# BANKS AND TRUST COMPANIES (EQUITY INVESTMENTS) REGULATIONS

## ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Approval for Equity Investments.
4. Definition of Person.
5. *Repealed*. *S.I. 55/2016*.

## BANKS AND TRUST COMPANIES (EQUITY INVESTMENTS) REGULATIONS

*S.I. 23/2005*
*23 of 2010*
*S.I. 55/2016*

(SECTION 24)

*[Commencement 13th April, 2005]*

Citation.

**1.** These Regulations may be cited as the Banks and Trust Companies (Equity Investments) Regulations.

Interpretation.

**2.** In these Regulations —

"control" means the power, whether arising from ownership, contract, guarantee, agreement, or otherwise, whereby one person can direct the affairs of another;

"licensee" means any Bank or Trust Company which is incorporated in The Bahamas and which holds a licence granted under section 4 of the Act:

"related party" includes —

(a) a person that controls, whether directly or indirectly, a licensee;

(b) a person that is controlled, whether directly or indirectly, by the person that controls the licensee;

(c) the subsidiaries or associate companies of a licensee;

(d) the directors, executive officers, senior staff of —

(i) a licensee;

(ii) any person identified in paragraph (a), (b), or (c) of this regulation;

(e) any person who, either alone or together with any associate, is entitled to exercise control over ten percent or more of the share capital of —

(i) a licensee;

(ii) any person identified in paragraph (a), (b) or (c) of this regulation;

(f) the immediate family members of persons identified in paragraph (a), (d) or (e) of this regulation;

(g) partnerships, companies, trusts or other entities in which an immediate family member referred to in paragraph (f) of this Regulation, has a controlling interest; and

(h) any person that manages or is managed by a licensee under a management contract.

Ch. 316.

"the Act" means the Banks and Trust Companies Regulation Act;

Approval for equity investments.
*23 of 2010, s. 16.*

**3.** No licensee shall, without the prior written approval of the Central Bank —

(a) acquire or hold the shares, securities or other interests in or of any person that is a related party to the licensee; and

(b) acquire, either directly or indirectly, more than five percent of the shares, securities, or any other interests in any other person.

Definition of person.

**4.** For the purposes of these regulations, "person" includes an individual, a sole proprietorship, partnership, joint venture, foundation, trust, estate, business trust, company, corporation, fund, unincorporated association or organisation, sovereign government or agency, instrumentality, or political subdivision thereof, or any similar entity or organisation.

*S.I. 55/2016.*

**5.** *Repealed.*