

ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

1995, No. 16

The Banking Act (Assigned Capital) Order 1995, made by the Minister after consultation with the Central Bank under section 13 of the Banking Act 1991 (No. 17 of 1991)

1. This Order may be cited as the Banking Act (Assigned Capital) Order, 1995. Short title

2. In this Order — Interpretation

"Act" means the Banking Act, 1991 (No. 17 of 1991);

"Bank" means the Eastern Caribbean Central Bank established under the Eastern Caribbean Central Bank Agreement, 1983.

3. Every foreign financial institution shall produce to the Bank an undertaking in writing in the Form set out in the Schedule , that — Undertaking relating to the maintenance or assigned capital.

(a) an amount equivalent to its net assets, or

(b) an amount which supplements the amount required to be equivalent to its net assets,

which is not less than 5 per cent of its liabilities, has been attributed or pledged as assigned capital.

SCHEDULE

LETTER OF COMFORT

We [Bank] are the direct parent company of [Banks B] (hereinafter referred to as our Branches) which are incorporated in..... and conduct banking business at..... in.....

We have set aside, the amount specified in the Schedule to this letter, in respect of each of our Branches, which is equivalent to or supplements the amount which is required to be kept as assigned capital by each of our branches during the term of the Banking Business Licence, in accordance with Part II of the Banking [Act, 1991] (No. 17 of 1991) and the Banking (Assigned Capital) Regulations, 1991 (S.I. No. of 19 );

We will maintain the amount specified in the Schedule to this letter in respect of each of our Branches in accordance with the law.

Regardless of this, we confirm to you that we accept ultimate responsibility for the maintenance of the required amount of assigned capital by our Branches in any further way should this ever be required.

It is understood that the amounts specified in the Schedule to this Letter of Comfort will be reviewed at the end of each year in consultation with the Eastern Caribbean Central Bank in light of the balance sheet of our Branches.

We will confirm annually any revision of the amounts specified in the Schedule to this Letter of Comfort.

This Letter of Comfort applies to each of our Branches and is valid during the term of the respective Banking Business Licence.

Authorised Officer

Witness

Address

Occupation

Made this 20th day of April, 1995.

**Molwyn Joseph,**  
*Minister of Finance  
and Social Security.*

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