

BELIZE:

CREDIT UNIONS (AMENDMENT) BILL, 2023

ARRANGEMENT OF CLAUSES

1. Short title.
2. Amendment of section 2.
3. Amendment of section 9.
4. Insertion of new section 12A.
5. Insertion of new section 85A.

BELIZE:

BILL

for

AN ACT to amend the Credit Unions Act, Chapter 314 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 chief executive officer, senior executive officer, and members of the Board of Directors, Supervisory Committee and Credit Committee to be fit and proper; to provide for publication of sanctions at the discretion of the Central Bank of Belize; to provide for credit unions to comply with all requirements of the Money Laundering and Terrorism (Prevention) Act; 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

CREDIT UNIONS (AMENDMENT) ACT, 2023,

CAP. 314.

and shall be read and construed as one with the Credit Unions Act, which 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—

““decision notice” means a notice that advises on the outcome of a decision taken by the Registrar in accordance with the legal requirements of the Act;”.

Amendment of section 9.

3. The principal Act is amended in section 9 by inserting immediately after sub-section (1), the following new sub-sections—

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“ (1A) Every person who is, or is to be, the chief executive officer, a senior executive officer, an officer holding a management function, a member of any credit union committee, a member of the supervisory committee, or a director of a credit union, shall be a fit and proper person to hold the particular position which he holds or is to hold.

(1B) In determining whether a person is a fit and proper person to hold any particular position, regard shall be had to—

- (a) the person’s qualifications, training and previous conduct and activities in business or financial matters;
- (b) the person’s probity, reputation and character;
- (c) the competence and soundness of the person’s judgment for fulfilling the responsibilities of that position; and
- (d) the diligence with which the person is fulfilling or likely to fulfil those responsibilities.

(1C) Without prejudice to the generality of the foregoing provisions, regard may be had to the previous conduct and activities in business or financial matters of the person in question and, in particular, to any evidence that the person has—

- (a) committed an offence involving fraud or other dishonesty or violence;
- (b) contravened any provision made by or under any enactment appearing to the Registrar to be designed for protecting members of the public against financial loss due to—
 - (i) dishonesty, incompetence or malpractice by persons concerned in the provision of banking, insurance, investment or other financial services or the management of companies; or
 - (ii) the conduct of discharged or undischarged bankrupts;
- (c) been censured or disqualified by any professional or regulatory body;
- (d) engaged in any business practices appearing to the Registrar to be deceitful or oppressive or otherwise improper (whether lawful or not) or which otherwise reflect discredit on his method of conducting business; and

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(e) engaged in, or has been associated with, any other business practices or otherwise conducted himself in such a way as to cast doubt on his competence and soundness of judgment.

(1D) In assessing whether a person is fit and proper for a particular position in light of evidence of past misconduct, regard shall also be had to the lapse of time since the misconduct and the person's subsequent conduct.”

4. The principal Act is amended by inserting immediately after section 12, the following new section—

Insertion of new section 12A.

“Compliance with the Money Laundering and Terrorism (Prevention) Act. CAP. 104.

12A. A credit union shall comply with the requirements of the Money Laundering and Terrorism (Prevention) Act, and any Regulations and guidelines made under that Act or adopted by the Registrar.”

Insertion of new section 85A.

5. The principal Act is amended by inserting immediately after section 85, the following new section—

“Publication of sanctions.

85A.—(1) Subject to sections 7, 10, 20, 58(3), 60(9), 61(10) and 87, the Registrar may publish such information about a matter to which a decision notice relates as it considers appropriate.

(2) For the purposes of this section, a decision notice means a notice that advises on the outcome of a decision taken by the Registrar which includes but is not limited to—

- (a) restricting a registration;
- (b) cancelling a registration under section 20;
- (c) imposing an administrative sanction; and
- (d) publishing a statement in respect of contraventions of any requirement under this Act.

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- (3) The Registrar shall not publish a decision notice—
- (a) before notifying the person concerned; and
 - (b) pending an appeal under section 66(8).”