

SAINT LUCIA

No. 14 of 2022

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Amendment of section 2
4. Amendment of section 5
5. Substitution of section 10

I Assent

[L.S.]

ERROL CHARLES,
Acting Governor-General.

July 27, 2022.

SAINT LUCIA

No. 14 of 2022

AN ACT to amend the International Banks Act, Cap. 12.17.

[2nd August, 2022]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the International Banks (Amendment) Act, 2022.

Interpretation

2. In this Act, “principal Act” means the International Banks Act, Cap. 12.17.

Amendment of section 2

3. Section 2 of the principal Act is amended by inserting in the correct alphabetical sequence the following new definitions —

““effective consolidated supervision” means —

- (a) the consistent periodic assessment of the overall strength of a financial group of companies and the impact that the activities of one company in the group has on another company;
- (b) the effect of activities of a company that is not regulated on a company that is regulated and supervised;

“financial services regulator” means a statutory body or government department responsible for the registration and licensing of —

- (a) a bank;
- (b) a non-bank financial institution, such as —
 - (i) a building society,
 - (ii) a credit union,
 - (iii) an insurance company,
 - (iv) a lending institution,
 - (v) a money transmitter;

“physical presence” means the existence of meaningful mind and management in the country in which the bank is incorporated and licensed and the existence of a registered agent or non management staff does not constitute mind and management.

“shell bank” means a bank that —

- (a) does not have physical presence in the country it is incorporated and licensed; and
- (b) is unaffiliated with a financial group of companies, that is subject to effective consolidated supervision by a financial service regulator;”.

Amendment of section 5

4. Section 5 of the principal Act is amended, in subsection (1), by inserting the words “physical presence” immediately after the words “unless it has”.

Substitution of section 10

5. The principal Act is amended by deleting section 10 and substituting the following —

“Limitation on activities

10.—(1) A licensee shall not, without the written approval of the Minister, carry on any banking business with a resident, unless the business is connected with the provision of an international banking business service from Saint Lucia, as provided in this Act or an enactment governing the operations and activities of the licensee.

(2) A licensee operating an international banking business in Saint Lucia shall not continue or establish a business relationship with a shell bank.”.

Passed in the House of Assembly this 12th day of July, 2022.

CLAUDIUS J. FRANCIS,
Speaker of the House of Assembly.

Passed in the Senate this 14th day of July, 2022.

STANLEY FELIX,
President of the Senate.