

A BILL

entitled

EXCHANGE CONTROL AMENDMENT ACT 2018

WHEREAS it is expedient to amend the Exchange Control Act 1972;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Exchange Control Amendment Act 2018.

Amends section 1

2 The Exchange Control Act 1972 is amended in section 1 by inserting in the appropriate alphabetical order the following—

“beneficial owner” shall have such meaning as may be prescribed;  
“prescribed” means prescribed by regulations under section 2.”.

Amends section 2

3 The Exchange Control Act 1972 is amended in section 2—

(a) in subsection (1)—

(i) in paragraph (n), by inserting after the word “directions” the words “or notices”;

(ii) by inserting after paragraph (n) the following—

“(na) respecting the power of the Controller of Foreign Exchange to obtain information from any person to which this Act applies including, but not limited to, information relating to beneficial owners;

(nb) prescribing civil penalties, the procedure for the imposition thereof and for appeals;

(nc) providing for savings and transitional matters;”;

EXCHANGE CONTROL AMENDMENT ACT 2018

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(b) in subsection (2), by deleting the word “and” at the end of paragraph (b) and by inserting after paragraph (b) the following—

“(ba) that a contravention or breach thereof shall be subject to the imposition of such civil penalty not exceeding \$25,000 as may be prescribed; and”.

Commencement

4 This Act shall come into operation on such day as the Minister of Finance may by notice in the Gazette appoint.

## EXCHANGE CONTROL AMENDMENT BILL 2018

### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Exchange Control Act 1972 (the “Act”) in relation to the Controller of Foreign Exchange’s power to obtain information from persons, the imposition of civil penalties and connected purposes.

Clause 1 provides the title of the Act.

Clause 2 amends section 1 of the Act to insert new definitions.

Clause 3 amends section 2 of the Act to extend the regulation-making powers to include additional powers for the Controller of Foreign Exchange to obtain information and to enable additional provisions to be made, including provision for civil penalties.

Clause 4 provides for the commencement of the Act.