S.I. 111/2013

BANKS AND TRUST COMPANIES REGULATION (REVOCATION OF LICENCE) (RURAL INTERNATIONAL BANK LIMITED) ORDER

(SECTION 18)

[Commencement 20th November, 2013]

Citation.

1. This Order may be cited as the Banks and Trust Companies Regulation (Revocation of Licence) (Rural International Bank Limited) Order.

Revocation of Licence.

2. The licence to carry on banking business granted on the 19th day of January, 1996 to Rural International Bank Limited is hereby revoked.

S.I. 95/2015

BANKS AND TRUST COMPANIES REGULATION (REVOCATION OF LICENCE) (HEATH BANK & TRUST LIMITED) ORDER

(SECTION 18)

[Commencement 3th December, 2015]

Citation.

1. This Order may be cited as the Banks and Trust Companies Regulation (Revocation of License) (Heath Bank & Trust Limited) Order.

Revocation of Licence.

2. The licence to carry on banking and trust business granted on the 24th day of February, 2000 to Bariington Bank International Limited (now called "Heath Bank & Trust Limited"), and amended from time to time, is hereby revoked.

S.I. 37/2002
23 of 2010

BANKS AND TRUST COMPANIES (LICENCE APPLICATION) REGULATIONS

(SECTION 20)

[Commencement 4th May, 2001]

Citation.

1. These Regulations may be cited as the Banks and Trusts Companies (Licence Application) Regulations.

Interpretation.

2. In these Regulations —

"Governor" means the Governor of the Central Bank of The Bahamas appointed under paragraph 1 of the Schedule to the Central Bank of The Bahamas Act;

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S.I. 31/2008.

"Zone A country" means any country which is a full member of the Organisation for Economic Co-operation and Development (OECD), together with any country which has concluded lending

arrangements with the International Monetary Fund associated with the General Agreement to Borrow, excluding those countries which have rescheduled their external debts during the preceding five years and those countries whose rating for long-term liabilities in foreign currencies is lower than "investment grade" or which have no rating and whose yield to maturity and remaining duration are not comparable with those of long-term liabilities with an investment grade rating.

Application for licence.
23 of 2010, s. 16.

3. Any person making application for a licence to carry on banking business or trust business shall supply to the Central Bank —

(a) in the case of an application made for the purpose of operating a branch or a representative office of a foreign bank or trust company in The Bahamas;

(b) in the case of an application made for the purpose of establishing a subsidiary of a bank or trust company;

(c) in the case of an applicant who is not a bank or trust company,

the information, documents and particulars relating to the applicant set out in the Schedule to these Regulations.

Schedule.

Power to exempt.
S.I. 31/2008.
23 of 2010, s. 16.

4. The Central Bank may if it thinks fit, exempt a licensee from any of the provisions of these Regulations.

SCHEDULE (Regulation 3)

Ch. 316.

In this Schedule, "applicant" means the applicant for a licence under section 4 of the Banks and Trust Companies Regulation Act.

An application for a licence to operate a bank or trust company or a subsidiary, branch or representative office, as the case may be, of a bank or trust company, must be submitted in the English language and is to contain the following minimum information —

General information.

1. (1) In the case of a bank or trust company making application for a licence to operate a subsidiary, branch or representative office or, in the case of a corporate applicant which is not a bank or trust company making application for a licence to operate a bank or trust company, which shall in these Regulations be collectively referred to as "corporate applicants", the following information is required —

(a) name of the corporate applicant;

(b) address of head office of the corporate applicant including mailing address;

(c) for a subsidiary bank or trust company, the proposed corporate name;

(d) address of the proposed office in The Bahamas;

(e) purpose of opening the subsidiary, branch or representative office as the case may be;

(f) a description of planned business activities in The Bahamas;

(g) where the applicant is a body corporate —

(i) history, activity, present structure and organisation;

(ii) annual reports (including audited consolidated financial statements) of the applicant for the three consecutive financial years immediately preceding the date of the application;

(iii) unaudited consolidated financial statements of the applicant as at the end of the most recent quarter prior to submission of the application, certified by a director or senior officer; and

(iv) two references, in original form, from a financial institution satisfactory to the Central Bank; and

23 of 2010, s. 16.

(h) particulars concerning the composition of the direct and/or indirect ownership structure of the proposed licensee, including an organisational chart showing the structure of the direct and/or indirect share holdings analysed according to holdings of voting rights and/or shares.

(2) In the case of individuals applying as a group for a licence to operate a bank or trust company, applications may be made by no fewer than five individuals who shall in these Regulations be collectively referred to as "group applicants" and in respect of whom the following information is required —

(a) name of each individual making application;

(b) business and personal address of each individual including mailing address;

(c) the proposed corporate name of the bank or trust company;

(d) address of the proposed office in The Bahamas;

(e) purpose of opening the bank or trust company;

(f) a description of planned business activities; and

(g) where the application is made by a group of individuals —

(i) date of formation, history, present structure and organisation of the group applicant, and details of all business activities of the group;

(ii) detailed comments regarding the position within the group, of any dominant member(s) of the group;

(iii) *S.I. 31/2008.*

(a) a current statement of assets and liabilities, certified by a public accountant and prepared no earlier than three months prior to the date of application for each member of the group who is to acquire, own, hold or exercise voting control of share capital in excess of 10% of the shares in a proposed licensee; or

(b) a concise net worth statement certified by a public accountant for each member of the group who is to acquire, own, hold or exercise voting control of share capital in a proposed licensee of 10% or less, and which statement indicates that the individual member's net worth is at least five (5) times the value of the shares to which the individual member is subscribing.

(iv) the Central Bank may, at his discretion, require certified copies of official tax returns *S.I. 31/2008. 23 of 2010, s. 16.*

Ownership of applicant and/or proposed licensee.

2. (1) Corporate Applicants are required to provide —

(a) a list of and background information on all direct or indirect shareholders who represent individually or as a group 5% or more of the voting rights and/or shares of the applicant at the time of application whether or not the shares of the applicant are publicly traded;

(b) a copy of the act, charter, certificate of incorporation and Memorandum and Articles of Association of the applicant, as may be appropriate, verified by statutory declaration made by a director or the secretary duly authenticated under public seal of the jurisdiction in which the applicant has been incorporated;

(c) an organisational chart showing the structure of the direct and indirect shareholding of the applicant analysed according to holdings of voting rights and/or shares.

(2) Group Applicants are required to provide:

(a) details of the proposed shareholdings of each individual shareholder of the proposed licensee;

(b) for each proposed shareholder, the following information:

(i) date and place of birth and nationality;

(ii) curriculum vitae incorporating: personal data; educational background; professional education and training; a list of previous professional activities and scope of responsibilities, including details of the level and number of subordinates managed;

(iii) two character references in original form from sources satisfactory to the Central Bank; and

23 of 2010, s. 16.

(iv) two financial references in original form from sources satisfactory to the Central Bank.

23 of 2010, s. 16.

Proposed Board of Directors and management.

3. Applicants are required to supply the following information in relation to the proposed licensee:

(a) particulars concerning the composition and organisation of the proposed board of directors and management;

(b) for each proposed director or member of management, as the case may be, the following information is required:

(i) full name, date of birth, nationality, and domicile;

(ii) curriculum vitae, incorporating: personal data; educational background; professional education and training; list of previous professional activities and scope of responsibilities, including

details of the level and number of subordinates managed;

(iii) two character references in original form from sources satisfactory to the Central Bank; or alternatively, in cases where a proposed director has been approved to serve as a group director or a director of the parent company domiciled in a Zone A country, a letter from the home regulator of the applicant stating that due diligence measures have been undertaken and that the individual remains in good standing; *S.I. 31/2008. 23 of 2010, s. 16.*

(iv) one financial reference in original form from a financial institution acceptable to the Central Bank; and *23 of 2010, s. 16.*

(v) a police or other certificate in original form, satisfactory to the Central Bank, confirming that the person has not been convicted of a serious crime or any offence involving dishonesty. *23 of 2010, s. 16.*

Business rules and internal organisation.

4. Applicants are required to supply the following information in relation to the proposed licensee —

(a) organisational chart detailing reporting lines and responsibilities;

(b) particulars regarding internal organisation including but not limited to staffing, logistics and information technology and management information systems;

(c) details regarding arrangements for internal audit including but not limited to reporting lines and scope of the function; and

(d) compliance program, including but not limited to procedures relating to know-your-customer and anti-money laundering requirements.

Business plan.

5. Applicants are required to provide, in relation to the proposed licensee, a business plan for the first three years of operations. The plan must include but need not be limited to details of the following —

(a) development of business activities, and customer base;

(b) projected budgets (capital and current), covering the same time frame, including balance sheet and income statement;

(c) appropriate arrangements for the maintenance of records in The Bahamas; and

(d) arrangements for premises.

Sources of capital funding.
23 of 2010, s. 16.

6. Applicants are required to provide full details, to the satisfaction of the Central Bank, of the source of funds to comprise the initial capital of the bank or trust company.

Statutory auditors.

7. Applicants are required to provide —

(a) the name and address of the auditor(s) of the proposed licensee; and

(b) where appropriate, details of arrangements for review of the operation of the branch or representative office.

Consolidated supervision.

8. A corporate applicant which is a bank or trust company not licensed in The Bahamas is required to provide written confirmation by the relevant home country supervisory authority that the requirements prescribed by section 4(4)(b), (c), (d), (e) and (f) of the Banks and Trust Companies Regulation Act have been or will be met, as the case may be.

BANKS AND TRUST COMPANIES (RESTRICTION ON USE OF BANKING NAMES AND DESCRIPTIONS) REGULATIONS

S.I. 38/2002
23 of 2010

(SECTION 20)

[Commencement 4th May, 2001]

Citation.

1. These Regulations may be cited as the Banks and Trust Companies (Restriction on Use of Banking Names and Descriptions) Regulations.

Interpretation.

2. In these Regulations —

"Governor" means the Governor of the Central Bank of The Bahamas appointed under paragraph 1 of the Schedule to the Central Bank of The Bahamas Act;

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"restricted words" means "bank", "trust", "trust company", "trust corporation", "savings" or "savings and loan" or any of their derivatives either in English or in any other language.