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BARBADOS IDENTITY MANAGEMENT ACT, 2021

OBJECTS AND REASONS

This Bill would provide for

- (a)* the establishment, maintenance and regulation of a National Identity Management System that facilitates
 - (i)* the enrollment and re-registration of citizens of Barbados and persons who are not citizens of Barbados but who are legally resident in Barbados for a period of 6 months or more; and
 - (ii)* the compilation and maintenance of a database of such persons to be known as the National Register;
- (b)* the issue of new identification cards and national identity credentials to each person registered in the National Register;
- (c)* the facilitation of the verification and authentication of identity information for all persons registered in the National Register;
- (d)* the preservation, protection, security and confidentiality of the National Identity Management System; and
- (e)* matters related to paragraphs *(a)* to *(d)*.

BARBADOS IDENTITY MANAGEMENT ACT, 2021

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BARBADOS

A Bill entitled

An Act to make provision for the establishment, maintenance and regulation
of a National Identity Management System and matters related thereto.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Barbados Identity Management Act, 2021*.

Interpretation

2. In this Act,

“authentication” means the process by which biographic information, biometric data and any other information of an individual is proved to be accurate or inaccurate;

“biographic information” means personal data collected pursuant to section 7 and the *First Schedule*;

“biometric data” means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of an individual, which allow or confirm the unique identification of that individual;

“certificate for electronic identification” means a certificate, issued by the Commission, unique data, including codes or private cryptographic keys, that is used to verify an individual’s electronic identity;

“certificate for electronic signature” means a certificate, issued by the Commission, with unique data, including codes or private cryptographic keys, which is used by the signatory in creating an electronic signature;

“Certificate of Registration” means the certificate set out in the *Second Schedule*;

“Chief Registering Officer” has the meaning assigned to it by section 2 of the *Representation of the People Act, Cap. 12*;

“citizen” means a person who has citizenship of Barbados by virtue of the provisions of the *Constitution* or the *Barbados Citizenship Act*, Cap. 186;

“Commission” means the Electoral and Boundaries Commission established by section 41A of the *Constitution*;

“compulsory school age” has the meaning assigned to it by section 2 of the *Education Act*, Cap. 41;

“documentary evidence” means electronic data, printed or written material, a photograph or any other material which records or shows information which can be used to establish or confirm

(a) the identity of a person; or

(b) whether that person qualifies for registration,

including the supporting documents set out in Part III of the *First Schedule*;

“electronic signature” has the meaning assigned to it by section 2 of the *Electronic Transactions Act*, Cap. 308B;

“father” means the biological or adopted father of a minor;

“guardian” means a person other than a mother or father of a minor who has custody and is responsible for the minor in accordance with the laws of Barbados;

“identification card” means an identification card issued by the Commission pursuant to section 20;

“legitimate non-immigrant purposes” includes such purposes as touring, recreation, sports, health, family reasons or business;

“minor” means a person who is under 16 years of age and includes an adopted minor;

“mother” means the biological or adopted mother of a minor;

“national identity credential” means an authenticated record kept in electronic form that facilitates the verification of an individual’s identity in an electronic environment;

“National Identity Management System” includes the

- (a) National Register;
- (b) national identity credentials;
- (c) national identification card; and
- (d) the processes and procedures, networks, services, software programmes, automated retrieval and storage, interconnectivity and other associated elements for the enrollment and re-registration of a person qualified to be in the National Register and the verification and authentication of a person’s identity;

“National Register” means the register established, kept and maintained by the Commission pursuant to section 4;

“national identification number” means the number issued by the Commission to a person registered in the National Register and affixed to the identification card or embedded in a national identity credential issued to that person;

“permanent resident” has the meaning assigned to it by section 2 of the *Immigration Act*, Cap. 190;

“public institution” means

- (a) a Government Children’s Home;
- (b) the Geriatric Hospital;
- (c) the Psychiatric Hospital;
- (d) a District Hospital;
- (e) the Welfare Department;
- (f) Dodds Prison or any other correctional facility;

(g) a Government Industrial School; and

(h) Queen Elizabeth Hospital;

“registering officer” has the meaning assigned to it by section 2 of the *Representation of the People Act*, Cap. 12;

“resident” means a person who derives an income in Barbados or elsewhere, and who

(a) is legally living in Barbados;

(b) is domiciled in Barbados; and

(c) has a permanent home in Barbados which he considers his settled or usual place of abode;

“signatory” means a natural person who creates an electronic signature;

“student” includes a person attending a tertiary institution;

“supporting documents” means the documents set out in the Part III of the *First Schedule* used to aid in the verification of a person’s information to be recorded in the National Register;

“tertiary institution” has the meaning assigned to it by section 9(f) of the *Education Act*, Cap. 41;

“verification” means the process of establishing the accuracy of information received by the Commission where the information received is compared with reliable documents and or other information; and

“visitor” means a person who

(a) enters Barbados for legitimate non-immigrant purposes, in the course of duty, or for purposes connected with their employment for a period of 6 months or more but not exceeding 12 consecutive months; and

(b) is not resident in Barbados for the purposes of section 85 of the *Income Tax Act*, Cap. 73.

Administration

3. The Commission shall be responsible for the general administration of the provisions of this Act.

PART II

REGISTRATION

National Register

- 4.(1) The Commission shall register
- (a) all citizens of Barbados; and
 - (b) persons who are not citizens of Barbados but who are resident in Barbados for a period of 6 months or more.
- (2) The Commission shall, for the purposes of subsection (1), establish, keep and maintain a register to be known as the National Register to
- (a) register and record the persons referred to in subsection (1);
 - (b) provide information to facilitate the issuing of identification cards and national identity credentials to the persons registered in the National Register; and
 - (c) provide information to facilitate the preparation of a register of electors for the purposes of the *Representation of the People Act*, Cap. 12.
- (3) The National Register shall be in such form as the Commission deems fit and shall contain such particulars as set out in Part I of the *First Schedule*.
- (4) The Registrar with responsibility for the registration of deaths, under the *Vital Statistics Act*, Cap. 192A, shall no later than the last day of each month of the year provide the Commission with a list of the names of persons whose deaths have occurred during the preceding month.

- (5) The Chief Immigration Officer shall no later than the last day of each month of the year provide the Commission with a list of the names of persons who were resident in Barbados for 6 months or more and have left Barbados with no return date or an open ended ticket.
- (6) The Commission shall review the National Register and where necessary delete any entry in respect of any person
 - (a) who is deceased;
 - (b) who is not a citizen of Barbados and who is no longer resident in Barbados and has not been resident in Barbados for a continuous period of more than 5 years; or
 - (c) where the Commission considers that that person ought not to have been registered in the National Register.
- (7) Information deleted from the National Register pursuant to subsection (6) shall be archived in a manner determined by the Chief Registering Officer.
- (8) The Commission may, for the purpose of registering a person specified in section 5, publish at least once in the *Official Gazette* and at least twice, at intervals of not less than 7 days apart, by electronic means, a notice requiring a person or a group of persons to appear before the Chief Registering Officer for registration in the National Register.
- (9) The Commission may, for the purpose of removing a person specified in subsections (4) and (5) or sections 10(2) and (3) from the National Register, publish at least once in the *Official Gazette* and at least twice, at intervals of not less than 7 days apart, by electronic means, a notice of the removal and where relevant, the notice may require a person or a group of persons to attend before the Chief Registering Officer.
- (10) The National Register shall not be open to inspection by members of the public.

Obligation to register**5.(1)** A person who

- (a) is born in Barbados;
- (b) is a citizen of Barbados;
- (c) has an immigrant status certificate issued in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (d) has permanent resident status in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (e) is in Barbados for a period of 6 months or more as a student, in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (f) is resident in Barbados for a period of 6 months or more as a worker, in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (g) is employed by the Caribbean Development Bank under the provisions of the *Caribbean Development Bank Act*, Cap. 323A;
- (h) has a Right of Establishment Certificate issued in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (i) has a CARICOM Skilled National Certificate, issued in accordance with the *Caribbean Community (Movement of Skilled Nationals) Act*, Cap. 186A;
- (j) is the spouse of a person who has a CARICOM Skilled National Certificate issued in accordance with the *Caribbean Community (Movement of Skilled Nationals) Act*, Cap. 186A;
- (k) is the spouse of a person who is resident in Barbados for a period of 12 months or more as a worker in accordance with the provisions of the *Immigration Act*, Cap. 190;

- (l) is entitled by virtue of any other provision of the *Immigration Act*, Cap. 190 to remain as a resident in Barbados for a period of 6 months or more;
- (m) is permitted to remain in Barbados permanently under any other law; or
- (n) is a minor and the child of a person to whom paragraphs (c) to (m) applies where that minor is under compulsory school age,

shall be registered in the National Register.

(2) A person who is eligible for registration in the National Register shall provide the registering officer with such documentary evidence as the Commission may require in order to establish the truth of the information to be recorded in relation to that person in the National Register.

(3) Where the person referred to in subsection (1)(b) is a minor, that minor shall be registered by his mother, father, guardian or any other person authorised to register a minor under section 6.

(4) Where the person referred to in paragraphs (b), (c), (d), (e), (l), (m) or (n) of subsection (1) is a minor, that minor shall be registered by his mother, father, guardian or any other person authorised to register a minor under section 6.

(5) A minor shall, on attaining 16 years of age, register in accordance with section 7 for an identification card.

(6) Notwithstanding subsection (2), where a person is unable to produce documentary evidence to satisfy the registering officer of his

- (a) full name;
- (b) correct date of birth; or
- (c) correct place of birth,

the registering officer shall request that the person produce to the Chief Registering Officer a sworn affidavit with supporting exhibits, where relevant,

deposing his full name, as well as his correct date of birth and place of birth in addition to stating the reason for the unavailability of the required documentary evidence.

(7) The Commission shall take such reasonable steps as may be required to verify the contents of an affidavit submitted in accordance with subsection (6).

(8) The Commission, with the consent of a person mentioned in subsection (1), may collect the fingerprints of that person for the purpose of assisting with the confirmation of their identity and the person may elect to submit the prints of all fingers or some fingers of their choosing.

(9) A person who is a visitor shall not be eligible for registration in the National Register unless that person is a person to whom subsection (1) applies.

(10) A person who is not registered under this Act shall not

- (a) be added to the National Register;
- (b) be assigned a national registration number;
- (c) be issued with an identification card or a national identity credential;
- (d) qualify to be added to the register of electors or the revised register of electors prepared under the *Representation of the People Act*, Cap. 12;
- (e) qualify to obtain a driver's permit or licence; or
- (f) qualify to access any service or goods which require the presentation of an identification card to obtain such services or goods.

Registration of a minor

6.(1) The mother or father of a minor who is born in Barbados or any other person authorised to register that minor shall, within 45 days of the birth of that minor, register the minor with the Chief Registering Officer.

(2) Where a minor is registered by a person other than the mother or father of the minor, the mother or father of the minor shall give to that person an

instrument in writing stating that the person has permission to register the minor and the instrument may include the national identification number of the mother or father of the minor.

(3) Where a minor is adopted, the person who has adopted the minor shall, on producing the relevant documents showing the evidence of the adoption to the Chief Registering Officer, register the minor with the Chief Registering officer.

(4) Where a person other than the mother or father is the guardian of the minor that person shall produce such documentation as the Chief Registering Officer may require in order to register that minor.

(5) Upon registering the minor the Chief Registering Officer shall issue in respect of that minor an identification card designated for that minor.

(6) A person who is required to register a minor in accordance with this section and who fails to do so shall pay a penalty of \$100, as well as any fee which may be required.

Procedure for registration

7.(1) A person required to register pursuant to section 5 may do so

- (a) in person in accordance with subsections (2) to (7); or
- (b) electronically as determined by the Commission.

(2) A registering officer, in seeking to obtain finger prints pursuant to section 5(8), shall obtain the consent of the person seeking to so register and that person shall indicate in the applicable field set for the purpose in the National Register whether he is submitting all or some of his finger prints as selected by that person.

(3) The consent obtained pursuant to subsection (2) shall be indicated in the applicable field set out for that purpose in the National Register by

- (a) affixing his name, signature or mark; or

- (b) where a person is unable to affix his name, signature or mark the registering officer shall indicate on the Certificate of Registration that the person is unable to sign.

(4) The registering officer shall, where consent is obtained pursuant to subsection (2), collect the relevant fingerprints.

(5) Where a person refuses to consent to submitting fingerprints, that refusal shall be indicated in the applicable field set out for that purpose in the National Register

- (a) by affixing his name, signature or mark; or
- (b) where a person is unable to affix his name, signature or mark the registering officer shall indicate on the Certificate of Registration that the person is unable to sign,

and the person shall not be subject to any penalty, fine or term of imprisonment.

(6) A person required to register pursuant to section 5 who decides to register in person

- (a) shall in the presence of a registering officer, supply the information specified in Part I of the *First Schedule* so that the registering officer may record the information in the National Register;
- (b) shall comply with the requirements set out in Part II of the *First Schedule* for an officer assigned by the Commission to take a photograph of him;
- (c) shall submit his signature;
- (d) may submit his fingerprints once his consent is obtained pursuant to subsections (2) and (3);
- (e) shall supply such additional information as the Chief Registering Officer or a registering officer may require
 - (i) in respect of the particulars specified in Part I of the *First Schedule*; or

- (ii) to ensure the proper identification and registration of a person;
 - (f) shall produce such documentary evidence or other information, as the Chief Registering Officer or a registering officer may consider necessary to support the accuracy of any information submitted;
 - (g) shall, where required, surrender any previous identification card issued to the person;
 - (h) shall comply with such procedures or requirements as the Commission implements or requires for the completion of the registration process;
 - (i) shall read or have read to him the contents of the Certificate of Registration, and where he is certain that the information is correct affix his name, signature, or mark to verify that the information contained in the Certificate of Registration is true and accurate to the best of his knowledge;
 - (j) shall obtain a copy of the Certificate of Registration; and
 - (k) shall, where relevant, pay the relevant fee set out in the *Third Schedule*.
- (7) The registering officer shall sign and stamp a copy of the completed Certificate of Registration and issue that copy to the person as proof of his registration pursuant to this Act.
- (8) Where a person affixes his mark in accordance with subsection (6)(i) the registering officer shall sign and stamp the completed Certificate of Registration, and affix to the form
- (a) words stating that the mark was made by the person to whom the Certificate of Registration belongs; or
 - (b) words of like effect,
- before issuing a copy of the completed Certificate of Registration to that person as proof of his registration.

(9) Where a person is unable to affix his name, signature or mark the registering officer will indicate on the Certificate of Registration that the person is unable to sign.

(10) A person required to register pursuant to section 5 who decides to register electronically pursuant to subsection (1) shall do so in the manner determined by the Commission and subsections (2) to (9) shall apply with such modifications as are deemed necessary by the Commission for facilitating the registration of persons.

(11) Notwithstanding subsections (2) and (6), a person who is under 16 years of age shall not be required to

- (a) appear before a registering officer;
- (b) take a photograph for an identification card; or
- (c) supply any signature or fingerprints.

(12) The Chief Registering Officer shall ensure that the supporting documents set out in Part III of the *First Schedule* for each person registered in the National Register are recorded and stored in an electronic format or otherwise for the purposes of the Commission under this Act.

Power to correct recorded information

8.(1) The Chief Registering Officer or an officer designated by the Chief Registering Officer shall ensure that each registration is complete and accurate, and where necessary request further or additional information from the person to whom the registration relates.

(2) The Chief Registering Officer, a registering officer or any other officer designated by the Chief Registering Officer may correct any error made in National Register or Certificate of Registration in respect of any person registered in the National Register.

(3) Where a correction is made in accordance with subsection (2), the officer making the correction shall make a record of his name, position, date and time of the correction and shall indicate the nature of the correction.

Change in information relevant to registration

9.(1) A person shall, where

- (a) there is any change in the information previously given to the Commission notify the Chief Registering Officer of the change; or
- (b) he is satisfied that his personal appearance has changed so as to make it likely that his identity as certified by the identification card may be questioned,

appear before a registering officer to obtain a replacement of an identification card, and pay to the Commission the replacement fee specified in the *Third Schedule*.

(2) Where a person pursuant to subsection (1)(a) appears before a registering officer to record a change in the information previously given to the Commission, the registering officer shall have the change reflected in the national identity credential.

(3) The Chief Registering Officer shall, where he is satisfied that the change materially affects the proper identification of the person, cancel that identification card or national identity credential and shall issue the person with a new identification card and a national identity credential.

(4) Where the Chief Registering Officer considers that the circumstances do not require the replacement of the identification card or national identity credential, he shall require that the person continue to use the existing identification card or national identity credential.

(5) A person who has been issued with an identification card or an national identity credential shall notify the Chief Registering Officer of any change in his place of residence within 30 days of the change of address by submitting the

Notice of Change of Residence Form set out in the *Fourth Schedule* to a registering officer.

(6) A person who contravenes subsections (1) and (5) is liable to pay to the Commission an administrative penalty of \$500.

PART III

IDENTIFICATION CARDS

Issuance of identification card

10.(1) The Commission shall issue to a person registered in the National Register an identification card for which he is eligible upon

- (a) presentation of the Certificate of Registration or such other documentation as may be required by the Commission; and
- (b) payment of the relevant fee set out in the *Third Schedule* where applicable,

to the Chief Registering Officer.

(2) Where the Commission is satisfied that a person does not qualify for an identification card under subsection (1), the Commission shall direct the Chief Registering Officer not to issue an identification card to that person and that person shall be removed from the National Register.

(3) The Commission may revoke or suspend an identification card where the holder contravenes the provisions of this Act and that person may be removed from the National Register.

(4) The Commission shall inform a person affected by a decision made pursuant to subsections (2) or (3) in writing.

Identification card

- 11.(1)** An identification card shall
- (a) display the information set out in Part I of the *Fifth Schedule* as well as such other information as the Commission considers necessary on the card;
 - (b) be equipped with a digital chip which shall contain personal data enabling digital identification as set out in Part II of the *Fifth Schedule*; and
 - (c) contain such security features as the Commission determines necessary to protect the personal data set out in Part II of the *Fifth Schedule*.
- (2) Subject to section 10(2) and (3) and section 15, an identification card referred to in subsection (1) shall be valid for a period of 10 years or for such period as the Commission may prescribe by order with the approval of the Minister.
- (3) An identification card referred to in subsection (1)
- (a) shall be collected by the person to whom the card belongs or by a person who that person has authorised to collect the card by an instrument in writing; or
 - (b) which is issued to a minor shall be collected by the mother, father or guardian of the minor or by the person permitted to register the minor under section 6.
- (4) The Commission shall be responsible for the issue and maintenance of the certificate for electronic identification and the certificate for electronic signature embedded in the identification card referred to in subsection (1).

Use of an identification card

12.(1) A person who is issued an identification card may be required to produce his identification card

- (a) to the Chief Registering Officer, a registering officer or any other officer designated by the Commission;
- (b) to a police officer, an immigration officer or a customs officer;
- (c) for the purpose of voting in an election in Barbados;
- (d) for the purpose of accessing goods or services provided by the Government or the private sector; or
- (e) for any other purpose for which the verification of his identity is required,

and that identification card shall be *prima facie* evidence of the identity of the person shown on the identification card and the information set out in section 11(1)(b).

(2) Where a person is unable to produce his identification card for the purposes mentioned in subsection (1), the person authorised to require such identification shall, unless another form of identification is authorised by law, defer consideration of the person or refuse access until such time as the relevant identification card is produced.

(3) All identification cards issued by the Commission are the property of the Government of Barbados and shall be for the use of the person to whom the card is issued, and any person who finds, or comes into possession of an identification card which was not issued to him shall return that identification card to the Commission.

Replacement of an identification card

13.(1) A person whose identification card is lost, stolen, damaged, destroyed, tampered with or defaced shall attend before a registering officer to be registered

for the replacement of the identification card and pay to the Chief Registering Officer the replacement fee specified in the *Third Schedule*.

(2) Where an identification card is lost, stolen, damaged, destroyed, tampered with or defaced, the holder of that identification card shall submit a report to the Chief Registering Officer.

(3) A person who has his identification card replaced or whose card is expired shall return or surrender his previous or expired identification card to the Chief Registering Officer before he is issued with a new identification card, unless that identification card has been lost, stolen or destroyed.

Provision of an identification card in certain circumstances

14.(1) Notwithstanding section 7, where a person is incapacitated or is in the care and custody of a public institution and cannot appear before a registering officer, that person or any person authorised to act on the behalf of that person by an instrument in writing shall inform the Commission and the Chief Registering Officer, on direction from the Commission, shall instruct a registering officer to

- (a) register the incapacitated person or institutionalised person in the National Register and facilitate the issuance of an identification card to the incapacitated person or institutionalised person or
- (b) replace an identification card that is lost, stolen, damaged, destroyed, tampered with or defaced.

(2) An incapacitated person, an institutionalised person or any person authorised to act on the behalf of such persons by an instrument in writing, who has his identification card replaced or whose card is expired shall return or surrender the previous or expired identification card to the Chief Registering Officer before being issued with a new identification card, unless that identification card has been lost, stolen or destroyed.

(3) Where a registering officer has been instructed to visit an incapacitated person pursuant to subsection (1), the registering officer shall visit that person

for the purpose of photographing that person and collecting the information necessary for effecting the registration and issuance of an identification card to that person and the registering officer shall take all the necessary materials to ensure that he will accurately obtain

(a) all the information specified in accordance with Part I of the *First Schedule*; and

(b) a photograph in accordance with Part II of the *First Schedule*.

(4) A registering officer shall take such steps as may be necessary to ensure that all information required for the replacement of the identification card is collected and recorded in respect of any person to whom subsection (1) applies.

(5) A person registered under this section shall obtain a copy of the Certificate of Registration.

(6) Where relevant, a person registered in accordance with this section shall pay the relevant fee set out in the *Third Schedule*.

(7) For the purposes of this section,

“incapacitated person” means a person with a temporary or permanent impediment or impairment which is a mental or physical deficiency, disability or illness;

“institutionalised person” means person in the care or custody of a public institution.

Power to order the surrender of an identification card

15.(1) The Commission may require holders of an identification card to surrender that identification card to the Commission for substitution of a new identification card for the purpose of facilitating updates to

(a) the appearance of the card; or

(b) the technology related to

(i) digital identification;

- (ii) security features referred to in section 11(1)(c);
- (iii) certificate for electronic identification; or
- (iv) certificate for electronic signature.

(2) Where the Commission orders the surrender of an identification card pursuant to subsection (1), no fee shall be imposed for the replacement of that identification card.

PART IV

NATIONAL IDENTITY CREDENTIALS

National Identity Credential

16.(1) A national identity credential is an authenticated record kept in electronic form that facilitates the verification of an individual's identity in an electronic environment and shall contain

- (a) the information set out in Part III of the *Fifth Schedule*; and
- (b) such security features as the Commission determines necessary to protect the information set out in Part III of the *Fifth Schedule*.

(2) Subject to subsections (2) and (3) of section 17, a national identity credential shall be valid for 10 years or for such period as the Commission may by order prescribe with the approval of the Minister.

(3) The Commission shall be responsible for the issue and maintenance of the certificate for electronic identification and the certificate for electronic signature embedded in the national identity credential in accordance with subsection (1).

(4) No more than one national identity credential shall be issued for each individual at any given time.

(5) An national identity credential is personal to the individual to whom it has been issued and may not be transferred or vested by operation of law in any person other than that individual.

(6) The Commission may revoke a national identity credential and substitute new national identity credentials for the purpose of facilitating updates to the technology related to

- (a) digital identification;
- (b) security features referred to in subsection (1)(b);
- (c) a certificate for electronic identification; or
- (d) a certificate for electronic signature.

Issuance of a national identity credential

17.(1) The Commission shall issue to a person registered in the National Register a national identity credential upon

- (a) presentation of the Certificate of Registration; and
- (b) payment of the relevant fee set out in the *Third Schedule* where applicable,

to the Chief Registering Officer.

(2) The Commission may revoke or suspend a national identity credential where the holder contravenes the provisions of this Act and that person may be removed from the National Register.

(3) The Commission may require a holder of a national identity credential to surrender that national identity credential to the Commission for substitution of a new national identity credential for the purpose of facilitating updates to the technology in respect of digital identification or security features designed to protect the information set out in section 16(1)(a).

(4) The Commission shall inform a person affected by a decision made pursuant subsections (2) or (3) in writing.

Use of a national identity credential

18. An individual may use a national identity credential for the purpose of verifying his identity by electronic means for

- (a) the purpose of accessing goods or services provided by the Government or the private sector;
- (b) any other purpose for which the verification of his identity is required, in an electronic environment.

PART V

SECURITY, CONFIDENTIALITY, VERIFICATION, INFORMATION SHARING AND CONFIRMATION SERVICE

Security

19.(1) The Commission shall ensure the security and confidentiality of the records of a person registered pursuant to Part II.

(2) The Commission shall take measures including security safeguards to ensure that the information in the possession or control of the Commission, including information recorded in the National Register or embedded in the chip of the identification card or the national identity credential, is secured and protected against any loss, unauthorised access or use or unauthorised disclosure thereof.

Disclosure of information

20.(1) A Commissioner, an officer or an employee of the Commission or an expert retained to assist the Commission shall comply with the provisions of the *Data Protection Act, 2019* (Act 2019-29) and shall keep confidential all information coming to his knowledge during the performance of his functions

under this Act or any enactment which relates to the private affairs of a person except insofar as disclosure is necessary for

- (a) the administration of this Act or any regulations made thereunder;
- (b) compliance with the provisions of any enactment; or
- (c) compliance with an order of a court.

(2) Information collected about a person registered in the National Register pursuant to section 7 may be disclosed where such disclosure facilitates the use of the card pursuant to section 12 or the national identity credential pursuant to section 18

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

Confirmation service request

21.(1) A confirmation service request is a request made to the Commission to facilitate the use of the identification card pursuant to section 12 or the national identity credential pursuant to section 18.

(2) A person may make a confirmation service request referred to in subsection (1) in order to confirm identity of a person or particulars related to the identity of a person in order to facilitate the use of the identification card pursuant to section 12 or the national identity credential pursuant to section 18.

(3) For the purposes of this section “particulars related to the identity of a person” means the particulars set out in section 11(1)(b) in the relation to the identification card or section 16(1)(a) in relation to the national identity credential.

PART VI

COMPLAINTS

Complaint

22.(1) A person who is aggrieved by an act performed or a decision made by the Commission may make a complaint to the Data Protection Commissioner within 14 days of the act performed or the decision made by the Commission.

(2) A complaint made pursuant to subsection (1) shall set out the nature of the act or decision which is in breach of this Act or any other relevant enactment.

(3) Part VIII of the *Data Protection Act, 2019* (Act 2019-29) shall apply *mutatis mutandis* to this Act and any statutory instruments made thereunder.

Appeal

23. A person who is aggrieved by the decision of the Data Protection Commissioner pursuant to section 22 shall appeal to the High Court within 14 days of the decision.

PART VII

OFFENCES

Impersonation

24.(1) A person who impersonates or attempts to impersonate another person, whether dead or alive, real or imaginary, by providing any false information, is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

(2) Where

- (a) a person with the intention of causing harm or mischief to a person registered in the National Register; or
- (b) with the intention of appropriating the identity of a person registered in the National Register

changes or attempts to change any information kept in the National Register, recorded on an identification card or recorded in a national identity credential by impersonating or attempting to impersonate another person, dead or alive, real or imaginary, that person is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

(3) A person who impersonates or attempts to impersonate any person authorised under this Act to collect information pursuant to the provisions of this Act is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

Unauthorised disclosure of identity information

25. A person who, intentionally discloses, transmits, copies or otherwise disseminates any identity information collected in the course of registration or authentication to any person not authorised under this Act is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

Unauthorised access to National Register

26. Whoever, not being authorised by the Commission, intentionally

- (a) accesses or secures access to the National Register;
- (b) downloads, copies or extracts any data from the National Register or stored in any removable storage medium
- (c) introduces or causes to be introduced any virus or other computer contaminant in the National Register;

- (d) damages or causes to be damaged the data in the National Register;
- (e) disrupts or causes disruption of the access to the National Register;
- (f) denies or causes a denial of access to any person who is authorised to access the National Register;
- (g) destroys, deletes or alters any information stored in any removable storage media or in the National Register or diminishes its value or utility or effects it injuriously by any means;
- (h) steals, conceals, destroys or alters or causes any person to steal, conceal, destroy or alter any computer source code used by the Commission with an intention to cause damage; or
- (i) provides any assistance to any person to do any of the acts referred to in paragraphs (a) to (h),

is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for 3 years, or to both.

Tampering with data in National Register

27. A person who, not being authorised by the Commission, uses or tampers with the data in the National Register or in any removable storage medium with the intent of modifying information relating to a person registered in the National Register or discovering any information on that person is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

Manipulation of biometric data

28. A person who gives or attempts to give any biometric data which does not pertain to him for the purpose of getting a national identification number or authentication or updating his data is guilty of an offence and is liable on summary conviction to a fine of \$40 000 or to imprisonment for 6 months or to both.

PART VIII

MISCELLANEOUS

Power to waive fees

29.(1) The Commission may by order exempt a person or a group of persons from the payment of any fee specified in the *Third Schedule* for the issue or replacement of an identification card.

(2) An order made under subsection (1) is subject to negative resolution.

Exemption from the payment of fees

30.(1) A person who is 65 years of age or older shall be exempt from the payment of any fee specified in the *Third Schedule* for the issue or replacement of an identification card.

(2) A person under 65 years of age who is in the care and custody of a public institution shall be exempt from the payment of any fee specified in the *Third Schedule* for the issue or replacement of an identification card where the person in charge of the public institution issues a certificate to that effect to the Chief Registering Officer.

(3) A disabled person who is

- (a) under 65 years of age;
- (b) not in the care and custody of a public institution; and
- (c) unable to pay the fee for the issue or replacement of an identification card,

shall be exempt from the payment of any fee specified in the *Third Schedule* for the issue or replacement of an identification card where the Director of the National Disabilities Unit issues a certificate to that effect to the Chief Registering Officer.

- (4) A person in the care and custody of the Queen Elizabeth Hospital who
- (a) is under 65 years of age;
 - (b) is incapacitated as defined in section 14; and
 - (c) is unable to pay the prescribed fee for the issue or replacement of an identification card,

shall be exempt from the payment of any fee specified in the *Third Schedule* for the replacement of an identification card where the person in charge of the Queen Elizabeth Hospital issues a certificate to that effect to the Chief Registering Officer.

Power to amend Schedules

31. The Commission, with the approval of the Minister, may by order amend the *First, Second, Third, Fourth and Fifth Schedules*.

Consequential Amendments

32. The enactments set out in Column 1 of the *Sixth Schedule* are amended in the manner specified in Column 2 of the *Sixth Schedule*.

Regulations

33. The Commission may, with the approval of the Minister, make regulations for giving effect to the provisions of the Act.

Savings and Transitional provision

34.(1) An identification card authorised under section 25 of the *Representation of the People Act*, Cap. 12 or under the *Statistics Act*, Cap. 192 shall remain valid for a period of 12 months from the date of the commencement of this Act.

(2) A person who is an existing holder shall appear before a registering officer to register with the Commission before the end of the period specified in subsection (1).

(3) Where an incapacitated person or an institutionalised person cannot appear before a registering officer, that person or any person authorised to act on the behalf of that person, shall inform the registering officer of the condition of the person.

(4) Where a registering officer has been informed in accordance with subsection (3), the registering officer shall visit that person for the purpose of photographing and effecting the registration of that person and the registering officer shall take all the necessary materials to ensure that he will accurately obtain the required information for the registration of the person and the photograph of the person.

(5) A registering officer shall take such steps as may be necessary to ensure that all information required for the registration of a person in accordance with this Act is collected and recorded in respect of any person to whom this section applies.

(6) A person registered under this section shall obtain a copy of the Certificate of Registration.

(7) A new identification card issued under this Act to any person who is an existing holder of a valid identification card

- (a) authorised under section 25 of the *Representation of the People Act*, Cap. 12 and issued under the *Representation of the People (Registration of Electors) Regulations, 1990* (S.I. 1990 No. 8); or
- (b) authorised under the *Statistics Act*, Cap. 192 and issued under the *Statistics (Registration Census of Barbadian Residents) Regulations, 1979* (S.I. 1979 No. 47),

shall be issued free of cost during the period referred to in subsection (1).

(8) Subsection (7) shall not apply to a person who is an existing holder who does not register with the Commission before the end of the period specified in subsection (1), and that person shall thereafter pay the cost of the replacement identification card specified in the *Third Schedule*.

(9) For the purposes of this section,

“existing holder” means a person who was registered with the Commission or under the *Statistics Act*, Cap. 192 and issued with an identification card by the Commission prior to the commencement this Act;

“incapacitated person” means a person with a temporary or permanent impediment or impairment which is a mental or physical deficiency, disability or illness; and

“institutionalised person” means person in the care or custody of a public institution.

FIRST SCHEDULE

(Sections 2,4 and 14)

Contents of National Register

PART I

Particulars of a Person to be Recorded in the National Register

1. Full name [First Name(s), Middle Name(s) and Surname Name].
2. Other names by which the person is or has been known - Aliases.
3. Date of birth.
4. Place of birth.
5. Sex, height, eye colour.
6. Physical abnormalities or distinguishing marks, if any.
7. Address of the ordinary place of residence in Barbados.
8. National identification number.
9. Disability, if any.
10. Full name of biological or adopted father.
11. Full name of biological or adopted mother.
12. Part of a twin or multiple birth.

13. Name of guardian, where relevant, and the nature of relationship to the minor, where a minor is being registered by a person who is not the parent of the minor.
14. A passport size photograph of the person which shall include the head and shoulders in a single frame, and the photograph must clearly show the features of the face (not required for minors).
15. Signature (not required for minors).
16. Fingerprint where consent has been obtained. (not required for minors).
17. Nationality.
18. Status.
19. Residential status.
20. Marital status.
21. Telephone numbers.
22. Email address.
23. Occupation, profession, trade or employment (including membership of any of the armed forces of Barbados or another country).
24. Details of documentary evidence and any other particulars that the Chief Registering Officer or registering officer may consider necessary to ensure correct identification.
25. Other relevant information required by the Commission.

*PART II**Procedure for a person to be photographed by the Commission*

1. A person seeking registration under the Act shall, as a part of the application process, have his photograph taken by an officer of the Commission and that person shall comply with the requirements necessary for the officer of the Commission to take his photograph.
2. The photograph will be taken against a background which has a colour or an image selected and approved by the Commission.
3. The officer of the Commission who is taking the photograph of the person shall explain how the photograph will be taken including information regarding the number of shots to be taken and the position or direction from which the person will be photographed.
4. The photograph shall be taken, framed and portrayed in such a manner that shows the head and shoulders of the person with the face clearly visible. The face of the person in the photograph shall be clearly discernible from the hairline to the chin, and the photograph shall include the ears of the person.
5. The photograph of the person shall clearly show the centre of the face facing forward and show all the facial features of the person being photographed such as the forehead, eyebrows, eyes, nose, cheeks, lips, chin and ears.
6. The photograph shall clearly show all the facial features of the person being photographed with no flaws or marks obscuring the face of the person unless the facial flaws or marks are genetic or a birth defect due to illness or a form of permanent cosmetic enhancement.
7. A person must exhibit or show a neutral expression and his mouth shall be closed while being photographed.

8. A person shall not cover his ears with his hair or any other form of covering while being photographed except for religious purposes.
9. A person shall not wear a hat, cap, shawl, scarf or any other form of covering for the head or face while being photographed, unless
 - (a) that person is a practicing member of a religion which requires the wearing of a head covering as an expression of the religious faith of that person. In that case the person is permitted to wear a covering for the head, but such a covering must permit the person to be photographed in a manner which will capture the centre of the face from the hairline to the chin, and the photograph may include the ears of the person; or
 - (b) permitted to do so by the Commission.
10. The eyes must be open and clearly visible and there must be no hair or any other thing obscuring the eyes of the person in a photograph.
11. A person who wears prescription spectacles or glasses may be photographed in his prescription spectacles or glasses but the photograph must clearly show the eyes with no light reflecting in the prescription spectacles or glasses. It must be ensured that the spectacles or glasses do not obscure the eyes. The eyes of the person must be clearly seen in the photograph.
12. A person shall not wear tinted spectacles or glasses, shades or any other form of tinted or cosmetic eye covering which obscure or change the eyes while being photographed.
13. A person shall not wear a garment which does not cover the shoulders while being photographed, as the shoulders of a person must be covered while being photographed .

PART III

Supporting Documents*	Number	Date of Issue	Effective Date	Place of Issue	Expiry Date
Adoption Order					
Birth Certificate					
Certificate of Change of Name					
Passport					
Immigrant Status Certificate					
Work Permit					
Student Visa					
CARICOM Skilled National					
Rights of Establishment					
Permanent Residence Certificate					
Registered Deed Poll					
Marriage Certificate					
Decree Absolute					
Sworn Affidavit					
Other relevant document(s)					

*This list of supporting documents will vary depending on the personal information of each person and, accordingly, barring certain commonalities, the completed National Registration Form will reflect the specific details of each applicant.

SECOND SCHEDULE

(Section 2)*Barbados Identity Management Act
(Act 2021-)**Certificate of Registration*

		File Number
National Identification Number	Marital Status	Phone (Home)
Status	Eye Colour	Phone (Mobile)
Residential Status	Height	Phone (Office)
Surname	Occupation	Disability
First Name	Place of Birth	Receipt Number

*Second Schedule - (Cont'd)**Certificate of Registration - (Cont'd)*

Middle Name	Nationality	Date of Birth	Sex

Alias	Parish	Polling District

Father's name	Email Address	Constituency

Mothers's name	Twin or multiple birth

Consent given for submission of finger prints for the purposes of identification card or national identification credentials

☐ Yes ☐ No

Guardian ID	House/Lot Number	Delivery Date

Guardian Name	House Name	Reason Change Card

Nature of the Guardian	Any Other Particulars	Notes

Expiry date

*Second Schedule - (Concl'd)**Certificate of Registration - (Concl'd)*

Supporting Documents

Type	Name	Country	Issue Date	Expiry Date	Effective Date
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	Please note that the information recorded in the National Register may be shared with other Government entities. Kindly bring this certificate when you come to collect your identification card.
	_____ <i>Signature or Mark of Applicant</i>
	_____ <i>Reason for Placed Mark or Printed Name</i>
	_____ <i>Signature and Name of Witness</i>
_____ <i>Official's Signature</i>	

THIRD SCHEDULE*(Sections 7, 9, 10, 13, 14, 17, 29, 30 and 34)*

Barbados Identity Management Act
(Act 2021-)

Fees for Identification Cards

\$

Barbados Identification Card

<i>(a)</i>	Adult Barbados Identification Card: First Issue	No charge
<i>(b)</i>	Minor Barbados Identification Card: First Issue	No charge
<i>(c)</i>	Adult Barbados Identification Card: Replacement	60.00
<i>(d)</i>	Minor Barbados Identification Card: Replacement	60.00
<i>(e)</i>	Change from Minor Barbados Identification Card to Adult Barbados Identification Card	
<i>(i)</i>	if the Minor Barbados Identification Card is returned to the Commission	No charge
<i>(ii)</i>	if the Minor Barbados Identification Card is lost or not returned to the Commission	60.00
<i>(f)</i>	Emergency (same day):	
<i>(i)</i>	Issue of Adult Barbados Identification Card	100.00
<i>(ii)</i>	Issue of Minor Barbados Identification Card	100.00

FOURTH SCHEDULE

(Section 9)



Barbados Identity Management Act
(Act 2021-)

Notice of Change of Residence

NOTICE OF CHANGE OF RESIDENCE FORM

To: The Chief Registering Officer

1. Take notice that I have changed my place of residence as follows:

From: _____ in the constituency of
_____.

To: _____ in the constituency of
_____.

2. The date of the change of my residence is the _____ day of _____, 20_____.

3. My name is _____
(Full name in capital letters)

and my National Identification Number is _____
(Insert the National Identification Number)

4. I do declare that the information given by me in this form is to the best of my knowledge and belief true and correct in all respects.

Dated this _____ day of _____, 20_____.

Signature or mark of applicant.

FIFTH SCHEDULE

(Sections 11 and 16)



Barbados Identity Management Act
(Act 2021-)

PART I

Particulars and features to be displayed on the Identification Card

1. Full name of person.
2. Date of birth.
3. Sex.
4. Nationality.
5. Disability (where applicable).
6. National identification number.
7. Signature of person (where the person is a minor, signature of parent or guardian of the minor is required).
8. Photograph of holder (not applicable to minors).
9. Expiry date (where applicable).
10. Residential status (where applicable).
11. Q R Code and other relevant encoding for usage of relevant authority.
12. Machine readable zone.
13. Digital chip.

Fifth Schedule - (Cont'd)

PART II

Particulars contained in the digital chip of the identification card

1. Full name of person.
2. Date of birth.
3. Sex.
4. Nationality.
5. Place of birth.
6. National identification number.
7. Address.
8. Photo or facial image.
9. Type of disability (where applicable).
10. Electronic signature.
11. Password.
12. Certificate for electronic identification.
13. Certificate for electronic signature.
14. Other representations or unique identifiers that may be stored electronically.
15. Other personal data required pursuant to
 - (a) a relevant enactment; or
 - (b) an international convention to which Barbados is a party.

Fifth Schedule - (Concl'd)

PART III

Particulars contained in the national identity credential

1. Full name.
2. Date of birth.
3. Sex.
4. Nationality.
5. Place of birth.
6. National identification number.
7. Address.
8. Photo or facial image.
9. Type of disability (where applicable).
10. Electronic signature.
11. Password.
12. Certificate for electronic identification.
13. Certificate for electronic signature.
14. Other representations or unique identifiers that may be stored electronically.
15. Other personal data required pursuant to
 - (a) a relevant enactment; or
 - (b) an international convention to which Barbados is a party.

SIXTH SCHEDULE

(Section 32)

CONSEQUENTIAL AMENDMENTS

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Electronics Transactions Act, Cap. 308B</i>	1. Section 2 is amended by (a) inserting in the appropriate alphabetical order, the following: ““electronic signature” means a digital or electronic method used to identify an individual and indicate that individual's approval;” and (b) deleting the definition of the word "signature". 2. Section 19 is amended by deleting subsection (3) and substituting the following: "(3) The Minister may, by notice published in the <i>Official Gazette</i>, revoke any recognition accorded under subsection (1), but, before doing so, the Minister shall (a) advise the certificate service provider affected of his intention to do so; (b) indicate his reasons for the proposed revocation; and (c) invite the certificate service provider referred to in paragraph (a)

*Sixth Schedule - (Cont'd)**CONSEQUENTIAL AMENDMENTS - (Cont'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Electronics Transactions Act</i> , Cap. 308B - (Concl'd)	within 14 days of the notice, to submit representations in writing as to why the recognition should not be revoked, and shall consider those representations."
3. Section 22 is amended by deleting subsections (6), (7), (8) and (9).	
2. <i>Representation of the People Act</i> , Cap. 12	1. Section 6(4)(c) is deleted and the following is substituted: "(c) at any election, vote without first producing the identification card issued to him pursuant to the <i>Barbados Identity Management Act, 2021</i> (Act 2021-) unless he proves to the satisfaction of the presiding officer that he has not been issued with an identification card or that he has been issued with an identification card that such card has been lost or destroyed."
	2. Section 25 is deleted.
	3. Section 68(1)(e) is deleted.
3. <i>Representation of the People (Registration of Electors) Regulations, 1990</i> , (S.I. 1990 No. 8)	1. Paragraphs (1)(b) and (2) of regulation 14 are deleted. 2. Regulation 16(c) is deleted. 3. Regulation 24 is deleted. 4. Paragraphs (4) and (5) of regulation 28 are deleted.

*Sixth Schedule - (Concl'd)**CONSEQUENTIAL AMENDMENTS - (Concl'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>Representation of the People (Registration of Electors) Regulations, 1990</i> , (S.I. 1990 No. 8) - (Concl'd)	5. Regulation 29(c) is deleted.
	6. Regulation 36(3) is deleted and the following is substituted: "(3) Where the registering officer or an enumerator is satisfied that the applicant is qualified as an elector for the constituency in which the electoral revising centre is established, he shall cause the applicant's name, and address to be entered in the appropriate register or list, as the case may be, for that constituency."
	7. Form 6 of the <i>First Schedule</i> is deleted.
4. <i>Representation of the People (Identification Cards Replacement Fees) Regulations, 2007</i> , (S.I. 2007 No. 10)	The <i>Representation of the People (Identification Cards Replacement Fee) Regulations, 2007</i> (S.I. 2007 No. 10) are revoked.
5. <i>Statistics Act</i> , Cap. 192	Section 9 is amended by deleting subsection (3) and substituting the following: "(3) Notwithstanding subsection (1) (a) the Chief Electoral Officer may in order to perform his functions under the <i>Representation of the People Act</i>, Cap. 12; and (b) the Chief Registering Officer may in order to perform his functions under the <i>Barbados Identity Management Act, 2021</i> (Act 2021-), have access to the information obtained for or in any census."

Read three times and passed the House of Assembly this
day of _____, 2021.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2021.

President

PARLIAMENT

**SECOND SESSION OF
2018 - 2023**

BILL

cited as the Barbados Identity
Management Act, 2021

Government Printing Department

BILLS OF EXCHANGE (AMENDMENT) ACT, 2021

OBJECTS AND REASONS

An Act to amend the *Bills of Exchange Act*, Cap. 304.

BILLS OF EXCHANGE (AMENDMENT) ACT, 2021

Arrangement of Sections

1. Short title
2. Amendment of section 73 of Cap. 304

BARBADOS

A Bill entitled

An Act to amend the *Bills of Exchange Act*, Cap. 304.

ENACTED by the Parliament of Barbados as follows:

Short title

- 1.** This Act may be cited as the *Bills of Exchange (Amendment) Act, 2021*.

Amendment of section 73 of Cap. 304**2. Section 73 of the Bills of Exchange Act, Cap. 304 is amended by****(a) deleting subsection (1) and substituting the following:**

“(1) A cheque is a bill of exchange drawn on a specified banker that is payable on demand and includes a cheque in electronic form.”; and

(b) inserting immediately after subsection (2) the following new subsection:

“(3) A cheque in electronic form is a cheque that contains

- (a) a digital representation of the front and back of a paper cheque;
- (b) data representing the essential features of a paper cheque; or
- (c) both a digital representation of the front and back of a paper cheque and data representing the essential features of that paper cheque; and

is generated, written and signed in a secure system that satisfies the minimum safety standards for cheques in such electronic form as may be prescribed by the Central Bank of Barbados.”.

Read three times and passed the House of Assembly this
day of _____, 2021.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2021.

President

PARLIAMENT

**SECOND SESSION OF
2018 - 2023**

BILL

cited as the Bills of Exchange
(Amendment) Act, 2021

Government Printing Department

NATIONAL PAYMENT SYSTEM ACT, 2021

OBJECTS AND REASONS

This Bill would modernise the National Payment System and provide for its regulation, oversight and for related matters.

NATIONAL PAYMENT SYSTEM ACT, 2021

Arrangement of Sections

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2. Interpretation
3. Purpose

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6. Co-operation with other authorities
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- 10.** Grant of a licence
- 11.** Exemptions from licensing
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- 13.** Prohibition against the transfer of a licence
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- 20.** Access to information and disclosure
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26. Compliance with anti-money laundering laws

27. Fees

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29. Amendment of rules

30. Access to systems

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33. Transparency of fees

34. Disclosure of terms and conditions

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36. Outsourcing of activities

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50. Presentment of cheque for payment

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52. Electronic fund transfers

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54. Administrative measures

55. Procedure for administrative measures and penalties

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58. Determination of disputes

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- 60.** Transitional provisions
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- 62.** Regulations, orders, directives, etc.
- 63.** Commencement

SCHEDULE

NATIONAL PAYMENT SYSTEM COUNCIL

BARBADOS

A Bill entitled

An Act to modernize the National Payment System and provide for its regulation and oversight and to provide for related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *National Payment System Act, 2021*.

Interpretation

2. In this Act,

“administrative penalty” means a penalty payable to the Central Bank for breach of a term or condition of a licence or authorization granted under this Act;

“affiliate” has the meaning assigned to it under section 448 of the *Companies Act*, Cap. 308;

“agent” means a person who acts on the behalf of a payment service provider to provide payment services;

“authorized” means any authorisation granted under this Act to an entity that does not require a licence under section 11;

“bank” has the meaning assigned to it under section 2 of the *Financial Institutions Act*, Cap. 324A;

“book-entry” means the electronic transfer of securities and other financial assets which do not involve the physical movement of paper documents or certificates;

“Central Bank” has the meaning assigned to the term “Bank” under section 2 of the *Central Bank of Barbados Act* (Act 2020-30);

“central counter-party” means a financial institution that takes on counter-party credit risk between parties to a transaction and provides clearing and settlement services for legal tender currency trades, securities, options and derivative contracts;

“central securities depository” means an entity which enables

- (a) securities to be immobilized or dematerialized;
- (b) securities transactions to be processed by book-entry;
- (c) the provision of custodial and asset services; and
- (d) securities to be held either as an electronic record or in physical form;

“cheque”

- (a) has the meaning assigned to it under section 73 of the *Bills of Exchange Act*, Cap. 304; and
- (b) includes a cheque in electronic form;

“cheque image” means a digital representation of the front and back of a cheque;

“cheque in electronic form” means a cheque image which is generated, written and signed in a secure system ensuring such minimum safety standards as may be prescribed by the Central Bank;

“clearing” means the process of transmitting, reconciling or confirming funds or securities transfer instructions prior to settlement and includes the netting of instructions and the establishment of final positions for settlement;

“clearing house” means an entity that provides clearing or settlement services and includes the Central Bank;

“clearing system”

- (a) means a set of procedures whereby participants present and exchange information relating to the transfer of funds or securities to other participants through a centralized system or at a single location; and
- (b) includes mechanisms for the calculation of the position of participants on a bilateral or multilateral basis with a view to facilitating the settlement of their obligations;

“close-out netting” means a netting arrangement where

- (a) following the occurrence of events specified by the parties to the arrangement, all or any of the transactions referred to in the arrangement may be terminated; and
- (b) the termination value becomes due and payable;

“collateral” means any asset or third-party commitment that is accepted by the collateral taker to secure an obligation of the collateral provider regarding the collateral taker;

“consumer” means an individual who accesses, purchases or utilises financial products and services;

“Council” means the National Payment System Council established under section 7;

“counter-party” means a party on either side of a financial transaction;

“credit risk” means the risk that a counter-party to a financial transaction will not settle that obligation for full value either when due or at any time thereafter;

“debit card” means a card by which money is automatically deducted from an account at a deposit-taking financial institution to pay for goods or services;

“dematerialized” means the elimination of physical certificates or documents of title which represent ownership of securities so that securities exist only as accounting records in an electronic or book-entry format;

“derivative”

- (a) means a financial contract, the value of which depends on the value of one or more underlying reference assets, rates or indices on a measure of economic value or on factual events; and
- (b) includes interest rate swaps, forward rate agreements, foreign currency swaps, foreign currency options or any other instrument as the Central Bank may approve;

“direct participant”

- (a) means a participant in a system that is responsible for the settlement of its own payments, those of its consumers and those of other participants which are not entitled to settle through the system on their own behalf; and
- (b) includes a financial institution and society;

“electronic funds transfer”

- (a) means a transfer of funds which is initiated by a person, so as to instruct, authorize or order a payment service provider to debit or credit an account through electronic means excluding the sale of postal money orders; and
- (b) includes
 - (i) point-of-sale transfers;
 - (ii) automated teller machine transactions;
 - (iii) transfers initiated by telephonic instruments including mobile phones;
 - (iv) internet and other communication channels;
 - (v) credit card and debit card transfers; or
 - (vi) any other technological or electronic method or device to facilitate the electronic transfer of funds as the Central Bank may approve;

“electronic money” means monetary value, electronically or digitally stored that exists in computer systems for the purpose of making payment transactions and which is accepted as a means of payment by persons other than the issuer;

“electronic presentment of a cheque” means presentment of a cheque in electronic form;

“financial institution” has the meaning assigned to it in section 2 of the *Financial Institutions Act*, Cap. 324A;

“intraday credit” means credit lasting less than a day given by a financial entity to a person;

“licence” means a licence issued by the Central Bank under this Act;

“licensee” means a person which has been issued with a licence under this Act;

“Minister” means the Minister responsible for Finance;

“National Payment System”

(a) means all the services associated with sending, receiving and the processing of orders of payment or transfer of money in domestic or foreign currencies; and

(b) includes

(i) issuance and management of payment instruments;

(ii) payment systems, clearing systems and settlement systems, including processing securities and other financial instruments, arrangements and procedures associated to those systems and services; and

(iii) payment service providers;

“net settlement” means a settlement procedure in which final settlement of transfer instructions occurs on a net basis at one or more pre-specified times during the processing day;

“net termination value” means the net amount obtained after setting off or otherwise netting the settlement obligations between the parties in accordance with settlement rules issued by the Central Bank or a netting arrangement entered into between the parties;

“netting” means the determination of the net payment obligations or the net termination value of settlement obligations between two or more participants;

“netting arrangement” means an arrangement in writing to convert several claims or obligations into one net claim or one net obligation and includes

- (a) bilateral netting;
- (b) multilateral netting;
- (c) netting by novation;
- (d) close-out netting;
- (e) payments netting; or
- (f) a combination of any of the above;

“netting by novation” means a netting arrangement between the parties to a series of transactions where an account of amounts due is kept and the rights and obligations of the parties in respect of the account are continuously extinguished and replaced by a new single amount payable by one party to the other;

“operator” means

- (a) the Central Bank; or
- (b) any entity
 - (i) licensed; or
 - (ii) authorized,

by the Central Bank to operate a system under this Act;

“participant” means a party which is licensed or authorized to exchange, clear and settle through the payment system with other participants either as a direct participant or through the services of a direct participant;

“payment card”

- (a) means a card, coupon book, or other device, including a code or any other means of access to an account that may be used from time to time to obtain money or to make payment; and
- (b) includes a debit card, credit card and stored-value card;

“payments netting” means netting arrangement between two or more parties used to reduce settlement risk;

“payment instrument”

- (a) means an instrument, whether tangible or intangible, that enables a person to obtain money, goods or services or to otherwise make a wholesale or retail payment or transfer money; and
- (b) includes
 - (i) a cheque; or
 - (ii) a fund transfer initiated by any paper or paperless device such as an automated teller machine, point of sale system, internet, telephone, mobile phone or payment cards;

“payment service” means a service which enables

- (a) cash deposits and withdrawals;
- (b) the execution of a payment transaction;
- (c) the issue or acquisition of a payment instrument;
- (d) the provision of a remittance service; and
- (e) any other service functional to the transfer of money and includes the issue of electronic money instruments and an electronic funds transfer but does not include the provision of a solely online or telecommunication service or network access;

“payment service provider” means a licensee or an entity authorized under this Act to provide a payment service and includes operators, participants and

any third party acting on the behalf of either of them as an agent or by way of outsourcing agreements, whether entirely or partially operating in Barbados;

“payment system”

- (a) means any system that consists of a set of instruments, procedures and rules for the transfer of funds between or among participants and includes consumers; and
- (b) includes any system or arrangement for the processing, clearing or settlement of funds;

“remittance service” means a service where cash, cheques or other monetary instruments are sent by electronic transmission from one location and a corresponding sum in cash or monetary instruments is received by a designated recipient in another location by means of a communication, a message, by transfer or through a clearing system in which the remittance service provider is a participant;

“security” has the meaning assigned to it under section 2 of the *Securities Act*, Cap. 318A;

“settlement” means the act of discharging obligations by transferring funds or securities or other financial instruments between two or more parties;

“settlement account” means an account at the Central Bank, a settlement agent or central counter-party that is used to hold funds or securities and to settle transactions between participants in the system;

“settlement agent” means a company providing accounts for participants to hold funds or securities and to settle transactions within a system;

“settlement risk” means the risk that a party will default on one or more settlement obligations to the opposite party or to a settlement agent;

“settlement rules”

- (a) mean the rules that provide the basis upon which payment obligations are calculated, netted or settled; and
- (b) include
 - (i) rules for the taking of action in the event that a participant is unable or likely to become unable to meet its obligations to a payment system, clearing house, central counter-party or other participants; and
 - (ii) settlement of obligations from securities;

“settlement system” means

- (a) a system established and operated by the Central Bank for the discharge of payment and settlement obligations in relation to securities; or
- (b) any other system which is approved by the Central Bank for the purpose of settlement or payment;

“society” means a credit union or co-operative society registered under the *Co-operative Societies Act*, Cap. 378A;

“stored-value card” means a payment instrument which stores electronic money equivalent to the monetary value of funds received from the cardholder;

“system” includes a payment system, clearing system or settlement system but does not include an operator, any settlement agent, central counter-party or clearing house; and

“systemic risk” includes the risk that the failure of one participant in a system or in financial markets to meet its required obligations, will cause other participants or financial institutions to be unable to meet their obligations, including settlement obligations in a system when due, and which may cause significant liquidity or credit problems and may threaten the stability of a financial market;

“Tribunal” means such tribunal as may be established by an Act for the purpose of determining disputes under this Act.

Purpose

3.(1) The purpose of this Act is to provide a payment system that is safe, efficient, resilient and competitive through the management of risks, the maintenance of financial stability and the protection of the interests of consumers.

(2) The Central Bank shall, in fulfilling the purpose of this Act, facilitate co-operation among all participants in the development of the National Payment System.

PART II

POWERS AND DUTIES OF THE CENTRAL BANK

Oversight and administration of the National Payment System

4.(1) The Central Bank shall

- (a) modernize, regulate, monitor and oversee the National Payment System in the public interest;
- (b) consider the interests of consumers;
- (c) ensure the safe and effective operation of the National Payment System; and
- (d) reduce any inefficiencies and potential risks to the National Payment System.

(2) Subject to this Act, the Central Bank shall

- (a) formulate policies for the continuous modernization of the National Payment System;

- (b) license and authorize payment service providers and operators in conformity with the provisions of this Act or any regulations made under this Act;
- (c) establish general or individual conditions, standards, rules or procedures in accordance with this Act and any regulations made under this Act that are applicable to an entity licensed or authorized under this Act;
- (d) ensure that the conditions, standards, rules and procedures referred to in paragraph (c) are applied;
- (e) regulate, monitor and supervise the clearing systems and settlement systems;
- (f) request any document from participants in the clearing systems and settlement system;
- (g) inspect the books of participants in the clearing system and settlement system;
- (h) issue directives, instructions and guidelines for the operation of the National Payment Systems; and
- (i) perform such other duties relating to the National Payment System.

Operational role of the Central Bank

- 5.(1) The Central Bank may support the operations and participants of a payment service.
- (2) The Central Bank may, in the fulfilment of its role pursuant to subsection (1)
- (a) establish, own, operate and participate in the ownership or operation of a system;
 - (b) act as a central counter-party to participants;

- (c) open and hold accounts for any operator or participant, which may be used for the clearing and settlement of transfers into a system;
 - (d) hold securities on accounts for any operator or participant, which may be used for the meeting of settlement requirements;
 - (e) extend intraday credit, to entities that are participating in a system where it has been granted adequate collateral; or
 - (f) act as a central securities depository for government securities issued in accordance with the *Central Bank of Barbados Act, 2020* (Act 2020-30), the *Local Loans Act*, Cap. 98 or any other enactment.
- (3) The Central Bank may, in the discharge of its regulatory, monitoring and supervisory functions under this Act, take into account any international oversight standards.

Co-operation with other authorities

- 6.(1) The Central Bank may co-operate with
- (a) an entity directly or indirectly involved in payment services and their operation in Barbados as well as on the regulation, monitoring and supervision of capital markets in Barbados;
 - (b) a monetary authority or international organization dealing with regulation and oversight of a system.
- (2) The Central Bank may for the purpose of co-operating with an entity or authority referred to in subsection (1), enter into a memorandum of understanding with that entity or authority.
- (3) Subsection (2) does not prohibit the Central Bank from co-operating with an authority or entity referred to in subsection (1) in the absence of a memorandum of understanding with that authority or entity.

Establishment of the National Payment System Council

- 7.(1) There is established a National Payment System Council which shall
- (a) advise the Central Bank on
 - (i) the regulation and oversight of the National Payment System;
 - (ii) the setting of operational and technical standards;
 - (iii) the setting of fees; and
 - (iv) the development of new technologies; and
 - (b) submit such reports to the Central Bank as the Central Bank may request from time to time.
- (2) The *Schedule* shall have effect with respect to the constitution and procedure of the Council.

PART III

AUTHORISATION AND LICENSING

Authority for the grant of authorization and issue of licences

- 8.(1) The Central Bank shall be the authority which
- (a) authorizes a person; or
 - (b) issues a licence to a person,
- to act as a payment service provider or to operate a system.
- (2) No person shall provide a payment service or operate a system without authorization or a licence issued by the Central Bank.

Application for a licence

9.(1) A person shall apply to the Central Bank for a licence to provide a payment service or to operate a system and the application shall be in such form and contain such information as may be prescribed by the Central Bank.

(2) The application form shall be accompanied by the prescribed fee.

(3) For the purposes of subsection (1), the Central Bank may

(a) specify different classes and sub-classes of payment services or operators in respect of which a person is required to apply for a licence and for which a licence may be granted including

- (i) a remittance service;
- (ii) an electronic funds transfer;
- (iii) electronic money; and
- (iv) any other classifications the Central Bank considers appropriate; and

(b) prescribe the paid up capital or capital adequacy requirement.

Grant of a licence

10.(1) Where the Central Bank determines that an applicant satisfies the prescribed requirements for licensing, the Central Bank may, on the payment of the prescribed fee, grant a licence specifying the type of payment service or system to be operated.

(2) Notwithstanding subsection (1), the Central Bank may impose terms and conditions in a licence with respect to the type of system to be operated, including the following:

- (a) the capital adequacy levels required to be maintained;
- (b) the average value of payments;

- (c) the aggregate value of payments; and
 - (d) any other relevant factor.
- (3) Where the Central Bank grants a licence, notice of the grant of licence shall be published
- (a) in the *Official Gazette*;
 - (b) in a daily newspaper published and circulated in Barbados; and
 - (c) on the website of the Central Bank.
- (4) Where the Central Bank determines that an applicant does not satisfy the requirements for the grant of a licence, the Central Bank shall inform the applicant in writing of its refusal to grant a licence, together with reasons for the refusal, no later than 3 months after receiving the application.

Exemptions from licensing

- 11.(1)** Notwithstanding sections 8 and 9, a financial institution or society shall not be required to obtain a licence and shall be deemed to be authorized to provide a payment service or to operate a system under this Act.
- (2) A bank or society which provides a payment service, remittance service or operates a payment system shall
- (a) comply with all other requirements of this Act and any regulations made under this Act;
 - (b) comply with such operational, reporting and disclosure requirements as may be set by the Central Bank; and
 - (c) be subject to the oversight requirements for licensed entities under this Act.
- (3) The Central Bank shall maintain a register of all persons authorized in accordance with this section.

Display of licence and certificates

12.(1) A licensee shall display the licence conspicuously at the primary location where the licensee conducts business and shall similarly display a copy of the licence at every other location or branch in Barbados.

(2) An agent of a payment service provider for the provision of a remittance service, shall obtain from the Central Bank, a certificate of agency in respect of each location and shall display the certificate conspicuously at the relevant location.

Prohibition against the transfer of a licence

13. No licence or any other right acquired under this Act shall be transferable, whether in whole or in part, except as may be prescribed by the Central Bank, and any transfer in contravention thereof shall be void.

Renewal of licence

14. A licence granted under this Part may be renewed in the manner and form prescribed by the Central Bank subject to payment of the prescribed fees.

Conditions of licence

15.(1) A licence granted under this Act shall be subject to the conditions the Central Bank considers necessary.

(2) The Central Bank may, for the purposes of this Act, amend any condition of a licence by way of alteration, substitution, addition, omission or other modification.

(3) The Central Bank may, on the application of a licensee, amend a condition where it considers the proposed amendment to be appropriate.

(4) Where the Central Bank directs any amendments in the conditions of a licence, it shall serve notice on the licensee informing the licensee of the reasons

for the proposed amendment, and give the licensee 14 days within which to provide comments on the proposed amendment.

(5) On receipt of any comments pursuant to subsection (4), the Central Bank shall

- (a) take the comments into consideration in confirming or modifying the proposed amendment; and
- (b) notify the licensee of its decision.

(6) Where a licensee intends to establish an agency or subsidiary outside of Barbados, the licensee shall seek the permission of the Central Bank prior to that establishment.

Suspension and revocation of licence

16.(1) The Central Bank may suspend or revoke a licence granted under section 10 where

- (a) the licensee breaches a condition of the licence or fails to comply with this Act or any regulations made under this Act;
- (b) the licensee fails to commence operation of the system within 6 months of the grant of the licence;
- (c) the licensee has ceased operation of the system for any period of time that may be prescribed;
- (d) the licensee obtained the licence through misrepresentation to the Central Bank or by any other irregular means;
- (e) the licensee no longer meets the applicable criteria for the grant of a licence under section 10;
- (f) the operation of the system for which the licence was granted endangers the stability of the payment or financial system in Barbados;
- (g) the entity that owns or operates the system enters into insolvency proceedings;

- (h) in the opinion of the Central Bank, the operation of the system is no longer in the public interest or the system no longer represents the interest of the participants; or
 - (i) an infringement set out under Part XII occurs.
- (2) Subject to subsection (1), before suspending or revoking a licence granted under section 10, the Central Bank shall
 - (a) give to the licensee notice in writing of its intention to do so, specifying the grounds on which it proposes to suspend or revoke the licence; and
 - (b) require the licensee to submit to it, within a specified period, a written statement of objections to the suspension or revocation of the licence.
- (3) Where the licensee has submitted a written statement of objection in accordance with subsection (2), the Central Bank shall give the licensee written notice of its decision to suspend, revoke or continue the licence.
- (4) Notwithstanding subsection (2), where the Central Bank is of the opinion that
 - (a) the safety, soundness, reliability or efficiency of a licensee is or may be threatened; or
 - (b) the stability of the financial systems is endangered,
 the Central Bank may, without prior notice, suspend the licence of that payment service or system and require the licensee to show cause why the suspension should not continue.
- (5) Where the licensee fails to satisfy the Central Bank that the suspension should be discontinued, the Central Bank shall revoke the licence.
- (6) Where the Central Bank suspends or revokes a licence in accordance with subsection (4) or (5), the Central Bank shall immediately publish a notice of the suspension or revocation
 - (a) in the *Official Gazette*;

(b) in a daily newspaper published and circulated in Barbados; and

(c) on the website of the Central Bank,

stating the circumstances for the suspension or revocation.

(7) The Bank shall, within 7 days of a licensee ceasing to hold a licence, publish a notice of the cessation

(a) in the *Official Gazette*;

(b) in a daily newspaper published and circulated in Barbados; and

(c) on the website of the Central Bank.

(8) Where the Central Bank suspends or revokes a licence, it may take such actions as it deems reasonable to ensure the continuity of the National Payment System.

Application of sections and Parts to persons licensed or authorized

17.(1) Sections 12 to 16 shall apply to persons that are exempt from the licensing process but are subject to authorisations in accordance with section 11, with such modifications and adaptations as are necessary.

(2) Parts IV, VI, VII, VIII, IX and X shall apply to persons licensed or authorized under this Act, with such modifications and adaptations as are necessary.

PART IV

ONGOING OVERSIGHT AND SUPERVISION

General and individual measures

18.(1) The Central Bank may at any time adopt general standards and criteria for the conduct of payment services or the operation of systems, either generally or by specific categories.

(2) The Central Bank may at any time issue directives to any payment service provider or operator, or generally to such providers or operators or categories thereof, with respect to

- (a) governance;
- (b) management;
- (c) operations;
- (d) relations with consumers;
- (e) relations with systems; and
- (f) any other matter for the efficient administration of this Act.

(3) The Central Bank shall, at least 14 days prior to the coming into operation of any general directive issued under subsection (2), publish that directive

- (a) in the *Official Gazette*;
- (b) in a newspaper published and circulated in Barbados; and
- (c) on the website of the Central Bank.

Financial innovation oversight

19.(1) The Central Bank shall monitor emerging and innovative payment systems and technologies.

(2) Where a person

- (a) provides innovative payment system or technology; and
- (b) is desirous of operating in Barbados,

that person shall apply to the Central Bank for the innovative payment system and technology to be reviewed, tested and monitored.

(3) The Central Bank shall, in the absence of an enactment, issue guidelines prescribing the mechanisms to review, test and monitor an application for the provision of an innovative payment system or technology.

- (4) Where after reviewing and monitoring an innovative payment system or technology the Central Bank is
- (a) of the opinion that the innovative payment system or technology is not likely to threaten the financial stability of Barbados, the Central Bank may sanction its use; or
 - (b) uncertain as to whether the innovative payment system or technology is likely to threaten the financial stability of Barbados, the Central Bank may, subject to enhanced monitoring, allow the innovative payment system or technology to continue to be tested for a specified period.
- (5) Where the Central Bank has permitted the operation of an innovative payment service or technology under subsection (4), the provider of that service or technology shall, subject to any other legal or regulatory requirements, be eligible to access payment services within Barbados.
- (6) Where after the review of the innovative payment system or technology the Central Bank has reasonable cause to believe that the operation of an innovative payment service or technology may be injurious to the financial system or to the financial stability of Barbados, the Central Bank may refuse to sanction its operation in Barbados.

Access to information and disclosure

- 20.(1)** An operator, a participant or a payment service provider shall
- (a) provide any information requested by the Central Bank in relation to its business or the business of its affiliates;
 - (b) produce all books, minutes, accounts, cash instruments, securities, vouchers or any documents relating to its business or the business of its affiliates for the inspection by any examiner or auditor appointed by the Central Bank at the time and in the manner as the Central Bank, examiner or auditor specifies; or
 - (c) make staff available for interviews with the Central Bank or any person appointed by the Central Bank where necessary.

- (2) Where an operator, a participant or a payment service provider
 - (a) fails to comply with any of the provisions of subsection (1); or
 - (b) provides information or produces any document pursuant to subsection (1) which is false or misleading in any material particular,

that operator, participant or payment service provider is guilty of an offence.

- (3) Where
 - (a) the Central Bank is not the principal regulator of an operator, a participant or a payment service provider; and
 - (b) access to information or disclosure is required,

the Central Bank shall co-operate with the principal regulator of that operator, participant or payment service provider in order to access that information.

Power to inspect and examine

21.(1) Subject to subsection (3) of section 20, the Central Bank, for the purposes of carrying out its functions under this Act, shall have the power, with or without prior notice, to enter and inspect the premises of an operator, a participant or a payment service provider and any third party acting on their behalf, either as an agent or by way of outsourcing agreements.

- (2) The Central Bank may by its officers or agents authorized in writing
 - (a) enter and search the premises of a person that the Central Bank has reason to believe is providing a payment service or operating a system without a valid licence issued by the Bank;
 - (b) inspect, make copies of and retain any book, account, minutes of meetings or any other document or record, including information stored electronically by an operator, a participant or a payment service provider, or any third party acting on their behalf, either as an agent or by way of outsourcing agreements;

- (c) inspect and retain any equipment, apparatus, machinery or any other item or record on the premises where the operation is being conducted contrary to this Act;
 - (d) inspect any other information of an operator, a participant or a payment service provider; or
 - (e) interview the staff of an operator, a participant or a payment service provider.
- (3) Where the Central Bank is satisfied that the retention of the items or records is no longer necessary, it may return to the owners any apparatus, equipment, machinery, record or any other item that it retained under subsection (2).

Audit and submission of audited financial statements

- 22.(1)** The Central Bank shall conduct an audit or commission an independent auditor to conduct an audit of the accounts, books, documents and other records of an operator, a participant or a payment service provider.
- (2) An operator, a participant or a payment service provider shall assist the Central Bank to any extent necessary for the purpose of enabling the Central Bank or its independent auditor to carry out an audit.
- (3) Subject to subsection (3) of section 20, an operator, a participant or a payment service provider shall forward to the Central Bank copies of its audited financial statements prepared in accordance with recognized accounting standards
- (a) at the end of each financial year; or
 - (b) at such time that the Central Bank determines, when an issue arises in relation to a regulatory concern.

Disclosure of information and duty of confidentiality

23.(1) The Central Bank shall not directly or indirectly disclose to any person any information or document obtained during the exercise of its functions under this Act, except

- (a) for the purpose of performing its functions under this Act;
- (b) where it is necessary to protect the financial integrity, effectiveness or security of the National Payment System;
- (c) where it is disclosed to a person who is lawfully authorized to receive the information;
- (d) when disclosure is ordered by a court of law;
- (e) for statistical purposes;
- (f) where for the preservation of transparency, it is required to be shared with all participants of the National Payment System at the request of one participant; or
- (g) where it is required for the purpose of satisfying an obligation under an international treaty, convention or an agreement to which Barbados is a party.

(2) Notwithstanding subsection (1), the Central Bank may, in accordance with section 6, disclose data or information obtained under this Act to an entity in Barbados or a foreign entity which is charged with the regulation and supervision of financial markets, a payment system, an operator, a participant, a payment service provider where

- (a) the purpose for which the data or information will be used is sufficiently specified;
- (b) the intended use of the data or information fits the framework of the supervision of financial markets or participants active in these markets;

- (c) the supply of the data or information would be compatible with the laws of Barbados or in the public interest;
 - (d) the confidentiality of the data or information is adequately guaranteed; or
 - (e) the supply of the data or information is or may come into conflict with the objects of this Act.
- (3) Where the request for disclosure is related to an investigation into the commission of an offence, it shall only be granted
- (a) with the permission of the Governor of the Central Bank;
 - (b) by order of a judge of the High Court; or
 - (c) in accordance with any other enactment.

Publication of data

- 24.** Notwithstanding section 23, the Central Bank may publish
- (a) in whole or in part, any information or data obtained under this Act if the information published does not
 - (i) contravene the laws of Barbados;
 - (ii) disclose sensitive information of any person; or
 - (iii) disclose the financial affairs of a person other than an operator, a payment service provider or a participant; or
 - (b) in whole or in part, any information or data obtained under this Act where a person referred to in sub-paragraph (iii) of paragraph (a) gives prior written consent to the publication; or
 - (c) without consent, consolidated statements or aggregated data of
 - (i) information provided under this Act; and
 - (ii) information related to or derived from information provided under this Act.

Retention of records

25.(1) An operator, a participant or a payment service provider shall retain all records obtained and produced by it in the course of its operations for a period of 7 years from the date the record was obtained or produced, and section 18 of the *Money Laundering and Financing of Terrorism (Prevention and Control) Act* (Act 2011-23) shall apply with such modifications and adaptations as are necessary.

(2) For the purpose of subsection (1), records may be retained electronically pursuant to section 6 of the *Electronic Transactions Act*, Cap. 308B.

Compliance with anti-money laundering laws

26.(1) An operator, a participant or a payment service provider shall comply with the obligations and requirements of the *Money Laundering and Financing of Terrorism (Prevention and Control) Act* (Act 2011-23), and directives and guidelines issued by the Central Bank in relation to anti-money laundering and countering the financing of terrorism.

(2) An operator, a participant or a payment service provider shall also guarantee that an agent or any third party acting on their behalf shall comply with all requirements referred to in subsection (1).

Fees

27. The Central Bank may prescribe,

- (a) in respect of an operator, a participant or a payment service provider, a fee to defray the direct and indirect costs incurred to provide oversight and regulation pursuant to this Act;
- (b) a fee for the performance of its operational role and the provision of facilities pursuant to section 5;
- (c) any other fee for any service that is provided by the Central Bank under this Act.

PART V

RULES TO REGULATE SYSTEMS

Establishment of rules

28.(1) An operator shall establish written rules for the governance, management and operation of the system which the operator is licensed or authorized to operate, including, at a minimum, rules for

- (a) the management of liquidity, credit risk and settlement risk;
- (b) determining the time when a payment instruction and a settlement is final;
- (c) corporate governance;
- (d) determining access to the payment service or payment system;
- (e) establishing contingency arrangements;
- (f) the management of operational and cyber risks;
- (g) establishing the rights and liabilities of the operator, provider and participants; and
- (h) the protection of the rights of consumers including rules for the resolution of disputes with consumers.

(2) Rules made pursuant to subsection (1) shall

- (a) be subject to the approval of the Central Bank prior to the start of the operation of a payment service or a system; and
- (b) comply with the requirements of this Act and any regulations, rules, orders, directives or guidelines issued by the Central Bank in relation to governance, management or the operation of a payment service or system.

Amendment of rules

29.(1) The Central Bank may vary or revoke any rule established under section 28(1) where it considers it appropriate to do so, having regard to

- (a) whether the variation or revocation would be in the public interest;
- (b) the interests of the current participants in the system;
- (c) the interests of persons who, in the future, may desire access to the system; and
- (d) any other matters the Central Bank considers relevant.

(2) No rule established under section 28(1) shall be amended in a manner that would affect the structure, operation or administration of a payment service or system without

- (a) the written approval of the Central Bank; and
- (b) giving at least 30 days notice of the amendment to the participants after the written approval of the Central Bank is obtained.

(3) Notwithstanding subsection (2), the Central Bank may, in the interest of monetary policy, financial stability or in the public interest,

- (a) as the operator of a payment service or system, make a change to the rules of that service or system;
- (b) permit any other operator to make a change to a rule that an operator has made under this Part,

without giving notice to the participants under paragraph (b) of subsection (2) or without giving more than 30 days notice of the change in rule.

Access to systems

- 30.** An operator shall
- (a) make rules on access to a system which are objective, non-discriminatory and proportionate; and
 - (b) not inhibit access to the system more than is necessary to safeguard against risks, including
 - (i) credit, liquidity, and systemic risks;
 - (ii) settlement risks;
 - (iii) money laundering risks and terrorist financing; and
 - (iv) the risk that deficiencies in information systems or internal controls could result in unexpected losses.

Central Bank directives and guidance notes

- 31.(1)** Notwithstanding any other provision of this Part, the Central Bank may issue directives or guidance notes in respect of all or any of the matters specified in this Part.
- (2) Any directives or guidance notes made by the Central Bank shall prevail in the event of a conflict between any rule, instruction, direction or agreement made by or involving an operator or payment service provider.

PART VI

CONSUMER PROTECTION

Powers of Central Bank with respect to consumer protection

- 32.** The Central Bank may establish rules to ensure transparency of conditions including fees and information requirements for payment services.

Transparency of fees

33.(1) The Central Bank shall require an operator, a participant, a payment service provider or an agent which imposes a fee on any consumer for providing a service under the National Payment System to provide notice of the imposition and the amount of the fee to the consumer in accordance with subsections (2) and (3).

(2) The notice referred to in subsection (1) for a payment with respect to any fee for a payment service shall be displayed prominently and conspicuously

- (a) at the location or premises where the consumer initiates the payment order;
- (b) where the operation is being conducted; and
- (c) on the website of the operator, participant, payment service provider and the agent.

(3) The notice referred to in subsection (1) shall be in the form approved by the Central Bank.

(4) An operator, a participant, a payment service provider or an agent shall not impose a fee in connection with any payment instruction initiated by a consumer where the notice required under subsection (1) has not been satisfied.

(5) An operator, a participant, a payment service provider or an agent shall deduct from the transaction amount any fee related to the processing of a transaction.

(6) An operator, a participant, a payment service provider or an agent shall at all times, charge separately to ensure transparency of any fee related to the processing of a transaction

Disclosure of terms and conditions

34.(1) An operator, a participant, a payment service provider or an agent shall, in accordance with the rules and guidelines of the Central Bank, disclose the terms and conditions of a payment service involving a consumer's account, in a manner clearly understood by the consumer at the time the consumer contracts for the payment service.

(2) The terms and conditions to be disclosed under subsection (1) include

- (a) the consumer's liability for an unauthorized payment service and notice of the advisability of prompt reporting of any loss, theft, or unauthorized use of a card, access code or other means of access;
- (b) the telephone number of the person to be notified in the event the consumer believes that an unauthorized payment service has been or may be effected;
- (c) the procedures to verify that the consumer made the notification under paragraph (b) and when the notification was made;
- (d) the maximum time for any kind of payment to be executed;
- (e) the nature of the payment service which the consumer may initiate, including any limitations on the frequency or amount of the payment service;
- (f) any fees for the payment service;
- (g) the consumer's right to stop payment of a pre-authorized payment service and the procedure to initiate a stop;
- (h) the consumer's right to receive information and the nature of that information;
- (i) a summary of the error resolution procedures and the consumer's rights thereunder;

- (j) the liability of an operator, a participant, a payment service provider or an agent to the consumer including liability for fraud;
 - (k) the circumstances under which an operator, a participant, a payment service provider or an agent may in the ordinary course of business disclose information concerning the consumer's account to third parties;
 - (l) a notice to the consumer that a fee may be imposed where the consumer initiates a transfer from an automated teller machine or other electronic terminal that is not operated by the issuer of the card or other means of access;
 - (m) the consumer's right to know about the procedure for resolving disputes; and
 - (n) any other term or condition the Central Bank may determine as necessary for the efficient functioning of this Act.
- (3) The terms and conditions referred to in subsection (2) shall be written in clear concise language.
- (4) An operator, a participant, a payment service provider or an agent shall notify a consumer in writing or by some other means approved by the Central Bank, at least 21 days prior to the effective date, of any change in any term or condition of the consumer's account that is required to be disclosed, unless the change is immediately necessary to maintain or restore the security of a payment system or a consumer's account.

Complaints procedure

- 35.(1) A consumer who
- (a) is aggrieved by an act or omission of an operator, a participant, a payment service provider or an agent; or
 - (b) considers that an operator, a participant, a payment service provider or an agent has not complied with the provisions of this Act,

may make a complaint in writing to the payment service provider for remedial action.

(2) A licensee or a person authorized to operate under this Act shall establish an effective complaints procedure for the

- (a) lodgement;
- (b) investigation;
- (c) resolution; and
- (d) referral to the Central Bank or the Tribunal

of any complaint by a consumer of matters covered by this Act.

(3) Where a consumer submits a complaint in accordance with subsection (1), the operator, participant, payment service provider or agent shall

- (a) send a reply in writing to the consumer; and
- (b) initiate its complaint resolution procedure and make a determination thereon,

no later than 21 days after the day of receiving the complaint.

(4) A consumer shall utilize a complaints procedure before the dispute is submitted to the Tribunal.

PART VII

OUTSOURCING AND USE OF AGENTS

Outsourcing of activities

36.(1) No operator, payment service provider or participant shall outsource any aspect of the operation of its system or the provision of its payment service without the prior written authorisation of the Central Bank.

- (2) An operator or a payment service provider shall provide the Central Bank with all relevant information in relation to the proposed outsourcing in a request for authorisation.
- (3) The Central Bank may, upon receipt of the request and information required under subsection (2), issue an authorisation for the outsourcing of a function if the function would not impair
- (a) the quality of the operator's or payment service provider's internal control; or
 - (b) the ability of the Central Bank to monitor compliance of the operator or payment service provider with all obligations prescribed under this Act.
- (4) The Central Bank shall ensure that when an operator or a payment service provider outsources an important operational function it complies with the following conditions:
- (a) that the outsourcing shall not result in the delegation by senior management of the payment service provider or participant of its responsibility;
 - (b) that the relationship and obligations of the payment service provider towards the consumers of any relevant payment instrument or payment service shall not be altered;
 - (c) that the conditions with which the operator or payment service provider is to comply in order to be licensed or authorized and remain so licensed or authorized, as the case may be, in accordance with this Act shall not be undermined;
 - (d) any other conditions as may be prescribed by the Central Bank; and
 - (e) that none of the other conditions subject to which the licence or authorisation was granted shall be altered, contracted out or modified.
- (5) For the purposes of subsections (1), (2) and (3), an operational function shall be regarded as important where a defect or failure in its performance would

materially impair the continuing compliance of an operator or a payment service provider with the requirements of its licence, its financial performance or the soundness or the continuity of its services.

Use of agents

37.(1) Where a payment service provider intends to provide a payment service to a consumer through an agent, the payment service provider shall seek the prior authorisation of the Central Bank by making an application under subsection (2) to the Central Bank, which shall contain the following information:

- (a) the name and address of the agent;
- (b) a description of the internal control mechanisms that will be used by the agent in order to comply with its obligations pursuant to the *Money Laundering and Financing of Terrorism (Prevention and Control) Act, 2011* (Act 2011-23);
- (c) the identity of the directors and persons responsible for the management of the agent and evidence that they are fit and proper persons; and
- (d) any other information that the Central Bank may require.

(2) An application for authorisation of an agent under this section shall be submitted by a payment service provider in writing, in the form and manner prescribed by Central Bank, together with the prescribed fees.

(3) An authorisation granted under this section shall be subject to the conditions the Central Bank considers necessary and the Central Bank may, for the purposes of this Act, amend any condition of an authorisation by way of alteration, substitution, addition, omission or other modification.

(4) The Central Bank may, where it considers that the information provided under subsection (1) is incorrect, take further action to verify the information.

(5) Where the Central Bank is not satisfied that the information provided pursuant to subsection (1) is correct, the Central Bank shall refuse to authorize the use of an agent.

(6) The Central Bank shall maintain a register of agents which shall be available to the public.

(7) A payment service provider shall ensure that its agent informs consumers that it is acting as an agent of that payment service provider.

Liability

38.(1) An operator or a payment service provider shall take reasonable steps to ensure that an agent or the person to which an operational function is outsourced complies with the requirements of this Act.

(2) An operator or a payment service provider shall remain fully liable for all acts of its employees, agents, branches or persons to which an aspect of its operation or payment service is outsourced.

PART VIII

SETTLEMENT, NETTING AND FINALITY OF PAYMENT

Settlement

39. The discharge of settlement obligations between participants is effected by means of the entries processed through the settlement system in accordance with procedures prescribed by the relevant settlement rules.

Settlement accounts

40.(1) The Central Bank may require a participant to

- (a) open and maintain settlement accounts on the books of the Central Bank or an operator, including the maintenance of minimum balances,

on such terms and conditions as the Central Bank or the operator may specify; or

- (b) appoint another participant which has opened a settlement account as a settlement agent, to settle all obligations due from the first-mentioned participant to any other participant arising out of the clearing for each day.

(2) In the case where a participant appoints a settlement agent under paragraph (b) of subsection (1), the participant shall, before any obligation is settled by the settlement agent on behalf of the participant, give the operator notice in writing of the appointment, together with a written confirmation from the settlement agent of the appointment.

(3) A participant which intends to terminate the appointment of a settlement agent shall notify the operator in writing not less than 14 days before the date of termination of the appointment.

Netting arrangements

41.(1) A netting arrangement shall be valid and enforceable and an operator or a participant in a system shall do what is permitted or required under the netting arrangement in order to give effect to the netting arrangement.

(2) The obligation of a settling participant or central counter-party

- (a) to make payment to a settling participant or central counter-party; and
- (b) to receive payment from another settling participant or central counter-party,

may be netted and a net settlement or close-out netting amount determined, entered and cleared in accordance with the relevant settlement rules.

(3) Transfer orders and the netting of transfer orders shall be legally enforceable within the jurisdiction of Barbados and binding on third parties.

Finality of payment

42.(1) An operator or a payment service provider shall adhere to the rules specified by the Central Bank to achieve finality in its operations, in accordance with the provisions of this Act and as prescribed by any rules, regulations or directives issued by the Central Bank and shall include rules establishing the irrevocability of orders once these have entered into the system, unless special conditions apply.

(2) The entry or payment that has been effected in terms of subsection (1) shall not be revoked, reversed or set aside, including, without limitation, by insolvency or bankruptcy proceedings or any other law similar in purpose and effect, and is not subject to any law or to any order of an administrative or judicial authority that operates as a stay of that payment.

Collateral for payment and settlement

43.(1) The rights and remedies of the Central Bank, a participant, a clearing house, a central counter-party an operator or any other third party in the system with respect to collateral granted to it as security for a payment or the performance of an obligation incurred in a system, shall not be affected by insolvency or bankruptcy proceedings or any other law similar in purpose and effect.

(2) The rights and remedies referred to in subsection (1) shall not be the subject of any stay or order of a court of law affecting the ability of creditors to exercise rights and remedies with respect to the collateral.

PART IX

WINDING UP AND ADMINISTRATION OF
AN OPERATOR, A PARTICIPANT OR A PAYMENT SYSTEM PROVIDER**Central Bank to be notified of winding up**

44.(1) Where a payment service provider, participant or an operator in the National Payment System is wound up or placed in a scheme of administration, the operator, payment service provider or participant in relation to which the winding up or the administration order or the decision was issued, shall, without delay, lodge a copy of the order or decision with the Central Bank.

(2) No voluntary winding up proceedings shall commence until the Central Bank issues directions for the orderly progress and conclusion thereof.

Prohibition

45. An operator, a payment service provider or a participant against which a winding up application or scheme of administration has been lodged or decision for voluntary dissolution is made shall be prohibited from operating or participating in any system until the application or scheme is disposed of or finally determined.

Winding up or administration of participant not to affect finality

46. Notwithstanding anything to the contrary in any enactment relating to insolvency or bankruptcy

(a) the winding up of; or

(b) the opening of,

a scheme of administration in relation to a participant shall not affect the finality or irrevocability of any entry or payment which became final and irrevocable

pursuant to section 42 before the copy of the relevant order or decision was lodged with the Central Bank.

Rules of system to bind liquidator

47.(1) Where an operator, participant or payment service provider is wound up or placed in administration or otherwise declared insolvent by a court, a liquidator or administrator shall be bound by

- (a) any provision contained in a written netting arrangement to which the operator, participant or payment service provider is a party; and
- (b) any provision of this Act or any regulations made under this Act.

applicable to the system in respect of any payment or settlement obligation which

- (i) has been determined through netting prior to the issue of the winding-up or arrangement order, as the case may be; and
- (ii) is to be discharged on or after the date of the winding-up or arrangement order or the discharge of which was overdue on the date of the winding-up or scheme of administration order, as the case may be.

(2) Subsection (1) shall apply notwithstanding anything to the contrary in any enactment in force in Barbados.

Preservation of rights

48. The provisions of this Part shall not restrict or preclude any person from enforcing his rights under the law in so far as it does not affect the finality of payment instruction or settlement or the validity and enforceability of a netting arrangement under this Part.

Conflict of laws

49.(1) In the event of insolvency of a foreign operator or a foreign participant, the rights and obligations of that foreign operator or foreign participant relating

to settlement shall be governed and determined entirely and exclusively under the laws of Barbados.

(2) The rights and obligations of a domestic operator or domestic participant operating in a foreign system shall be governed by the law governing that foreign payment system.

(3) In this section “foreign operator” or foreign participant” means an operator or a participant operating in Barbados but whose base of origin, whether by incorporation, registration, licensing, ownership, citizenship, nationality or otherwise, is outside Barbados.

PART X

PROVISIONS AFFECTING CHEQUES

Presentment of cheque for payment

50.(1) Subject to Part III of the *Bills of Exchange Act*, Cap. 304, a bank may present a cheque for payment to the bank on which it is drawn by notifying that bank of the essential features of the cheque by physical or electronic presentment of a cheque.

(2) For the purposes of this section, the essential features of a cheque are

- (a) the serial number of the cheque;
- (b) the code which identifies the bank at which the cheque is drawn;
- (c) the account number of the drawer of the cheque;
- (d) the amount of the cheque as entered by the drawer of the cheque;
- (e) the signature of the drawer of the cheque; and
- (f) any other feature which the Central Bank prescribes from time to time.

(3) Notwithstanding subsections (1) and (2), the Central Bank may determine and indicate in guidelines, the form in which a cheque is to be presented for the purpose of a clearing house and any standards for the imaging of cheques.

(4) Electronic presentment of a cheque and a cheque image in conformity with this section are admissible as evidence in legal proceedings.

Electronic presentment of cheque

51.(1) Where a cheque is presented in an electronic form pursuant to section 50 (1), the cheque

- (a) shall be treated as valid and as binding as a physical cheque; and
- (b) shall not be taken to have been made outside of the ordinary course of business, in bad faith or negligently because it is made by electronic means rather than by presentment of the physical cheque.

(2) Where, following the electronic presentment of a cheque and prior to its settlement, the bank on which the cheque is drawn requests the bank which presented the cheque to present the physical cheque

- (a) the electronic presentment of a cheque under this section shall be disregarded; and
- (b) this section shall not apply in relation to the subsequent presentment of the cheque.

(3) A request under subsection (2) for the presentment of a cheque shall not constitute dishonour of the cheque by non-payment.

(4) Where presentment of a cheque is made under this section, the bank that presents the cheque and the bank at which it is drawn shall be subject to the same duties in relation to the collection and payment of the cheque as if the cheque itself had been presented for payment.

(5) A bank shall make satisfactory provision, in an electronic format, for the safe custody, storage and retrieval of signatures and cheque images.

PART XI

ELECTRONIC FUNDS TRANSFER AND ELECTRONIC MONEY

Electronic fund transfers

52.(1) An electronic funds transfer and a record of an electronic funds transfer is enforceable and has evidentiary value in accordance with the *Electronic Transactions Act*, Cap. 308B.

(2) The Central Bank shall, in the discharge of its functions under this Act, make or issue regulations, instructions or other relevant measures within its powers to cover specific issues on payment orders and remittance services executed by electronic messages, including, when relevant, protection of consumers of electronic payment instruments.

Issuance of electronic money

53.(1) In addition to the requirements for obtaining a licence or an authorisation under Part III, an applicant which intends to issue electronic money or provide a payment service shall satisfy the Central Bank that

- (a) the issuance of electronic money shall not include the provision of credit;
- (b) electronic money issuers shall provide statistics on electronic money loaded as well as redeemed values in their periodic financial statements and shall also provide sufficient and reliable information to the Central Bank to monitor and control the quantity and velocity of electronic money supply in the economy;
- (c) clearing and settlement mechanisms shall facilitate rapid provision of final settlement after a payment instruction has been initiated in the banking system according to time limits that the Central Bank may establish from time to time; and

- (d) issuers shall be obliged to redeem electronic money value in Barbados currency, at par, upon request; and the management of the underlying float and redemption of electronic money value by the issuer to the holder shall be clearly defined.
- (2) The funds received in exchange for electronic money
 - (a) shall not be treated as a deposit; and
 - (b) shall be safeguarded by setting up appropriate measures to protect them including
 - (i) holding the funds in a trust or custodian account that is established by the payment service provider for the benefit of the consumers; and
 - (ii) covering the funds by insurance or a comparable guarantee from an insurer or a bank.
- (3) The Central Bank may
 - (a) subject to subsection (1), prescribe the category of persons which may issue electronic money;
 - (b) prescribe other requirements and criteria applicable to such persons; and
 - (c) issue directives regarding the issuance of electronic money.

PART XII

ADMINISTRATIVE MEASURES AND PENALTIES

Administrative measures

54.(1) Where a person breaches a term or condition of an authorisation or a licence, guideline or directive under this Act, which does not constitute an offence

under section 57, that person commits an infringement of the Act and is liable to an administrative measure.

(2) The Central Bank may take one or more of the following administrative measures in respect of a person which commits an infringement, namely

- (a) issue a written warning;
- (b) issue a written order to cease and desist from an infringement and to undertake remedial action;
- (c) issue a written order to perform the acts as are necessary for compliance;
- (d) impose an administrative penalty of up to \$250 000 for the infringement;
- (e) impose a fine not exceeding \$25 000 for each day that the infringement continues;
- (f) impose a restriction on participation or provision of a payment service;
- (g) direct an operator or a payment service provider to suspend an officer or manager; and
- (h) suspend or revoke the licence or authorisation.

(3) In determining an administrative measure to be taken, the Central Bank shall consider

- (a) the seriousness of the infringement;
- (b) whether the actual or potential effect of the infringement promotes or may result in a systemic risk;
- (c) the stage at which the infringement was detected;
- (d) whether the infringement was voluntarily reported by the person which committed the infringement; and
- (e) the measure that is appropriate to remedy or terminate the infringement.

- (4) A person which fails to comply with an administrative measure is guilty of an offence and is liable on summary conviction to a fine or imprisonment.

Procedure for administrative measures and penalties

55.(1) Where the Central Bank intends to take an administrative measure under section 54, the Central Bank shall

- (a) notify the concerned operator, participant or payment service provider of the administrative measure it intends to take or impose and shall give reasons therefor; and
 - (b) provide an opportunity to the concerned operator, participant or payment service provider to make representations to the Central Bank in relation to the matter within 10 days or such longer period as the Central Bank indicates in the notice.
- (2) A person may appeal to the Tribunal from a decision of the Central Bank.

Payment of administrative penalty

56.(1) An administrative penalty payable to the Central Bank shall be due within one month from the date on which the notice under section 55(1)(a) was given.

(2) The Central Bank may prescribe that a payment due pursuant to subsection (1), that is outstanding by the date it is due, shall be subject to interest from the date due.

(3) The Central Bank shall not impose an administrative penalty on an operator or a payment service provider where the Central Bank revokes the licence or authorisation of that operator or payment service provider.

Offences and penalties

57.(1) Where a person contravenes section 8(2), 9, 13, 19, 26, 36 and 54(4) that person is guilty of an offence and is liable on summary conviction

- (a) in the case of an individual, to a fine of \$50 000 or to imprisonment for a term of 5 years or to both; or
- (b) in the case of a body corporate, to a fine of \$250 000.

(2) Notwithstanding subsection (1), where the offence continues after a conviction is obtained, an additional fine of \$25 000 shall be imposed for every day or part of a day during which the offence continues.

(3) A director, manager or employee of an operator or a participant who

- (a) obstructs the proper performance of inspection by
 - (i) an auditor in accordance with this Act; or
 - (ii) an examiner appointed by the Central Bank;
- (b) damages, destroys, alters, falsifies accounts, books or records of an operator or a participant; or
- (c) with intent to deceive, makes false entries or fails to enter material items in the accounts of a licensee or an authorized person,

is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for 5 years or to both.

(4) Where a person contravenes any provision of this Act other than a provision specified in subsection (1) or any regulations, orders or notices made under this Act, that person is guilty of an offence and

- (a) in the case of an individual, is liable on summary conviction to a fine of \$50 000 or to imprisonment for 5 years or to both; and
- (b) in the case of a body corporate, is liable on conviction on indictment to a fine of \$250 000.

(5) Where an offence under this Act, committed by a body corporate, is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any officer, director, manager or employee of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and is liable on summary conviction to the fine specified in subsection (1).

PART XIII

MISCELLANEOUS PROVISIONS

Determination of disputes

58. Any dispute arising under this Act shall be determined by the Tribunal.

Immunity

59. The Minister, the Governor of the Central Bank, a director, officer or employee of the Central Bank, auditor or any examiner appointed by the Central Bank, shall not be liable to any person for anything done or omitted in the discharge or purported discharge of their functions under this Act, unless it is shown that the act or omission was done in bad faith.

Transitional provisions

60.(1) An operator, a payment service provider, a participant or any of its officers who conducts business relating to the provision of a payment service or operation of a system on the commencement of this Act shall take all necessary measures to have its

- (a) organization;
- (b) administration; and
- (c) operation,

comply with the requirements of this Act within 6 months from the commencement of this Act, and shall, within 3 months from the commencement of this Act, submit to the Central Bank, a programme for becoming fully compliant by the end of the six-month period.

(2) A person, entity or its officers whose

- (a) organization;
- (b) administration; and
- (c) operation,

does not comply in one or more material respects with the requirements of any directive issued by the Central Bank pursuant to this Act, shall comply with the requirements of the directive within the time period that is specified by the directive.

Amendment of Schedule

61. The Minister may by Order amend the *Schedule*.

Regulations, orders, directives, etc.

62.(1) The Central Bank may, after consultation with the Minister, for the purposes of this Act, make such regulations as it thinks fit.

(2) Any regulations made under subsection (1) may provide for

- (a) the authorisation, licensing, regulation, supervision and oversight of payment service providers and operators of payment systems;
- (b) the form and manner in relation to applying for an authorisation to operate a payment system and for a licence to act as a payment service provider;
- (c) the manner in which an authorisation or a licence may be suspended or revoked;

- (d) the application process for the review, testing and monitoring of innovative payment systems or technologies including terms and fees;
 - (e) any matter relating to payment orders and remittance services executed by electronic messages;
 - (f) the protection of users of payment instruments;
 - (g) the imposition of fees; and
 - (h) any matter which may be prescribed under this Act.
- (3) The Central Bank may make orders and issue any directives, guidelines or notices as may be required from time to time for carrying into effect the provisions of this Act.

Commencement

- 63.** This Act comes into operation on a day to be fixed by Proclamation.

SCHEDULE

(Section 7)

NATIONAL PAYMENT SYSTEM COUNCIL

Appointment of members

- 1.(1) The Council shall comprise 10 members as follows:
- (a) three persons appointed by the Minister by instrument in writing in accordance with sub-paragraph (2);
 - (b) two members on the recommendation of the Central Bank;
 - (c) one member on the recommendation of the Financial Services Commission;
 - (d) one member on the recommendation of the Barbados Co-operative Credit Unions Limited;
 - (e) one member on the recommendation of the Barbados Bankers Association;
 - (f) one member who shall have recognised experience in business, finance, economics or law; and
 - (g) 1 member who shall represent the interests of consumers.
- (2) The Minister shall appoint as members 3 persons who appear to the Minister to be qualified, experienced and broadly represent the diversity of the National Payment System including consumers and payment service providers.
- (3) A member shall, subject to the provisions of this *Schedule*,
- (a) hold office for a term not exceeding 3 years; and
 - (b) be eligible for reappointment.

Chairman and Deputy Chairman

2. The Governor of the Central Bank shall appoint a member to be Chairman, and another to be Deputy Chairman of the Council.

Resignation

3.(1) The Chairman may resign his office by instrument in writing addressed to the Minister.

(2) A member, other than the Chairman, may resign his office by instrument in writing addressed to the Chairman, who shall forthwith forward the instrument to the Minister.

(3) A resignation takes effect from the date on which the Minister receives the instrument.

Temporary leave of absence and appointments

4.(1) The Minister may, in writing, grant leave of absence to a member.

(2) Where the Minister has granted leave of absence to a member, the Minister may appoint a person to temporarily act in the place of that member.

(3) A person who is appointed to temporarily act pursuant to sub-paragraph (2), shall hold office only for the unexpired portion of the term of the former member.

Revocation of appointment

5. The Minister shall revoke the appointment of a member who

- (a) fails to carry out any of his functions under this Act;
- (b) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (c) is convicted of an offence involving fraud or dishonesty or, in the case of any other offence, is sentenced to a term of imprisonment;

- (d) is guilty of serious misconduct in relation to his functions;
- (e) is bankrupt; or
- (f) fails to declare his interest in a matter before the Council.

Members to declare interest

- 6.(1) A member who is in any way, whether directly or indirectly, interested in a matter before the Council shall declare his interest to the Council.
- (2) The Council, excluding the director whose interest was declared, shall determine whether the interest is sufficiently material as to constitute a conflict of interest.
- (3) Where the Council determines that the interest is such as to constitute a conflict of interest, the member shall not
- (a) participate in deliberations on the matter concerned; and
 - (b) be present during the deliberations.

Vacancies

- 7.(1) A vacancy in the membership of the Council arises on
- (a) the death or resignation of a member;
 - (b) the revocation of the appointment of a member; or
 - (c) the absence of a member from 4 consecutive meetings of the Council without the approval of the Minister.
- (2) A person who is appointed to fill a vacancy referred to in sub-paragraph (1) shall hold office only for the unexpired portion of the term of the former member concerned.

Publication

8. The appointment, resignation, death or removal from office of a member shall be published in the *Official Gazette*.

Meetings

9.(1) The Council shall meet as often as may be necessary or expedient for the transaction of its business; and such meetings shall be held at such places and times and on such days as the Council may determine.

(2) The Chairman, or in the event of his absence from Barbados or inability to act as such, the Deputy Chairman, may at any time call a special meeting of the Council and shall call such a meeting within 7 days of the receipt by him of a request for the purpose addressed to him in writing and signed by not less than 2 members.

(3) The Chairman, or in his absence, the Deputy Chairman, shall preside at all meetings of the Council.

(4) Where the Chairman and the Deputy Chairman are absent from a meeting, the members present shall elect a member from among their number to preside at the meeting.

(5) A majority of the membership shall constitute a quorum.

(6) The decisions of the Council shall be by a majority of votes and in a case where the voting is equal, the Chairman or other person presiding at the meeting shall, in addition to an original vote, have a casting vote.

(7) Minutes of each meeting shall be kept by the person performing the functions of secretary to the Council or by such other officer as the Council appoints for the purpose and shall be confirmed by the Council and signed by the Chairman or Deputy Chairman at the next meeting of the Council.

Attendance of non-members at meetings

10. The Council may invite any person to attend any of its meetings to assist or advise it with respect to any matter under its consideration, but a person so invited does not have a right to vote.

Council to regulate its proceedings

11. Subject to the provisions of this *Schedule*, the Council may regulate its own proceedings.

Read three times and passed the House of Assembly this
day of , 2021.

Speaker

Read three times and passed the Senate this day of
, 2021.

President

PARLIAMENT

**SECOND SESSION OF
2018 - 2023**

BILL

cited as the National Payment
System Act, 2021

Government Printing Department



BARBADOS

The Official Gazette Part A

8th February, 2021

Statutory Instrument

S.I. 2021 No. 6

Miscellaneous Controls Act

CAP. 329

**MISCELLANEOUS CONTROLS (CONTROL OF PRICES) (GENERAL)
(AMENDMENT) REGULATIONS, 2021**

The Minister, in exercise of the powers conferred on him by section 3 of the *Miscellaneous Controls Act*, makes the following Regulations:

1. These Regulations may be cited as the *Miscellaneous Controls (Control of Prices) (General) (Amendment) Regulations, 2021*.

2. *The Schedule to the Miscellaneous Controls (Control of Prices) (General) Regulations, 2015 (S.I. 2015 No. 76) is amended by deleting the following items:*

“Diesel Fuel”

“Gasolene”

“Kerosene”

appearing in the first column of the Schedule under the Article "PETROLEUM PRODUCTS" and all the words appearing opposite thereto in the columns marked "WHOLESALE PRICE" and "RETAIL PRICE" and substituting therefor the items set out in the Schedule to these Regulations, together with the wholesale and retail prices set out in respect of those items.

3. *These Regulations shall come into operation on the 8th day of February, 2021.*

SCHEDULE*(Regulation 2)*

ARTICLE	WHOLESALE PRICE (not greater than)	RETAIL PRICE (not greater than)
PETROLEUM PRODUCTS:		
Diesel Fuel	\$2.43105 per litre	\$2.72 per litre
Gasolene	\$3.04378 per litre	\$3.39 per litre
Kerosene	\$1.04791 per litre	\$1.09 per litre

Made by the Minister this 1st day of February, 2021.

K. D. SYMMONDS

Minister responsible for Small Business, Entrepreneurship and Commerce



The Official Gazette

PUBLISHED
BY
AUTHORITY

VOL. CLVI No. 17

Part B

BRIDGETOWN, BARBADOS, 8TH FEBRUARY, 2021

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NOTICE NO. 1

THE COMPANIES ACT, CAP. 308
(Section 339)

NOTICE OF REVIVAL OF REGISTRATION

Hawksbill Holdings Limited
Company No: 736

In accordance with section 339 (3) of the Companies Act, Cap. 308 Notice is hereby given that the registration of the above-mentioned external company has been revived by the Registrar of Companies with effect from December 11, 2020.

Dated this 31st day of December 2020.

V. MEDLEY-GAY
Director.

NOTICE NO. 1 (third publication)

Land (Title Proceedings) Act, 2011
(Act 2011-7)

FORM 3

**NOTICE OF APPLICATION FOR DECLARATION OF OWNERSHIP AND
CERTIFICATE OF TITLE IN RESPECT OF**

**ALL THAT LAND situate at Farm Road in the parish of Saint Peter
containing by admeasurement 362.0 square metres.**

SUPREME COURT OF BARBADOS
IN THE HIGH COURT OF JUSTICE

CLAIM NO. LTP68 of 2020

**IN THE MATTER OF THE LAND (TITLE
PROCEEDINGS) ACT, 2011 (SECTION 3)**

AND IN THE MATTER of **ALL THAT** land situate at Farm Road in the parish of Saint Peter containing by admeasurement 362.0 square metres as shown on a Plan certified on the 9th day of November 2020 by Mohammed Rafik M.S. Nagdee, Land Surveyor Abutting and Bounding on lands of Farm Road Pentecostal House of Prayer, on lands of Lavinia Broomes, on lands of Sybil Leacock, on lands of Shonn Boyce and on a public road known as Farm Road Public Road which leads in one direction to Speightstown Bypass Road and in the other direction to Warleigh or however else the same may abut and bound.

TAKE NOTICE that **PETER ANDERSON LUCAS** of Farm Tenantry in the parish of Saint Peter in this Island, **ELSWORTH WELLINGTON HOWELL** of 20B Harrison's Plantation in the parish of Saint Lucy in this Island and **CYNTHIA EUDORA WOODS** of Church Hill Road, Ashton Hall in the parish of Saint Peter in this Island, the Trustees of Farm Road Pentecostal House of Prayer, a Charity registered on the 28th day of October 1997 under the Charities Act Chapter 243 of the Laws of Barbados as Charity Number 363, have applied to the High Court for a declaration of their ownership and a certificate of title in respect of the property described above.

Any persons having any adverse claim, lien or charge or right or interest against the said property should submit the claim duly authenticated on oath to the Registrar of the Supreme Court, Bridgetown, on or before the **23rd day of February 2021**.

Any other person who has any information relating to the ownership of the said property is invited to give such information in writing to the Registrar of the Supreme Court, Bridgetown, on or before the **23rd day of February 2021**.

Dated the 29th day of December, 2020.

TAMMY L. BRYAN
Attorney-at-Law for the Claimants,
whose place of business and address of service is c/o George Walton Payne & Co.,
Suite 205-207, Dowell House, Cr. Roebuck & Palmetto Streets, Bridgetown.



CENTRAL BANK OF BARBADOS

NON-CONSOLIDATED STATEMENT OF CONDITION AS AT JUNE 30, 2020

Issued under Section 52(1) of the Central Bank of Barbados Act Cap. 323C

ASSETS	June 2020
	BDS\$
RESERVE OF EXTERNAL ASSETS:	
Balances Held Abroad	806,647,990
Foreign Notes & Coins	15,995,999
Foreign Securities	1,143,217,564
	1,965,861,553
INTERNATIONAL MONETARY FUND:	
Reserve Tranche	34,800,633
Holdings of Special Drawing Rights	26,299,871
	61,100,504
Total Reserve of External Assets	2,026,962,057
LOCAL ASSETS:	
SECURITIES	
Barbados Government Treasury Bills	207,065,516
Barbados Government Debentures/Bonds	415,568,320
	622,633,836
DISCOUNTS AND ADVANCES	
Government Ways & Means	93,646,000
FIXED ASSETS (Net)	105,243,562
OTHER ASSETS	25,402,211
Total Local Assets	846,925,609
	2,873,887,666



CENTRAL BANK OF BARBADOS

NON-CONSOLIDATED STATEMENT OF CONDITION AS AT June 30, 2020

Issued under Section 52(1) of the Central Bank of Barbados Act 1972-6.

	June 2020
	BDS\$
LIABILITIES:	
Notes and Coins in Circulation	821,828,956
DEPOSITS:	
Government	482,259,055
Banks	2,388,199,217
Financial Institutions	3,335,546
Other	1,713,035
	2,875,506,853
OTHER LIABILITIES:	
Allocation of Special Drawing Rights	177,542,520
IMF Extended Fund Facility	384,744,338
Other	190,226,749
	752,513,607
Total Liabilities	4,449,849,416
OTHER FUNDS	500,000
CAPITAL AND RESERVES	
Authorised Capital: BDS\$5,000,000	
Paid up Capital: Government of Barbados	2,000,000
General Reserve	25,000,000
Other Comprehensive Gain	34,059,817
Contributed Surplus	8,500,000
Accumulated Deficit	(1,661,749,628)
Profit & Loss Account	15,728,061
Net Capital and Reserves	(1,576,461,750)
	2,873,887,666

CLEVISTON HAYNES

Governor

July 16, 2020

PHILMORE THORNE

Financial Controller (Acting)



CENTRAL BANK OF BARBADOS
NON-CONSOLIDATED STATEMENT OF CONDITION AS AT JULY 31, 2020

Issued under Section 52(1) of the Central Bank of Barbados Act Cap. 323C

ASSETS	July 2020
	BDS\$
RESERVE OF EXTERNAL ASSETS:	
Balances Held Abroad	697,913,496
Foreign Notes & Coins	9,787,278
Foreign Securities	1,355,819,748
	2,063,520,522
INTERNATIONAL MONETARY FUND:	
Reserve Tranche	34,800,633
Holdings of Special Drawing Rights	26,285,260
	61,085,893
Total Reserve of External Assets	2,124,606,415
LOCAL ASSETS:	
SECURITIES	
Barbados Government Treasury Bills	207,065,516
Barbados Government Debentures/Bonds	415,486,028
	622,551,544
DISCOUNTS AND ADVANCES	
Government Ways & Means	87,810,000
FIXED ASSETS (Net)	104,902,022
OTHER ASSETS	24,922,691
Total Local Assets	840,186,257
	2, 6 ,7 2,672



CENTRAL BANK OF BARBADOS

NON-CONSOLIDATED STATEMENT OF CONDITION AS AT July 31, 2020

Issued under Section 52(1) of the Central Bank of Barbados Act 1972-6.

	July 2020
	BDS\$
LIABILITIES:	
Notes and Coins in Circulation	821,762,310
DEPOSITS:	
Government	471,824,614
Banks	2,471,447,579
Financial Institutions	5,842,600
Other	2,403,847
	2,951,518,640
OTHER LIABILITIES:	
Allocation of Special Drawing Rights	177,542,520
IMF Extended Fund Facility	384,744,338
Other	201,547,762
	763,834,620
Total Liabilities	4,537,115,570
OTHER FUNDS	500,000
CAPITAL AND RESERVES	
Authorised Capital: BDS\$5,000,000	
Paid up Capital: Government of Barbados	2,000,000
General Reserve	25,000,000
Other Comprehensive Gain	35,185,192
Contributed Surplus	8,500,000
Accumulated Deficit	(1,661,749,628)
Profit & Loss Account	18,241,538
Net Capital and Reserves	(1,572,822,898)
	2, 6 ,7 2,672

CLEVISTON HAYNES
Governor

PHILMORE THORNE
Financial Controller (Acting)

August 28, 2020



Independent auditor's report

To the Shareholder of RBC (Barbados) Trading Bank Corporation

Our opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of RBC (Barbados) Trading Bank Corporation (the Company) as at October 31, 2020, and its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards.

What we have audited

The Company's financial statements comprise:

- the balance sheet as at October 31, 2020;
- the statement of comprehensive income for the year then ended;
- the statement of changes in shareholder's equity for the year then ended;
- the statement of cash flows for the year then ended; and
- the notes to the financial statements, which include significant accounting policies and other explanatory information.

Basis for opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the financial statements* section of our report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Independence

We are independent of the Company in accordance with the International Code of Ethics for Professional Accountants (including International Independence Standards) issued by the International Ethics Standards Board for Accountants (IESBA Code). We have fulfilled our other ethical responsibilities in accordance with the IESBA Code.

Responsibilities of management and those charged with governance for the financial statements

Management is responsible for the preparation and fair presentation of the financial statements, in accordance with International Financial Reporting Standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.



In preparing the financial statements, management is responsible for assessing the Company's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Company or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Company's financial reporting process.

Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Company's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Company to cease to continue as a going concern.



- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Other matter

This report is made solely to the Company's shareholder, as a body corporate, in accordance with Section 147 of the Companies Act of Barbados. Our audit work has been undertaken so that we might state to the Company's shareholder those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law and subject to any enactment or rule of law to the contrary, we do not accept or assume responsibility to anyone other than the Company and the Company's shareholder as a body corporate, for our audit work, for this report, or for the opinion we have formed.

A handwritten signature in black ink that reads "PricewaterhouseCoopers LLC".

Bridgetown, Barbados
January 26, 2021

Probate Advertisements

NOTICE NO. 2

BARBADOS

IN THE SUPREME COURT OF JUDICATURE

*High Court
Probate Division*

In the Estate of

**BRUCE DAVID McALLISTER also known as
BRUCE DAVID McALLISTER also known as
BRUCE McALLISTER also known as
BRUCE McALLISTER**

Deceased

PUBLIC NOTICE is hereby given that an Application is being made for the following Grant of Probate namely:-

PROBATE of the Will dated the 11th day of May 2016 of BRUCE DAVID McALLISTER also known as BRUCE DAVID McALLISTER also known as BRUCE McALLISTER also known as BRUCE McALLISTER late of Lot #7 Ifill Road, Flagstaff, Clapham in the parish of Saint Michael in this Island who died at #7 Ifill Road, Flagstaff in the parish of Saint Michael in this Island on the 24th day of September 2020 by BEVERLEY INNISS and WINSTON INNISS the Executors named in the Will of the said deceased.

An application shall be submitted to the Supreme Court fourteen (14) days from the date of Notice in the *Official Gazette* and from the date of the second Notice of Advertisement.

Dated the 8th day of February 2021.

HAZELYN E. DEVONISH
Attorney-at-Law for the Applicant.

NOTICE NO. 3

BARBADOS

IN THE SUPREME COURT OF JUDICATURE

*High Court
Probate Division*

In the Estate of

**JULIETTE PATRICIA HOLNESS also known as
JULIETTE PATRICIA ARMSTRONG also known as
JULIETTE P. HOLNESS also known as
JULIETTE P. ARMSTRONG also known as
JULIETTE HOLNESS also known as
JULIETTE ARMSTRONG**

Deceased

PUBLIC NOTICE is hereby given that an Application is being made for the following Grant of Letters of Administration namely:-

LETTERS OF ADMINISTRATION to the Estate of JULIETTE PATRICIA HOLNESS also known as JULIETTE PATRICIA ARMSTRONG also known as JULIETTE P. HOLNESS also known as JULIETTE P. ARMSTRONG also known as JULIETTE HOLNESS also known as JULIETTE ARMSTRONG late of Lot 119 Brevitor Hall, Mount Brevitor, St. Peter in Barbados who died in this Island on the 25th day of May 2020 by GARCIA NEWTON HOLNESS the husband of the said deceased.

An application shall be submitted to the Supreme Court fourteen (14) days from the date of Notice in the *Official Gazette* and from the date of the second Notice of Advertisement.

Dated the 8th day of February 2021.

HAZELYN E. DEVONISH
Attorney-at-Law for the Applicant.



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Part C

BRIDGETOWN, BARBADOS, 8TH FEBRUARY, 2021

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Acting Appointments

Ms. Michelle Johnson, Registrar of Titles, acted as Chief Legal Officer, National Insurance Department, Ministry of Finance, Economic Affairs and Investment, with effect from 2020-11-18 to 2020-12-04.
(M.P. 3/64/30 Vol. 1)

Mrs. Tameisha Rochester, Deputy Registrar, has been appointed to act as Registrar, Corporate Affairs and Intellectual Property Office, Ministry of International Business and Industry, with effect from 2020-12-12 until further notice but not later than 2021-06-30.
(M.P. 3/102/03^c Vol. 3)

Mr. Trevor Gibbs, Chief Legal Officer, acted as Registrar of the Supreme Court, Registration Department, with effect from 2020-11-18 to 2020-12-04.
(M.P. 3/07/03^c Vol. 4)

NOTICE NO. 1

Government Notices

Vacation Leave

The Hon. Mr. Justice Randall Worrell, Judge of the High Court, has been granted twenty-six (26) days' vacation leave from 15th February, 2021 to 12th March, 2021.

NOTICE NO. 2

SAGICOR LIFE INC.

MARGARET LEACOCK of No. 17 Groves Terrace, St. George having made sworn deposition that Policy No. B306850 issued by British American Insurance Company Ltd. and assumed by Sagicor Life Inc., on her life has been lost and having made application to the Directors to grant a duplicate of the same, notice is hereby given that unless objection is raised within one month of the date hereof, the duplicate policy asked for will be issued.

Dated the 6th day of January, 2021.

By Order,

ALTHEA C. HAZZARD
Corporate Secretary.

GOVERNMENT NOTICE**Appointments to the Board of the Barbados Accreditation Council**

In accordance with Section 9 of the Barbados Accreditation Council Act, 2004-11 and Paragraph 1 of the First Schedule thereto, the Minister of Education, Technological and Vocational Training has appointed the following persons to serve on the Board of Directors of the Barbados Accreditation Council for a period of two (2) years with effect from November 12, 2020:

Dr. Richard Ishmael	—	Chairman
Ms. Bernadette Callender	—	Deputy Chairman
Dr. Sonita Alexander	—	Member
Chief Education Officer Ministry of Education, Technological and Vocational Training	—	Member
Deputy Chief Education Officer (Schools) Ministry of Education, Technological and Vocational Training	—	Member
Mr. Herbert Gittens	—	Representative of the Congress of Trade Union and Staff Associations of Barbados
Ms. Dawn Layne	—	Representative of the Barbados Employers' Confederation
Director General Ministry of the Public Service	—	Member, <i>Ex Officio</i>
The Executive Director Barbados Accreditation Council	—	Member, <i>Ex Officio</i>