  
Institutions Act 1995; 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 under  
the Financial Institutions Act 1995.

(2) The disclosure shall be made as soon as the Director becomes  
aware of the contract, transaction or action.

(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.

(4) For the purpose of this section, a general notice to the Board by  
a Director, declaring that he is a director or officer of, or has a material  
interest in, a person or entity, and that he is to be regarded as interested  
in any contract or transaction entered into with that person or entity  
or in any section that affects that person or entity, is a sufficient  
declaration of interest in relation to a contract or transaction with  
that person or entity that affects that person."

8. The Principal Act is hereby amended by the insertion  
immediately after section 58 of the following as section 58A -

"Internationally  
accepted  
accounting  
standards.

58A. The Board shall at all times ensure that the books  
and records of the bank, including its financial statements are  
prepared and maintained in conformity with internationally  
accepted accounting standards."

“(4A) The Governor is eligible for re-appointment by the President, on the expiration of his terms of office, for a further period not exceeding five years .

(4B) The Deputy Governor is eligible for re-appointment by the Minister, on the expiration of his term of office, for a further period not exceeding five years.”.

(d) by the substitution for subsection (5) of the following subsection –

“(5) Every other Director is eligible for re-appointment on the expiration of his term of office for such period not exceeding five years as the Minister may determine.”.

Amendment  
of section 10  
of the  
Principal  
Act.

3. Section 10 of the Principal Act is hereby amended in the following respects –

(a) in subsection (2), by the substitution for the word “two” of the word “three”;

(b) in subsection (3) and in every other written law there shall be substituted for the words “Secretary to the Treasury” the words “Finance Secretary”;

(c) by the substitution for subsection (4) of the following subsection –

“(4) A quorum for any meeting of the Board shall be a majority of the Directors.”.

Amendment  
of section 12  
of the  
Principal  
Act.

4. Section 12 of the Principal Act is hereby amended in the following respects –

- (a) in subsection (2), by the insertion at the end of the following sentence -  
 “The contractual terms and conditions of the appointment of the Banking Manager including remuneration and other benefits shall be specified upon appointment.”.
- (b) in subsection (3), by the deletion of the words “Deputy Governor and” and by the substitution for the words “their terms” of the words “his term”.

Amendment of  
section 14(1) of  
the principal  
Act.

5. Section 14(1) of the Principal Act is hereby amended by the substitution for the paragraph (c) of the following paragraph-

“(c) is a director, officer or other employee or a major shareholder of -

No. 1 of 1995.

(i) any financial institution referred to in the Financial Institutions Act 1995 or of any subsidiary or other affiliate as defined in that Act, of such institution;

No. 21 of 1998

(ii) any securities company within the meaning of the Securities Industry Act 1998 or of any subsidiary or other affiliate, as defined in that Act, of such securities company;

or

No. 20 of 1998.

(iii) any insurance company within the meaning of the Insurance Act 1998, or of any subsidiary or other affiliate as

**SCHEDULE**

s. 17 (2A)

**FORM OF OATH OR SOLEMN AFFIRMATION**

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 -

- (i) communicate or allow to be communicated, to any person not entitled to it, any confidential information that relates to the business or affair of the Bank that I may learn in the course of performing my duties;
- (ii) use any such information for any purpose other than to perform those duties;
- (iii) 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."

Passed by the National Assembly on the 29<sup>th</sup> November, 2004.

  
Clerk of the National Assembly.

**(BILL No. 20 of 2004)**