ANGUILLA

# REVISED STATUTES OF ANGUILLA

## CHAPTER B13

# BANK RESOLUTION OBLIGATIONS ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition revises Act 4/2016, in force 18 April 2016

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

ANGUILLA

# REVISED STATUTES OF ANGUILLA

## CHAPTER B13

# BANK RESOLUTION OBLIGATIONS ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition revises Act 4/2016, in force 18 April 2016

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla

All rights reserved. No part of this publication may be reproduced in any form or by any means (including photocopying) without the written permission of the Government of Anguilla except as permitted by the Copyright Act or under the terms of a licence from the Government of Anguilla.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

# BANK RESOLUTION OBLIGATIONS ACT

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Financial Obligation
3. Corresponding Claim
4. Charge on Consolidated Fund
5. Making of Payments
6. Review of Schedule
7. Sunset Clause
8. Citation

SCHEDULE 1: Payment Terms for Social Security Board
SCHEDULE 2: Payment Terms for Depositor Protection Trusts

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

# BANK RESOLUTION OBLIGATIONS ACT

**Interpretation**

**1.** In this Act—

"CCB" means the Caribbean Commercial Bank (Anguilla) Ltd;

"Depositor Protection Trusts" means the two Depositor Protection Trusts to be established and executed to protect, as beneficiaries, the large depositors of the National Bank of Anguilla Limited and the Caribbean Commercial Bank (Anguilla) Ltd;

"ECAMC" means the Eastern Caribbean Asset Management Corporation established under the Eastern Caribbean Asset Management Corporation Agreement and implemented by the Eastern Caribbean Asset Management Corporation Act;

"Fiscal Framework" means the Framework for Fiscal Sustainability and Development providing the directives and guidelines for prudent fiscal management, contained in an Agreement between the Government of Anguilla and the United Kingdom dated 05 April 2013, the terms of which are set out in Schedule 1 of the Fiscal Responsibility Act;

"Minister" means the Minister with responsibility for Finance;

"NBA" means the National Bank of Anguilla Limited;

"resolution of NBA and CCB" means the resolution of the NBA and CCB to be implemented by the Eastern Caribbean Central Bank, Government of Anguilla and ECAMC, in accordance with the Banking Act;

"Social Security Board" means the Board established by section 3(1) of the Social Security Act.

**Financial Obligation**

**2.** The Government of Anguilla shall pay to the Social Security Board and the Depositor Protection Trusts the sums specified in Schedules 1 and 2, on the terms set out therein, in support of the resolution of NBA and CCB.

**Corresponding Claim**

**3.** (1) In consideration for the payments referred to in section 2, the Government of Anguilla shall have corresponding claims to the same value as the payments in the receiverships of NBA and CCB.

(2) The claims referred to in subsection (1) are deemed to be, and treated as, net amounts due to the Government of Anguilla as depositors in NBA and CCB, in accordance with section 152(2) and (6) of the Banking Act.

**Charge on Consolidated Fund**

**4.** The payments specified in section 2 shall be a charge on the Consolidated Fund.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

**Making of Payments**

**5.** (1) The Minister shall—

(a) appropriate out of the Consolidated Fund the sums necessary to make the payments in accordance with section 2; and

(b) ensure that the Accountant-General makes the necessary payments on the specified due dates.

(2) Notwithstanding subsection (1), a payment shall not be deemed to be outstanding because—

(a) the payment has not been made because the instruction to pay was not given; or

(b) the requisite instruction for payment has not been given.

**Review of Schedule**

**6.** (1) The Minister shall review the terms of Schedules 1 and 2 whenever deemed necessary, but at least every three years, and shall lay a report of his findings and make recommendations to the House of Assembly.

(2) For the purposes of the review and recommendations under subsection (1), the Minister shall—

(a) assess the stability of public finances to ensure that the Government of Anguilla is acting in accordance with its obligations under the Fiscal Framework;

(b) ensure that the Government of Anguilla is acting in accordance with its obligations under the Fiscal Framework;

(c) monitor the ability of the Social Security Board and Depositor Protection Trusts to satisfy their obligations; and

(d) review comparative regional investment returns.

**Sunset Clause**

**7.** This Act expires after the Government of Anguilla has received compensation in respect of its corresponding claims under section 3 in respect of the payments made under section 2.

**Citation**

**8.** This Act may be cited as the Bank Resolution Obligations Act, Revised Statutes of Anguilla, Chapter B13.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

## SCHEDULE 1

(Section 2)

### PAYMENT TERMS FOR SOCIAL SECURITY BOARD

(1) The Government of Anguilla shall pay the Social Security Board the principal sum of EC$214 million.

(2) The Government of Anguilla shall pay interest on the reducing balance of the principal at the rate of 3% annually.

(3) The payment term is 25 years from 30th June 2016.

(4) Payments shall be made in quarterly instalments.

(5) There is a five year grace period on payments in respect of the principal sum with the first payment in respect of the principal sum to be made on 30th June 2021.

(6) The first payment in respect of the interest shall be made on 30th June 2016.

---

## SCHEDULE 2

(Section 2)

### PAYMENT TERMS FOR DEPOSITOR PROTECTION TRUSTS

(1) The Government of Anguilla shall pay the Depositor Protection Trusts the aggregate principal sum of EC$52 million.

(2) Out of the aggregate principal sum each Depositor Protection Trust is to be paid the proportionate amount to its obligations to the large depositors of NBA and CCB as beneficiaries.

(3) The Government of Anguilla shall pay interest on the reducing balance of the principal at the rate of 2% annually.

(4) The payment term is 10 years from 30th June 2016.

(5) Payments shall be made in quarterly instalments.

(6) The first payment is to be made on 30th June 2016.

---

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai