BANKING (AMENDMENT) ACT, 2013

No. 9 **of 2013**

ARRANGEMENT OF SECTIONS

SECTION
1. Short title and commencement
2. Amendment of section 43 of Cap. 46:04

An Act to amend the Banking Act.
Date of Assent: 4th September, 2013.
Date of Commencement: 20th September, 2013.
ENACTED by the Parliament of Botswana.

Short title and commencement

1. This Act may be cited as the Banking (Amendment) Act, 2013 and shall come into operation on publication.

Amendment of section 43 of Cap. 46:04

2. The Banking Act is amended in section 43 —

(*a*) subsection (2) by inserting immediately after paragraph (*g*), the following new paragraph —

"(*h*) the information is required by the Botswana Unified Revenue Service —

(i) in connection with its function to counteract tax fraud and other forms of tax evasion in accordance with section 4 (2) (*d*) of the Botswana Unified Revenue Service Act, or Cap. 53:03

(ii) for the purpose of responding to a valid request for information under an agreement referred to under section 53 of the Income Tax Act"; and Cap. 52:01

(*b*) by substituting for subsection (5), the following new subsection —

"(5) Where a police officer requires any information from a bank relating to the transactions and accounts of any person, he may apply to a court of competent jurisdiction for an order of disclosure of such transactions and accounts or such part thereof as may be necessary".

PASSED by the National Assembly this 10th day of July, 2013.

BARBARA N. DITHAPO,
Clerk of the National Assembly.