

LEGAL NOTICE No. 210

REPUBLIC OF TRINIDAD AND TOBAGO

THE CENTRAL BANK ACT, CHAP. 79:02

BYE-LAWS

MADE BY THE CENTRAL BANK OF TRINIDAD AND TOBAGO UNDER SECTION 60(3) OF THE CENTRAL BANK ACT

THE CENTRAL BANK (DEPOSIT INSURANCE) BYE-LAWS, 1986

1. These Bye-laws may be cited as the Central Bank (Deposit Insurance) Citation Bye-laws, 1986.

2. In these Bye-laws—

Definitions

“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; Act No. 52 of 1979

“Inspector” means the Inspector of Banks appointed under section 18 of the Banking Act; Chap. 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;

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

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

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

(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.

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

(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.

(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.

Inspector of Banks to supply to Corporation information regarding institutions

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's Reports to be available to the Corporation

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.

Annual returns by institutions to Corporation

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

- (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.

Public notification of closure of institution

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

- (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.

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).

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.

Payment by
Corporation
to depositor

Made by the Bank this 17th day of September, 1986.

E. BOBB
Governor, Central Bank of
Trinidad and Tobago