

DIÁRIO DA REPÚBLICA

NATIONAL ASSEMBLY

Law No. 6/97  
of 11 July

As there is a need to determine more clearly the responsibilities of Banco Nacional de Angola as the Central and Reserve Bank within the scope of the definition and conduct of monetary and foreign exchange policy and greater operability in its role as the formulator, manager and supervisor of the national financial system;

Whereas the achievement of those objectives necessarily involves not only the institutional separation of Central Bank functions from those of a Commercial Bank, in order to allow Banco Nacional de Angola to take over fully the functions of a Central Bank and grant greater competitiveness to commercial banks, but also the strengthening of the autonomy of the Central Bank in the definition and execution of those, same objectives;

In these terms, under sub-section b) of Article 88 of the Constitutional Law, the National Assembly approves the following:

BANCO NACIONAL DE ANGOLA ACT

CHAPTER I

Nature, Registered Office and Aims

ARTICLE 1

Banco Nacional de Angola, in this Institutional Act called the “Bank”, shall be a corporate body in public law, endowed with administrative and financial autonomy, with the legal form of a public sector company.

ARTICLE 2

The Bank’s Registered Office shall be in Luanda, and it may have representative offices in other localities in the country, and also any form of representation whatsoever abroad,

### ARTICLE 3

The main objective of the Bank shall be to ensure the preservation of the value of the national currency.

## CHAPTER II Capital and Reserves

### ARTICLE 4

The capital of the Bank shall be KzR: 5,000,000,000,000,00 and this may be increased by incorporating reserves, where decided by the Board of Directors.

### ARTICLE 5

1. The bank shall establish a legal reserve, limited to three times its capital, constituted by the transfer of the results for each financial year, determined and distributed in accordance with Article 87 of this act.
2. Where necessary, provisions and other reserves may be constituted by a decision of the Board of Directors, in particular to prevent risks of depreciation or losses to which certain types of securities or operations are particularly liable.
3. If the measures referred to in the previous section should prove insufficient, the Government, through the Minister of Finance, shall transfer into the ownership of the Bank, negotiable and interest-bearing government stock which in the judgement of the Board of Directors, is necessary in order to prevent the risks and losses considered in the previous section.

## CHAPTER III Monetary Issue

### ARTICLE 6

1. The Bank shall hold the exclusive right to issue notes and coins, which are legal tender and are valid for settlement of debts.
2. The validity for settlement of debts of banknotes shall be unlimited and that of coins shall be established in a legal decree.
3. The Bank shall also hold the exclusive right to issue commemorative coins.

## ARTICLE 7

The Bank shall take the necessary measures for printing banknotes and minting coins and all relate matters, and also for the safety and safeguarding of banknotes and coins not issued and also the custody and destruction, where necessary, of plates dies and banknotes and coins withdrawn from circulation.

## ARTICLE 8

1. Banknotes and coins in circulation are considered to be those which, in the exercise of its functions, are delivered by the Bank to third parties and remain in their possession, unless the time limit for exchange fixed in section 1 of Article 10 of this act has elapsed.
2. The Bank's responsibility shall be restricted to banknotes and coins in circulation, without prejudice to section 2, Article 10 of this act.

## ARTICLE 9

1. The types of banknotes, their plates and characteristics and also the face value o coins and their characteristics shall be presented by the Government to the National Assembly, for approval, at the Bank's proposal.
2. Banknotes shall bear the general date of issue and be signed, by a stamp, by the Governor and Deputy Governor or one Administrator acting on that date.

## ARTICLE 10

1. The bank shall fix and publicly announce the tine limit within which banknotes of any type or pates and coins of any face value to be withdrawn from circulation must be exchanged.
2. Upon expiry of the time limit fixed in accordance with the previous section, the banknotes and coins will cease to be valid for settlement of debts and will be removed from circulation, however the Bank shall remain bound to receive and pay them five years.

## ARIICLE 11

1. Any banknotes and coins which at the time of exchange are presented in particular perforated, cut , torn or with any other printed mark or which show signs of having been used for non-monetary purposes will only be accepted by the Bank if it sees fit to do so.
2. The Bank shall determine and make public the conditions set out for the exchange of banknotes and coins in the condition referred to in the previous section.

## ARTICLE 12

1. The Bank shall proceed with the seizure of all banknotes suspected of being forged or having their face value altered, which are presented to it, issuing a report stating the identification of the banknotes and their bearer, and also the grounds for suspicion.
2. The report referred to in the previous section will be sent to the competent authorities for the purposes of the appropriate proceedings.
3. The Bank may have recourse direct to any authority or agent of this for the purpose provided in this article.

## ARTICLE 13

1. The reproduction or imitation, whether total or partial, of the Bank's notes and also the distribution of these are prohibited.
2. The Making of plates, dies or other technical means enabling the actions referred to in the previous section to be performed is also prohibited.
3. In duly justified circumstances, in particular for educational purposes, the Bank may authorize the reproduction or issue of notes.

## ARTICLE 14

The judicial process of reform of notes is not permitted.

## ARTICLE 15

1. Where the danger exists that the banknotes and coins issued or reproduced may enter circulation owing to their similarity to the real ones they will be seized and destroyed, together with the plates, dies or other technical means allowing their reproduction.
2. Only the Bank will be allowed to proceed with the destruction of banknotes.

## CHAPTER IV Functions of the Central Bank

### SECTION I

## General provisions

### ARTICLE 16

In addition to the conduct of monetary policy under the terms of the provisions of Article 3 of this act, the following are the special competencies of the Bank:

- a) to act as the sole banker of the State;
- b) to advise the State on monetary, financial and foreign exchange matters;
- c) to collaborate in the definition and execute the foreign exchange policy and also its market;
- d) to manage the country's foreign assets or those entrusted to it;
- e) to act as an intermediary in the international monetary relations of the State;
- f) to oversee the stability of the national financial system, ensuring for that purpose the function of the lender of last resort.

### ARTICLE 17

1. It is further the competency of the Bank:

- a) to guarantee and ensure a system of information, compilation and processing of monetary, financial and foreign exchange statistics and other documentation, in the fields of its activities in order to serve as an efficient instrument for coordination, management and control;
- b) prepare and keep up to date the full record of the country's foreign debt, and also effect its management;
- c) draw up the country's balance of foreign payments.

2. The Bank may require any entity, whether public or private, to supply to it direct the necessary information for the fulfilment, of the previous of the previous sections, or for reasons related with its powers in the field of monetary and foreign exchange policy and the operation of the systems of payments, regulating and inspecting them, and promoting their efficiency.

### ARTICLE 18

The Bank may issue securities in its own name and for its own account, sell them or negotiate them with the public.

### ARTICLE 19

The Bank is prohibited from:

- a) rediscounting in the country, credit instruments of the commercial portfolio of financial institutions, for a period less than 3 months, representing discount operations, bills of exchange, drafts, invoice statements and other credit instruments of a similar nature;

- b) promoting the creation of financial and para-banking institutions or any other companies whatsoever; and also participating in the capital of those entities , except where provided in this institutional act, consented to by a special norm or arising from the repayment of credits, but never as a partner with limited liability;
- c) owning properties which are not necessary for the performance of its duties or the pursuit of aims of a corporate nature, except where it has obtained them by the assignment of assets as payment in kind, auctioning or another legal means of fulfilment of the obligations or destined to secure that fulfilment, and in these cases it must dispose of those properties as soon as possible;
- d) entering into insurance risk contracts in the capacity of an insurer;
- e) acquiring or disposing of goods, except where arising from the repayment of credit or the performance of its duties.

## ARTIGO 20

1. The Bank must draw up the annual financial programme, to be reviewed quarterly by the Board of Directors, in order to co-ordinate the management of foreign exchange reserves and credit to be granted by the Bank with the need to stabilise the economy.
2. The programme referred to in the previous section will be prepared in close collaboration with the Ministry of Finance.

## SECTION II Relations with Financial Institutions

### ARTICLE 21

It is the competency of the Bank, in its relations with the financial institutions domiciled in the country to:

- a) supervise them;
- b) ensure the solvency and liquidity;
- c) open accounts and accept deposits according to the terms and conditions fixed by the Board of Directors.

In order to ensure the supervision of the Institutions subject to it, it is the competency of the Bank in particular to:

- a) consider applications for constitution of the aforesaid Institutions, and also their merger, demerger or modification of their company object;
- b) consider the suitability and aptitude of the Administrators and Directors of the same



- institutions;
- c) define the scope of supervision on a consolidated basis, issuing instructions to be complied with by the institutions covered;
  - d) determine and inspect the meeting of all the prudential ratios with which those Institutions must comply for the purpose of guaranteeing their respective liquidity and solvency;
  - e) dispense temporarily from the fulfilment of certain obligations, in particular those set out in the previous subsection, institutions at which a situation is encountered which may affect their regular operation or that of the monetary and financial systems;
  - f) establish norms for the operation of institutions, in particular with regard to their accounting organisation, structures of receipts and internal control, and also the information items to be provided to the Bank and the public and their frequency;
  - g) keep the special register organised to which the institutions under its supervision are subject.

#### ARTICLE 23

It is also the competency of the Bank to:

- a) carry out inspections of the Institutions subject to its supervision and their respective establishments and proceed with investigations in any entity or premises where there is a suspicion of irregular practice in monetary, financial or foreign exchange activities;
- b) consult all files, books and records and obtain vouchers of the operations, accounting records, contracts, agreements and other documents which it considers to be necessary for the discharge of its supervisory duties;
- c) institute according to law the appropriate proceedings for the verification of the offences committed.

#### ARTICLE 24

The Bank, according to the terms and conditions defined by its Board of Directors, may:

- a) discount and rediscount bills of exchange and drafts drawn or issued for commercial purposes, with two or more signatures one being of the Bank and falling due within 6 months following the date of their acquisition by the Bank;
- b) buy and sell treasury debentures or other securities issued or guaranteed by the State, which form part of a public issue, falling due within one year from the date of their acquisition by the Bank.

#### ARTICLE 25

1. The Bank may grant financial institutions loans for a period not greater than 3 months, in the modalities which the Board of Directors consider to be advisable, guaranteed by:

- a) assets which the Bank is authorised to buy, sell or transact, under the terms of Article 47 of this act;
- b) the securities referred to in the previous article;
- c) other securities issued or guaranteed by the State which form part of a public issue;
- d) statements of invoices, warrants and other credit instruments of a similar nature.

2. The loans referred to in the previous section may, exceptionally be granted on the basis of other assets or even with dispensation from guarantee, provided that in the opinion of the Board of Directors requirements of liquidity of the debtor credit institution and the public interest are in question.

## ARTICLE 26

The Bank shall fix and publish its discount, rediscount and lending rates, maximum limits for various categories of transactions and maturity dates.

## ARTICLE 27

1. The Board of Directors may require financial institutions to constitute compulsory reserves and liquidity assets on the basis of deposits and other liabilities fixed by it.

2. The compulsory reserves shall be constituted by means of deposits at the Bank, in the percentage determined by it.

3. The liquid assets must be freely transferable, exempt from any encumbrance charges of any type and in an amount to be defined by the Bank.

4. The Board of Directors may fix different liquidity ratios and reserves for various categories of deposits and other liabilities and determine their rules for calculation, provided that they are uniform for all financial institutions of the same nature.

5. Non fulfilment of any of the provisions of this article may lead the Bank to charge a rate not lower than 1% per month above the highest interest rate charged in lending operations by the financial institutions, on the shortfall in their liquid assets or compulsory reserves, until the shortfall is made up.

## ARTICLE 28

The Bank may, whenever it becomes necessary, establish the requirements and mechanisms applicable to certain operations performed by the financial institutions, extending them to all or only to some of them, such as:

- a) rules of calculation and interest rates payable in relation to any category of deposit and other liabilities;
- b) limits, amounts, maturity dates and interest rates enforceable guarantees and permitted aims relating to any category of advance, either by means of loans or overdrafts,



- investments, discount or rediscount of bills of exchange, warrants or any other credit instrument of a similar nature;
- c) maximum and minimum commission, service commission and other rates which may affect any category of transaction of the credit institutions with the public or with their fellow institutions.
2. The Bank may also establish in relation to all or some of the categories of financial institutions, proportions:
- a) in the generality with regard to composition of the assets and liabilities and the ratio between these, equity and deposits and other liabilities for account of acceptances and guarantees provided;
- b) in the speciality, with regard to the composition and ratio between the assets and liabilities, such as equity and permitted lending operations and the risk of these operations.

#### ARTICLE 29

Any financial institution not fulfilling the directives established and guidelines issued by the Bank shall be penalised according to the terms of the provisions of the law of financial

#### ARTICLE 30

The Bank shall be responsible for the organisation and supervision of bank clearing houses.

### SECTION III Relations with the State

#### ARTICLE 31

1. The Bank may open for the State a credit raft facility up to the limit equivalent to 10% of the amounts of current receipts collected in the last year.
2. The amount referred to in the previous section and the respective interest must be settled by 31 December of the year to which they relate, even if there is recourse to negotiable and interest- government stock for this purpose.

#### ARTICLE 32

The Bank may grant to the State, according to terms and conditions to be agreed, the necessary means for the subscription and realisation of other payments resulting from the accession or participation of the country in international organisations, the activity of which relates to the monetary and foreign exchange fields.

### ARTICLE 33

The Bank may buy, sell, manage and place in circulation, on terms and conditions agreed with the State, securities issued or guaranteed by it and trade them directly with the public.

### ARTICLE 34

The Bank may not grant directly or indirectly credit to the State and its services and personalised funds or also to public sector corporate bodies or State owned companies.

### ARTICLE 35

1. The total amount of the credit granted by the Bank under the provisions of Article 32 and the Bank's portfolio of securities acquired under the terms of Article 33 of this act may not be higher than a certain percentage determined by the National Assembly, on the occasion of the approval of the General State Budget, of the annual average current receipts of the State relating to the last three financial years.

2. Whenever the percentage referred to in the previous section runs the risk of being exceeded, the Bank shall present a report to the Council of Ministers on the causes of this excess and shall propose recommendations to correct it.

### ARTICLE 36

The Bank is in charge, according to terms and conditions to be agreed, of the execution of the treasury cash service in all localities where it carries out its functions:

- a) receiving the receipts of the State and paying its expenses up to limit of the funds in its custody;
- b) effecting transfers of funds ordered by the competent entities;
- c) performing all its banking operations.

### ARTICLE 37

Notwithstanding the provisions of the previous article of this act, the State may also hold accounts and use, by agreement with the Bank, the services of other financial institutions.

### ARTICLE 38

The Bank must issue opinions and prepare reports for the Council of Ministers, on all matters relating to the Bank.

### ARTICLE 39

1. The Bank shall provide consultancy:
  - a) to the Minister of Finance in preparation of General State Budget;
  - b) to organisations of central and local administration of the State, which are beneficiaries of internal or external credit operations.

2 If, in its opinion, the internal or external credit operations should present themselves as inadequate for or mismatched with the economic conditions in force, the Bank will inform the Council of Ministers, recommending measures intended to make them adequate and match them.

## ARTICLE 40

The Bank shall be the depository of funds proceeding from any international financial organisation of which the country is a member.

### SECTION IV International monetary relations

## ARTICLE 41

1. The following are considered to be foreign assets:

- a) gold bullion or coins;
- b) cut diamonds.
- c) special drawing rights of the International Monetary Fund;
- d) credits due at sight or in a term not greater than 180 days and represented by balances of accounts held at banks domiciled abroad and at foreign or international institutions with monetary and foreign exchange powers;
- e) cheques issued by authorities of recognised credit on banks domiciled abroad;
- f) bills of exchange and drafts, payable at sight or in a term not exceeding 180 days respectively, accepted and subscribed by banks domiciled abroad;
- g) credits resulting from the Bank's intervention in international settlement and payment systems.
- h) debt instruments issued or guaranteed by foreign States due or falling due within one year;
- i) securities representing participation under the terms of Article 49 in the capital of foreign or international institutions, with monetary and foreign exchange powers.

2. The amounts indicated in sub-section c), d), e) and 1) of the previous section must be payable in currency of assured convertibility, special drawing rights or other international unit of account.

3. Foreign liabilities shall consist of:

- a) deposits due at sight or time deposits, represented by balances of accounts held by banks or financial institutions domiciled abroad and by foreign or international institutions with monetary and foreign exchange powers;
- b) loans obtained at banks domiciled abroad and at foreign or international financial institutions;
- c) debts resulting from the Bank's intervention in international settlement and payment systems.

#### ARTICLE 42

1. Banco Nacional de Angola shall be the foreign exchange authority of the Republic of Angola.

2. As the foreign exchange authority, the Bank shall guide and inspect the foreign exchange market and shall also have the following competencies:

- a) define the principles governing operations in gold and foreign currency;
- b) authorise, supervise and inspect foreign payments;
- c) set the limit of gold and foreign currency holdings which institutions authorised to carry on foreign exchange trade may hold in their own position and third party deposits;
- d) keep the foreign assets referred to in the previous article of this act appropriate to international transactions;
- e) set and publish exchange rates

#### ARTICLE 43

It is the competency of the Bank to license, revoke licences and supervise non-financial trading in gold and foreign currency.

#### ARTICLE 44

The Bank may enter into settlement and payment agreements, or any contract whatsoever serving the same purpose on its own behalf or on behalf of the State and for the account and order of the latter, with similar public or private institutions domiciled abroad.

#### ARTICLE 45

Whenever foreign assets have fallen or, in the Bank's opinion, appear to be on the way

to falling to level which endanger their sufficiency, the Bank shall present to the Government a report on the position of these and the causes leading or which may lead to that decline together with recommendations relating to the measures it considers to be necessary to establish or otherwise remedy the situation.

#### ARTICLE 46

With a view to the management of foreign assets, the Bank may rediscount securities in its own portfolio, give securities as guarantee and perform other appropriate operations.

#### ARTICLE 47

1. Within the scope of the execution of foreign exchange policy, the Bank may perform the operations which are justified and in particular:

- a) buy, sell or trade gold coins or bullion,
- b) buy sell or trade foreign exchange using for this purpose any of the instruments commonly used in these transactions;
- c) buy, sell or trade treasury bonds and other securities issued or guaranteed by foreign governments or international financial organisations;
- d) open and hold accounts with international financial organisations, central banks, monetary authorities and financial organisations outside the country;
- e) open and maintain accounts and act as the agent or correspondent of international financial organisations, central banks, monetary authorities and financial organisations outside the country and foreign governments and their agencies.

2. The Bank sets the rates for the purchase, sale or trading of gold and foreign exchange by the Bank itself.

#### ARTICLE 48

In relation to the operation listed in the previous in previous, the Bank shall trade exclusively with authorised financial institutions, foreign governments and their agencies attention financial organisations, central banks, monetary authorities and financial organisations outside the country.

#### ARTICLE 49

The Bank may participate in the capital of foreign or in international institutions with monetary and foreign exchange powers and form part of their respective corporate organs.

#### CHAPTER V

##### Government, Administration and Inspection

## SECTION I

### General Provisions

#### ARTICLE 50

The following are the organs of the Bank:

- a) the Governor;
- b) the Board of Directors;
- c) the Board of Auditors;
- d) the Consultative Council;

#### ARTICLE 51

The Governor shall be appointed by a decree of the President of the Republic and perform his duties for a five-years term.

#### ARTICLE 52

1. The Board of Directors shall consist of the Governor, who chairs it, the Deputy Governor and three to five administrators.
2. The Deputy Governor shall be appointed by a decree of the President of the Republic, at the proposal of the Governor and shall discharge his duties for a five year term.
3. The Administrators shall be appointed by the Council of Ministers, at the proposal of the Governor and discharge their duties for renewable five-year terms, and they may only be dismissed with good reason.
4. The end of the five year-term is considered to be the date of approval of the accounts for the last financial year commencing during that period.

#### ARTICLE 53

Managers, responsible persons or shareholders of any institution, whether financial or otherwise, subject to supervision by the Bank may not be appointed to the posts of Governor or Deputy Governor of the Bank.

#### ARTICLE 54

1. The Board of Auditors shall consist of four members, three of which will be appointed by the Minister of Finance and one by the Bank's employees.
2. Of the members appointed by the Ministers of Finance, one will be the Chairman, with



casting vote and another will be an official Auditor.

3. The members to be appointed to the Board of Auditors must be chosen from among persons of recognised competency in the monetary, financial and legal fields.

#### ARTICLE 55

1. The members of the Board of Auditors shall perform their duties for renewable three year terms.

2. The duties of the members of the Board of Auditors may be accumulated with professional duties which are not incompatible with them.

#### ARTICLE 56

1. The Consultative Council shall consist of the Governor of the Bank, who chairs it, and the following members:

- a) the Deputy Governor;
- b) former Governors;
- c) a representative of the government department responsible for economic planning;
- d) two members of recognised competency in the banking and financial fields;
- e) one member of recognised competency in the economic field;
- f) the Chairman of the Council of Auditors.

2. The members mentioned in sub-sections d) and e) shall be appointed by the Minister of Finance.

3. Whenever considered convenient, the Chairman of the Consultative Council may invite to be represented, without voting rights, institutions or certain sectors of the State services, competent in the fields considered in the same council, in any case without voting rights.

#### ARTICLE 57

A contentious appeal may be taken according to the general terms of law, against final and executive acts of the Governor, Deputy Governor, Board of Directors, Executive Committees, Administrators or employees of the Bank, using their delegated powers.

### SECTION II The Governor

#### ARTICLE 58

1. It is the competency of the Governor to:

- a) represent the Bank, in court or out of court;
- b) act as the Bank's behalf with national, foreign or international institutions;
- c) convene and chair meetings of the Board of Directors, and also any meetings of commissions arising from this;
- d) act as the Bank's most senior representative and be responsible to the Board of Directors, take charge of the implementation of the Bank's policy and day to day management;
- e) initial the general books, which may be done in the form of a stamp;
- f) perform all other things which are legally incumbent upon him.

#### ARTICLE 59

1. The Deputy Governor shall assist the Governor and ensure the part of the duties delegated to him.
2. In the event of absence, impediment or vacancy of the governorship, the Deputy Governor shall exercise his powers and duties.

#### ARTICLE 60

1. If any absence, impediment or vacancy of the office both of the Governor and of the Deputy Governor should take place, the longest serving Administrator or, if there should be several equally qualified, the oldest, shall exercise the powers and duties of the Governor.
2. With regard to third parties, registrars, notaries or other office holders in the Civil Service, the signature of the Deputy Governor or Administrator, invoking the provisions of the previous Article or section 1 of this article, shall constitute a legal presumption of the supposed absence, impediment or vacancy.
3. If serious interests of the country or of the Bank should be at stake and it is not possible to convene the Board of Directors, for an imperative reason of urgency, owing to the lack of a quorum or for any other good reason, the Governor shall have his own competency to perform all acts necessary for the pursuit of the aims entrusted to the Bank and which come within the competency of that Board.

#### ARTICLE 61

1. The Governor shall have a casting vote in the meetings chaired by him and may suspend the enforceability of the decisions of the Board of Directors or Executive Committees where, in his opinion, these are contrary to law, the Bank's interest or the interests of the country.
2. In the event of suspension, the matter will be reconsidered by the Board of Directors, after a maximum of 30 days, and its decision will be respected irrevocably.

## ARTICLE 62

The governor and deputy Governor shall work full time for the Bank and during their term of office they may not carry on any other activity whatsoever, paid or unpaid, except where:

- a) they act as members of any Council or commission appointed by the State;
- b) they are Governors, Deputy Governors, Administrators or members of any organ of an intergovernmental financial organisation created by an agreement or convention to which the State has acceded or given its support or approval;
- c) they are members of the Board of any institution organised for the purpose of insuring deposits at banking institutions;
- d) they lecture part time at an educational institution in the country, provided that this is with the prior approval of the Board of Directors.

## ARTICLE 63

The governor and Deputy Governor may not receive any salary or remuneration other than that from the Bank, except for the remuneration corresponding to any teaching post held under the terms of sub-section d), of the previous article.

### SECTION III Board of Directors

## ARTICLE 64

1. The Board of Directors shall be the organ responsible for the policies and administration of the Bank, which will decide on the method of operation of the services and approve the necessary internal regulations.
2. The Board of Directors may delegate, by an act, powers to one or several of its members or to employees of the Bank and authorise the sub-delegation of those powers, setting in each case the respective limits and conditions.

## ARTICLE 65

1. The Board of Directors at the proposal of the Governor, shall attribute to its members responsibilities corresponding to one or more of the Bank's services.
2. The allocation of responsibility shall involve the delegation of the powers corresponding to the competency of that responsibility.
3. The allocation of responsibilities does not dispense from the duty which is incumbent upon all members of the Board of Directors, to monitor and be apprised of the Bank's affairs in general and to propose measures relating to any of these

## ARTICLE 66

1. The Board of Directors shall meet ordinarily once a month and extraordinarily whenever convened by the Governor or at the request of a majority its members.
2. In order for the Board to decide validly, the attendance of an absolute majority of acting members shall be indispensable.
3. For the purpose of the provisions of the previous section, members of the Board prevented owing to service outside the Head Office or for reasons of illness will not be counted as acting members.
4. Decisions of the Board shall be carried by a majority of votes expressed of the members attending, and no abstentions are allowed.

## ARTICLE 67

1. The Board of Directors may set up permanent or occasional executive committees considered necessary for the decentralisation and satisfactory running of the services.
2. The Board of Directors may delegate to the executive committees part of the powers granted to it.

## ARTICLE 68

1. The Minutes of the Board of Directors and the executive committees shall mention, in summary form but clearly, all matters dealt with at the respective meetings. The Minutes shall be signed by all members of the Board of Directors or executive committees which participated in the meeting and will be signed by the acting secretary.
2. The participants of the meeting may dictate for the Minutes an abstract of their interventions, and they will also be empowered to state the reasons for their dissent when they disagree with decisions.

## ARTICLE 69

1. The administrators shall be subject to the norms of the legal regime of the contract of employment of the Bank's employees, however the norms of that regime relating to dismissal and those contrary to the provisions of this institutional act shall not apply to them.
2. The norms of the Statute of Public Managers and complementary legislation which turns out to be compatible with the specific characteristics of the Bank shall apply subsidiarily to administrators.

## ARTICLE 70

Article 62 sub-section d) and 63 of this act shall extend to the Administrators.

#### SECTION IV Board of Auditors

##### ARTICLE 71

It shall be the competency of the Board of Auditors to:

- a) monitor the operation of the Bank and compliance with the laws and regulations applicable to it;
- b) issue an opinion on the budget, balance sheets and annual accounts of the Bank;
- c) examine the book keeping, safes and vaults of the Bank whenever it sees fit to do so, subject to the inherent rules of security;
- d) refer to the Governor or the Board of Directors any matter which it deems should be considered and make a statement on any matter submitted to it by those organs.

##### ARTICLE 72

The Board of Auditors may be assisted by technicians, especially designated or contracted for that purpose or by firms specialising in audit work.

##### ARTICLE 73

1. Members of the Board of Auditors may attend meetings of the Board of Directors, but without voting rights.
2. Attendance of one of these at ordinary meetings of the Board of Directors is compulsory according to their scale.

##### ARTICLE 74

The Board of Auditors may submit a report on matters within its scope to the Minister of Finance for consideration, whenever it considers it necessary to do so.

##### ARTICLE 75

1. The Board of Auditors shall meet ordinarily once a month and extraordinarily whenever convened by its Chairman.
2. In order to decide validly, an absolute majority of its members is indispensable.
3. Decisions of the Board of Auditors shall be carried by a majority votes members in attendance, and no abstentions are allowed.

4. The regime of Article 68 of this act shall apply to the Minutes of the Board of Auditors.
5. The members of the Board of Auditors shall be entitled to a monthly remuneration fixed by the Ministry of Finance, at the proposal of the Bank.

## SECTION V Consultative Council

### ARTICLE 76

The Consultative Council must be heard:

- a) before the presentation of the annual report of the Bank's activity;
- c) on any problems expressly submitted to it by the Governor.

### ARTICLE 77

The Consultative Council shall meet ordinary once every half year and extraordinarily whenever convened by the Governor.

## CHAPTER VI Employees

### ARTICLE 78

1. The Bank's employees shall be subject to the provisions of this Institutional Act, the regime of the contract of employment and the Bank's internal regulations.
2. The legal regime governing civil servants shall not apply to the Bank's employees.

### ARTICLE 79

1. Within the ambit of the Bank's actions the welfare field, there as a social fund with the allocation of items which the Board of Directors decides to allocate, in order to ensure the fulfilment of the respective aims.
2. The social fund shall be governed by regulations approved by the Board of Directors and



managed by a committee appointed by the Board itself.

#### ARTICLE 80

1. The Bank may constitute pension or any other funds in order to benefit its employees and may make contributions to any of these funds subject to the terms and conditions determined by the Board of Directors.
2. The Bank may grant loans to its employees for the purposes and in the amounts approved by the Board of Directors.
3. The Bank may acquire or construct properties intended for owned accommodation of its employees, under the terms and subject to the conditions to be established.

#### ARTICLE 81

1. The Board of Directors, taking account of the specific nature of the Bank's functions, shall define the personnel policy, after hearing the institutional organs representing the employees.
2. The personnel policy defined under the terms of the previous section shall be disseminated in writing, and it is the responsibility of the Board to organise, under the terms of the applicable legislation, the adequate instruments for the correct execution of that policy.

#### CHAPTER VII Accounts and Balance Sheets

#### ARTICLE 82

The financial year of the Bank shall commence on 1 January and end on 31 December.

#### ARTICLE 83

1. Each year by 31 October the Governor shall present for consideration by the Board of Directors the draft budget for the following financial year.
2. The Board of Directors will approve the budget by 15 December.
3. 30 days after its approval by the Board of Directors, the Bank will submit its budgets to the Council of Ministers for information.

#### ARTICLE 84

The Bank must, within 3 months following the end of each financial year send to the National Assembly the Annual report which must be accompanied by the following documents, without prejudice to any others considered to be appropriate.

- a) copy of the balance sheet and annual accounts, certified by the Board of Auditors;
- b) analysis of its operations and business corresponding to this year;
- d) analysis of the economic situation.

#### ARTICLE 85

Within 30 days of approval of the balance sheet, the Bank must publish it in Diário da República.

#### ARTICLE 86

The net result shall be determined by deducting from total receipts and other profit imputable to the financial year, the items corresponding to costs indicated below:

- a) annual operating and administrative costs;
- b) annual transfers for the constitution or increase of provisions intended to cover credit of doubtful collection and risks of decline in value of other asset values or the occurrence of other eventualities which it is considered necessary to provide, under the terms defined by the Board of Directors;
- c) possible special transfers to the pension fund.

#### ARTICLE 87

1. The net result determined under the terms of the previous article, if positive, shall be distributed as follows:

- a) up to 20% to the legal reserve
- b) up to 20% to the other reserves decided by the Board of Directors;
- c) at least 60% to the State.

2. If the net result determined under the terms of the previous article should be negative, the Ministry of Finance shall issue government stock certificates in favour of the Bank for the amount necessary for the situation to be remedied.

### CHAPTER VIII General and Transitional Provisions

The Bank may request from any public or private entity any information necessary for the

pursuit of its objectives and compliance with this Institutional Act.

#### ARTICLE 89

For disputes to which the Bank is a party, the ordinary courts will be competent and its representation in court may be provided by a lawyer.

#### ARTICLE 90

1. Acts and contracts performed by the Bank and also all acts entailing their revocation, rectification or alteration may be instrumented in private documents.
2. In the case of acts subject to registration, the private document must contain an authentic recognition of the signatures.
3. The documents whereby the Bank formalises any juristic acts or contracts, shall always serve as an executive title against any person proving to be a debtor to the Bank, independently of any other formalities required by the law in force.
4. With regard to juristic acts, the contract in which they participated, the credits of the Bank will enjoy the status of preferential claims independently of any guarantees which may have been constituted, and rank immediately after State credits.

#### ARTICLE 91

The Bank shall be exempt from the payment of all taxes, rates and charges.

#### ARTICLE 92

Announcements of the Bank will be signed by the Governor and published in the first series of Diário da República.

2. Announcements of the Bank have the force of executive decrees.

#### ARTICLE 93

The Bank shall be governed by the provisions of this Institutional Act and the regulations adopted in its execution and also the applicable norms of legislation regulating the activity of financial institutions.

#### ARTICLE 94

1. All matters relating to the Bank's activity, i.e. deposits, loans, guarantees relations abroad and in general all banking operations, and also information relating to the organisation and operations of the Bank, shall be considered to be a strictly confidential nature and covered by banking secrecy, and information may only be provided or reproductions made in following cases:

a) at the request of the interested party in the operations;  
b) for the drawing up of proceedings by means of an Order of a Judge or Magistrate of the Public Prosecutor's Office.

c) by a decision of the Governor of the Bank issued in an order.

2. Information on monetary policy measures and security of the Bank shall also constitute matters of a strictly confidential nature and covered by banking secrecy, and these may only be provided exclusively by the Bank's Governor.

3. The breach of banking secrecy shall constitute a ground for dismissal and a cause for resignation, independently of any other procedures provided for by law.

#### ARTICLE 95

Any person attached, even casually, to the Bank's activities shall be subject to banking secrecy.

#### ARTICLE 96

Any doubts and omissions arising in the interpretation and application of this act shall be resolved by the National Assembly.

#### ARTICLE 97

All legislation contrary to the provisions of this act, in particular Law No. 4/91 of 20 April, is hereby revoked.

#### ARTICLE 98

This act shall come into force on the date of its publication.

Seen and approved by the National Assembly at Luanda on 13 February 1997.

The President of the National Assembly, Roberto Antonio Victor Francisco de Almeida.

Promulgated on 23 April 1997.

Let it be published.

The President of the Republic, JOSE EDUARDO DOS SANTOS.



