

**THE BANKS AND TRUST COMPANIES
REGULATION ACT
(CHAPTER 316)**

**THE BANKS AND TRUST COMPANIES
(EQUITY INVESTMENTS)
REGULATIONS, 2005**

S.I. No. 23 of 2005

The Governor of the Central Bank of The Bahamas in exercise of the powers conferred by section 24 of the Banks and Trust Companies Regulation Act, makes the following regulations –

Citation.

1. These Regulations may be cited as the Banks and Trust Companies (Equity Investments) Regulations, 2005.

Interpretation.

2. In these Regulations -
- “control” means the power, whether arising from ownership, contract, guarantee, agreement, or otherwise, whereby one person can direct the affairs of another;
- “licensee” means any Bank or Trust Company which is incorporated in The Bahamas and which holds a licence granted under section 4 of the Act;
- “related party” includes-
- a) a person that controls, whether directly or indirectly, a licensee;

- b) a person that is controlled, whether directly or indirectly, by the person that controls the licensee;
- c) the subsidiaries or associate companies of a licensee;
- d) the directors, executive officers, senior staff of—
 - (i) a licensee;
 - (ii) any person identified in paragraphs (a),(b), or (c) of this Regulation.
- e) any person who, either alone or together with any associate, is entitled to exercise control over ten percent or more of the share capital of—
 - (i) a licensee;
 - (ii) any person identified in paragraphs (a), (b) or (c) of this Regulation;
- f) The immediate family members of persons identified in paragraphs (a), (d) or (e) of this Regulation;
- g) Partnerships, companies, trusts or other entities in which an immediate family member referred to in paragraph (f) of this Regulation, has a controlling interest; and
- h) any person that manages or is managed by a licensee under a management contract.

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“the Act” means the Banks and Trust Companies Regulation Act;

Approval

3.

No licensee shall, without the prior written approval of

for

the Governor—

Equity

(a) acquire or hold the shares, securities or other

Investments.

interests in or of any person that is a related party to the licensee; and

(b) acquire, either directly or indirectly, more

than five percent of the shares, securities, or any other interests in any other person.

Definition

4.

For the purposes of these regulations, “person” includes

of Person

an individual, a sole proprietorship, partnership, joint venture, foundation, trust, estate, business trust, company, corporation, fund, unincorporated association or organization, sovereign government or agency, instrumentality, or political subdivision thereof, or any similar entity or organization.

Fine.

5.

The Governor may impose a fine not exceeding five

thousand dollars where a licensee fails to comply with the provisions of these Regulations.

Made this 13th day of April, 2005.

Signed
JULIAN FRANCIS
Governor of the Central Bank of The Bahamas