

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,483, 9 ta' Ottubru, 2015

Taqsima C

Nru. 119

9. 10. 2015

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Chris Cardona, M.P., Ministru għall-Ekonomija, Investiment u Intraprizi Żgħar, f'isem il-Ministru għall-Finanzi, u moqri għall-Ewwel darba fis-Seduta tal-5 ta' Ottubru, 2015.

ATT biex jemenda l-Att tal-Bank Ċentrali ta' Malta, Kap. 204.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

ABILL introduced by the Honourable Chris Cardona, M.P., Minister for the Economy, Investment and Small Business, on behalf of the Minister for Finance, and read the First time at the Sitting of the 5th October, 2015.

AN ACT to amend the Central Bank of Malta Act, Cap. 204.

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda l-Att tal-Bank Ċentrali ta' Malta, Kap. 204.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, harget b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2015 li jemenda l-Att dwar il-Bank Ċentrali ta' Malta u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-Bank Ċentrali ta' Malta hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-seħh.

Kap. 204.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-Finanzi jista' b'avviż fil-Gazzetta jstabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

2. It-Taqsim tal-Att għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni
tat-"Taqsim tal-
Att" fl-Att
prinċipali.

"TAQSIM TAL-ATT

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Skeda

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Sostituzzjoni tal-artikolu 24 tal-Att prinċipali.

3. L-artikolu 24 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Stabbiliment ta' Regjistru Ċentrali tal-Kreditu.

24. (1) Għandu jkun hemm stabbilit Regjistru Ċentrali tal-Kreditu (hawn iżjed 'il quddiem imsejjaħ "Regjistru") fil-Bank li jinkludi fih informazzjoni granulari li mhix anonimizzata fuq espożizzjonijiet attwali u kontingenti li jirrizultaw minn faċilitajiet ta' kreditu u faċilitajiet oħra mogħtija lill-persuni fiżiċi u legali jew entitajiet, residenti jew mhux residenti f'Malta, sabiex jintuza għall-għanijiet li ġejjin:

- (a) ċentralizzazzjoni ta' informazzjoni fuq espożizzjonijiet ta' kreditu;
- (b) analizi tal-istabbiltà finanzjarja;
- (ċ) implimentazzjoni tal-politika monetarja;
- (d) kumpilazzjoni tal-istatistika; u
- (e) faċilitar tal-valutazzjoni tar-riskju tal-kreditu.

(2) Il-Bank jista' johroġ, jemenda jew jirrevoka direttivi li jimponu rekwiżiti fuq istituzzjonijiet ta' kreditu u istituzzjonijiet oħra sabiex jipprovdu informazzjoni fir-rigward tar-Registru u jiddefinixxu kundizzjonijiet għall-aċċess tal-informazzjoni miżmuma fuq ir-Registru. It-trasferiment tal-informazzjoni għal u mir-Registru taħt il-kundizzjonijiet stipulati mid-direttivi tal-Bank m'għandhomx jitqiesu li qed jiksru is-segretezza bankarja u l-obbligu tal-kunfidenzjalità taħt kwalunkwe liġi oħra; sakemm l-istituzzjoniet u entitajiet oħra li ġew mogħtija aċċess għall-informazzjoni miżmuma fir-Registru jassiguraw li l-informazzjoni hija protetta kontra l-użu hażin u tibqa' sigrieta bħallikieku kienet informazzjoni li tirrigwarda l-klijenti tagħhom.

(3) Persuni li jissellfu għandhom id-dritt li jkollhom estratt tal-informazzjoni miżmuma fuqhom fir-Registru.

(4) Mingħajr preġudizzju għall-artikolu 41, il-Bank jista' jipprovdi aċċess għall-informazzjoni miżmuma fir-Registru fuq bazi ta' arrangamenti ta' reċiproċità lill-banek ċentrali u istituzzjonijiet tal-iStati Membri tal-Unjoni Ewropea li jgħolqu *databases* komparibbli mar-Registru, sakemm il-kundizzjonijiet ta' aċċess għal din l-informazzjoni u r-rekwiżiti tal-kunfidenzjalità fl-iStat Membru inkwistjoni jilhqgħu l-kriterji stabbiliti f'dan l-Att.

(5) Il-Bank jista' jimponi tariffi għall-informazzjoni provduta jew għall-aċċess mogħti lill-istituzzjonijiet, persuni jew entitajiet oħra għar-Registru.

Kap. 422.

(6) Minkejja d-dispożizzjonijiet tal-Att dwar l-Awtorità tal-Istatistika ta' Malta, il-Bank jista' jitlob lill-Uffiċċju Nazzjonali tal-Istatistika sabiex jgħaddilu kull informazzjoni fil-pussess tiegħu jew aċċessibbli minnu u li hija neċessarja għall-Bank fil-qadi ta' dmirijietu fir-rigward tar-Registru u l-Uffiċċju Nazzjonali tal-Istatistika għandu jikkonforma ma' din it-talba.

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(7) Il-Bank għandu jgħaddi estratti tal-informazzjoni kif irreġistrata li waslet taht is-subartikolu (6) lill-ufficjali awtorizzati gejjin minn istituzzjonijiet ta' kreditu u istituzzjonijiet oħra u huma meħtieġa jużaw din l-informazzjoni biss għall-iskop tas-subartikolu (1) sal-limitu u l-livell ta' dettall neċessarju għat-twettiq ta' dmirijiethom."

Emenda tal-artikolu 56 tal-Att prinċipali.

4. Fil-paragrafu (b) tal-artikolu 56 ta' l-Att prinċipali, minflok il-kliem "taht id-dispożizzjonijiet tal-artikolu 23" għandhom jidhlu l-kliem "taht id-dispożizzjonijiet tal-artikoli 23 jew 24".

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz ta' Ligi u sabiex jiġi stabbilit Regjistru Ċentrali tal-Kreditu fil-Bank Ċentrali ta' Malta; barra minn hekk l-Att qed jiġi emendat sabiex jiġi aġġornat fid-dawl ta' emendi riċenti li saru fl-Att.

BILL
entitled

AN ACT to amend the Central Bank of Malta Act, Cap. 204.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. (1) The short title of this Act is the Central Bank of Malta (Amendment) Act, 2015, and this Act shall be read and construed as one with the Central Bank of Malta Act, hereinafter referred to as "the principal Act".

Short title and commencement.
Cap. 204.

(2) The provisions of this Act shall come into force on such a date as the Minister responsible for Finance may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

2. The Arrangement of the Act shall be substituted by the following:

Substitution of the "Arrangement of the Act" in the principal Act.

"ARRANGEMENT OF ACT

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	Schedule	

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Addition of new article to the principal Act.

3. Article 24 of the principal Act shall be substituted by the following new article:

"Establishment of a Central Credit Register.

24. (1) There shall be established a Central Credit Register (hereinafter the "Register") at the Bank with non-anonymised granular information on actual and contingent exposures arising from credit and other facilities granted to natural or legal persons or entities, either resident or non-resident in Malta, to be used for the following purposes:

- (a) centralisation of information on credit exposures;
- (b) analysis of the stability of the financial system;
- (c) implementation of monetary policy;
- (d) compilation of statistics; and
- (e) facilitating the assessment of credit risk.

(2) The Bank may issue, amend or revoke directives imposing requirements on credit and other institutions to provide information in relation to the Register and setting out the conditions for granting access to the information held on the Register. The transfer of information into or from the Register under the conditions laid down by the Bank's directives shall not be deemed to be a breach of banking secrecy and confidentiality obligations under any other law; provided that institutions and other entities granted access to the information held on the Register shall ensure that the information is protected against misuse and remains secret as if it were information on their own clients.

(3) Borrowers shall have the right to have an extract of the information kept on them on the Register.

(4) Without prejudice to article 41, the Bank may provide access to the information held on the Register on the basis of reciprocity arrangements to central banks and other institutions of Member States of the European Union that create databases comparable to the Register, provided that the conditions of access to this information and the confidentiality requirements in the Member State in question meet the criteria as laid down by this Act.

(5) The Bank may impose fees for information provided or access granted to the Register to institutions, persons or other entities.

Cap. 422.

(6) Notwithstanding the provisions of the Malta Statistics Authority Act, the Bank may require the National Statistics Office to pass to it any information in possession of or accessible to the National Statistics Office which is necessary for the Bank in the discharge of its duties in relation to the Register and the National Statistics Office shall comply with such request.

(7) The Bank shall forward extracts of the information as received under sub-article (6) to authorised officials of credit and other institutions who are required to use this information only for the purpose of sub-article (1) to the extent and at the level of detail necessary for the performance of their duties."

4. In paragraph (b) of article 56 of the principal Act, for the words "under the provisions of article 23" there shall be substituted the words "under the provisions of articles 23 or 24".

Amendment of article 56 of the principal Act.

Objects and Reasons

The object of this Bill is to establish a Central Credit Register at the Central Bank of Malta; moreover the Act is being amended in order to update it in view of recent amendments made to the Act.

