

JAMAICA

No. 5 – 2022

I assent,

[L.S.]


Governor-General.



AN ACT to Amend the Bank of Jamaica Act.

[14 June 2022]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1.—(1) This Act may be cited as the Bank of Jamaica (Amendment) Act, 2022, and shall be read and construed as one with the Bank of Jamaica Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Short title
and
construction.

2. Section 2 of the principal Act is amended—

(a) by inserting the following definition in the appropriate alphabetical sequence—

Amendment
of section 2
of principal
Act.

“central bank digital currency” means a digital form
of currency, issued by the Bank under section

12(1), that is legal tender in electronic form in the Island;”;

- (b) in the definition of “monetary liabilities”, by deleting the words “notes and coins” and substituting therefor the words “notes, coins and central bank digital currency”.

Amendment
of section 5
of principal
Act.

3. Section 5 of the principal Act is amended in subsection (2)(c), by deleting the words “notes and coins” and substituting therefor the words “notes, coins and central bank digital currency”.

Amendment
of section 10
of principal
Act.

4. Section 10 of the principal Act is amended in subsection (1), by deleting the words “notes and coins” and substituting therefor the words “notes, coins and central bank digital currency”.

Amendment
of section 12
of principal
Act.

5. Section 12 of the principal Act is amended—

- (a) in subsection (1), by deleting the words “notes and coins” and substituting therefor the words “notes, coins and central bank digital currency”;
- (b) by deleting subsection (2), and substituting therefor the following—

“ (2) No person other than the Bank shall issue in Jamaica—

- (a) notes, coins or central bank digital currency;
or
- (b) any document, or tokens, payable to bearer on demand,

having the appearance of, or purporting to be, or which are likely to pass as or be confused with notes, coins, or central bank digital currency, issued by the Bank”;

- (c) by deleting from subsection (3)(a) the words—
- (i) “fifty thousand” and substituting therefor the words “three million”; and

- (ii) “two years” and substituting therefor the words “three years”.

6. Section 14 of the principal Act is amended in subsection (1)(a) by deleting the words “notes and coins” and substituting therefor the words “notes, coins, and central bank digital currency,”. Amendment of section 14 of principal Act.

7. Section 15 of the principal Act is amended in subsection (1) by— Amendment of section 15 of principal Act.

- (a) deleting the word “and” at the end of paragraph (a);
- (b) inserting the word “and” at the end of paragraph (b); and
- (c) inserting next after paragraph (b) the following paragraph—

“ (c) if made in central bank digital currency, shall be legal tender for the payment of any amount.”.

8. Section 19 of the principal Act is amended by deleting the full-stop at the end of paragraph (c), substituting therefor a semi-colon, and inserting next after paragraph (c) the following paragraphs— Amendment of section 19 of principal Act.

- “ (d) arrange for the minting and storage of central bank digital currency;
- (e) arrange for issue, re-issue and redemption of central bank digital currency; and
- (f) arrange for the safe preparation, distribution, commissioning or decommissioning of central bank digital currency plates.”.

9. Section 21 of the principal Act is amended in subsection (1), by deleting the word “notes and coins” and substituting therefor the words “notes, coins, and central bank digital currency,”. Amendment of section 21 of principal Act.

10. Section 45 of the principal Act is amended— Amendment of section 45 of principal Act.

- (a) in the marginal note, by inserting the words “and rules” after the word “by-laws”;
- (b) by renumbering the section as section 45 (1); and
- (c) by inserting the following as subsection (2)—

“ (2) Without prejudice to the generality of subsection (1), the Bank may, with the approval of the Minister, make rules to govern—

- (a) the minimum cyber security standards for financial intermediaries; and

- (b) the interaction between intermediaries and customers in the use of central bank digital currency.”.

Insertion of
new section
45B in
principal Act.

11. The principal Act is amended by inserting next after section 45A the following section—

“Regulations. 45B.—(1) The Bank may, with the approval of the Minister, make regulations prescribing the framework under which central bank digital currency is held or used by the public and without limiting the generality of the foregoing, the regulations may provide for—

- (a) protecting consumers’ daily financial activity;
- (b) guarding against opportunities that may be created for unlawful surveillance or monitoring of individual transactions; and
- (c) mandating minimum cyber security requirements for the recipient of central bank digital currency.

(2) Regulations made under subsection (1) shall be subject to affirmative resolution.”.

Amendment
of the
Proceeds of
Crimes Act.

12. Section 55 of the Proceeds of Crime Act is amended in the definition of “cash” by—

- (a) renumbering paragraphs (b) to (f) as paragraphs (c) to (g); and
- (b) inserting next after paragraph (a), the following paragraph—
 - “(b) central bank digital currency as defined in section 2 of the Bank of Jamaica Act;”.

Passed in the Honourable House of Representatives this 24th day of May, 2022 with two (2) amendments.

M. DALRYMPLE PHILIBERT, CD, MP
Speaker.

Passed in the Senate this 3rd day of June, 2022.

THOMAS TAVARES-FINSON, OJ, CD, QC, JP
President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Sgd. Valerie A. Curtis
Clerk to the Houses of Parliament.