



ST. CHRISTOPHER AND NEVIS

CHAPTER 7.02 (N)

NEVIS TREASURY BILLS ORDINANCE

Revised Edition

showing the law as at 31 December 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

NEVIS TREASURY BILLS ORDINANCE

Ordinance 5 of 1985 ... in force 12th March 1985

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CHAPTER 7.02 (N)

NEVIS TREASURY BILLS ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE ISSUE OF TREASURY BILLS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Ordinance may be cited as the Nevis Treasury Bills Ordinance.

Interpretation.

2. In this Ordinance—

“holder” means the person for the time being entered in the register as the holder of a Treasury Bill and in each case includes such person’s representative;

“investor” refers to a person, group, broker dealer, organization, firm or company that purchases Treasury Bills;

“Minister” means the Minister of Finance in the Nevis Island Government;

“participating Government” means a Government which is a party to the Agreement establishing the Eastern Caribbean Securities Regulatory Commission made on the 24th day of November, 200, the text of which is set out in the Schedule to the Securities Act;

“Permanent Secretary” means the Permanent Secretary in the Ministry of Finance, in the Nevis Island Administration;

“register” means the register on which holders are by virtue of any enactment required to be recorded and includes a register maintained in a computer-based system;

“Securities Act” means the Securities Act, Cap. 21.16;

“Securities Registry” means the Eastern Caribbean Central Securities Registry Limited or such other securities registry approved by the Government of the State to carry out the functions of a securities registry under the provisions of this Ordinance.

Power to borrow by the issue of Treasury Bills.

3. (1) The Minister may direct the Treasurer to borrow by the issue of Treasury Bills within or outside Nevis such sum or sums of money as by him or she may be determined.

(2) Any sum or sums borrowed by the issue of Treasury Bills in pursuance of subsection (1) of this section may be used to pay off at maturity bills already lawfully issued and outstanding.

(3) The principal sums represented by any Treasury Bills outstanding at any one time under the provisions of this section shall not exceed thirty *per centum* of the estimated revenue of the Nevis Island Government for the financial year then current.

(4) All Treasury Bills shall be recorded in such form as may be prescribed by Regulations made under this Ordinance.

(Amended by Ordinance 10 of 2007)

Principal of Bills.

4. The principal monies represented by the Treasury Bills issued by the Treasurer under the provisions of this Ordinance are hereby charged upon and shall be payable out of the Nevis Consolidated Fund.

Proceeds of Bills.

5. The proceeds of Treasury Bills issued by the Treasurer shall be paid into the Nevis Consolidated Fund.

Amounts and periods of Currency of Treasury Bills.

6. Every Treasury Bill issued under this Ordinance shall be for the sum of five hundred dollars or a multiple of five hundred dollars and shall be payable at par at such time or times as the Minister shall, before the issue of such Treasury Bills, fix and determine, but in any case not later than one year from the date of issue.

Mode of issue of Bills.

7. With respect to the issue of Treasury Bills the following provisions shall have effect—

- (a) each Treasury Bill shall be for the amount directed by the Minister; and
- (b) the Treasury may use such services of the Eastern Caribbean Securities Registry for the issuing, recording and servicing of Treasury Bills and the ownership of Treasury Bills which are issued by the Treasurer through the Securities Registry may, subject to the provisions of this Ordinance, be evidenced and transferred without a written instrument, but each holder of a Treasury Bill shall be entitled to a receipt of the purchased Treasury Bill;
- (c) with the exception of bills issued under paragraph (b), the Permanent Secretary and the Treasurer shall sign every Treasury Bill and a register of such bills shall be kept by the Treasurer;
- (d) in respect of bills issued under paragraph (b) the Securities Registry shall keep a register containing particulars of every Treasury Bill issued by Treasurer and from time to time shall issue statements summarizing the transactions and balances of each holder.

(Amended by Ordinance 10 of 2007)

Repayment of Bills.

8. The Minister shall appropriate out of the Nevis Consolidated Fund the necessary sum to pay the principal and interest represented by the Treasury Bills issued by the Treasurer and out of the sum so appropriated shall remit such amount to the Securities Registry at such times as will enable it to pay the principal and interest on every Treasury Bill issued by it under section 7(b) when such Treasury Bill falls due, and shall cause every Treasury Bill to be paid when it falls due.

(Amended by Ordinance 10 of 2007)

Cancellation of repaid Bills and payment by Securities Registry.

9. (1) Upon the repayment of the principal monies represented by the Treasury Bills issued in Nevis, the Bills shall be delivered up to the Treasurer to be by him cancelled and held subject to the directions of the Minister.

(2) Notwithstanding subsection (1) in respect of Treasury Bills issued under section 7(b), the Security Registry shall effect payment of the principal and interest on such Bills in accordance with instructions issued to the Securities Registry by the holders of such Bills.

(Amended by Ordinance 10 of 2007)

Power of Treasurer to issue duplicate Bills in place of Bills defaced, lost or destroyed.

10. (1) If a Treasury Bill is presented to the financial institution issuing it or to the Treasurer so defaced as to be unsaleable, or if such Bill is burnt, lost or destroyed, the financial institution or the Treasurer as the case may be may issue a duplicate Bill in place thereof.

(2) Every duplicate Bill issued under the provisions of this section shall be signed by the Permanent Secretary and the Treasurer.

(3) Where the Bill is not presented to the financial institution or the Treasurer it or he as the case may be shall not issue such duplicate unless the applicant produces a certificate under the hand of a Judge of a Superior Court in the country of issue to the effect that such Judge is satisfied from evidence taken on oath before him that such Bill has been so burnt, lost or destroyed, and unless the applicant gives good and sufficient security to the Nevis Island Government to the amount of the said Bill should the same be presented for payment at any time thereafter.

(4) In subsection (3) of this section the expression “Judge of a Superior Court” shall, with reference to Bills issued in the United Kingdom, include a Master of the High Court in London.

Director of Audit to inspect register and cancelled Bills.

11. The Director of Audit shall examine all cancelled Treasury Bills and shall from time to time inspect the register of Treasury Bills kept under the provisions of section 7 of this Ordinance.

Confidentiality of information.

12. (1) No person who has acquired knowledge in his or her capacity as secretary, officer, employee or agent of the Nevis Island Administration shall disclose to any person or governmental authority the identity, assets, liabilities, transactions or other information in respect of a holder except—

- (a) with the written authorisation of the holder or his heirs or legal representatives;
- (b) for the purpose of the performance of his or her duties within the scope of his or her employment in conformity with the provisions of this Ordinance or rules governing the operations of the Securities Exchange and the Securities Registry;
- (c) when lawfully required to make disclosure by any court of competent jurisdiction within or outside Nevis; or
- (d) under the provisions of the law of Nevis or of Participating Governments or agreement among Participating Governments.

(2) Every person who contravenes the provisions of subsection (1) commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding twelve months or to both.

(Inserted by Ordinance 10 of 2007)

***Power to make regulations.**

13. The Minister may, from time to time, with the approval of Cabinet, make regulations for carrying into effect this Ordinance, in particular—

- (a) for regulating subject to the provisions of this Ordinance the preparation, form, mode of issue, mode of payment, and cancellation of Treasury Bills;
 - (b) providing for the procedure for making an offer of Treasury Bills;
 - (c) providing for procedures for recording and transferring title to Treasury Bills;
 - (d) containing such safeguards as appear to the Minister to be appropriate for the protection of investors;
 - (e) providing for the transmission of title to Treasury Bills by operation of law;
 - (f) such supplementary, incidental and transitional provisions as appear to the Minister to be necessary or expedient.
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* Originally section 12. Amended by Ordinance 10 of 2007.