

BELIZE:

CENTRAL BANK OF BELIZE (AMENDMENT) BILL, 2023

ARRANGEMENT OF CLAUSES

1. Short title.
2. Amendment of section 2.
3. Amendment of section 6.
4. Amendment of section 18.
5. Insertion of new section 18A.

BELIZE:

BILL

for

AN ACT to amend the Central Bank of Belize Act, Chapter 262 of the Substantive Laws of Belize, Revised Edition 2020, to satisfy the requirements of the Financial Action Task Force (FATF) Recommendations; to provide for the exchange of information between financial supervisors; to allow for reinforcement of the Central Bank to ensure financial institutions comply with AML/CFT/CPF international standards and to avoid any real or perceived conflicts of interest; and to provide for matters connected therewith or incidental thereto.

(Gazetted2023).

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the

CENTRAL BANK OF BELIZE (AMENDMENT) ACT, 2023,

CAP. 262.

and shall be read and construed as one with the Central Bank of Belize Act, which, as amended, is hereinafter referred to as the principal Act.

Amendment of section 2.

2. The principal Act is amended in section 2 by inserting the following term and its corresponding definition in its proper alphabetical sequence—

““AML/CFT/CPF” means anti-money laundering, combating the financing of terrorism and combating proliferation financing;”.

Amendment of section 6.

3. The principal Act is amended in section 6—

(a) by renumbering that section as sub-section (1); and

(b) by inserting the following new sub-section—

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“ (2) Notwithstanding sub-section (1), the Central Bank shall perform the duties conferred on it by section 21 of the Money Laundering and Terrorism (Prevention) Act.”

CAP. 104.

4. The principal Act is amended in section 18 by–

Amendment of section 18.

(a) inserting immediately after sub-section (1A), the following new sub-sections–

“(1B) Sub-section (1) shall not prevent the disclosure of any information for the purpose of enabling or assisting a foreign regulatory authority to exercise functions corresponding to a competent authority’s functions under this Act for AML/CFT/CPF purposes, including where the foreign regulatory authority has requested assistance in connection with inquiries being carried out by it or on its behalf.

(1C) In deciding whether to exercise those powers, the Central Bank shall consider, in particular–

- (a) whether corresponding assistance would be given in that country or territory to the Authority;
- (b) whether the inquiries relate to the possible breach of a law, or other requirement, which has no close parallel in Belize or involves the assertion of a jurisdiction not recognised by Belize;
- (c) the nature and seriousness of the matter to which the inquiries relate, the importance to the inquiries of the information sought in Belize; and
- (d) whether the assistance could be obtained by other means; and
- (e) whether it is otherwise appropriate in the public interest to give the assistance sought.

(1D) The Central Bank shall not exercise the powers conferred by sub-section (1B) unless it is satisfied that the assistance requested by the foreign regulatory authority is for the purposes of its regulatory functions.

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(1E) Sub-section (1B) shall not prevent the disclosure of information—

- (a) domestically for the purpose of enabling or assisting competent authorities with the discharge of statutory functions or that is in the public interest;
- (b) for the purpose of enabling or assisting the Central Bank to exercise any functions conferred on it by this Act or any regulations;
- (c) if the information is or has been available to the public from other sources;
- (d) in a summary or collection of information framed in such a way as not to enable the identity of any individual depositor, client, or other customer of a financial institution or of any financial institution to which the information relates to be ascertained; and
- (e) for the purpose of enabling or assisting a foreign regulatory authority to exercise functions corresponding to a competent authority's functions under this Act.

(1F) Sub-section (1B) shall not prevent the disclosure of regulatory, prudential, or AML/CFT/CPF information for the purpose of enabling or assisting a foreign regulatory authority in the exercise of its functions corresponding to a foreign regulatory authority's functions under this Act.

(1G) For the purposes of this section, a foreign regulatory authority means a regulatory authority in a country or a territory outside Belize.

(1H) Where, in accordance with sub-section (1B), the Central Bank is satisfied that assistance should be provided pursuant to a request by a foreign regulatory authority and that the request is in relation to information which is in the possession or under the control of a person in Belize, the Central Bank may, by notice in writing served on such person, the specified person—

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- (a) require the specified person to furnish it with such information as the Central Bank may require with respect to any matter relevant to the inquiries to which the request relates;
- (b) require the specified person to produce to it such document or documents of such description as it may specify;
- (c) require the specified person or any of his officers, servants, or agents to attend before the Central Bank at a specified time and place and answer any questions on oath or otherwise furnish any information with respect to any matter relevant to the inquiries;
- (d) require the specified person to otherwise give the Central Bank such assistance in connection with those inquiries as the specified person may reasonably be able to give.

(1I) Where documents are produced pursuant to this section, the Central Bank may take copies from them.

(1J) Nothing in this section shall require the disclosure or production by a person of information or documents which he would be entitled to refuse to disclose or produce on the grounds of legal professional privilege in proceedings in Belize.

(1K) Where a person claims a lien on a document, its production under this section is without prejudice to his lien.

(1L) In this section “documents” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, the power to require its production includes power to require the production of a copy of it in legible form.”;

- (b) in sub-section (2), by inserting immediately after the words “sub-section (1)” the words “and sub-section (3)”;
- (c) by inserting immediately after sub-section (2), the following new sub-section—

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“(3) The Central Bank shall maintain confidentiality for any request for cooperation in the exchange of information domestically and internationally.”

Insertion of new section 18A.

5. The principal Act is amended by inserting immediately after section 18, the following new section–

“Code of Conduct.

18A. The Central Bank shall establish a Code of Conduct requiring a director, Governor, Deputy Governors and the Bank's employees to avoid any situation likely to give rise to a conflict of their personal interests with interests of the Bank.”