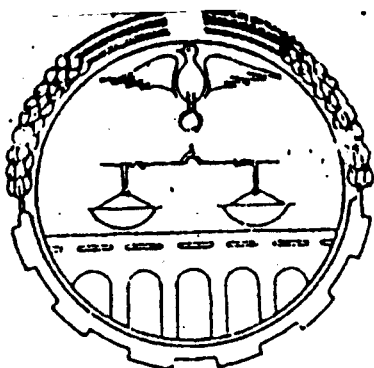


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Addis Ababa, 30th January 1994

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NEGARIT GAZETA

OF THE TRANSITIONAL GOVERNMENT OF ETHIOPIA

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PROCLAMATION No. 83/1994

MONETARY AND BANKING PROCLAMATION

WHEREAS, the accelerated growth and development of Ethiopia requires systematic mobilization and use of financial and monetary resources;

WHEREAS, it is necessary to lay the basis for a sound banking system which will foster the continued expansion of the economy of Ethiopia;

NOW/THEREFORE, in accordance with Article 9 (d) of the Transitional Period Charter, it is hereby proclaimed as follows:

PART I

General

1. This proclamation may be cited as the "Monetary and Banking Proclamation No. 83/1994".
2. In this Proclamation unless the context requires otherwise, the following terms shall have the meanings ascribed below:
 1. "The Bank" means the National Bank of Ethiopia;
 2. "banks" means banks to be established in accordance with the law;
 3. "Insurers" means insurance companies to be established in accordance with the law;

4. "Other Financial Institutions" means institutions of savings, postal savings, credit cooperatives and other similar institutions engaged in any type of banking business;
5. "Authorized bank" means any bank or other financial institution authorized by the Bank to engage in transactions in foreign exchange;
6. "Authorized dealer" means any person other than a bank or other financial institution, which is authorized by the Bank to engage in transactions in foreign exchange;
7. "Foreign currency" means any currency other than Ethiopian currency which is legal tender in any country outside Ethiopia and which the Bank accepts for purposes of foreign exchange;
8. "Foreign exchange" means any foreign currency, cheques, bills of exchange, promissory notes, drafts, securities and other negotiable or non-negotiable instruments, expressed in foreign monetary units as well as bank balances held abroad or assets in the form of foreign accounting, crediting or set-off arrangements, whether expressed or payable in foreign currencies or in Birr provided is acceptable to the Bank;
9. "Person" means any natural or juridical person;
10. "Transaction in foreign exchange" means;
 - a) the transfer, borrowing, lending, assignment, exchange, purchase, sale, receipt, payment or crediting of foreign exchange, and;
 - b) the conclusion of any contract, agreement, arrangement or understanding as a result of which any foreign exchange is transferred, borrowed, lent, assigned, exchanged, purchased, sold, received, paid or credited with in or outside Ethiopia;
11. "Valuable goods" or "Valuable thing" means anything of value but shall not include foreign exchange which a passenger brings with him into Ethiopia or any *bona fide* baggage of a passenger as defined in the Customs Tariff;

Section 3: Powers and Duties of the Bank

7. In the fulfilment of its purposes the Bank shall have the following powers and duties:
 1. Coin, print and issue legal tender currency;
 2. Regulate the supply, availability of money and credit, and applicable interest and other charges;
 3. Implement exchange rate policy, allocate foreign exchange: manage and administer the international reserves of Ethiopia;
 4. Licence, supervise and regulate banks, insurance and other financial institutions;
 5. Set limits on gold and foreign exchange assets which banks and other financial institutions authorized to deal in foreign exchange can hold in deposits.
 6. Set limits on the net foreign exchange position and on the terms and the amount of external indebtedness of banks and other financial institutions.
 7. Make short and long term refinancing facilities available to banks and other financial institutions;
 8. Accept deposits of any kind from foreign sources;
 9. Promote and encourage the dissemination of banking and insurance services throughout the country;
 10. Prepare periodic economic studies, together with forecasts of the balance of payments, money supply, prices and other relevant statistical indicators of the Ethiopian economy useful for analysis and for the formulation and determination by the Bank of monetary, saving and exchange policies;
 11. Act as banker, fiscal agent and financial advisor to the Government;
 12. Exercise such other powers, perform such other functions and carry out such other activities as central banks customarily perform.
8. The Bank shall act consistently with international monetary and banking agreements to which Ethiopia is a party and represents Ethiopia in international Monetary institutions.

CHAPTER 2

Capital, Reserves and Financial Statements

9. The Capital of the Bank shall be fully owned by the State. The authorized capital of the bank shall be birr 50,000,000 (fifty million birr) out of which birr 42,000,000 (forty two million birr) is paid in cash and in kind. The remaining amount shall be paid in five years.

10. The financial year of the Bank shall begin on July 1 and end on June 30 of the next year.
11.
 1. Within six (6) months from the end of each financial year, the Bank shall prepare and submit to the Government a balance sheet as well as profit and loss statement.
 2. Net profit for the financial year shall be determined by deducing from gross profits all administrative expenditures and all allowances made for depreciation, bad and doubtful debts and such other provisions as the Bank may decide.
 3. Twenty percent (20%) of the net profit shall be paid each financial year into the General Reserve Fund until such fund equals the capital of the Bank. The remaining eighty percent (80%) shall be credited to the account of the Ministry of Finance.
 4. As soon as the General Reserve Fund equals the capital of the Bank twenty percent (20%) of the net profit shall be credited to the General Reserve Fund or to any special reserve fund which may be established by the Bank. The remaining eighty (80%) shall be credited to the account of the Ministry of Finance.
12.
 1. Net losses of the Bank shall be debited to the General Reserve Fund.
 2. If at any time, as a result of net losses sustained by the Bank, the General Reserve Fund shall be less than the capital of the Bank, the provision of Article 11 (3) hereof shall apply until such time as the General Reserve Fund shall again equal the capital of the Bank.
 3. The Government shall ensure that the capital of the Bank shall remain intact at all times.
13.
 1. Profits and losses arising from any revaluation or devaluation of the Bank's net assets or liabilities in gold or foreign currencies or other international reserve assets, as a result of changes in the exchange value of the Birr or of changes in the value of the monetary unit of other countries, shall be excluded from the computation of the annual profits and losses of the Bank.
 2. All such profits and losses shall be carried in a special account named the "International Reserve Valuation Account" to be shown separately on the balance sheet. The manner of utilization of such profits shall be determined by the Board.
14. A duly audited and signed balance sheet and annual profit and loss statement shall be published in the annual report of the Bank.

CHAPTER 3

Organization and Administration of the Bank

Section 1: Powers and Duties of the Board of the Bank

15. The powers, responsibilities and functions of the Bank provided for herein shall be vested in the Board.
16.
 1. The Board shall be composed of seven members. The Governor, the Minister of Finance, Minister of Planning and Economic Development and the Minister of Trade shall be ex-officio members. The Chairman of the Board and the remaining two members shall be appointed by the Government.
 2. Four members of the Board shall constitute a quorum.
 3. Meetings of the Board shall be called by the Chairman or in his absence, by a person delegated by him.
 4. Meetings of the Board shall be held at least once in every three months. However, the chairman or in his absence, the person delegated by him may convene a meeting at any time or when three members so request.
 5. The Board shall have its own secretary.
 6. The Government shall fix the remuneration of the members of the Board.
17.
 1. All decisions of the Board shall be made by a simple majority vote of the members present. In case of a tie, the Chairman shall have a casting vote.
 2. Minutes of meetings of the Board shall be recorded accurately and in such form as the Board may determine. Unless the Board decides otherwise, minutes of the Board shall be confidential.
 3. The Board may adopt its own rules of procedures.
18. The Board may, where it deems necessary, delegate any of its powers to the Governor.

Section 2: Powers and Duties of the Governor

19. The Governor shall be appointed by the Government.
20.
 1. The Governor is the Chief Executive Officer of the Bank. He shall guide and supervise the administration and operations of the Bank in accordance with this Proclamation and with the decisions of the Board.
 2. He shall be the principal representative of the Bank, and shall in this capacity:-
 - a) represent the Bank in all relations with other persons including the Government and international monetary and other relevant financial institutions in which Ethiopia is a member;
 - b) sign individually, or jointly with other authorized officers of the Bank, contracts concluded by the Bank, currency notes or securities issued by the Bank, annual reports, balance sheets, profit and loss statements, correspondence and other documents of the Bank, and

- c) represent the Bank, either personally or through Counsel, in any legal proceeding to which the Bank is a party.
- 3. He shall keep the Board currently informed on matters which require the Board's attention and shall provide the Board, as far as possible, with such data and advice as will facilitate the formulation of decisions and policies by the Board.
- 21. He may delegate a portion of his powers to the Vice Governor and other officers of the Bank, as may be required for the efficiency of the Bank.
- 22. He shall, in all his actions, be guided by the purposes of the Bank as set forth in Article 6.

Section 3: Powers and Duties of the Vice Governor

- 23. The Bank shall have a Vice Governor to be appointed by the Government. The Vice Governor shall assist the Governor in all his function. In the absence of the Governor, the Vice Governor, shall discharge all of the functions—conferred on the Governor.

CHAPTER 4

Relations of the Bank with the Government

- 24. The Bank shall act as a fiscal agent for the Government and in this capacity is shall:
 - 1. accept deposits and effect payments for the account of the Government and may select banks or other financial institutions to act in its name and for its account; the Bank may furnish information regarding such accounts as and when requested by the Ministry of Finance;
 - 2. be the administrator of specified Government accounts in accordance with arrangements to be made between the Bank and the Ministry of Finance;
 - 3. upon authorization of the Ministry of Finance, manage public debt transactions including the issue and service of bonds and other securities of the Government.
- 25. 1. The Bank shall act as banker for the Government and in this capacity, it may, in the name and for account of the Government, engage in the following transactions:
 - a) pay, remit, collect or take custody of funds in Ethiopia or abroad;
 - b) purchase, sell, transfer or take custody of cheques, bills of exchange, promissory notes and securities;
 - c) collect the proceeds, whether principal or interest, resulting from the sale of securities;
 - d) purchase, sell, transfer or take custody of foreign exchange and precious metals such as gold and silver;
 - e) subject to the relevant provisions of this proclamation make advances to the Government.

2. The amount of credit to be extended by Bank to the Government for each fiscal year shall be determined in consultation with Bank and shall be consistent with the maintenance of monetary stability and balance of payment equilibrium.
3. The limit to Government borrowing from bank shall be as follows:
 - a) for the purpose of overcoming budgetary deficit of the Government, the bank may make direct advances to the Government provided, however, that the total of the outstanding direct advances to the Government shall at no time exceed fifteen per cent (15%) of average annual ordinary revenue of the Government for three fiscal years immediately preceding for which accounts are available. Repayment of all advances made during the preceding fiscal year within the next one year period shall be a condition to the making of any advances in the following year. Such direct advances shall bear interest at a market-related rate to be determined by the Bank.
 - b) The Bank may buy and sell freely negotiable Treasury Bills issued by the Government maturing not later than twelve (12) months from the date of issuance at a price specified by it, subject to the provisions of sub-article 3 (d) hereunder.
 - c) The Bank may accept Treasury Bills referred under sub-article 3 (b) above as security for loans and advances made by the Bank to borrowers other than the Government.
 - d) At no time shall the amount of the Treasury Bills purchased and held as security by the Bank and those purchased by banks and other financial institutions but not surrendered as security to the Bank exceed twenty five per cent (25%) of average annual ordinary revenue of the Government for three immediately preceding fiscal years for which accounts are available.
 - e) The Bank may purchase freely negotiable Government Bonds with maturities of not more than ten (10) years from the date of issue. At no time shall the total amount of bonds held by the Bank and by banks and other financial institution exceed fifty per cent (50%) of average annual ordinary revenue of the Government for three immediately preceding fiscal years for which accounts are available.

26. The outstanding Government borrowings and obligations entered into prior to the issuance of this Proclamation shall not be included in the ceiling provided in sub-articles 3 (a) (d) and (e) of Article 25. The payment of these outstanding Government borrowings and obligations will be made in accordance with terms to be agreed upon by the Bank and the Ministry of Finance.

27. 1. The Bank shall not extend direct credit to any person other than the Central Government, banks and other Financial institutions
2. The total internal borrowing of the Government in each fiscal year shall not exceed the deficit finance requirement of that year as provided for in sub-article (2) of Article 25.
3. Except as provided in sub-article 3 of Article 25 hercof, the Bank shall not directly or indirectly extend any credit to the Government, Government owned autonomous institutions and enterprises, agencies, boards, local Government bodies and political sub-divisions of Ethiopia.

CHAPTER 5

Relations of the Bank with Banks, Insurers and Other Financial Institutions

Section 1: Regulation and Control of Credit

28. 1. For the purpose of fostering monetary stability and credit and exchange conditions conducive to the balanced growth of the economy of Ethiopia, the Bank may, issue directives governing:
 - a) its own credit transactions with banks and other financial institutions; and
 - b) credit transactions of banks, and other financial institutions.
2. The Directives issued by the Bank hereunder shall not have retroactive effect, and may be either uniformly applicable to all banks, insurers and other financial institutions, or, if the Bank so provides, only to those banks or institutions which carry on the credit transactions covered by the regulations.
29. 1. The Bank shall determine the standard rate of interest of which it is prepared to discount or rediscount eligible paper (hereunder "the standard rate of interest").
2. The Bank may vary the standard rate of interest and prescribe different interest rates for different categories or transactions.
30. 1. The Bank may from time to time fix the minimum and maximum rates of interest which banks, and other financial institutions may:
 - a) charge for different types of loans, advances and other credit transactions; and
 - b) pay on various classes of deposits.

2. The maximum interest rate fixed by the bank shall replace the rate specified by the Civil Code, where the rate fixed by the bank exceeds that of the Civil Code.
 3. The Bank may fix penalty which banks and other financial institutions may impose for non-compliance with terms under which loans, advances and other credit transactions are extended.
- 31.
1. The Bank may from time to time require banks, and other financial institutions to maintain with it in cash and in other forms of liquid assets including government securities a proportion of their deposit liabilities as prescribed by it.
 2. The Bank may prescribe percentages of reserve requirements for different types of deposits.
32. All measures of general application prescribed by the Bank pursuant to Article 28 to 31 hereof may, where necessary be published in news papers of general circulation.

Section 2: Credit Transactions, Deposits and Related Matters.

33. The Bank may engage with banks and other financial institutions in transactions involving the discount, re-discount, purchase or sale, as the case may be, of duly signed and endorsed bills of exchange, promissory notes, acceptances and other credit instruments with maturities of not more than one hundred and eighty (180) days from the date of their discount, rediscount, or acquisition by the Bank, resulting from transactions related to:
1. the production or processing of agricultural, animal, mineral, or industrial products;
 2. the importation, exportation, purchase or sale of goods and products or their transportation; and
 3. the storing of none-perishable goods and products which are duly insured and deposited, under conditions assuring their preservation; provided that documents or instruments which are owned or held by the Bank as a result of a transaction under this Article shall, unless otherwise expressly provided by the Bank, be secured by a pledge, hypothecation or assignment; and provided further that the Bank may if it finds this in the interest of the national economy extend the maturity of one hundred and eighty (180) days in respect of instruments relating to the production or processing of agricultural products

34. The Bank may make loans or advances to banks, and other financial institutions for fixed periods, not to exceed one (1) year, against the following security:

1. The credit instruments referred to in Article 33 hereof;
2. freely negotiable Treasury Bills issued by the government, subject to the limitations prescribed in sub-article 5 of Article 25 hereof; and
3. their own promissory notes in exceptional cases.

35. 1. The Bank shall accept money on deposit from and collect money for and on account of, banks, and other financial institutions.

2. The Bank may provide appropriate services for banks, and other financial institutions, including inter-bank clearing.

3. The Bank may keep balances and act as agent or correspondent of banks, and other financial institutions.

Section 3: Transactions in International Reserve Assets

36. 1. The Bank may buy, sell and hold foreign currency notes and coins and such documents and instruments, including telegraphic transfers, as are customarily employed in international payments or transfers of funds.

2. The Bank may keep balances, denominated in foreign currencies, with foreign central banks, its agents or correspondents abroad and may invest, at its discretion, such balances in gold, readily negotiable foreign securities and other international reserve assets.

37. The Bank may engage in foreign exchange transactions with the following:

1. banks and other financial institutions in Ethiopia;
2. the Government, its agencies, and institutions;
3. foreign central banks, foreign banks and financial institutions;
4. foreign governments and agencies of foreign governments; and
5. international financial institutions.

38. Notwithstanding any other provisions of law to the contrary, the Bank may, at its sole discretion, import, export, buy, sell, hold or otherwise deal in precious metals such as gold and silver.

39. 1. The Bank may appoint authorized banks, other financial institutions and authorized dealers to engage in transactions involving gold or foreign exchange.

2. The Bank may in accordance with the provisions of Chapter 3 of Part 3 herof issue regulations and directives relating to gold and foreign exchange transactions.
3. The Bank may delegate authorized banks, other financial institutions and authorized dealers to issue foreign exchange permits.
40. The Bank shall fix the minimum and maximum rates at which transactions in foreign currencies may take place in Ethiopia.

*Section 4: Licencing and Supervision of Banks,
Insurers and other Financial Institutions.*

41. The Bank shall licence and supervise banks, insurers and other financial institutions in accordance with the law.

PART 3

*The Monetary Unit, Legal tender and Administration of
Foreign Currency*

CHAPTER I

The Monetary Unit and Legal Tender

42. The monetary unit of Ethiopia shall be the Birr. The official abbreviation of the Birr shall be "Br".
43. The monetary unit shall be divided into one hundred (100) equal parts, named "cents", the official abbreviation of which shall be "Ct".
44.
 1. All monetary transactions taking place in Ethiopia shall be presumed to be expressed in Birr, unless otherwise validly agreed upon by the Bank.
 2. All monetary transactions shall be recorded and settled in Birr, unless otherwise provided for in any public and domestic law or international agreement to which Ethiopia is a party or unless otherwise validly agreed upon with the permission of the Bank.
45. The inscription, dimension, design, denomination and other characteristics of lawfull issued notes shall be determined by the Bank.
46. Notes lawfully in circulation within Ethiopia shall be unlimited legal tender, in the settlement of all public or private debts.
47. The weight, fineness, inscription, dimension, design, denomination and other characteristics of lawfully issued coins shall be determined by the Bank.
48. Coins lawfully in circulation within Ethiopia shall be legal tender in the settlement of all public or private debts. Unless the parties agree otherwise the amount shall not exceed ten Birr (10 Br.); provided, however, that the Bank shall, at the request of any holder, change into notes the holder's coins.

49. 1. The Bank may, by regulation, declare that a particular issue or denomination of notes or coins shall cease to be legal tender as of a certain date. Such declaration shall also be announced through newspapers of general distribution and other mass media.
2. Holders of such notes or coins shall be given a reasonable time within which to exchange such notes or coins at the Bank against other currently valid legal tender.

CHAPTER 2

Administration of Foreign Currency

50. 1. The Bank shall maintain among its assets an international reserve fund consisting of gold, foreign currencies and securities, or other International reserve assets.
2. The Bank shall endeavour to maintain at all times an international reserve fund, referred to in sub-article (1) of this Article, sufficient to cover:
- a) the foreign exchange required to pay for imports into Ethiopia; and
 - b) a reasonable amount required to meet foreign debt servicing commitments, and payments for essential services.
3. If such international reserve fund has declined, or in the opinion of the Governor appears to be in danger of declining, or is at such a level that the Governor considers its adequacy in jeopardy, the Governor shall submit to the Board a report on the reserve fund position and the causes that have led to or may lead to such a decline, together with recommendations concerning the measures that the Governor considers necessary to forestall or otherwise remedy the situation. When the situation persists, the Governor may decline issuance of further foreign exchange permits.
4. The Bank may enter into bilateral or other international monetary, payment and related agreements which it deems are in the interest of the state.

CHAPTER 3

Regulation of Foreign Exchange

51. 1. No person shall engage in any transaction in foreign exchange except with an authorized bank or authorized dealer or with the permission of the Bank.

2. Any person who acquires foreign exchange or the right to receive foreign exchange as the result of a transaction in foreign exchange shall, promptly upon acquiring said foreign exchange or the right to receive the same, declare it to an authorized bank on a form or forms prescribed by the Bank, which declaration shall contain a full description of the foreign exchange and a recital of the transaction out of which the same arises. Said person shall thereafter pay or assign said foreign exchange or the right to receive the same to said authorized bank within a maximum period of three (3) months from the date of such declaration at the established market rate of at a rate established by the Bank; provided that the provisions of this sub-article shall not apply to cases in which the declaration referred to in Article 52 (1) hereof shall therefor have been made.
 3. The conditions, limitations and circumstances under which residents of Ethiopia may possess foreign currency or instruments of payments in foreign exchange shall be prescribed by directives issued by the Bank.
52. 1. No valuable goods may, in any manner, be exported or transferred across the customs boundaries or frontiers of Ethiopia unless and until the owner, shipper or consignor of the valuable thing shall have declared, on a form or forms prescribed by the Bank, a full description of the valuable thing and a recital of all foreign exchange resulting or to result directly or indirectly from such export or transfer, such declarations shall also include an undertaking to pay or assign to an authorized bank within a reasonable period that the Bank will prescribe by regulation or authorize individually depending on merit at the market rate or at a rate established by the Bank, as the case may be, any and all foreign exchange resulting or to result directly from such export or transfer, whether within or outside Ethiopia.
2. Payments in foreign exchange for the importation into Ethiopia of any valuable thing or services rendered shall require a foreign exchange permit duly approved by the Bank or by an authority empowered by the Bank to issue such permits in accordance with Article 39 (1) of this proclamation.
 3. Approval of both payments for import and export transactions are subject to the following requirements:-
 - a) the export declaration referred to in sub-article (1) of this Article shall be annexed to the Customs Declaration;

- b) the foreign exchange application for payment for imports referred to in sub-article (2) of this Article shall be supported by invoices and other documents of evidence prescribed by the Bank.
4. The Ministry of Finance or the appropriate office shall not pass for export or import any valuable goods unless the provisions of sub-article (1), (2), and (3) of this Article shall have been complied with.
5. The Ministry of Finance or the appropriate office shall furnish to the Bank information regarding the export and imports of merchandise and other valuable things from or into Ethiopia in such detail as the Bank may require.
53. No person who has the right to receive any foreign exchange resulting from any transaction in foreign exchange shall, without the prior approval of the Bank, do or refrain from doing any act with the intention of delaying receipt of or of extinguishing his right to receive any or all or said foreign exchange.
54. No person entering into or departing from Ethiopia shall carry with him an amount of Ethiopia currency in excess of an amount fixed or permitted by the Bank.
55. The Bank may, from time to time, prescribe by regulations the terms and conditions upon which persons departing from Ethiopia may carry with them foreign exchange or make remittances for services.
56. Any person in Ethiopia shall, when directed by the Bank, produce to the Bank or to its designated representative all information, books, records, accounts and other documents in his possession or control which may be required for the purpose of ascertaining whether or not the provisions of this chapter are complied with.
57. The Bank may, for good cause, by regulation, exempt certain categories of transactions in foreign exchange from the application of the provisions of this chapter.
58. Except for the purposes of this proclamation or when ordered to do so by a court, no bank, financial institution or any other person exercising any function under this proclamation shall, whether within or outside Ethiopia, disclose any information relating to any person, or business which come into his possession or knowledge.

PART 4

Offences and Penalties

59. 1. Whosoever:

- a) in violation of the provisions of Article 51, engages in transaction in foreign exchange or fails to declare to an authorized bank when he acquires foreign exchange or the right to receive foreign exchange;
- b) in violation of Article 52, receives or effects payments in foreign exchange;
- c) in violation of Article 53, delays his receipt, or extinguishes his right to receive foreign exchange;
- d) in violation of Article 54, leaves or attempts to leave or enters or attempts to enter Ethiopian territory carrying Ethiopian currency in excess of the amount fixed or authorized by the Bank;
- e) is found carrying foreign exchange in excess of the amount fixed or authorized by the Bank in accordance with Article 55;
- f) in violation of Article 58, discloses information;
- g) with intent to evade the provisions of this Proclamation or to distort their application, destroys, tears apart, varies the contents of defaces or hides any documents or produces false evidence or makes false declaration;
- h) in any other manner violates or obstructs the implementation of this Proclamation or regulations and directives issued under this Proclamation shall, without prejudice to the confiscation of the property with which the offence is committed be punishable in accordance with the Penal Code.

2. Notwithstanding the provisions of sub-article 1 this Article,

- a) the punishment shall, without prejudice to the confiscation of the property with which the offence is committed, be imprisonment not exceeding fifteen years and fine not exceeding Birr 20,000 where the accused misused his power or his official position or where he committed the offence with intent to improperly amass wealth or where the offence is committed repeatedly;

- b) where the offence is connected with currency, gold, security, goods or any other property, fine shall, without prejudice to the confiscation of the property with which the offence is committed and the punishment of imprisonment, not exceed three times the value thereof, unless it is lower than that imposed under sub-article 2(a) of this Article;
- c) where the offence is committed by a body corporate, fine may without prejudice to the confiscation of the property with which the offence is committed and the punishment of imprisonment, be raised to six times the value of the gold, currency, security, goods or any other property with which the offence is committed unless it is lower than that imposed under sub-article 2(a) of this Article;
- 3. a) Where any offence under this Proclamation is committed by a body corporate, the director or any other official who was, at the time of the commission of the offence, responsible for the management of the body corporate shall be jointly liable and shall upon conviction, be punishable with imprisonment from seven (7) to ten (10) years and with fine from Birr 5,000 to 10,000, unless he can prove to the satisfaction of the court that he had no knowledge and could not, by the exercise of reasonable diligence, have had knowledge of the commission of the offence.
- b) Where the offence under this Proclamation is committed by an employee or an agent, such employee or agent shall, upon conviction, be punishable in accordance with this sub-article 3(a) unless he can prove to the satisfaction of the court that he had no knowledge diligence, have had knowledge of the commission of the offence.

PART FIVE

Miscellaneous Provisions

- 60. 1. The following are hereby repealed:
 - a) the Monetary and Banking Proclamation No. 99/1976; and
 - b) the Interest Rate Proclamation No. 29/1992.
- 2. No law, regulations or directives which is inconsistent with the provisions of this Proclamation shall have force or effect with respect to matters provided for therein.
- 61. The Bank may issue directives which are necessary for the attainment of the purposes for which it is established and for the proper implementation of this Proclamation.

62. The Bank shall be exempted from the payment of income tax and from customs duties and taxes in respect of notes or coins it imports.

63. This Proclamation shall enter into force on the date of its publication in the Negarit Gazeta.

Done at Addis Ababa, this 30th day of January 1994.

MELES ZENAWI
PRESIDENT OF THE TRANSITIONAL
GOVERNMENT OF ETHIOPIA