

F&M Associates

Barristers, Advocates & Legal Consultants

Foreign Exchange Regulations (Amendment) Act 2015

Website: <https://www.fmassociatesbd.com/>

Email: info@fmassociatesbd.com

Phone: +8802.9853440, 9857879

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, সেপ্টেম্বর ৯, ২০১৫

বাংলাদেশ জাতীয় সংসদ

ঢাকা, ২৫ ভাদ্র, ১৪২২/০৯ সেপ্টেম্বর, ২০১৫

সংসদ কর্তৃক গৃহীত নিম্নলিখিত আইনটি ২৫ ভাদ্র, ১৪২২ মোতাবেক ০৯ সেপ্টেম্বর, ২০১৫ তারিখে রাষ্ট্রপতির সম্মতিলাভ করিয়াছে এবং এতদ্বারা এই আইনটি সর্বসাধারণের অবগতির জন্য প্রকাশ করা যাইতেছে :—

২০১৫ সনের ১৭ নং আইন

Foreign Exchange Regulation Act, 1947 (Act No. VII of 1947)

এর অধিকতর সংশোধনকল্পে প্রণীত আইন

যেহেতু নিম্নবর্ণিত উদ্দেশ্যসমূহ পূরণকল্পে Foreign Exchange Regulation Act, 1947 (Act No. VII of 1947) এর অধিকতর সংশোধন সমীচীন ও প্রয়োজনীয়;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল :—

১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন।—(১) এই আইন Foreign Exchange Regulation (Amendment) Act, 2015 নামে অভিহিত হইবে।

(২) ইহা অবিলম্বে কার্যকর হইবে।

(৭০৬১)

মূল্য : টাকা ১২.০০

২। Act No. VII of 1947 এর section 1 এর সংশোধন।—Foreign Exchange Regulation Act, 1947 (Act No. VII of 1947), অতঃপর উক্ত Act বলিয়া উল্লিখিত, এর section 1 এর sub-section (2) এর পরিবর্তে নিম্নরূপ sub-section (2) প্রতিস্থাপিত হইবে, যথা:—

“(2) It extends to the whole of Bangladesh, and applies to —

- (a) all citizens of Bangladesh;
- (b) all persons resident in Bangladesh; and
- (c) all persons in the service of the People’s Republic of Bangladesh wherever they may be.”।

৩। Act No. VII of 1947 এর section 2 এর সংশোধন।—উক্ত Act এর section 2 এর—

(ক) clause (a) এর পর নিম্নরূপ clause (aa) সন্নিবেশিত হইবে, যথা:—

“(aa) “capital account transaction” means a transaction for the creation, modification, transfer or liquidation of a capital asset, including but not limited to, securities issued in capital and money markets, negotiable instruments, non-securitized claims, units of mutual fund or collective investment securities, commercial credits and loans financial credits, sureties, guarantees, deposit account operations, life insurance, personal capital movements, real estate, foreign direct investment, portfolio and institutional investment;”;

(খ) clause (b) এর পরিবর্তে নিম্নরূপ clause (b) প্রতিস্থাপিত হইবে, যথা:—

“(b) “currency” includes —

- (i) all coins, currency notes, bank notes, postal notes, moneyorders, cheques, drafts, traveller’s cheques, letters of credit, bills of exchange and promissory notes; and
- (ii) Such other similar physical or non-physical instruments, or both as may be notified by the Bangladesh Bank from time to time;”;

(গ) Clause (b) এর পর যথাক্রমে নিম্নরূপ Clause (bb) এবং (bbb) সন্নিবেশিত হইবে, যথা :—

“(bb) “current account transaction” means receipts and payments which are not for the purpose of transferring capital, and also includes—

- (i) receipts and payments due in connection with foreign trade, other current business including services, and normal short-term banking and credit facilities in ordinary course of business;
- (ii) receipts and payments due as interest on loans and as net income from investments;
- (iii) moderate amounts of amortization of loans or for depreciation of direct investments, in the ordinary course of business;
- (iv) expenses in connection with foreign travel, education and medical care of self, parents, spouse and children; and
- (v) moderate remittances for family living expenses of parents, spouse and children resident abroad;

(bbb) “export” means—

- (i) sending of goods, physical or non-physical or both, from Bangladesh to a place outside Bangladesh;
- (ii) Providing services by persons resident in Bangladesh to any person outside Bangladesh; or
- (iii) selling Bangladeshi goods or raw materials or non-physical contents to the enterprises in Export Processing Zones, Special Economic Zones and High-tech parks of Bangladesh against payment in foreign currency.”;

(ঘ) clause (f) এর পর যথাক্রমে নিম্নরূপ Clause (ff) এবং (fff) সন্নিবেশিত হইবে, যথা :—

“(ff) “goods” means any goods as defined in the Customs Act, 1969 (Act No. IV of 1969);

(fff) “import” means bringing into Bangladesh any physical or non-physical goods or services;”;

(ঙ) clause (h) এর পর যথাক্রমে নিম্নরূপ clause (hh) এবং (hhh) সন্নিবেশিত হইবে, যথা:—

(hh) “person” means any individual, and also includes—

- (i) a partnership firm;
- (ii) a company;
- (iii) an association of persons or body of individuals, whether incorporated or not;
- (iv) every artificial juridical entity not falling within any of the preceding sub-clauses; and
- (v) any agency, office, or branch owned or controlled by such person;”;

(hhh) “person resident in Bangladesh” means—

- (i) an individual residing in Bangladesh for six months or more in the last twelve months;
- (ii) an individual temporarily residing in Bangladesh holding a residential or working visa valid for not less than six months;
- (iii) a person whose place of business is in Bangladesh; or
- (iv) a person whose principal place of business may be located outside Bangladesh but branch or liaison office or representative office of such business is in Bangladesh;
- (v) diplomatic, consular and other representative offices of the Government of the People’s Republic of Bangladesh abroad as well as Bangladeshi citizens employed at these offices;
- (vi) persons holding any office in service of the People’s Republic of Bangladesh wherever they may be for the time being either on duty or on leave;

provided that “person resident in Bangladesh” shall not include foreign diplomatic representations or accredited officials of such representations located within Bangladesh and offices of organizations established by international treaty located within Bangladesh;”;

(চ) clause (k) এর পরিবর্তে নিম্নরূপ clause (k) প্রতিস্থাপিত হইবে, যথা:—

“(k) “security” means either in physical or demat form,—

- (i) shares, stocks, bonds, debenture stock and Government securities, as defined in the Securities Act, 1920;
- (ii) deposit receipts in respect of deposits of securities, units of mutual fund or collective investment scheme, as defined in Securities and Exchange Commission (Mutual Fund) Rules, 2001; and
- (iii) other instruments defined as security in the Securities and Exchange Ordinance, 1969 (Ordinance No. XVII of 1969);

but does not include bill of exchange or promissory notes other than Government promissory notes;”;

(ছ) clause (k) এর পর নিম্নরূপ clause (kk) সন্নিবেশিত হইবে, যথা :—

“(kk) “service” means services of any description, including but not limited to, business services, professional services, information technology services, information technology enabled services, communication or telecommunication services, construction services, engineering services, distribution services, educational services, environmental services, financial services (such as-insurance, banking and capital market related services), health services, social services, tourism services, travel services, recreational services, cultural services, sport services, transport services, electrical or other energy services or such other service as may be notified by the government or the Bangladesh Bank from time to time;”।

৪। Act No. VII of 1947 এর Section 3 এর সংশোধন।—উক্ত Act এর section 3 এর—

(ক) sub-section (2) এর clause (iii) এর “Bangladesh Bank” শব্দসমূহের পর, after giving the authorized dealer a reasonable opportunity of explaining its position” কমা ও শব্দগুলি সংযোজিত হইবে; এবং

(খ) sub-section (4) এর পর নিম্নরূপ sub-section (5) সংযোজিত হইবে, যথা:—

“(5) Without prejudice to the provision of clause (iii) of sub-section (2) of section 3 or section 23, Bangladesh Bank may, after giving reasonable opportunity of being heard, impose such amount of fine and in such manner as may be prescribed by rules, on an authorised dealer for violation of terms of authorization or of general or special directions or instructions.”।

৫। Act No. VII of 1947 এর section 4 এর সংশোধন।—উক্ত Act এর Section 4 এর sub-section (4) এর পর যথাক্রমে নিম্নরূপ sub-section (5) এবং (6) সংযোজিত হইবে, যথা:—

“(5) Any person resident in Bangladesh may sell or purchase foreign exchange to or from an authorised dealer if such sale or purchase is a current account transaction; provided that the Bangladesh Bank may, in public interest and in consultation with the Government, impose such reasonable restriction on current account transactions as may be needed to respond to current or capital account imbalances;

(6) Subject to such restrictions as may be prescribed, the Bangladesh Bank, in consultation with the Government, may specify the classes of permissible capital account transactions.”।

৬। Act No. VII of 1947 এর Section 12 এর সংশোধন।—উক্ত Act এর section 12 এর—

(ক) বিদ্যমান উপাত্তটীকার পরিবর্তে নিম্নরূপ উপাত্তটীকা প্রতিস্থাপিত হইবে, যথা:—

“Receipts of proceeds for exported goods and services”; এবং

(খ) sub-section (1) এর পরিবর্তে নিম্নরূপ sub-section (1) প্রতিস্থাপিত হইবে, যথা:—

“(1) The Government may, by notification in the official Gazette, prohibit the export of any goods or classes of goods or services or classes of services specified in such notification, from Bangladesh directly or indirectly to any place so specified unless a declaration supported by such evidence as may be prescribed or so specified is furnished by the exporter to the prescribed authority that the amount representing the full export value of the goods or services has been or shall within the prescribed period be, received in the prescribed manner.”।

৭। Act No. VII of 1947 এর section 18A এর বিলুপ্তিকরণ।—উক্ত আইনের section 18A বিলুপ্ত হইবে।

৮। Act No. VII of 1947 এর Section 18B এর সংশোধন।—উক্ত Act এর section 18B এর—

(ক) sub-section (1) এর পরিবর্তে নিম্নরূপ sub-section (1) প্রতিস্থাপিত হইবে, যথা:—

“(1) Person resident outside Bangladesh (whether or not a citizen of Bangladesh) or a person who is not a citizen of, but resident in, Bangladesh or a company (other than a banking company) not incorporated under any law for the time being in force in Bangladesh shall report to Bangladesh Bank within 30(thirty) days of obtaining permission from Board of Investment or similar competent authority in Bangladesh to establish in Bangladesh a branch office or liaison office or representative office or any other place of business for carrying on any activity of a trading commercial or industrial nature.”; এবং

(খ) sub-section (2) এবং (3) বিলুপ্ত হইবে।

৯। Act No. VII of 1947 এর section 19 এর সংশোধন।—উক্ত Act এর section 19 এর sub-section (1) এর পরিবর্তে নিম্নরূপ sub-section (1) প্রতিস্থাপিত হইবে, যথা:—

“(1) The Government or the Bangladesh Bank may, at any time by notification in the official Gazette, direct any citizen of Bangladesh, any person resident in Bangladesh and any person in the Service of the People’s Republic of Bangladesh wherever they may be, subject to such exceptions, if any, as may be specified in the notification, to make a return of their holdings of foreign exchange, foreign securities; and of any immovable property or industrial or commercial undertaking or company outside Bangladesh, held, owned, established or controlled by him or in which he has any right, title or interest, within such period and giving such particulars, as may be so specified.”।

১০। Act No. VII of 1947 এর section 20 এর সংশোধন।—উক্ত আইনের section 20 এর—

(ক) sub-section (1) বিলুপ্ত হইবে; এবং

(খ) sub-section (3) এর পর নিম্নরূপ sub-section (4) সংযোজিত হইবে, যথাঃ—

“(4). Bangladesh Bank, may, by notification in the official Gazette, require any or all individual or class of individual (other than diplomats or any group of individual, as specified in the notification) who is not a citizen of Bangladesh, but staying or working in Bangladesh or providing any service in Bangladesh for any period to any person to provide information, which Bangladesh Bank considers it necessary or expedient for the purpose of this Act, to Bangladesh Bank or any other authority, as stated in such notification.”।

১১। Act No. VII of 1947 এর section 23 এর সংশোধন।—উক্ত আইনের section 23 এর sub-section (1) এ উল্লিখিত “four years” শব্দগুলির পরিবর্তে “Seven years” শব্দগুলি প্রতিস্থাপিত হইবে।

প্রণব চক্রবর্তী
অতিরিক্ত সচিব (আইপিএ)।