

## **CENTRAL BANK ACT**

### **CHAPTER 79:02**

#### **Act**

#### **23 of 1964**

Amended by

30 of 1967

25 of 1969

57 of 1975

34 of 1978

2 of 1986

10 of 1993

23 of 1994

15 of 2004

237/2007

\*26 of 2008

4 of 2009

18 of 2011

2 of 2012

10/2012

\*See Note on page 2.

#### **Current Authorised Pages**

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-80	..

**LAWS OF TRINIDAD AND TOBAGO**

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

2

**Chap. 79:02**

*Central Bank*

---

**Index of Subsidiary Legislation**

	<i>Page</i>
Central Bank (Deposit Insurance) Order (LN 211/1986) ... ..	57
Central Bank (Deposit Insurance) Order (LN 207/1987) ... ..	58
Par Value of the Trinidad and Tobago Dollar Order (LN 57/1993) ... ..	58
Central Bank (Deposit Insurance) Bye-laws (LN 210/1986) ... ..	60
Central Bank (Payment of Supervisory Fees and Charges) Regulations (LN 170/2011) ... ..	68

**Note on**

**A. Section 44C of the Act; and**

**B. Bye-laws 2, 6 and 7 of the Central Bank (Deposit Insurance) Bye-laws**

The Financial Institutions (Non-Banking) Act (Ch. 83:01) and the Banking Act (Ch. 79:01) have been repealed by section 57 of the Financial Institutions Act, 1993 (Act No. 18 of 1993).

**Note on Act No. 26 of 2008**

**Section 130**

Act No. 26 of 2008 repealed and replaced the Financial Institutions Act, 1993 (Act No. 18 of 1993) and by section 130 amended this Act as specified in the Seventh Schedule thereto.

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

**CHAPTER 79:02**

**CENTRAL BANK ACT**

ARRANGEMENT OF SECTIONS

**SECTION**

**PRELIMINARY**

1. Short title.
2. Interpretation.

**PART I**

**ESTABLISHMENT, CONSTITUTION AND  
MANAGEMENT OF THE BANK**

3. Establishment and incorporation.
4. Place of business.
5. Board of Directors.
6. Custody and use of seal.
7. Appointment and tenure of office of Governor, Deputy Governors and other directors.
8. Qualifications of Governor, Deputy Governors and directors.
9. Disqualification of directors.
10. Governor to be chief executive officer of the Bank.  
Duties of Deputy Governor.
11. Resignation of Governor, Deputy Governor and directors.
12. Termination of appointment of directors.
13. Publication of names of members in the *Gazette*.
14. Remuneration of directors.
15. Procedure at meetings.  
Meetings.  
Special meetings.  
Quorum.  
Decisions of the Board.
16. Directors to declare their interest.
17. Power to employ and train.
18. Pension benefits.
19. Transfer on secondment.
20. Transfer of officers of Government to the Bank.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

**PART IA**

**PERSONNEL**

- 20A. Interpretation.
- 20B. Consultation and negotiation with the Bank.
- 20C. Where agreement reached.
- 20D. Where no agreement reached.
- 20E. Disputes to be referred to Special Tribunal.
- 20F. Powers of Special Tribunal.
- 20G. Awards to be binding on parties for fixed period.
- 20H. Association to make Rules.

**PART II**

**CURRENCY AND LEGAL TENDER**

- 21. Currency of Trinidad and Tobago.
- 22. Unit of currency.
- 23. Par value of Trinidad and Tobago dollar.
- 24. Notes and coins exempt from taxation.
- 25. Issue of currency.
- 26. Denominations and form of notes and coins.
- 27. Redemption of notes and coins.  
Refund of lost and stolen coins.  
Discretion of the Bank to refund mutilated or impaired notes  
and coins.
- 28. Bills and notes payable on demand.
- 29. Imitation of currency notes.
- 30. Mutilating or defacing currency notes.
- 31. Definition of “note”.
- 32. *(Repealed by Act No. 23 of 1994).*
- 33. Assets to cover currency in circulation.

**PART III**

**CAPITAL AND RESERVE**

- 34. Capital of the Bank.
- 35. General and Special Reserve Funds.

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

SECTION

PART IV

THE BUSINESS OF THE BANK

- 36. Authorised business of Bank.
- 37. Restrictions on business of the Bank.

PART V

RELATIONS WITH FINANCIAL INSTITUTIONS

- 38. Bank as banker.
- 39. Minimum discount and rediscount rates.
- 40. } *(Repealed by Act No. 23 of 1994).*
- 44. }
- 44A. Fixing of interest rates.
- 44B. Penalties for contravention of section 44A.

PART VA

SPECIAL EMERGENCY POWERS OF BANK

- 44C. Definitions.
- 44D. Circumstances where Bank may take over control, etc.
- 44E. Notification of takeover of property and control, and stay of proceedings.
- 44F. Duty to assist where Bank assumes control.
- 44G. Termination of control.
- 44H. Protection of persons acting under this Part.
- 44I. Offences.

PART VB

DEPOSIT INSURANCE

- 44J. Definitions.
- 44K. Establishment of Deposit Insurance Fund.
- 44L. Membership Fund.
- 44M. Financing of the Fund.
- 44N. Insurance cover.
- 44O. Contributions, etc., allowable tax deductions.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

- 44P. Management of the Fund.
- 44Q. Composition of Board.
- 44R. Term of office of members of Board.
- 44S. Chairman of the Board.
- 44T. Procedure.
- 44U. Validity of proceedings.
- 44V. Capital of Corporation.
- 44W. Powers of the Corporation.
- 44X. Insurance payment procedures.
- 44Y. Business with failed institutions.
- 44Z. Effect of closure.
- 44AA. Offences.

PART VI

RELATIONS WITH THE GOVERNMENT

- 45. Bank as banker to the Government.
- 46. Power of Bank to make advances to Government.
- 47. Maximum assets of Bank.
- 48. Power of Bank to act as agent for the Government.
- 49. Issues of policy.
- 50. Policy directives.

PART VII

ACCOUNTS, REPORTS AND STATISTICS

- 51. Bank's financial year.
- 52. Accounts and audits.
- 53. Reports.
- 54. Statistical information from financial institutions.

**SECTION**

**PART VIII**

**GENERAL**

55. Exemption from taxation and stamp duty.
56. Secrecy and penalty for disclosing information.
57. Transfer of statements, accounts or lists.
58. Transmission of false information by officers of financial institutions.
59. Method of service.
60. Regulations and Rules.

**PART IX**

**TRANSITIONAL PROVISIONS**

61. *(Repealed by Act No. 23 of 1994).*
62. Non-application of Exchequer and Audit Act.

**SCHEDULE.**

## CHAPTER 79:02

## CENTRAL BANK ACT

23 of 1964. **An Act to provide for the establishment of a Central Bank to define the powers and duties thereof and for matters incidental thereto.**

Commencement.  
[\*122/1964.  
†79/1966].

[12TH DECEMBER 1964\*  
1ST AUGUST 1966†]

## PRELIMINARY

Short title.

**1.** This Act may be cited as the Central Bank Act.

Interpretation.  
[23 of 1994  
15 of 2004  
4 of 2009].

**2.** In this Act—

“the Bank” means the Central Bank of Trinidad and Tobago;

“Board” means the Board of Directors of the Bank as constituted and appointed under sections 5 and 7;

“convertible currency” means any currency that is freely negotiable and transferable in international exchange markets;

“Corporation” means the Deposit Insurance Corporation established under section 44P;

“Deputy Governor” means a Deputy Governor appointed pursuant to section 7;

“director” means a member of the Board of Directors appointed pursuant to section 7;

“dollar” means the Trinidad and Tobago dollar;

‡“financial institution” means a company licensed under the Financial Institutions Act;

Ch. 79:09.

“Governor” means the Governor of the Bank appointed pursuant to section 7;

\* Sections 1 to 35; section 36(a) to (c); section 36(d)(iv); section 36(f), (h), (j), (k), (l), (p) and (s); section 37; section 48(2) and sections 49 to 62.

† Sections 36(d)(i) to (iii); section 36(g), (i), (m), (n), (o), (q), (r), and (t); sections 38 to 47; and section 48(1).

‡ See Act No. 26 of 2008.



- “Inspector of Financial Institutions” means the Inspector of Financial Institutions appointed under section 30 of the Financial Institutions Act; Ch. 79:09.
- “Minister” means the Minister to whom the responsibility for finance is assigned except as otherwise provided in this Act;
- “municipal corporation” means a municipal corporation continued or established under the Municipal Corporations Act; Ch. 25:04.
- “ordinary director” means a director other than the Governor and the Deputy Governors and the public service directors;
- “public service director” means a director referred to in section 8(2A);
- “service of the Government” means permanent pensionable service in any Ministry or Department of the Government;
- “statutory authority” means a municipal corporation or any commission, board, committee, council or body, whether corporate or unincorporated, established by or under an Act other than the Companies Act and declared by the President under section 3 of the Statutory Authorities Act to be subject to the provisions of that Act. Ch. 81:01.  
Ch. 24:01.

#### PART I

### ESTABLISHMENT, CONSTITUTION AND MANAGEMENT OF THE BANK

3. (1) There is hereby established a Bank to be known as the Central Bank of Trinidad and Tobago. Establishment and incorporation. [23 of 1994, 15 of 2004, 26 of 2008].
- (2) The Bank is hereby created a body corporate.
- (3) The Bank shall have as its purpose the promotion of such monetary credit and exchange conditions as are most favourable to the development of the economy of Trinidad and Tobago, and shall, without prejudice to the other provisions of this Act—
- (a) have the exclusive right to issue and redeem currency notes and coin in Trinidad and Tobago;
  - (b) act as banker for, and render economic, financial and monetary advice to the Government;

- (c) maintain, influence and regulate the volume and conditions of supply of credit and currency in the best interest of the economic life of Trinidad and Tobago;
- (d) maintain monetary stability, control and protect the external value of the monetary unit, administer external monetary reserves, encourage expansion in the general level of production, trade and employment;
- (e) undertake continuously economic, financial and monetary research;
- (f) review—
  - (i) legislation affecting the financial system; and
  - (ii) developments in the field of banking and financial services,
 which appear to it to be relevant to the exercise of its powers and the discharge of its duties; and
- (g) generally, have the powers and undertake the duties and responsibilities assigned to it by any other law.

(4) Neither the Bank, a director, an officer, an employee nor any person acting on behalf of the Bank is liable for any action, claim or demand or any liability in damages or any other remedy whatever including costs, for anything done or omitted in the discharge or purported discharge of the functions of the Bank under this Act or any other written law, unless it is shown that the act or omission was reckless or in bad faith.

Place of  
business.

**4.** (1) The Bank shall have its head office in the City of Port-of-Spain in the Island of Trinidad.

(2) The Bank may establish branches and agencies and appoint agents and correspondents in Trinidad and Tobago and elsewhere.

Board of  
Directors.  
[23 of 1994].

**5.** The Bank shall be managed by a Board of Directors comprised of a Governor, not more than two Deputy Governors and not less than six other directors, two of whom may be public service directors.

6. (1) The seal of the Bank shall be kept in the custody of the Governor or a Deputy Governor and shall be authenticated by the Governor or a Deputy Governor and a director authorised by the Board to act in that behalf.

Custody and use of seal.  
[23 of 1994].

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Governor or a Deputy Governor.

7. (1) The Governor, Deputy Governors and the other directors shall be appointed by the President by instrument in writing.

Appointment and tenure of office of Governor, Deputy Governors and other directors.  
[23 of 1994].

(2) The Governor shall be appointed for a term of five years.

(3) The term of office of a Deputy Governor shall be for such period as the President may fix in the instrument of appointment.

(4) The ordinary directors and the public service directors shall be appointed for a term of three years.

(5) All directors shall be eligible for reappointment.

8. (1) The Governor and Deputy Governors shall be men of proven financial experience and each shall devote the whole of his time to the service of the Bank and while holding office shall not occupy any other office of employment whether remunerated or not.

Qualifications of Governor, Deputy Governors and directors.  
[23 of 1994].

(2) The ordinary directors shall be selected from amongst persons drawn from diverse occupations appearing to the President to be qualified by reason of their experience and capacity in matters relating to finance, economics, accountancy, industry, commerce, law or administration.

(2A) The public service directors shall be—

(a) an officer of the Ministry of Finance; and

(b) an officer of the Ministry or appropriate department of Government responsible for economic planning.

(3) Notwithstanding subsection (1), the Governor and the Deputy Governor of the Bank may, with approval of the Minister—

- (a) act as members of any committee or commissions appointed by the Government to enquire into any matter affecting currency, banking or economic or financial matters relating to Trinidad and Tobago;
- (b) become governors, directors or members of the Board of any international bank, monetary authority or other agency to which the Government subscribes, contributes or gives support;
- (c) become directors of any company or corporation or other body in which the Government or the Bank holds stock, shares or otherwise participates.

Disqualification of directors. [23 of 1994 15 of 2004].

**9.** No person shall hold office as Governor or Deputy Governor or shall be appointed or continue to hold office as a director who—

- (a) is a member of Parliament, the Tobago House of Assembly or a municipal corporation;
- (b) is, save as is provided in section 5, employed in any capacity in the service of the Government;
- (c) save as provided in section 8(3)(c)—
  - (i) is a director, an officer or an employee, of any financial institution or person registered under the Insurance Act; or
  - (ii) has an interest as a shareholder in any financial institution or company registered under the Insurance Act,

Ch. 84:01.

which is or becomes subject to regulation by the Bank.

Governor to be chief executive officer of the Bank. [23 of 1994].

**10.** (1) The Governor shall be the chief executive officer of the Bank and shall be entrusted with the day-to-day management, administration, direction and control of the business of the Bank with authority to act in the conduct of the business of the Bank in all matters which are not by this Act or

by the Rules and Regulations made thereunder specifically reserved to be done by the Board and shall be answerable to the Board for his acts and decisions.

(2) A Deputy Governor shall perform such duties as may from time to time be assigned to him by the Board on the advice of the Governor.

Duties of  
Deputy  
Governor.

(3) In the event of absence or inability of the Governor from whatever cause arising, the Board may appoint a Deputy Governor to exercise the powers and functions of the Governor.

(3A) In the event of absence or inability of the Governor or the Deputy Governor appointed under subsection (3), the other Deputy Governor, if any, has and may exercise all the powers and functions of the Governor.

(4) In the event of absence or inability of the Governor and any Deputy Governor, the Board may appoint a director to act temporarily in place of the Governor.

(5) In the event of absence or inability of any director from whatever cause arising, the Board may appoint any qualified person to act temporarily in place of any such director.

**11.** (1) The Governor or a Deputy Governor may resign his office by giving to the President six months notice in writing (or such shorter period as the President may agree to accept) of his intention to do so and at the expiration of such period he shall be deemed to have resigned his office.

Resignation of  
Governor,  
Deputy  
Governor and  
directors.  
[23 of 1994].

(2) An ordinary director may at any time resign his office by instrument in writing addressed to the President through the Governor, and the resignation takes effect from the date of the receipt by the President of the instrument.

**12.** The President may terminate the appointment of the Governor or a Deputy Governor or any director if the Governor, Deputy Governor or any director—

Termination of  
appointment of  
directors.  
[23 of 1994].

(a) becomes of unsound mind or incapable of carrying out his duties.

(b) becomes bankrupt or compounds with, or suspends payment to, his creditors;

- (c) is convicted and sentenced to a term of imprisonment;
- (d) is convicted of any offence involving dishonesty;
- (e) is guilty of misconduct in relation to his duties;
- (f) is absent, except on leave granted by the Board, from all meetings of the Board held during two consecutive months or during any three months in any period of twelve months;
- (fa) fails to comply with section 16(1);
- (fb) contravenes any provision of any prescribed Code of Ethics in respect of which he is liable to termination of his appointment;
- (fc) becomes disqualified for holding office by virtue of section 9; or
- (g) fails to carry out any of the duties or functions conferred or imposed on him under this Act.

Publication of names of members in the *Gazette*. [23 of 1994].

**13.** The names of all members of the Board and every change in the membership thereof shall be published in the *Gazette*.

Remuneration of Directors. [23 of 1994].

**14.** The Governor, Deputy Governors and the other directors shall be paid such remuneration and allowances as the Board may determine.

Procedure at meetings. [23 of 1994].

**15.** (1) The Governor shall be the Chairman of the Board and shall preside at the meetings of the Board.

Meetings.

(2) The Board shall meet for the transaction of the business of the Bank as may be necessary or expedient, but at least once in every two months and not less than nine times in any calendar year.

Special meetings.

(3) The Chairman may at any time call a special meeting of the Board.

(4) The Chairman shall, within seven days of the receipt by him of a request in writing addressed to him by any member of the Board, call a special meeting of the Board.

Quorum.

(5) The quorum of the Board shall consist of the Chairman and three other members of the Board.

(6) The decisions of the Board shall be adopted by a majority of the votes and in addition to an original vote, in any case in which the voting is equal, the Chairman presiding at the meeting shall have a casting vote.

Decisions of the Board.

**16.** (1) Any member of the Board, whose interest is likely to be affected whether directly or indirectly by a decision of the Board on any matter whatsoever, 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.

Directors to declare their interest. [23 of 1994].

(2) A disclosure under subsection (1) shall be recorded in the minutes of the Board and after the disclosure the member making the disclosure shall, unless the Board otherwise directs, not be present or take part in the deliberations or vote at any meeting during the time when such matter is being decided by the Board.

(3) A person who fails to comply with subsection (1) is liable on summary conviction to a fine of six thousand dollars and imprisonment for two years.

**17.** (1) The Bank may appoint, at such remuneration and on such terms and conditions, such officers and employees as it considers necessary or appropriate for the efficient conduct of the business of the Bank.

Power to employ and train. [GN 51/1980 2 of 1986].

(2) *(Repealed by Act No. 2 of 1986).*

(3) The Bank may provide out of its funds and make such arrangements for the training of any of its officers or employees or other persons as it may consider expedient for the efficient conduct of the business of the Bank.

(4) Nothing contained in the Pensions Extension Act shall apply or be deemed to apply to officers and employees appointed by the Bank under subsection (1).

Ch. 23:53.

**18.** The Bank shall provide pension benefits for officers and employees of the Bank.

Pension benefits. [23 of 1994].

Transfer on  
secondment.  
[23 of 1994].

**19.** (1) Subject to subsection (2), the Minister and the Bank may make appropriate arrangements for the transfer on secondment of any officer in the service of the Government to the service of the Bank or from the service of the Bank to the service of the Government.

(2) Where a transfer on secondment contemplated by subsection (1) is effected, the Government or the Bank, as the case may require, shall make such arrangements as may be necessary to preserve the rights of the officer so transferred to any pension, gratuity or other allowance for which he would have been eligible had he remained in the service of the Government or of the Bank, as the case may be.

(3) A period of transfer on secondment shall not in any case exceed five years.

(4) Notwithstanding anything contained in any law to the contrary, an officer or employee appointed by the Bank under section 17(1) or an officer transferred on secondment to the service of the Bank from the service of the Government shall not during the period of such appointment or transfer on secondment, as the case may be, be regarded as the holder of an office in the service of the Government.

(5) The Bank may make appropriate arrangements for the transfer on secondment of any person—

- (a) in its employ to an organisation; or
- (b) from an organisation to its employ,

on such terms and conditions as may be acceptable to the Bank, the person concerned and the organisation.

(6) In this section, “organisation” means the Tobago House of Assembly, a statutory authority and a company registered under the Companies Act.

Ch. 81:01.

Transfer of  
officers of  
Government to  
the Bank.

**20.** (1) An officer in the service of the Government may, with the approval of the Minister, be transferred to the service of the Bank and upon such transfer shall become a member of the Pension Scheme referred to in section 18, or if such officer’s transfer becomes effective before the establishment of that Scheme, he shall become a member within one year of its establishment.



(2) A transfer described in subsection (1) shall be on such terms as may be acceptable to the Government, the Bank and the officer concerned.

**PART IA**  
**PERSONNEL**

**20A.** In this Part—

“allowance” means compensation payable—

- (a) in respect of a salary group or in respect of a job in a salary group, by reason of duties of a special nature;
- (b) for duties that an employee is required to perform in addition to the duties of his job where those duties relate to a job in the same or a higher salary group;

“classification” means the assignment of a job to a salary group;

“compensation” includes salary, merit increase, allowance, bonus and other benefits;

“dispute” except in section 20B(3), means any matter respecting employees upon which agreement has not been reached between the Bank and the recognised association and which is deemed to be a dispute under section 20D;

“employee” does not include a director;

“Estate Police Association” means the organisation established under section 38(1) of the Supplemental Police Act;

Interpretation.  
[23 of 1994].

Ch. 15:02.

“merit increase” means a performance-related increase in salary;

“Minister” means the Minister to whom responsibility for labour is assigned;

“recognised association” means an association representing employees other than estate constables in one or more salary groups, certified by the Registration Recognition and Certification Board;

“Registration Recognition and Certification Board” means the Registration Recognition and Certification Board established by the Industrial Relations Act;

Ch. 88:01.

“salary” means the rate of pay assigned to an employee in a job;

“salary group” means a division into which a job in the Bank is assigned by reason of the size of the job;

“salary range” means a scale of pay applicable to jobs in a salary group;

“Special Tribunal” means the Special Tribunal established by the Civil Service Act and referred to in section 4(2C) of the Industrial Relations Act.

Ch. 23:01.

Ch. 88:01.

Consultation  
and negotiation  
with the Bank.  
[23 of 1994].

**20B.** (1) The Bank shall provide for and establish procedures for consultation and negotiation between the Bank and—

- (a) in the case of employees other than estate constables, a recognised association; and
- (b) in the case of employees who are estate constables, the Estate Police Association,

in respect of—

- (c) the classification of jobs;
- (d) the terms and conditions of employment;
- (e) the rights, privileges or duties of the Bank, the recognised association, the Estate Police Association employees or estate constables;
- (f) the regulation of the mutual relationship between the Bank and the recognised association or the Estate Police Association; and
- (g) grievances connected with or arising out of the employment relationship between the Bank and the employees, including grievances related to the termination or suspension of employment of any employee.

(2) The Bank shall from time to time consult and negotiate with representatives of a recognised association or the Estate Police Association with respect to the matters specified in subsection (1)—

- (a) at the request of those representatives; or
- (b) whenever in the opinion of the Bank such consultation is necessary or desirable.

(3) Sections 40 to 43 of the Supplemental Police Act shall apply to consultations, negotiations, disputes and agreements between the Bank and the Estate Police Association. Ch. 15:02.

**20C.** (1) Where the Bank and the recognised association reach agreement on any of the matters specified in section 20B(1) after consultation and negotiation in accordance with section 20B(2), the agreement shall be recorded in writing and shall be signed by the Bank and by the recognised association. Where agreement reached. [23 of 1994].

(2) Subject to such modifications as may be necessary, the registration of an agreement shall be governed by Part IV of the Industrial Relations Act. Ch. 88:01.

(3) An agreement recorded and signed in accordance with subsection (1) is binding upon the Bank and the employees to whom the agreement relates.

**20D.** (1) Where the Bank consults and negotiates with a recognised association under section 20B(2) and the Bank and the recognised association are, within twenty-one days of the commencement of the consultation and negotiation, or within such further period as may be agreed upon, unable to reach agreement on any matter, the Bank or the recognised association shall report the matter on which no agreement has been reached to the Minister, and on the report being made, a dispute shall be deemed to exist as to such matter. Where no agreement reached. [23 of 1994].

(2) The Minister shall as soon as possible after a dispute has been reported to him, take such steps as he may consider advisable to secure within fourteen days next after the date of the report, a settlement of the dispute by means of conciliation.

(3) The Bank and the appropriate recognised association may agree in writing to extend the time specified in subsection (2), including any further extension of time under this subsection, within which the Minister may take steps to secure a settlement of the dispute by means of conciliation.

Disputes to be referred to Special Tribunal. [23 of 1994].

**20E.** (1) Where in pursuance of section 20D(3) it is agreed to extend the time within which the Minister may secure by means of conciliation, a settlement of the dispute, he may continue to take such steps.

(2) Where the Minister is satisfied—

(a) that no useful purpose would be served by continuing to conciliate; or

(b) that either the Bank or the appropriate recognised association or the Estate Police Association refuses to enter into conciliation in good faith,

he shall refer the dispute to the Special Tribunal within twenty-one days from the date on which the dispute was reported to him.

(3) For the purposes of this Part, the parties to a dispute are the Bank and the recognised association.

Powers of Special Tribunal. [23 of 1994].

Ch. 88:01.

**20F.** (1) The Special Tribunal shall hear and determine any dispute referred to it under section 20E and, for that purpose, has all the powers and duties of the Essential Services Division of the Industrial Court that are vested therein by the Industrial Relations Act.

(2) An award, order or other determination of the Special Tribunal is final.

Awards to be binding on parties for fixed period. [23 of 1994].

**20G.** (1) An award of the Special Tribunal under section 20F is binding on the parties to the dispute and all employees to and on all employees to whom the award relates and continues to be binding for a period, to be specified in the award, not less than five years from the date upon which the award takes effect.

(2) The Special Tribunal may, with the agreement of the parties to an award, review the award at any time after the expiry of the third year.

Association to make Rules. [23 of 1994].

**20H.** (1) Every recognised association shall make Rules providing for the good government of the association and for carrying out the objects of the association and, with respect to such Rules, the following shall have effect:

(a) the Rules shall contain provisions in respect of the several matters mentioned in the Schedule;

Schedule.

(b) a copy of the Rules and every amendment thereto shall be delivered by the association to every financial member of the association, on payment of the prescribed sum.

(2) The Rules of the association and every amendment thereto shall be filed by the association with the Registrar General and shall have effect from the date of filing, unless a later date is specified from which they shall have effect.

## PART II

### CURRENCY AND LEGAL TENDER

**21.** (1) The currency of Trinidad and Tobago are the notes and coins issued by the Bank under this Act.

Currency of  
Trinidad and  
Tobago.  
[23 of 1994].

(2) The Bank has the sole right to issue notes and coins in Trinidad and Tobago and such notes and coins are legal tender in Trinidad and Tobago.

(3) (*Repealed by Act No. 23 of 1994*).

(4) Notwithstanding subsections (1) and (2), currency notes and coins issued by the Currency Board under section 4(1)(a) of the repealed Currency Ordinance shall be deemed to continue to be legal tender in Trinidad and Tobago until the 1st January 1966 or at such earlier date as the Minister may determine by notice published in the *Gazette*; but the holders of any such notes or coins are entitled to claim from the Bank payment of the face value of those notes or coins within one year after the 1st December 1994.

15 of 1959.

**22.** The unit of currency is the Trinidad and Tobago dollar which shall be divided into one hundred cents.

Unit of  
currency.

**23.** (1) The par value of the Trinidad and Tobago dollar shall be determined on such basis as the President may, by Order declare.

Par value of  
Trinidad and  
Tobago dollar.  
[10 of 1993].

(2) An Order made under this section is subject to negative resolution of the House of Representatives.

(3) In this section “standard” means a unit of account accepted by international financial organisations for the purpose of settling international financial transactions.

Notes and coins exempt from taxation. [23 of 1994].

**24.** Notes and coins issued by the Bank are exempt from the payment of stamp duties and from all levies, taxes and other impositions, both before and after issue.

Issue of currency.

**25.** The Bank shall—

- (a) arrange for the printing of notes and minting of coin for circulation in Trinidad and Tobago;
- (b) issue, re-issue and exchange notes and coins at the Bank’s offices and at such branches and agencies as the Bank may from time to time establish or appoint;
- (c) arrange for the safe custody of unused 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 form of notes and coins. [23 of 1994].

**26.** (1) Notes and coins issued by the Bank—

- (a) shall be in such denominations of the dollar or fractions thereof as may be approved by the Minister;
- (b) shall be of such forms and designs and bear such devices as may be approved by the Minister.

(2) Coins issued by the Bank shall be of such standard weight and composition and the amount of remedy or variation from the standard weight or composition as may be prescribed by the Minister.

(3) Subject to subsections (5) and (6) and section 27(2), a tender of payment of money is legal if made as follows:

- (a) in the case of notes, for the payment of any amount;
- (b) in the case of coins of a denomination of one dollar or over, for the payment of an amount not exceeding five hundred dollars;

- (c) in the case of coins of a denomination of twenty-five cents and over, for the payment of an amount not exceeding two hundred dollars;
- (d) in the case of coins of a denomination of under twenty-five cents, for the payment of an amount not exceeding one hundred dollars.

(4) The Minister may by Order vary the amounts referred to in paragraphs (a), (b), (c) and (d) of subsection (3).

(5) A note that is mutilated, defaced or impaired or that has been reduced in size so that the identification marks have become unrecognisable is not legal tender.

(6) A coin that is bent, mutilated or defaced, or that has been reduced in weight, otherwise than by abrasion through ordinary use, is not legal tender.

**27.** (1) The Bank, with the approval of the Minister, may on giving three months' notice published in the *Gazette* 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 a notice has been given under this section shall, on the expiration of the notice, cease to be legal tender, but shall be redeemed at face value by the Bank upon such conditions as may be prescribed.

Redemption of notes and coins.

(2) A person is not entitled to recover from the Bank the value of any lost, stolen, mutilated or impaired note, or the value of any coin lost, stolen or tampered with.

Refund of lost and stolen coins.

(3) Notwithstanding subsection (2), the Bank may in its absolute discretion as an act of grace refund the value of a mutilated or impaired note or a coin which has been tampered with.

Discretion of the Bank to refund mutilated or impaired notes and coins.

**28.** (1) Except as provided by subsection (2), no person shall for the purpose of putting such instrument into circulation draw, accept, make or issue any bill of exchange, promissory note or engagement for the payment of money payable to bearer on demand or borrow, owe or take up any sum or sums of money, or any bill of exchange, promissory note or engagement for the payment of money payable only to bearer on demand of any such person.

Bills and notes payable on demand. [23 of 1994].

(2) Cheques or drafts payable to bearer on demand, may, in the usual course of commercial practice, be drawn on bankers or agents by their customers.

(3) Subsection (1) does not apply to bank notes issued before the coming into operation of this Act by banks duly authorised to issue such notes.

(4) Any person contravening subsection (1) is, notwithstanding anything to the contrary in any other law, liable on summary conviction to a fine of thirty thousand dollars and to a term of imprisonment for four years.

(5) A prosecution under this section shall not be instituted except with the approval of the Board.

Imitation of  
currency notes.  
[23 of 1994].

**29.** (1) Subject to subsection (2), any person who makes or causes to be made or uses for any purpose whatsoever, or utters any document purporting to be or in any way resembling or so nearly resembling as to be calculated to deceive, any currency note or any part thereof, is liable on summary conviction to a fine of one hundred thousand dollars and to a term of imprisonment for seven years; and the Court shall order the document in respect of which the offence was committed and any copies of that document and any plates, dies or other instruments used for or capable of being used for printing or reproducing any such documents, which are in the possession of the offender to be delivered to the Bank.

(2) A person who, with the prior approval of the Bank, reproduces a currency note or part thereof that resembles a currency note issued by the Bank, is not liable for that reproduction.

(3) In this section, “document” includes any form or manner of reproduction.

Mutilating or  
defacing  
currency notes.  
[23 of 1994].

**30.** Any person who wilfully and without lawful authority or excuse (the onus of proof of such lawful authority shall be on the person accused) mutilates, cuts, tears or perforates with holes any note issued by the Bank under this Act or in any way defaces a note whether by writing, printing, drawing or stamping thereon, or by attaching or affixing thereto anything in the nature of an advertisement, is liable on summary conviction to a fine of two thousand dollars and to imprisonment for six months.



**31.** For the avoidance of doubt it is hereby declared that the expression “note” in this Act is within the meaning of the expression “currency note” in the Forgery Act.

Definition of “note”.

Ch. 11:13.

**32. (Repealed by Act No. 23 of 1994).**

**33.** (1) The Bank shall at all times hold assets of an amount in value sufficient to cover fully the value of the total amount of notes and coins for the time being in circulation.

Assets to cover currency in circulation. [25 of 1969 23 of 1994].

(2) Such assets shall consist of all or any of the following:

- (a) gold coin or gold bullion;
- (b) notes and coins in convertible currencies which the Minister may, on the advice of the Bank, designate;
- (c) bank balances, money at call and time balances with financial institutions in countries having convertible currencies, which institutions the Minister may, on the advice of the Bank, designate;
- (d) treasury bills and other securities issued by the Governments of countries having convertible currencies which the Minister may, on the advice of the Bank, designate;
- (e) treasury bills and securities issued or guaranteed by the Government which in the aggregate do not exceed in value fifty per cent of the amount in value of the total assets held under the provisions of this section;
- (f) contributions to the capital of, or advances to international financial organisations made by the Bank under section 36(h);
- (g) special drawing rights (and any foreign exchange proceeds resulting from their use) constituting assets of the account authorised by section 4(6) of the International Financial Organisations Act.

Ch. 70:01.

## PART III

## CAPITAL AND RESERVE

Capital of the  
Bank.  
[2 of 1986  
23 of 1994].

**34.** (1) The authorised capital of the Bank is one hundred million dollars.

(2) *(Repealed by Act No. 23 of 1994).*

(3) The paid-up portion of the authorised capital may be increased by such amount as the Minister may from time to time approve and the Government shall subscribe and pay the amount of such increase to the Bank from the Consolidated Fund.

(4) The authorised capital of the Bank may, with the approval of the Minister, be increased by resolution of the Board and any such resolution shall be ratified by Parliament.

(5) Notwithstanding subsection (3), the paid-up portion of the authorised capital shall be increased each year by not less than fifteen per cent of the amount to be paid into the Consolidated Fund until the paid-up portion of the authorised capital is equal to the authorised capital.

General and  
Special Reserve  
Funds.  
[23 of 1994].

**35.** (1) The Bank shall establish and maintain a General Reserve Fund.

(2) The Bank may, with the approval of the Minister, establish Special Reserve Funds of specified amounts.

(3) The Bank may place in the General Reserve Fund or the Special Reserve Funds, or in both the General Reserve Fund and the Special Reserve Funds, an amount that does not exceed ten per cent of the net profit of the Bank for a financial year.

(4) The net profit of the Bank for a financial year shall be determined after—

(a) allowing for the expenses of operations, including replacement and acquisition of assets for the operations of the Bank;

(b) provision has been made for bad and doubtful debts, depreciation in assets, contribution to staff pension benefits and other contingencies.

(5) Subject to subsection (7), at the end of each financial year, after allowing for the amount referred to in subsection (3), the net profit of the Bank shall be paid into the Consolidated Fund.

(6) When the sum standing to the credit of the General Reserve Fund equals the authorised capital of the Bank, no further contribution to the General Reserve Fund shall be made.

(7) Any loss incurred by the Bank during a financial year may be met from the General Reserve Fund or from the Special Reserve Funds where the General Reserve Fund is insufficient.

(8) Where the General Reserve Fund and the Special Reserve Funds are insufficient for the purpose referred to in subsection (7), the Bank, with the approval of the Minister, may carry forward and recoup the losses from future profits before further payment is made into the Consolidated Fund.

#### PART IV

#### THE BUSINESS OF THE BANK

36. Subject to this Act, the Bank may —

- (a) issue and redeem notes and coins in accordance with Part II;
- (b) issue demand drafts and other kinds of remittances made payable at its head office or at the office of its branches, agencies or correspondents;
- (c) purchase, and sell gold coin and bullion;
- (d) open accounts for and accept deposits from —
  - (i) the Government;
  - (ii) the Tobago House of Assembly and statutory authorities;
  - (iii) such other public authorities as the Minister may from time to time approve; and
  - (iv) financial institutions;

Authorised  
business of  
Bank.  
[25 of 1969  
2 of 1986  
23 of 1994  
26 of 2008].

- (e) purchase from, sell to, discount and rediscount on behalf of the bodies, authorities and institutions referred to in paragraph (d) bills of exchange and promissory notes issued for commercial, industrial or agricultural purposes and maturing within one hundred and eighty days from the date of acquisition;
- (f) purchase and sell treasury bills and securities of or guaranteed by—
  - (i) the Government;
  - (ii) the Government of the United Kingdom; or
  - (iii) such other Governments or international financial institutions as may be designated by the Minister on the advice of the Bank;
- (g) with the approval of the Minister, acquire, hold and sell shares or other securities of any statutory body or any company registered under the Companies Act for the purpose of promoting the development of a money or securities market in Trinidad and Tobago or for financing the economic development of Trinidad and Tobago so, however, that total holdings of the shares do not exceed the aggregate total of the paid-up capital and the General Reserve Fund of the Bank;
- (h) with the approval of the Minister, make contributions to the capital of, or advances to international financial organisations;
- (i) grant to the bodies, authorities and institutions referred to in paragraph (d)(ii), (iii) and (iv) on such terms and conditions as the Bank may from time to time determine, advances for fixed periods not exceeding six months on the security of any of the following:
  - (i) gold coins or gold bullion;
  - (ii) Treasury Bills of the Government;

Ch. 81:01.

- (iii) securities issued or guaranteed by the Government;
- (iv) such bills of exchange and promissory notes as are eligible for purchase, discount or rediscount by the Bank;
- (v) warehouse warrants or their equivalent securing possession of goods in respect of finished or semi-finished products duly insured and secured with a letter of hypothecation from the owner; but in the event of any such debt due to the Bank becoming in the opinion of the Bank endangered, the Bank may secure the debt on any real or personal property of the debtor and may in the event of default secure that property, which may be sold as soon as practicable thereafter;
- (vi) such other securities as may from time to time be approved by the Bank;
- (j) purchase and sell foreign currencies and foreign bills of exchange;
- (k) open accounts with and keep accounts for central banks and international financial institutions and with other banks outside of Trinidad and Tobago and utilise any such accounts as the Bank thinks expedient for due performance of the functions of the Bank;
- (l) make arrangements or enter into agreements with any commercial bank or financial institution outside of Trinidad and Tobago to borrow, in such manner at such rate of interest and upon such other terms and conditions as it may think fit, such sums as the Bank may think it expedient to acquire for the purpose of its operations;
- (m) underwrite any Government loans in which it may invest;

- (n) undertake the issue and management of loans to be issued in Trinidad and Tobago by the Government or by any public authority;
- (o) act as agent to the Government in respect of exchange control;
- (p) accept for custody securities and other articles of value;
- (q) undertake on behalf of customers and correspondents the purchase, sale, collection and payment of securities and credit instruments within and outside of Trinidad and Tobago and the purchase or sale of gold and silver;
- (r) establish and maintain in conjunction with commercial banks operating in Trinidad and Tobago a clearing house in Port-of-Spain and in such other places as the Bank may consider necessary;
- (s) acquire, hold and transfer or otherwise dispose of special drawing rights (and any foreign exchange proceeds resulting from their use) constituting assets of the account authorised by section 4(6) of the International Financial Organisations Act;
- (t) purchase, acquire, lease, sell, let, sublet or create licences over, or otherwise dispose of, real property or any part thereof and provide in connection therewith ancillary services;
- (u) lend, borrow or invest in securities other than those specified in this section, but such loans, borrowings and investments shall not exceed ten per cent of the total assets of the Bank for the financial year in which the loans, borrowings or investments are initially made;
- (v) give a guarantee and pay any sums and any interest thereon in fulfilment of any such guarantee in respect of any activities in discharge of its functions under this Act or the Financial Institutions Act;

Ch. 70:01.

Ch. 79:09.

- (w) promote the establishment or expansion of bodies to develop and expand the money and capital markets and to provide assistance, including financial assistance to such bodies;
- (x) establish subsidiary companies;
- (y) provide, for the benefit of—
  - (i) the Bank, or for value for any of its subsidiaries or affiliates;
  - (ii) the State, any of its agencies, organs, departments, the Tobago House of Assembly or any statutory authority; or
  - (iii) any international financial institution, research functions, computer maintenance and security services and such other services as may be related to any activities under this Act;
- (z) trade in notes or coins;
- (aa) engage in the following:
  - (i) effect contracts, the purpose of which is to manage its assets and liabilities;
  - (ii) borrow through the issue of bonds or other appropriate instruments in the exercise of its functions under paragraphs (c) and (d) of section 3(3), subject to the condition that the amount outstanding on such borrowings shall not exceed twenty-five per cent of the total assets of the Bank or such other amount as the Minister may approve;
  - (iii) establish sinking funds for the redemption of the instruments referred to in subparagraph (ii);
- (bb) do any other banking business or carry on any activity not prohibited by this Act which may be requisite, advantageous, convenient or incidental to or consequential upon the discharge of its functions; and
- (cc) supervise the operations of payments systems in Trinidad and Tobago generally, Interbank Payment Systems in accordance with the

Ch. 79:09.

Financial Institutions Act and the transfer of funds by electronic means including money transmission or remittance business.

Restrictions on business of the Bank. [23 of 1994].

**37.** Except as authorised by this Act the Bank may not engage in any trade or accept for discount or as a security for advances made by the Bank, bills or notes signed by members of the Board or by the Bank’s officers or employees.

**PART V**

**RELATIONS WITH FINANCIAL INSTITUTIONS**

Bank as banker. [23 of 1994].

**38.** The Bank may act as banker to financial institutions in Trinidad and Tobago and as agent of and correspondent to banks abroad.

Minimum discount and rediscount rates.

**39.** The Bank shall from time to time fix and announce rates and charges and its minimum rates for discount and rediscount.

**40.** }  
to } *(Repealed by Act No. 23 of 1994).*  
**44.** }

Fixing of interest rates. [23 of 1994].

**44A.** (1) The Bank may fix the maximum and minimum interest rates payable on deposits received, and may fix the maximum and minimum interest rates, fees and charges to be charged on loans, advances or other credit facilities, by a financial institution.

(2) The Bank, after consultation with the Minister, may set the maximum spread between interest rates chargeable on loans and interest rates payable on deposits which a financial institution may earn, carry or charge.

Penalties for contravention of section 44A. [34 of 1978 23 of 1994].

**44B.** (1) Every financial institution shall pay or charge interest as the case may be, at the rate fixed by the Bank under section 44A and where such institution contravenes this section—

(a) it is liable on summary conviction to a fine of ten thousand dollars for each day the offence is committed and any monetary benefit accruing to it as a result of the contravention shall be deemed to be moneys due and owing by the other financial institution to the Bank and such moneys shall be recoverable by the Bank as a debt; and



(b) its manager is liable on summary conviction to a fine of five thousand dollars and to imprisonment for two years.

(2) Where a financial institution is convicted of an offence under this section, the Minister may in his discretion suspend or revoke its licence.

#### PART VA

#### SPECIAL EMERGENCY POWERS OF BANK

- \*44C.** (1) In this Part, the expression—
- “agent”, in relation to an institution, includes its bankers and any persons, whether officers of the institutions or not, who are employed as its auditors, but does not include its legal advisers;
- “affiliated institution”, in relation to an institution, means a company which is or has at any relevant time been—
- (a) a holding company or a subsidiary of the institution;
  - (b) a subsidiary of a holding company of the institution;
  - (c) a holding company of a subsidiary of the institution; or
  - (d) a holding company of a holding company or a subsidiary of a subsidiary of the institution,
- the expressions “holding company” and “subsidiary” having the meanings assigned to them in the Companies Act;
- “claim” means any claim whatsoever without limitation, including, without prejudice to the generality of the foregoing, claims which are secured or unsecured, present or future, actual, prospective or contingent, or arising out of contract, tort, bailment, restitution, breach of trust or any other cause of action, and whether or not made by a creditor, shareholder, depositor, policyholder or any other person;
- “creditor” means a person having a claim against or in respect of an institution or its property or assets;
- “directors” includes any category of persons performing the functions of directors or analogous functions;

Definitions.  
[2 of 1986  
15 of 2004  
4 of 2009  
18 of 2011].

Ch. 81:01.

---

\* See Note on page 2.

- Ch. 79:09. “Inspector” means the Inspector of Financial Institutions appointed under section 7 of the Financial Institutions Act;
- Ch. 84:01. “institution” has the meaning assigned to it under the Financial Institutions Act and includes an insurance company registered under the Insurance Act and a society registered under the Co-operative Societies Act;
- Ch. 81:03. “officer”, in relation to an institution, includes any category of manager as well as any person in the employment of the institution;
- “secured creditor” means a creditor who—
- (a) has a mortgage in respect of any property of an institution;
  - (b) has a fixed or floating charge, a lien or any other security interest whatsoever without limitation in or over or in respect of any property or assets of an institution; or
  - (c) is a party to an agreement or arrangement designed to create the economic equivalent of a security interest;
- “security agreement” means any agreement creating a security interest or making a creditor a secured creditor;
- “security interest” means any interest in or charge upon any property of an institution by way of mortgage, assignment, bond, lien, pledge or other means, that is created or is taken to secure the payment of a debt or the performance of any other obligation of the institution.

(2) In this Part a reference to a director, officer or agent of an institution includes a reference to a person who has been but is no longer a director, officer or agent thereof.

(3) Notwithstanding the provisions of the Co-operative Societies Act, the provisions of this Part shall apply to societies registered under the Co-operative Societies Act.

Circumstances where Bank may take over control, etc. [2 of 1986 23 of 1994 4 of 2009].

**44D.** (1) Where the Bank is of the opinion—

- (a) that the interests of depositors, creditors, policy holders or members of an institution are threatened;

- (b) that an institution is likely to become unable to meet its obligations or is about to suspend or has suspended payment; or
- (c) that an institution is not maintaining high standards of financial probity or sound business practices,

the Bank shall, in addition to any other powers conferred on it by any other law, have power—

- (i) to investigate the affairs of the institution concerned and any of its affiliated institutions and to appoint a person or persons for that purpose;
- (ii) to such extent as it thinks fit, to assume control of and carry on the affairs of the institution and, if necessary, to take over the property and undertaking of the institution;
- (iii) to take all steps it considers necessary to protect the interests, and to preserve the rights of depositors and creditors of the institution;
- (iv) to restructure the business or undertaking of the institution or to reconstruct its capital base;
- (v) to provide such financial assistance to companies which carry on the business of banking or business of a financial nature as licensed under the Financial Institutions Act, as it considers necessary to prevent the collapse of the institution, other than an insurance company regulated under the Insurance Act or a society registered under the Co-operative Societies Act; Ch. 79:09.  
Ch. 84:01.  
Ch. 81:03.
- (vi) to acquire or sell or otherwise deal with the property, assets and undertaking of or any shareholding in the institution, at a price to be determined by an independent valuer;
- (vii) to appoint such persons as it considers necessary to assist in the performance

of the functions conferred by paragraphs (i) to (vi);

- (viii) to ensure that each member of the Fund established under Part VB maintains high standards of financial probity and sound business practices and for that purpose to examine and supervise the operations of all member institutions and stipulate prudential criteria to be followed by the institutions as it may deem necessary.

(2) The powers of the Bank under subsection (1) shall not be exercised unless the Bank is also of the opinion that the financial system of Trinidad and Tobago is in danger of disruption, substantial damage, injury or impairment as a result of the circumstances giving rise to the exercise of such powers.

(3) Pursuant but without prejudice to its powers under subsection (1), the Bank may appoint any person or persons to act as Receiver or Manager and such appointment shall take effect as though made by the depositors and other creditors of the Company pursuant to a charge over all the fixed and floating assets of the institution and without prejudice to any other powers vested in such Receiver or Manager the Receiver or Manager shall have power—

- (a) to take possession of, collect and get in any property of the institution and for that purpose to take any proceedings in the name of the institution or otherwise as may seem expedient;
- (b) to carry on, manage or concur in carrying on and managing the business of the institution or any part thereof and for any of those purposes to raise or borrow any money that may be required on the security of the whole or any part of the property of the institution;
- (c) forthwith to sell or concur in selling (but where necessary with the leave of the Court) and to let or concur in letting and to accept surrenders of leases or tenancies of all or any of the property of the institution and to carry any such sale, letting or surrender into effect by conveying, leasing, letting or accepting surrenders in the

name and on behalf of the institution; and any such sale may be for cash, debentures, other obligations, shares, stock or other valuable consideration and may be payable in a lump sum or by instalments spread over such period as the Bank shall think fit and plant machinery and other fixtures may be severed and sold separately from the premises containing them without the consent of the institution being obtained thereto;

- (d) to make any arrangement or compromise which he shall think expedient;
- (e) to make and effect or repair renewals and any improvements of the institution's equipment and effects and to maintain or renew all insurances;
- (f) to appoint managers, agents, officers, servants and workmen for any of the aforesaid purposes at such salaries and for such periods as he may determine;
- (g) to do all such other acts and things as may be considered to be incidental or conducive to any of the matters or powers aforesaid and which he or they lawfully may or can do as agent for the Company.

(4) In the event of a natural disaster, internal disorder or, where in the opinion of the Governor a financial crisis exists in the country, the Governor, with the approval of the Minister, may take such action with respect to the operations of financial institutions and monetary policy as he deems to be necessary in the interest of the financial system.

(5) If the Governor is unable to obtain prior approval of the Minister because of any of the events mentioned in subsection (1), he shall notify the Minister and the Board of the action taken as soon as possible thereafter.

(6) The Board shall designate the following persons to exercise the powers of the Governor under subsections (4) and

(5) in the event that the Governor is absent or otherwise unable at the appropriate time to do so:

- (a) a Deputy Governor and in the event of the absence or inability of that Deputy Governor, the other Deputy Governor; and
- (b) in the event of the absence or inability of the Deputy Governors, a director.

(7) Within fourteen days of taking action under subsection (4), or as soon as possible thereafter, the Governor shall submit to the Minister, a statement setting out the reasons on which his decision to act under subsection (4) was based.

(8) The Minister shall cause a copy of the statement referred to in subsection 7 to be laid before Parliament as soon as possible after his receipt of the statement.

Notification of takeover of property and control, and stay of proceedings. [2 of 1986 18 of 2011 2 of 2012].

**44E.** (1) Where the Bank proposes to exercise powers under section 44D(1)(ii), it shall publish in the *Gazette* and in such newspapers as it thinks appropriate a notification to that effect.

- (2) The notification shall state—
  - (a) the property and undertaking it proposes to take over;
  - (b) the powers to control it proposes to exercise,

and shall give such particulars as the Bank considers necessary for the information of persons having business dealings with the institution.

(3) Upon the publication of the notification the property and the powers of control stated therein shall vest in the Bank.

(4) A notification under this section may be amended or supplemented from time to time by subsequent notification in the *Gazette* and the notification shall have effect as so amended or supplemented.

(5) On and after the publication of a notification under subsection (1)—

- (a) no creditor, shareholder, depositor, policyholder or any other person shall have any remedy against the institution in respect of any claim,

and without prejudice to the generality of the foregoing, no creditor, shareholder, depositor, policyholder or any other person shall commence or continue any action, execution or other proceedings or seek to enforce in any way whatsoever without limitation in Trinidad and Tobago, any judgment or order obtained in Trinidad and Tobago or any other jurisdiction, against the institution or its successor or the transferee of the whole or any part of any property, assets or undertaking of the institution for the recovery of any claim or in respect of any other liability, until the publication of a notification under paragraph (b) or section 44G(1) in relation to the institution;

- (b) where the Bank has not yet published a notification under section 44G(1) in relation to an institution, the Bank may where it deems appropriate publish a notification to lift the stay under paragraph (a), (d) or (e), except that no person shall take any steps to institute winding up, receivership, administration or any other related proceedings in relation to that institution;
- (c) no creditor, shareholder, depositor, policyholder or any other person shall commence or continue any claim, action, execution or other proceedings or seek to enforce in any way whatsoever without limitation in Trinidad and Tobago, any judgment or order obtained in Trinidad and Tobago or any other jurisdiction, against the Bank, its directors, officers, employees or any person acting on behalf of the Bank or appointed by the Bank under section 44D in respect of any act, omission, claim, fact or matter connected with or arising out of the acts or omissions of the Bank in respect of the institution, until the publication of a notification under section 44G(1) in relation to the institution;

- (d) no provision of a security agreement, lease or licence between the institution and a secured or other creditor that provides, in substance, that on—
- (i) the winding up of the institution or any related entity or any insolvency restructuring or reorganisation proceedings being commenced, continued or ordered in respect of the institution or any related entity; or
  - (ii) the default by the institution of an obligation under the security agreement, lease or licence,

the institution ceases to have such rights to use or deal with assets secured or dealt with under the agreement, lease or licence as the institution would otherwise have, or is given lesser rights or priorities in respect of any assets or property as the institution would otherwise have, has any force or effect until the publication of a notification under paragraph (b) or section 44G(1) in relation to the institution; and

- (e) no provision in any contract or agreement or any other document whatsoever without limitation which gives any party a right to acquire any property or assets of the institution on the grounds of any change of control or on any analogous ground or on the grounds of insolvency shall have any effect until the publication of a notification under paragraph (b) or section 44G(1) in relation to the institution.
- (6) For the purposes of subsection (5)—
- (a) the rights, property and assets referred to in this section are taken to be the rights, property and assets located in Trinidad and Tobago or in any other jurisdiction; and
  - (b) the agreement, lease or licence referred to in this section are taken to be, not only an agreement or lease or licence governed under the laws of Trinidad and Tobago, but also an agreement, lease or licence governed by any other law.



(7) The Bank shall report quarterly to the High Court and to Parliament on—

- (a) the proposals to restructure an institution in relation to which a notification has been published under subsection (1); and
- (b) the progress of the proposals referred to in paragraph (a),

until a notification under subsection (5)(b) or section 44G(1) has been published in relation to that institution.

(8) Where, prior to the coming into force of the Central Bank (Amendment) Act, 2011— Sub. Leg.

- (a) a notification under subsection (1) was published in relation to an institution; and
- (b) a notification under section 44G(1) has not been published in relation to that institution since the publication of the notification referred to in paragraph (a),

the provisions of subsection (5) shall apply in relation to that institution with effect from 20th September 2011.

(9) No time shall run in relation to any period of limitation prescribed by the Limitation of Certain Actions Act or any other written law relating to the limitation of actions, proceedings or the enforcement of any judgment or order, from the date of the publication of a notification under section 44E(1) to the date of the publication of a notification under section 44G(1) or section 44E(5)(b), whichever is the earlier. Ch. 7:09.

**44F.** (1) Where the Bank has under section 44D assumed control of an institution, it may terminate or retain the services of any or all of the directors, officers and employees of the institution and the directors so retained shall manage the affairs of the institution subject, however, to any directions of the Bank; and no acts done or resolution, rules, bye-laws or decisions made or conveyances, transfers, assignments or instruments executed during such period relating to the business affairs, property, undertaking or management of the institution shall have effect unless they are approved by or are in conformity with the directions of the Bank.

Duty to assist where Bank assumes control. [2 of 1986 15 of 2004].

(2) Where the Bank is exercising powers under section 44D in relation to any institution, that institution, its affiliated institutions and their directors, officers and agents other than its auditors shall give every assistance to the Bank for the purpose of facilitating the performance of functions under section 44D, including the supply of information or explanation in such form as may be required, the production of books, documents, minutes, cash, securities and vouchers, and generally the provision of all necessary facilities required for the performance of any function under section 44D, save that in the case of its auditors they shall only be required to supply any information which is in their possession or knowledge other than their internally generated working papers.

Ch. 19:01.

(3) Any person appointed under section 44D shall have all the powers of a commissioner under the Commissions of Enquiry Act to summon and examine persons required under subsection (2) to assist the Bank in the performance of its functions, and the provisions of section 12 of the Commissions of Enquiry Act, including the provisions imposing penalties, shall apply in all respects to persons summoned under this subsection.

(4) In any particular case, the Bank may appoint the Inspector of Financial Institutions to perform any or all of its functions under section 44D subject to such conditions as may be specified in the appointment.

(5) In the performance of its functions and in the exercise of its powers under section 44D the Bank shall comply with any general or special directions of the Minister and shall act only after due consultation with the Minister.

Termination of control.  
[2 of 1986].

**44G.** (1) Where the Bank has under section 44D assumed control of an institution, the Bank shall, subject to subsection (2), remain in control of, and may continue to carry on the business of that institution until such time as the Bank publishes in the *Gazette* and in such newspapers as it thinks appropriate a notification that it has ceased to be in control of the institution.

(2) The Bank shall relinquish control and shall not continue to carry on the business of an institution where—

- (a) the circumstances on the basis of which the Bank assumed control of the institution under section 44D have ceased to exist;

- (b) the Bank is of opinion that it is no longer necessary for it to remain in control of the business of the institution; or
- (c) the Bank has sold or otherwise disposed of the property, assets and undertakings of the institution.

(3) Upon publication of a notification under subsection (1) and subject to such conditions as may be specified therein, all property not sold or otherwise disposed of by the Bank and all powers of control over the affairs of the institution vested in the Bank by or in consequence of the previous notification published under section 44E(1) shall vest in the institution if it still subsists as a corporate entity and be deemed to have been transferred from the Bank to the institution.

(4) Where the Bank has, in pursuance of section 44D, assumed control of an institution, the High Court may, upon the application of the directors of the institution acting independently of the Bank, if it is satisfied that it is no longer necessary for the protection of the depositors or creditors of the institution that the Bank should remain in control of the business of that institution, order that the Bank cease to control the business of that institution as from a date specified in the Order.

**44H.** Neither the State, the Minister, the Bank, its directors and officers, any person acting on behalf of the Bank nor any person appointed by the Bank under section 44D is liable to any action, claim or demand or any liability in damages or any other remedy whatever including costs, for anything done or omitted in the discharge or purported discharge of the functions of the Bank under this Part, unless it is shown that the act or omission was reckless or in bad faith.

Protection of  
persons acting  
under this Part.  
[26 of 2008].

- 44I.** (1) Any person to whom section 44F(2) applies who—
- (a) fails to assist or to facilitate the Bank in any function conferred by section 44D; or
  - (b) obstructs the Bank in the performance of any such function; or
  - (c) in the performance of his obligations under section 44F(2), provides any false or misleading information,

Offences.  
[2 of 1986].

is guilty of an offence and liable on summary conviction to a fine of one hundred thousand dollars or five years imprisonment or both.

(2) While the Bank is in control of the business of an institution, any person who, without the approval or authority of the Bank or in a manner contrary to the directions of the Bank, receives, disposes of or otherwise deals with any assets of the institution, or who tampers whether by making entries in or otherwise, with any books, records or documents of the institution is guilty of an offence and liable on summary conviction to a fine of one hundred thousand dollars or to imprisonment for five years or both and on conviction on indictment to a fine of five hundred thousand dollars or ten years imprisonment or both.

(3) Any person to whom section 44F(2) applies who fails to comply with a requirement or demand by the Bank to do or refrain from doing any act or to assist or to facilitate the Bank in any function vested in it by section 44D is guilty of an offence and liable on summary conviction to a fine of one hundred thousand dollars or five years imprisonment or both.

## PART VB

## DEPOSIT INSURANCE

**44J.** In this Part—

“Board of Management” means the Board of Directors of the Corporation;

“Chairman” means the Chairman of the Board of Management;

“deposit” means—

- (a) the unpaid balance of money or its equivalent received or held by an institution from or on behalf of a person in the usual course of business and for which the institution has given or is obliged to give credit to that person’s checking, savings, demand or time account, or for which the institution has issued a certificate, receipt, cheque, money order, draft or other instrument in respect of which it is primarily liable; but shall not include letters of credit, standby letters of credit or instruments of a similar nature, interbank deposits and deposits from affiliated companies; and
- (b) such other deposits as may be prescribed by the Minister on the recommendation of the Bank.

Definitions.  
[2 of 1986  
23 of 1994].

**44K.** There is established for the protection of depositors a Deposit Insurance Fund (hereinafter referred to as “the Fund”).

Establishment of Deposit Insurance Fund. [2 of 1986].

**44L.** Membership in the Fund is compulsory for every institution licensed under the Financial Institutions Act, including a licensed foreign financial institution in respect of its deposits held in Trinidad and Tobago.

Membership Fund. [26 of 2008]. Ch. 79:09.

**44M.** (1) A compulsory initial contribution shall be paid to the Fund at a time to be designated by the Minister, by every bank or other institution; such contribution shall be based on a percentage rate of deposits to be prescribed by the Minister by Order after consultation with the Bank.

Financing of the Fund. [2 of 1986].

(2) Every member of the Fund shall pay an annual premium to the Fund, such premium shall be based on a percentage rate of deposits to be prescribed by the Minister by Order after consultation with the Bank.

(3) The first annual contribution shall be levied within one year of the establishment of the Fund.

(4) The Bank shall contribute to the Fund sums equal in amount to the initial contribution made by members of the Fund.

(5) Where in the opinion of the Corporation the Fund has made or is likely to make payment to depositors which have exhausted or are likely to exhaust the Fund, the Corporation shall furnish the Minister with an estimate of the amount necessary to meet the obligations of the Fund in the year next succeeding and the Minister after consultation with the member institutions may by Order, require that special contributions be levied on them.

(6) The Bank shall pay into the Fund an amount equal to the special contributions paid by member institutions.

(7) Where the Corporation determines that the Fund has reached a satisfactory level it may refund any excess moneys to the institutions *pro rata*, so however, that all amounts so refunded shall be treated as income in the hands of the institution and chargeable to tax.

Insurance cover.  
[2 of 1986  
237/2007  
10/2012].

**44N.** (1) The Corporation shall insure each deposit in a member institution which is payable in Trinidad and Tobago in Trinidad and Tobago currency.

(2) Deposit Insurance coverage is limited to one hundred and twenty-five thousand dollars or such other amount as the Minister may prescribe by Order save that where a depositor maintains deposits in more than one institution or in different capacities and rights, the limit shall apply to the total amount maintained on deposit in each institution in each capacity and right.

(3) A depositor is protected by deposit insurance only when the member institution in which he has a deposit is closed by or with the approval of the Bank as a result of financial difficulties.

(4) Payment to the person *prima facie* entitled under this section by the Corporation in respect of any deposit insured discharges the Corporation from liability in respect of that deposit.

(5) When payment is made by the Corporation under this section in respect of a deposit with a member institution the Corporation is subrogated up to the insured limit to all the rights and interests of the depositor as against that member institution and may maintain an action in respect of such rights and interests in the name of the depositor or in the name of the Corporation.

(6) Subject to subsection (7) the benefit of insurance cover shall not be extended to any depositor who is shown to have been a party to or profited from the circumstances giving rise to the member institution's failure.

(7) Subsection (6) does not apply to depositors who are professional advisors of the member institution and whose bona fides are not in question.

(8) Payments to depositors of closed institutions shall commence not later than three months after the closure of the member institution.

(9) The insurance coverage shall only benefit deposits which have been held with an institution for a minimum period of one year after the date this Act comes into operation, save where an institution is or has been closed by or with the approval of the Bank.

(10) The Corporation shall in respect of rights to which it is subrogated have priority over other unsecured creditors of a closed institution.

**44O.** Contributions, levies and premia to the Fund by member institutions are allowable deductions to such institutions in computing their chargeability to tax.

Contributions, etc., allowable tax deductions. [2 of 1986].

**44P.** The Fund shall be managed by a Board of Management which is established a body corporate called the Deposit Insurance Corporation and which shall have a common seal.

Management of the Fund. [2 of 1986].

**44Q.** (1) The Board of Management shall be appointed by the Minister and shall consist of—

Composition of Board. [2 of 1986].

- (a) two members representing the Bank;
- (b) one member representing the Minister;
- (c) two members who have knowledge and experience in banking, commerce, finance, accounting, insurance or law,

save that no person may be appointed a member who is a director of a member institution.

(2) There shall be appointed with each member an alternate who shall be qualified for appointment in the same manner as the member to whom he is alternate.

(3) In the absence of a member his alternate shall have and exercise the same powers and enjoy the same privileges as the member to whom he is alternate.

**44R.** Members of the Board shall be appointed for a term of not less than three years and shall be eligible for reappointment.

Term of office of members of Board. [2 of 1986].

**44S.** (1) The members shall elect a Chairman from among their number.

Chairman of the Board. [2 of 1986].

(2) The Chairman shall in the event of an equality in the voting, in addition to his original vote, have a casting vote.

**44T.** The Corporation shall determine its own procedure save that the quorum for meetings shall be four members.

Procedure. [2 of 1986].

Validity of proceedings.  
[2 of 1986].

**44U.** No vacancy in the membership of the Corporation or irregularity in the appointment of its members or their alternates shall invalidate its proceedings.

Capital of Corporation.  
[2 of 1986].

**44V.** (1) The authorised capital of the Corporation is one million dollars which may be increased by the Board of Management with the approval of the Minister.

(2) Upon the establishment of the Corporation, there shall be paid-up by the Bank in respect of the capital a sum of five hundred thousand dollars.

(3) The paid-up portion of the authorised capital may be increased by such amount as the Minister on the recommendation of the Bank may approve.

(4) Any increase in the authorised or paid-up capital shall be notified by publication in the *Gazette*.

Powers of the Corporation.  
[2 of 1986].

**44W.** For the proper management and administration of the Fund, the Corporation shall have power—

- (a) to appoint and employ such number of managers, employees and officers and other employers as it considers necessary or desirable for the efficient performance of its functions and upon such terms and conditions as agreed after consultation with the Bank;
- (b) to enter into agreement with the Bank for the secondment of staff and the provision of services;
- (c) to establish committees;
- (d) to levy authorised contributions and premia from member institutions;
- (e) to recommend to the Bank the suspension of business or closure of any member where that member is in financial difficulty;
- (f) in the event of a member becoming insolvent to act as receiver or liquidator of that member;
- (g) to arrange after consultation with and on the advice of the Bank for the restructuring of a failed member whether by merger with a financially sound member or otherwise;



- (h) to pay off depositors up to the insured limit;
- (i) to accumulate, manage and to invest funds collected, to borrow, lend, give guarantees and acquire the undertaking of any institution which is in financial difficulty;
- (j) subject to prior claims being paid, to deduct from moneys from the Fund due to a depositor, any loans due, call called-in guarantees and overdrafts and to set-off deposits pledged as collateral;
- (k) to require from any director, manager, agent or employee of a member institution or from such person in its holding or parent company or any of its subsidiary companies any information in relation to its business or the production of any document or record under his custody or control.

**44X.** (1) Where the Bank advises the Corporation that a member institution has failed, the Corporation shall notify each depositor in writing that the institution is closed and make public notification of the closure in such newspapers as may be considered appropriate, indicating the duties, times and places at which payment shall be made.

Insurance  
payment  
procedures.  
[2 of 1986].

(2) No payment may be made unless a depositor produces satisfactory evidence of his deposit to the Corporation and that evidence shall be surrendered to the Corporation on receipt of payment.

(3) Persons who have deposits in excess of the insured limit shall be paid the insured portion of their deposits and shall be issued with a certificate for the amount in excess of the limit.

(4) Depositors may submit claims for Deposit Insurance up to one year after closure of the institution with which the deposit was made.

(5) Claims made after the time specified in subsection (4) shall be made against the assets of the institution and shall be paid *pro rata* as the assets of the institution are collected and sold.

(6) Claims shall be supported by evidence of deposit ownership and may be made by depositors in person or in writing supported by affidavit.

Business with failed institutions. [2 of 1986].

**44Y.** (1) Persons who have borrowed money from institutions that have been closed by the Bank shall make payments to the Corporation on the same terms and conditions attaching to their loan contracts with the institutions.

(2) Subject to subsection (3) demand loans become due as soon as an institution is closed by the Bank.

(3) The Corporation may on the application of a borrower agree to enter into new arrangements for the repayment of a demand loan.

Effect of closure. [2 of 1986].

**44Z.** Where the Bank closes an institution—

- (a) all accounts of the institution are frozen forthwith;
- (b) interest on deposits immediately ceases to accrue whether or not the date of maturity of the deposit was beyond the date of the closure.

Offences. [2 of 1986].

**44AA.** (1) Where a member institution of the Fund, or any director, agent, servant or employee (including a former director, agent, servant or employee) of that institution fails to comply with any request by the Corporation for information relating to the affairs of the institution or to co-operate in the inspection or investigation of the institution, that institution or that director, agent, servant or employee is guilty of an offence and liable on summary conviction to a fine of fifty thousand dollars or imprisonment for two years or both.

(2) Where a director, agent, servant, employee (including a former director, agent, servant or employee) of a member institution deliberately conceals from the Corporation any material information regarding the financial affairs of the member institution or provides false or misleading information to the Corporation or falsifies or tampers with the books, records, accounts, papers or documents of the institution, so as to mislead the Corporation, that director, agent, servant or employee is guilty of an offence and liable on conviction on indictment to a fine of one hundred thousand dollars or imprisonment for five years or both.

(3) Where a depositor falsifies any passbook, certificate of deposit, bank statement or any document claiming title to a deposit with a failed member institution or where a person fraudulently claims to be a depositor either for payment or for the purpose of claiming an insured deposit, that depositor or person is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars or two years imprisonment or both.

#### PART VI

#### RELATIONS WITH THE GOVERNMENT

**45.** The Bank shall act as banker to the Government and shall be entrusted with such Government banking business in Trinidad and Tobago and abroad as may be assigned to it by the Minister.

Bank as banker to the Government.

**46.** (1) The Bank may make temporary advances to the Government on such terms and conditions as may be agreed upon between the Bank and the Minister.

Power of Bank to make advances to Government.

(2) The total amount of outstanding advances made under this section shall not at any time exceed fifteen per cent of that portion of the estimates of annual revenue of the Government which comprises the sum of total recurrent revenues and capital receipts (exclusive of local and external loans) for the financial year in which the advances were initially made.

(3) All advances granted under this section shall be repaid as soon as possible and, in the event that any advances made in an earlier financial year remain outstanding in the current financial year, the power of the Bank to make further advances to the Government under this section shall be limited to the amount by which the total amount authorised in the year of the earliest outstanding advance exceeds the unpaid balance thereof.

**47.** Apart from the assets held under section 33 the Bank shall not hold securities (including Treasury Bills) issued or guaranteed by the Government as calculated on the nominal value thereof which at any time exceed seven times the sum of

Maximum assets of Bank. [2 of 1986].

the paid-up capital of the Bank and the amount standing to the credit of its General Reserve Fund.

Power of Bank to act as agent for the Government. [23 of 1994].

**48.** The Bank shall on such terms and conditions as may be agreed between the Minister and the Bank, act as agent for the Government in the payment of principal and interest and generally in respect of the management of the public debt.

Issues of policy. [23 of 1994].

**49.** The Bank shall keep the Minister informed of the monetary and banking policy pursued or intended to be pursued by the Bank.

Policy directives.

**50.** The Minister may, after consultation with the Governor, issue to the Bank such written directives of a general nature as may be necessary to give effect to the monetary and fiscal policies of the Government.

#### PART VII

#### ACCOUNTS, REPORTS AND STATISTICS

Bank's financial year.

**51.** The financial year of the Bank shall coincide with the financial year of the Government.

Accounts and audits.

**52.** (1) The accounts of the Bank shall be audited annually by auditors who shall be appointed by the Board each year with the approval of the Minister.

(2) Notwithstanding subsection (1), the Minister may at any time require the Auditor General to examine and report on the accounts of the Bank and the Bank shall provide the Auditor General with all necessary and appropriate facilities for such examination.

Reports.

**53.** (1) The Bank shall, within three months after the end of each financial year, cause to be made and to be transmitted to the Minister—

- (a) a report dealing generally with the operation of the Bank during the last preceding financial year; and
- (b) a copy of the annual audited statement of accounts certified by the auditors.

- (2) The Minister shall as soon as possible after their receipt—
- (a) cause a copy of the report together with the annual audited statement of accounts thereon to be laid before Parliament; and
  - (b) cause a copy of the annual audited statement of account to be published in the *Gazette*.

(3) The Bank shall once in every week cause to be made out and transmitted to the Minister a statement showing its assets and liabilities and every such statement shall be published in the *Gazette*.

**54.** The Bank may at any time for the purpose of carrying out its functions under this Act require financial institutions and such persons or classes of persons as may be subject to this Act to furnish such statistical information as the Bank may specify.

Statistical information from financial institutions. [23 of 1994].

#### PART VIII

#### GENERAL

**55.** (1) The Bank and the Corporation are exempt from the provisions of any Act relating to income taxation or company taxation and from the payment of stamp duty.

Exemption from taxation and stamp duty. [2 of 1986].

(2) The Corporation shall be exempt from the provisions of the Insurance Act.

Ch. 84:01.

**56.** (1) Except in so far as may be necessary for the due performance of its objects, and subject to section 8 of the Financial Institutions Act, every director, officer and employee of the Bank shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of the Bank, any financial institution or person registered under the Insurance Act or of any customers thereof that may come to his knowledge in the course of his duties.

Secrecy and penalty for disclosing information. [23 of 1994 15 of 2004 26 of 2008]. Ch. 79:09. Ch. 84:01.

(2) Any such director, officer or employee who communicates any such matter to any person other than the Board or an officer of the Bank authorised in that behalf by the Governor or suffers or permits any unauthorised person to have access to any books, papers or records relating to the Bank, any financial institution, or person registered under the Insurance Act,

is liable on summary conviction thereof to a fine of six thousand dollars and to imprisonment for two years.

(3) No director, officer or employee of the Bank shall be required to produce in any Court any book or document or to divulge or communicate to any Court any matter or thing coming under his notice in the performance of his duties under this Act except on the direction of the Court or in so far as may be necessary for the purpose of carrying into effect the provisions of this Act, or for the purposes of any criminal proceedings.

(4) Where the Attorney General or the Director of Public Prosecutions applies to a Court, including the Special Tribunal, and the application is supported by a certificate signed by the Governor that evidence prejudicial to the financial system or to the security of the Bank may be adduced in the course of a hearing before the Court, the Court may order that the hearing or any part thereof be held *in camera*.

(5) The certificate of the Governor referred to in subsection (4) is conclusive as to its contents.

Transfer of statements, accounts or lists.  
[23 of 1994].

**57.** Any director, officer or auditor of the Bank who, knowing it to be false in any material particular—

- (a) verifies any statement, account or report of the Bank; or
- (b) causes to be delivered or transmitted any such statement, account or report,

is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for two years.

Transmission of false information by officers of financial institutions.  
[23 of 1994].

**58.** Any officer of a financial institution who, knowing a statement of that financial institution issued pursuant to this Act to be false in a material particular, transmits or causes to be transmitted to the Bank or such financial institution, such statement, is liable on summary conviction to a fine of six thousand dollars and to imprisonment for two years.

Method of service.

**59.** Every notice served under this Act by the Bank may be served by post.

**60.** (1) The Minister may make such Regulations as are necessary in order to give effect to the provisions of this Act. Regulations and Rules.  
[2 of 1986  
23 of 1994  
26 of 2008].

(2) The Bank with the approval of the Minister may from time to time—

- (a) make such Rules as are necessary for its internal administration and management; and
- (b) prescribe a Code of Ethics with which directors, officers and employees of the Bank, including estate constables shall conform.

(3) Any Code of Ethics prescribed under subsection (2)(b) may provide that any breach thereof may result in disciplinary action including dismissal or suspension with or without pay.

(4) The Bank shall consult with the recognised associations and the Estate Police Association before prescribing or amending any Code of Ethics pursuant to this section but shall not so consult in respect of any Code of Ethics relating to directors of the Bank.

(5) The Bank on the recommendation of the Corporation and after consultation with the Minister may make such bye-laws as are necessary for all matters pertaining to the operations and functions of the Corporation.

(6) Fees and charges, as prescribed, shall be payable to the Central Bank by each person regulated by the Central Bank in respect of the administration of its functions under this Act, the Financial Institutions Act, the Insurance Act and any other written law. Ch. 79:09.  
Ch. 84:01.

#### PART IX

#### TRANSITIONAL PROVISIONS

**61.** *(Repealed by Act No. 23 of 1994).*

**62.** The Exchequer and Audit Act shall not apply to the Bank. Non-application  
of Exchequer  
and Audit Act.  
Ch. 69:01.

Section 20H.  
[23/1994].

**SCHEDULE**

**MATTERS TO BE PROVIDED FOR IN THE RULES OF  
A RECOGNISED ASSOCIATION**

1. The name of the association and the place of meeting for its business.
2. The whole of the objects for which the association is to be established, the purposes for which its funds are applicable, the conditions under which a member may become entitled to a benefit assured thereby, and the fines and forfeitures to be imposed on a member of the association.
3. The manner of making, altering, amending, and rescinding the rules.
4. A provision for the appointment and removal of an Executive Committee of management, of a trustee, treasurer and other officers.
5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.
6. The inspection of the books and names of members of the association by any person having an interest in its funds.
7. The manner of dissolution of the association.
8. The protection of voting rights of members of the association and the general conduct of elections.
9. The powers, duties and functions of the Executive Committee.
10. Disputes between members of the association and the Executive Committee.
11. A prohibition against admission to membership of an employee who is a member of another recognised association.



---

SUBSIDIARY LEGISLATION

---

**CENTRAL BANK (DEPOSIT INSURANCE) ORDER**

211/1986.

*made under section 44M*

**1.** This Order may be cited as the Central Bank (Deposit Insurance) Order. Citation.

**2.** The initial contribution to be paid to the Fund by every institution shall be based on a rate of 0.4 per centum of the aggregate of the deposit liabilities of the institution outstanding as at the 31st day of March 1986 and 30th day of June 1986 divided by two. Basis of initial contribution.

**3.** The annual premium to be paid to the Fund by every member of the Fund shall be based on a rate of 0.2 per centum of the aggregate of the deposit liabilities of the member outstanding at the end of each quarter of the preceding year divided by four. Basis of annual premium.

**LAWS OF TRINIDAD AND TOBAGO**

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

58

**Chap. 79:02**

*Central Bank*

[Subsidiary]

207/1987.

**CENTRAL BANK (DEPOSIT INSURANCE) ORDER**

*made under section 44M*

Citation.

**1.** This Order may be cited as the Central Bank (Deposit Insurance) Order.

Basis of initial contribution.

**2.** (1) The initial contribution to be paid to the Fund by every institution licensed for the first time shall be based on a rate of 0.4 per centum of the aggregate of the deposit liabilities of the institution outstanding as at the end of the first and second quarters of the first twelve months of operation divided by two.

(2) The contribution in subsection (1) shall be paid by the institution before the fourth quarter of the first year of operation.

Basis of annual premium.

**3.** The first annual premium to be paid to the Fund by every member of the Fund licensed for the first time shall be based on a rate of 0.2 per centum of the aggregate of the deposit liabilities of the member outstanding at the end of each quarter of the first twelve months of operation divided by four.

57/1993.

**PAR VALUE OF THE TRINIDAD AND TOBAGO DOLLAR ORDER**

*made under section 23(1)*

Citation and Commencement.

**1.** (1) This Order may be cited as the Par Value of the Trinidad and Tobago Dollar Order.

(2) This Order comes into operation on 13th April 1993.

Basis for determination of par value.

**2.** During the continuance in force of this Order the par value of the Trinidad and Tobago dollar in terms of the United States dollar shall be based on prevailing market rates.

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

3. In paragraph 2 “prevailing market rates” means— Interpretation.
- (a) in the case of an authorised dealer under the Exchange Control Act, such rates as that authorised dealer may from time to time specify as its buying and selling rates for the United States dollar; Ch. 79:50.
  - (b) in the case of the Central Bank of Trinidad and Tobago, such rate as the Bank may determine as the average of the buying and selling rates for the United States dollar specified by each authorised dealer referred to in paragraph (a).
-

**CENTRAL BANK (DEPOSIT INSURANCE) BYE-LAWS**

ARRANGEMENT OF BYE-LAWS

**BYE-LAW**

1. Citation.
2. Definitions.
3. Commencement of operations of Corporation.
4. Issue of certificate of insurance to licensed institution.
5. Assessment of initial contribution and annual premium.
6. Inspector of Banks to supply to Corporation information regarding institutions.
7. Inspector's Reports to be available to the Corporation.
8. Annual returns by institutions to Corporation.
9. Public notification of closure of institution.
10. Powers of Corporation in relation to closed institution.
11. Payment by Corporation to depositor.
12. Claims for deposit insurance.
13. Payment of claims.
14. Individual and nominee accounts.
15. Trust accounts.
16. Personal representative accounts.
17. Joint accounts.

**SCHEDULE.**

---

**CENTRAL BANK (DEPOSIT INSURANCE) BYE-LAWS**

210/1986.  
[124/1988].

*made under section 60(3)*

1. These Bye-laws may be cited as the Central Bank (Deposit Insurance) Bye-laws. Citation.

\*2. In these Bye-laws—

Definitions.  
[124/1988].

“closed institutions”, “Corporation” and “deposit” have the meanings assigned to them in section 44J;

“the Act of 1979” means the Financial Institutions (Non-Banking) Act, 1979; 52 of 1979.

“individual account” means a deposit account maintained by a person in his own name and on his own behalf;

“Inspector” means the Inspector of Banks appointed under section 18 of the Banking Act; Ch. 79:01.

“insured deposit” means a deposit insured under section 44N;

“insured limit” means the limit of deposit insurance coverage prescribed by or under section 44N;

“institution” means—

(a) a bank licensed under the Banking Act;

(b) a financial institution licensed under the Act of 1979;

“joint account” means an account in which more than one person has an interest;

“Minister” means the Minister to whom is assigned responsibility for Finance;

“nominee” includes an agent, guardian, custodian and the committee of a patient’s property appointed under section 37 of the Mental Health Act; Ch. 28:02.

“prescribed maximum” means the sum of seventy-five thousand dollars or such other amount as may be prescribed under section 44N(2);

“section” means a section of the Central Bank Act;

\* See Note on page 2.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

62

Chap. 79:02

Central Bank

[Subsidiary]

Central Bank (Deposit Insurance) Bye-laws

“trust account” means an account in respect of which a beneficiary has an interest under an irrevocable express trust created by a written law or by a trust instrument, but does not include any interest retained by the settlor.

Commencement of operations of Corporation.

**3.** (1) The Corporation shall commence operations on the 17th day of September 1986, (hereinafter referred to as the commencement date).

(2) Within four weeks of the commencement date or such later date as may be allowed by the Bank the Inspector shall transmit to the Corporation in respect of every institution—

- (a) a copy of its memorandum and articles of association;
- (b) a copy of its accounts for the immediately preceding three years or for the period since it was licensed, whichever is the shorter;
- (c) a statement as to its deposit liabilities.

Issue of certificate of insurance to licensed institution.

**4.** (1) The Corporation shall issue to every institution a certificate of insurance—

- (a) within two weeks of the commencement date; or
- (b) within one week of the notification under bye-law 6 to the Corporation of the licensing of the institution.

(2) An institution shall display prominently in all of its offices a copy of its certificate of insurance certified by the Corporation.

Assessment of initial contribution and annual premium.

**5.** (1) The Corporation shall assess the initial contribution and the annual premium to be paid by every institution in accordance with the percentage rate of deposits prescribed by the Minister under section 44M.

(2) Where after the commencement date an institution is licensed for the first time, the assessment in respect of that institution shall be made not earlier than six months after the issue of the licence.

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

(3) The Corporation shall notify every institution of the initial contribution and annual premium which it is required to pay, the manner of payment and the time within which such payment is to be made.

\*6. Within one week of the issue of a licence to an institution the Inspector shall notify the Corporation of the same and shall transmit to the Corporation copies of the information which the institution has submitted to the Minister through the Central Bank under section 4 of the Banking Act or section 5 of the Act of 1979.

Inspector of Banks to supply to Corporation information regarding institutions.  
Ch. 79:01.

\*7. The Governor may make available to the Corporation copies of the Inspector's Reports supplied to him or to the Central Bank under the Banking Act or the Act of 1979.

Inspector's Reports to be available to the Corporation.  
Ch. 79:01.

8. (1) On or before the 31st day of January in each year every institution shall file with the Corporation a report, certified by a director of the institution, of—

Annual returns by institutions to Corporation.

- (a) its deposit liabilities for each quarter of the preceding year;
- (b) the institution's assessment of the annual premium imposed on it under section 44M for the current year.

(2) An institution which fails to comply with subregulation (1) is guilty of an offence.

9. The public notification of the closure of an institution under section 44X(1) shall indicate the date of closure and shall state that—

Public notification of closure of institution.

- (a) payment of insured deposits will commence within three months from the date of closure;
- (b) if the depositor does not claim his insured deposit from the Corporation within twelve months of the date of closure, all rights of the depositor against the Corporation concerning the insured deposit are barred, but without prejudice to the rights of the depositor against the institution.

\* See Note on page 2.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

64

Chap. 79:02

Central Bank

[Subsidiary]

Central Bank (Deposit Insurance) Bye-laws

Powers of Corporation in relation to closed institution.

**10.** (1) The Corporation shall in respect of a closed institution—

- (a) balance the books of the institution and update all of its depositors' accounts;
- (b) prepare a list of the assets of the institution;
- (c) prepare a list of all depositors and determine the liability of the institution to each depositor;
- (d) prepare a list of the depositors with loans from the institution and a list of those loans which can be set off against deposits under section 44W(j);
- (e) prepare statements of all depositors' accounts for reconciliation by the depositors prior to the filing of claims for deposit insurance under section 44X;
- (f) prepare a list of depositors with deposits in excess of the insured limit and a list of those depositors to whom certificates for the excess will be given under section 44X;
- (g) prepare a list of other uninsured liabilities of the institution and an estimate of the amount of such liabilities.

(2) The Inspector shall grant all assistance within his power to the Corporation in the discharge of the Corporation's duties under paragraph (1).

Payment by Corporation to depositor.

**11.** In calculating the sum to be paid to the depositor under section 44W(h), there shall be deducted any moneys due to the institution by the depositor.

Claims for deposit insurance. Schedule. [124/1988].

**12.** (1) A claim for deposit insurance shall be in the form set out in the Schedule and shall be accompanied by satisfactory evidence of the claimant's ownership of or interest in the deposit.

(2) A separate claim shall be submitted for each deposit in respect of which, in whole or in part, a claim is made.

(3) The claim shall be made by the person in whose name the deposit account is recorded, or by the assignee thereof.

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016



**13.** (1) For the purpose of payment of deposit insurance, the deposit account records of the institution are *prima facie* evidence of the deposit, its nature and ownership.

Payment of claims.  
[124/1988].

(2) Where the Corporation is satisfied as to the bona fides of the claim and the amount thereof that is due, the Corporation shall authorise the payment of the claim.

(3) Payment shall be made to the claimant or to a person authorised by him in writing to collect the amount due and to sign a receipt therefor on his behalf.

(4) Where payment is made to a person other than the depositor, the Corporation may require that person to execute a contract of indemnity in respect of the amount paid.

**14.** (1) Deposits maintained by a person in more than one account in the same institution shall be added together and insured up to the prescribed maximum in respect of the aggregate amount in the accounts.

Individual and nominee accounts.  
[124/1988].

(2) Funds held by a nominee for the benefit of a principal, ward, minor or patient and deposited in one or more deposit accounts shall be added to any individual accounts of the principal, ward, minor or patient and insured up to the prescribed maximum.

**15.** (1) Subject to this bye-law, a trust account shall be insured up to the prescribed maximum.

Trust accounts.  
[124/1988].

(2) Trust accounts containing funds from the same settlor shall be aggregated.

(3) Funds held in a trust account shall not be combined with individual accounts of a trustee, settlor or beneficiary under the trust.

(4) Where the amount of the interest of a beneficiary under a trust account is ascertainable from the records of the institution, the interest of the beneficiary shall be insured up to the prescribed maximum, separately from the trust account, and the amount of the beneficiary's interest shall be deducted from the trust account for the purpose of insurance of the trust account.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

66

Chap. 79:02

Central Bank

[Subsidiary]

Central Bank (Deposit Insurance) Bye-laws

(5) Where a beneficiary has an interest in more than one trust account, his interest in each such account shall be combined and insurance shall be paid up to the prescribed maximum on the aggregate of such interests.

Personal  
representative  
accounts.  
[124/1988].

**16.** Funds of a decedent held in his name, or in the name of the executor or administrator of his estate, and deposited in one or more deposit accounts shall be added together and insured up to the prescribed maximum, separately from the individual accounts of the beneficiaries of the estate or of the executor or administrator.

Joint accounts.  
[124/1988].

**17.** (1) Subject to this bye-law, deposit insurance is payable in respect of a joint account up to the prescribed maximum.

(2) Joint accounts maintained by the same person are added together.

(3) Where a depositor has an interest in more than one joint account, his interest in each such account shall be combined and insurance shall be paid to the prescribed maximum on the aggregate of such interest.

(4) Unless otherwise stated in the records of the institution, the interest of co-owners in a joint account shall be deemed to be equal.

(5) The receipt for payment of deposit insurance shall be signed by all the joint holders of the account, except where a mandate to the institution authorises any one or more of such holders to sign for the withdrawal of funds.

---

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

SCHEDULE

Bye-law 12(1).  
[124/1988].

The Central Bank (Deposit Insurance) Bye-laws 1986

DEPOSIT INSURANCE CORPORATION

CLAIM FORM

1. INSTITUTION NAME: .....

Branch: .....

2. CLAIMANTS:

	Surname	First Name	Other Name	I.D. No.	B.I.R. File No.
1.	.....	.....	.....	.....	.....
2.	.....	.....	.....	.....	.....
3.	.....	.....	.....	.....	.....
4.	.....	.....	.....	.....	.....

Address: .....  
.....  
.....

Telephone:(Home) ..... (Work) .....

3. DEPOSIT OR ACCOUNT TYPE: ..... No. ....

Issue Date ..... Maturity Date ..... Rate .....%

Principal \$ .....

Interest Due \$ .....+

Payments received to date \$ .....

Total Claim \$ .....

Is deposit pledged? Yes  No

If yes to whom: .....

4. LOANS HELD AT INSTITUTION:

Principal \$..... Rate .....% Term .....

Date loan granted ..... Instalments \$..... Per .....

Date of last payment .....

Balance Outstanding \$.....

5. DECLARATION

I/We .....

claimant(s) state that this claim is made on behalf of .....  
and that no part of said debt has been paid, that no endorsement or assignment of the same or any  
part thereof has been given nor do I/We have any outstanding loans with the said institution save  
as set out above. I/We certify the above information to be correct and are aware of the penalties  
for fraudulent claims as stated in section 44AA(3) of the Central Bank Act.

Signed: 1. .... 3. ....

2. .... 4. ....

For DIC use only:

Balance due on deposit \$ .....

Outstanding Loans (if any) \$ .....

Amount of insured claim \$.....

Receiver certificate \$.....

Cross References .....

Claim No. ....

Date Rec'd. ....

Date Chk'd. ....

Verified .....

Approved .....

[Subsidiary]

**CENTRAL BANK (PAYMENT OF SUPERVISORY FEES  
AND CHARGES) REGULATIONS**

ARRANGEMENT OF REGULATIONS

**REGULATION**

1. Citation.
2. Interpretation.
3. Application of Regulations.
4. Service charges.
5. Date for determining supervisory costs.
6. Apportioning supervisory costs.
7. Supervisory fees.
8. Calculation of fees.
9. Total assets to be aggregate assets.
10. Exclusion of assets.
11. Total assets based on a two-year average.
12. Difference between supervisory fees and licence fees.
13. Flat supervisory fee for pension fund plans.
14. Billing procedure.
15. Time frame for payments by instalments.
16. First payment.
17. Deductions from Reserve Account.
18. Unpaid fees to be recovered as civil debt.
19. Supervisory costs to be introduced on a phased basis.
20. Payments from pension funds.

**SCHEDULE I.**

**SCHEDULE II.**

**CENTRAL BANK (PAYMENT OF SUPERVISORY FEES  
AND CHARGES) REGULATIONS**

170/2011.

*made under section 60(6)*

1. These Regulations may be cited as the Central Bank (Payment of Supervisory Fees and Charges) Regulations. Citation.

2. In these Regulations— Interpretation.

“assets” means the amount shown as total assets in the audited or unaudited balance sheet of a regulated person for its last financial year-end provided that an unaudited balance sheet shall only be used when an audited balance sheet for that financial year-end is not available;

“banking sector” means all licensed financial institutions, financial holding companies and for the purposes of these Regulations, includes the Home Mortgage Bank;

“Central Bank” means the Central Bank of Trinidad and Tobago established under the Central Bank Act;

Ch. 79:02.

“financial holding company” has the meaning assigned to it under the Financial Institutions Act;

Ch. 79:09.

“financial year” means each period not exceeding twelve calendar months designated by a regulated person as the time period for preparing financial reports, balance sheets and income statements;

“fiscal year” means the fiscal year of the Central Bank which represents the twelve-month period between 1st October in any given year to 30th September in the succeeding year;

“foreign regulated subsidiary” means a subsidiary that is located outside of Trinidad and Tobago and is regulated by any regulatory or supervisory agency or body;

“Home Mortgage Bank” means the Home Mortgage Bank established under the Home Mortgage Bank Act;

Ch. 79:08.

“Inspector” means the Inspector of Financial Institutions appointed under the Financial Institutions Act;

“insurance intermediary” means a person registered or applying to be registered as an agent, broker, salesman or adjuster under the Insurance Act;

Ch. 84:01.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

70

Chap. 79:02

Central Bank

[Subsidiary]

Central Bank (Payment of Supervisory Fees and Charges) Regulations

- “insurance sector” for the purposes of these Regulations, means all registered insurance companies;
- Ch. 79:09. “licensed financial institution” means a financial institution licensed under the Financial Institutions Act;
- “OFSO” means the Office of the Financial Services Ombudsman established by agreement between the Central Bank and other banks and insurance companies regulated by the Central Bank;
- Ch. 84:01. “pension fund plan” means any pension fund plan registered under the Insurance Act;
- “pensions sector” means all pension fund plans;
- “prospective entrant” refers to any person, institution or pension fund plan that has applied to be licensed, registered, permitted or otherwise regulated by the Central Bank under the Central Bank Act, the Financial Institutions Act, the Insurance Act or any other written law;
- “registered insurance company” means a company registered under the Insurance Act;
- Ch. 79:08. “regulated person” refers to any person, institution or pension fund plan that is regulated by the Central Bank under the Central Bank Act, the Financial Institutions Act, the Insurance Act, the Home Mortgage Bank Act or any other written law;
- “regulated sector” refers to any grouping or sub-grouping of regulated persons according to the nature of business conducted by such persons, such as the banking, insurance, and pension sectors and any other sector regulated by the Central Bank;
- “supervisory costs” means the total amount of direct and indirect budgeted costs and expenses to be incurred by the Central Bank in respect of its supervision and regulation of all regulated persons for the following fiscal year;
- “supervisory fee” means the portion of the supervisory costs allocated to a regulated person and payable annually;
- “year” means calendar year except where otherwise specified.

Application of Regulations.

**3.** These Regulations shall apply to all regulated persons and prospective entrants in the manner set out herein.

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

4. The service charges set out in Schedule I shall be paid by a regulated person or prospective entrant in respect of any service or activity provided by the Central Bank or the Inspector of Financial Institutions under the provisions of the Central Bank Act, the Financial Institutions Act, the Insurance Act, or any other written law.

Service charges. Schedule I.

Ch. 79:09. Ch. 84:01.

5. The Central Bank shall, on or before the 30th day of September in each year, make a determination of its supervisory costs.

Date for determining supervisory costs.

6. (1) The Central Bank shall apportion the supervisory costs for the banking and insurance sectors on the basis of the time determined by the Central Bank to have been spent during the previous fiscal year in supervising and regulating the banking and insurance sectors in aggregate.

Apportioning supervisory costs.

(2) The apportionment referred to in subregulation (1) shall be further apportioned to each of the banking sector and the insurance sector based on the ratio of assets of each such sector to the total assets of the banking and insurance sectors in aggregate.

7. The supervisory costs apportioned to a regulated sector shall be allocated to each regulated person in that sector in the manner set out in regulations 8 to 12 and each such allocation shall represent the supervisory fee payable by that regulated person to the Central Bank.

Supervisory fees.

8. A regulated person, other than a pension fund plan and an insurance intermediary, shall pay a supervisory fee which shall be the greater of the amounts, as is provided for in paragraph (a) or (b) hereunder—

Calculation of fees.

- (a) the sum derived from dividing the total assets of the regulated person (excluding a pension fund plan and an insurance intermediary) by the total assets of the relevant regulated sector and multiplying the resulting figure by the

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

72

Chap. 79:02

Central Bank

[Subsidiary]

Central Bank (Payment of Supervisory Fees and Charges) Regulations

supervisory costs apportioned to the relevant regulated sector, as illustrated hereunder:

$$\frac{\text{Total assets of regulated person}}{\text{Total assets of regulated sector}} \times \frac{\text{Supervisory costs apportioned}}{\text{to regulated sector}}$$

- (b) fifty thousand dollars (\$50,000.00) in the case of a registered insurance company or one hundred thousand dollars (\$100,000.00) in the case of a licensed financial institution, a financial holding company and the Home Mortgage Bank.

Total assets to be aggregate assets.

**9.** For the purposes of regulation 8, the total assets of a regulated sector shall be the aggregate of the assets of all regulated persons in that sector.

Exclusion of assets.

**10.** For the purposes of regulation 8, the total assets of—

- (a) a financial holding company shall—
- (i) exclude fifty per cent (50%) of the assets of all foreign regulated subsidiaries; and
  - (ii) exclude the assets for the entities in the group regulated by the Central Bank; and
- (b) a licensed financial institution or registered insurance company that is also a holding company shall—
- (i) exclude fifty per cent (50%) of the assets of all foreign regulated subsidiaries; and
  - (ii) exclude the assets for the entities in the group regulated by the Central Bank.

Total assets based on a two-year average.

**11.** The supervisory fee payable by a regulated person in operation for one year or less shall be calculated in accordance with regulation 9 save that the total assets of that regulated person shall be based on a projected two-year average of the total assets of that regulated person as provided to the Central Bank.

Difference between supervisory fees and licence fees.  
Ch. 79:09.

**12.** Where the supervisory fee is determined to be more than any annual licence fee, inclusive of annual branch licence fees payable under the Financial Institutions Act, or any annual

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016



registration fee payable under the Insurance Act by a regulated person, the regulated person shall only be liable to pay as the supervisory fee, the difference between the licence or registration fee and the supervisory fee. Ch. 84:01.

**13.** The supervisory fee specified in the Table in Schedule II shall be paid by a pension fund plan and is based on the total assets of the pension fund plan and the corresponding asset range within which the plan falls in the said Table. Flat supervisory fee for pension fund plans. Schedule II.

**14.** On or before 31st December of each fiscal year, the Central Bank shall issue to each regulated person a written notice setting out the supervisory fee and licence or registration fees, as well as the regulated person's OFSO costs, payable by the regulated person in respect of that year. Billing procedure.

**15.** The fees and costs set out in the notice referred to in regulation 14 shall be paid in two instalments as follows: Time frame for payments by instalments.

- (a) the first instalment shall be paid by 31st January of each year and shall comprise—
  - (i) one hundred per cent (100%) of licence or registration fees;
  - (ii) fifty per cent (50%) of supervisory fees in excess of licence or registration fees; and
  - (iii) fifty per cent (50%) of the regulated person's OFSO costs; and
- (b) the second instalment shall be paid by 30th June of each year and shall comprise—
  - (i) the remaining fifty per cent (50%) of supervisory fees in excess of licence or registration fees; and
  - (ii) the remaining fifty per cent (50%) of the regulated person's OFSO costs.

**16.** Notwithstanding regulations 14 and 15, the Central Bank shall within three months of the coming into effect of these Regulations, issue to each regulated person a written notice setting out the supervisory fee payable in respect of the fiscal year ending 30th September 2012, and if applicable, the licence First payment.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

74

Chap. 79:02

Central Bank

[Subsidiary]

Central Bank (Payment of Supervisory Fees and Charges) Regulations

or registration fee and OFSO costs to be paid by a regulated person in respect of that financial year and the said notice shall stipulate the time frame within which such fees and costs shall be paid to the Central Bank.

Deductions from Reserve Account.

Ch. 79:09.

**17.** A licensed financial institution may authorise the Central Bank to deduct any supervisory fees payable by that institution under these Regulations from monies in its Reserve Account held at the Central Bank pursuant to section 57 of the Financial Institutions Act.

Unpaid fees to be recovered as civil debt.

**18.** Any fees and costs as set out in the notices referred to in regulations 14 and 16 which are not paid within the time stipulated in the notices shall be subject to a charge at a rate equivalent to the prevailing Central Bank repo rate and shall be recoverable as a civil debt payable to the Central Bank in addition to or in lieu of any action the Central Bank may take under any written law.

Supervisory costs to be introduced on a phased basis.

**19.** The supervisory costs to be apportioned in accordance with regulations 5 to 12 shall be applied on a phased basis as follows:

- (a) in respect of the first year, the Central Bank shall apportion sixty per cent (60%) of the supervisory costs;
- (b) in the second year, the Central Bank shall apportion seventy per cent (70%) of the supervisory costs;
- (c) in the third year, the Central Bank shall apportion eighty per cent (80%) of the supervisory costs; and
- (d) in respect of the fourth year and continuing thereafter, the Central Bank shall apportion one hundred per cent (100%) of the supervisory costs.

Payments from pension funds.

**20.** The supervisory fee payable by a pension fund plan under regulation 13 shall be applied on a phased basis as follows:

- (a) in respect of the first year, the Central Bank shall apply sixty per cent (60%) of the

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

- applicable supervisory fee specified in the Table  
in Schedule II for the relevant asset range;      Schedule II.
- (b) in respect of the second year, the Central Bank shall apply seventy per cent (70%) of the applicable supervisory fee specified in the Table in Schedule II for the relevant asset range;
- (c) in respect of the third year, the Central Bank shall apply eighty per cent (80%) of the applicable supervisory fee specified in the Table in Schedule II for the relevant asset range; and
- (d) in respect of the fourth year and continuing thereafter, the Central Bank shall apportion one hundred per cent (100%) of the supervisory fee.
-

**LAWS OF TRINIDAD AND TOBAGO**

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

76

**Chap. 79:02**

*Central Bank*

[Subsidiary]

*Central Bank (Payment of Supervisory Fees and Charges) Regulations*

**SCHEDULE I**

**SCHEDULE OF SERVICE CHARGES PAYABLE UNDER  
THE FEE FOR SERVICE COMPONENT**

**PART I**

*Service Charges for Institutions under the Financial Institutions Act, Ch. 79:09*

DESCRIPTION	FEE
Section 4(2)—Approval for a person, other than a bank, to carry on any business under any name or title of which the word “Bank” or any variation of the word forms part.	\$5,000
Section 16(3)—Application by a licensee to carry on the business of banking.	\$10,000
Section 17(3)—Application by a licensee to carry on the business of a financial nature of any of the classes specified in the First Schedule.	\$10,000
Section 17(4)—Application for persons other than licensees to issue electronic money.	\$10,000
Section 18(1)—Application by a foreign financial institution to carry on banking business or business of a financial nature in Trinidad and Tobago, through a single branch.	\$10,000
Section 21(7)—Application to vary a type and class of business for which the licensee is licensed or to carry on a new type and class of business.	\$5,000
Section 41(3)(f)—Application to establish a subsidiary for the provision of necessary services in support of the activities of the group.	\$5,000
Section 46(1)—Application by a licensee to—	\$5,000
(a) directly or indirectly establish or acquire a subsidiary in or outside of Trinidad and Tobago; or	
(b) enter into an agreement for sale or other transfer of—	
(i) a subsidiary of the licensee; or	
(ii) a controlling or significant interest of the licensee in a financial entity.	

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

DESCRIPTION	FEE
Section 46(2)—Application by a licensee to— (a) enter into an agreement for sale or other transfer of ten per cent or more of the assets of— (i) the licensee; (ii) a subsidiary of the licensee; or (iii) a company or unincorporated body in which the licensee has a controlling or significant interest; or (b) undertake any other restructuring that would result in a reduction in the capital of the licensee.	\$5,000
Section 50(3)—Application by a licensee to— (a) establish, acquire or open a branch or representative office outside Trinidad and Tobago; or (b) close or relocate a branch outside Trinidad and Tobago.	\$10,000
Section 50(5)—Application for a foreign financial institution to— (a) establish, acquire or open a representative office or an additional branch in Trinidad and Tobago; (b) close or relocate a branch in Trinidad and Tobago; or (c) close or relocate a representative office in Trinidad and Tobago.	\$10,000
Section 51(1)—Notification of a new product or service.	\$1,000
Section 66(1)—Application to commence a voluntary winding-up.	\$5,000
Section 70(1)—Application for a permit to establish a financial holding company.	\$10,000
Section 71(1)—Application for a controlling shareholder permit.	\$5,000
Section 72(1)—Application to become a significant shareholder.	\$5,000
Section 73(1)—Application by a licensee or financial holding company of a licensee to merge with another company.	Actual time spent by personnel x (average hourly salary + benefits of personnel)

**LAWS OF TRINIDAD AND TOBAGO**

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

78

**Chap. 79:02**

*Central Bank*

**[Subsidiary]**

*Central Bank (Payment of Supervisory Fees and Charges) Regulations*

**PART I—Continued**

DESCRIPTION	FEE
Section 74(1)—Application for a permit for a financial entity or a significant or controlling shareholder of a financial entity to become an acquirer of a licensee or of the financial holding company of a licensee.	\$10,000

**PART II**

*Service Charges for Institutions under the Insurance Act, Chap. 84:01*

DESCRIPTION	FEE
Section 12(1)(c)—Application by an insurer for the approval of the Central Bank to carry on insurance business outside of Trinidad and Tobago.	\$10,000
Section 14(1)—Application by a company to the Central Bank for a registration under this Act to carry on insurance business.	\$10,000
Section 20(1)—Notification to become a Controller of an insurance company.	\$10,000
Section 23—Notification of amendment to any particulars specified in the company’s application for registration.	\$1,000
Section 24(1)—Notification of issue of a new form of policy, standard form of endorsement or form of application.	\$2,500
Section 25(1)—Notification of cancellation of registration for a company.	\$7,500
Section 39(1)—Application to create a trust deed relating to assets placed in trust for statutory fund purposes.	\$1,000
Section 84(1)—Application for the confirmation of a scheme made by or on behalf of any company engaged in the transfer or amalgamation with another company.	Actual time spent by personnel x (average hourly salary + benefits of personnel)
Section 86(3)—All expenses incurred by the Central Bank in obtaining the report of any actuary on the scheme shall be defrayed by the companies engaged in the transfer or amalgamation, and any sum due in respect of those expenses may be recovered summarily as a civil debt by the Bank from the companies either jointly or severally.	All expenses incurred by the Bank

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

DESCRIPTION	FEE
Section 89(1)—Application to be registered as a Salesman.	\$100
Section 89(1)—Application to be registered as an Agent (Individual).	\$500
Section 89(1)—Application to be registered as an Agent (Corporate Bodies or Partnership).	\$1,000
Section 89(1)—Application to be registered as a Broker (individual and Corporate Bodies or Partnership).	\$2,500
Section 89(1)—Application to be registered as an Adjuster (individual and Corporate Bodies or Partnership).	\$2,500
Section 95(c)—Application for cancellation of registration for Salesman or Agent.	\$100
Section 95(c)—Application for cancellation of registration for Broker or Adjuster.	\$500
Section 108(3)—Application by an Agent to act on behalf of more than one insurer in respect of different classes of business.	\$1,000
Section 119—Application to issue a standard form of proposal or policy.	\$2,500
Section 135—Application to suspend or vary the obligation of the company to pay surrender values.	\$1,000
Section 155—Application for the approval to establish and implement a plan.	\$10,000
Section 160—All expenses incurred by the Central Bank in connection with an application for approval to establish and implement a plan shall be defrayed by the company, and any sum due in respect of those expenses may be recovered from the company by the Bank summarily as a civil debt.	Actual time spent by personnel x (average hourly salary + benefits of personnel)+ third party costs
Section 176(1)—Application for the registration of a Pension Fund Plan.	\$50

**LAWS OF TRINIDAD AND TOBAGO**

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

80

**Chap. 79:02**

*Central Bank*

**[Subsidiary]**

*Central Bank (Payment of Supervisory Fees and Charges) Regulations*

**PART II—Continued**

DESCRIPTION	FEE
Section 176(5)—Application for an amendment or for the correction of the register in respect of a change.	\$10
Section 188(3)—Application to be registered as an association of underwriters.	\$10,000
Section 196(1)—Approval to publish a prospectus, notice, circular, or other invitation offering to the public for subscription any shares in a company or proposed company.	\$500

---

**SCHEDULE II**

**APPLICATION OF FLAT FEE TO PENSION PLAN ASSET RANGES**

RANGE	FLAT FEE
Less than \$2,500,000	\$5,000
\$2,500,000–\$10,000,000	\$7,500
\$10,000,000–\$25,000,000	\$10,000
\$25,000,000–\$50,000,000	\$15,000
\$50,000,000–\$100,000,000	\$20,000
\$100,000,000–\$250,000,000	\$25,000
\$250,000,000–\$500,000,000	\$30,000
\$500,000,000–\$1,000,000,000	\$45,000
\$1,000,000,000–\$1,500,000,000	\$60,000
\$1,500,000,000–\$2,500,000,000	\$75,000
\$2,500,000,000–\$3,500,000,000	\$100,000
\$3,500,000,000 and above	\$150,000

---

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016