



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

BANKING (AMENDMENT)

ACT, No. 39 OF 1990

[Certified on 12th November, 1990]

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[Certified, on 12th November, 1990.]

L.D.—O. 5/90

AN ACT TO AMEND THE BANKING ACT, No. 30 OF 1988

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Banking (Amendment) Act, No. 39 of 1990.

Short
title.

2. The following new Part is hereby inserted immediately after Part IV, and shall have effect as Part IVA of the Banking Act, No. 30 of 1988 (hereinafter referred to as the “principal enactment”) :—

Insertion
of new
Part IVA
in Act
No. 30 of
1988.

‘PART IVA

NUMBERED ACCOUNTS

Authorization
to operate
numbered
accounts.

34A. (1) The Monetary Board may, by order made with the approval of the Minister, authorize a licensed commercial bank to operate numbered banking accounts on behalf of customers who are non-residents or foreign citizens.

(2) Numbered accounts facilities offered by a licensed commercial bank authorized by the Monetary Board under this Part to customers, who are foreign citizens or non-residents may extend to current accounts, deposit accounts and savings accounts but shall not extend to credit facilities.

(3) All moneys accepted by a licensed commercial bank authorized by the Monetary Board under this Part for deposit in a numbered account shall be in such foreign currencies as are specified by the Monetary Board.

(4) The owner of a numbered account opened in a licensed commercial bank authorized by the Monetary Board under this Part shall be known only to such senior officers of such bank as may be determined by the Board of Directors of such bank.

Secrecy.

34B. (1) Every officer of a licensed commercial bank operating a numbered account on behalf of a customer and every person, who by reason of his capacity or office, has any access to the records, registers, correspondence or any other material of such bank relating to such numbered account shall keep absolute secrecy with regard to the contents thereof, in the interests of the customer to whom the account relates.

(2) Where a licensed commercial bank authorized by the Monetary Board under this Part opens a numbered account on behalf of a customer, the identity of the owner of the numbered account shall be absolutely inviolate and every officer of such licensed commercial bank and every other person referred to in subsection (1) shall not give, divulge or reveal any information whatsoever regarding the name or identity of the owner of such numbered account to any individual, corporation, bank, court, institution, entity, department, official, agent, representative of the Government of Sri Lanka or any other government or to any other legal or natural person, judicial or military authority, unless—

(a) the owner of such numbered account gives his permission so to do; or

(b) legal proceedings are instituted by, or against such licensed commercial bank by, or against, the owner of such numbered account relating to a banking transaction arising from such numbered account; or

(c) he is required to do so—

(i) by any provision of any law giving effect to an international convention on narcotics or hijacking, in any criminal proceedings instituted under that law, in any court;

(ii) by an order of the Supreme Court, made on application therefor, on the ground that moneys in such account have been, or are being, used in furtherance of an act which constitutes an offence under the Prevention of Terrorism Act, No. 48 of 1979.

34c. (1) The Minister may make regulations regarding the maintenance of numbered accounts, the restrictions that may be placed on such accounts, including the inclusion or the exclusion of the moneys lying in such accounts for the computation of the deposit liabilities of a licensed commercial bank for the purposes of section 20 or section 21. Regulations.

34d. For the purposes of this Part, the expression— Interpretation.

(i) "foreign citizen" means a person who is not a citizen of Sri Lanka or is a citizen of Sri Lanka and of any other country ;

(ii) "non-resident" shall have the same meaning as in the Inland Revenue Act, No. 28 of 1979 ;

(iii) "numbered account" means an account opened with a licensed commercial bank authorized by the Monetary Board under this Part that is identified only by a number, code word or such other means as may be determined by the Monetary Board.

Amendment
of sec-
tion 79
of the
principal
enactment.

3. Section 79 of the principal enactment is hereby amended as follows:—

(1) by the insertion immediately after subsection (1) of that section of the following new subsection:—

(1A) Any person who contravenes the provisions of section 34B shall be guilty of an offence under this Act and shall on conviction, after summary trial before a Magistrate be liable to imprisonment of either description for a term not exceeding three years or to a fine not exceeding one million rupees or to both such imprisonment and fine, and where such offence is committed knowingly or wilfully or with reason to believe that it will cause damage or harm to any other person, to rigorous imprisonment for a term of not less than five years and not exceeding ten years and to a fine of one million rupees or twice the amount, in Sri Lanka currency, of the amount revealed or divulged to be in such account, whichever is higher.”; and

(2) in subsection (2) of that section, by the substitution, for the words “under subsection (1) shall”, of the words “under subsection (1) or subsection (1A) shall”.

Sinhala
text to
prevail in
case of
inconsis-
tency.

4. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.