

General People's Congress

In implementation of the decisions of the Basic People's Congresses in their annual general session for the year 1372 and . T

See Law No. After (1) for the year 1369 and . R on the People's Congresses and People's Committees

. The Commercial Law and the complementary laws thereto

. And the Civil and Commercial Procedures Law and its amendments

. The Penal Code and the complementary laws thereto

. And the Code of Criminal Procedure and its amendments

Law No. (33) of the year 1971 syphilis concerning the organization of the work of commercial agencies

. Law No. (67) of the year 1972 syphilis issuing Customs Law and its amendments

Law No. (10) for the year 1983 syphilis on the financing and implementation of the project of the river and the great industrial amendments

Law No. (9) of the year 1992 syphilis concerning the practice of economic activities and its amendments

. Law No. (1) for the year 1993 syphilis on banks, cash and credit and its amendments

Law No. (5) for the year 1426 AD regarding the promotion of foreign capital investment and its amendments

. Law No. (11) for the year 1372 and . t on income taxes

. Law No. (12) for the year 1372 and . t on the stamp tax

Draft the following law

The first Door

in the central bank

chapter one

The nature and functions of the bank

Article one

The Central Bank of Libya is an independent institution, enjoying legal personality and independent financial disclosure . The word (the bank) in this section refers to the (Central .(Bank of Libya

In other than what is related to the application of the provisions of the Penal Code and the Administrative Seizure Law, the bank's assets are considered its own funds, and it is not . permissible to seize them to meet debts owed by other parties

second subject

The bank follows the secretariat of the General People's Congress, carries out its functions, and performs its purposes, stipulated in this law, within the framework of the general policy of the state, and in this regard it may take the foundations and procedures it deems appropriate . The bank may set the rules and regulations related to its operations and its financial, administrative, . technical and other affairs by decisions of the board of directors

Article 3

The head office of the bank shall be in the city of Tripoli, and it may establish branches for it or take agents or correspondents for it inside and outside the Great Jamahiriya, by a decision of . the Board of Directors

Article 4

The capital of the licensed bank is five hundred million dinars, and it may be increased by a decision of the Secretariat of the General People's Congress, based on a proposal from its board of directors, in coordination with the Secretariat of the General People's Committee for . Finance

Article 5

: First : The bank is specialized in carrying out the following functions

. Issuing the Libyan currency, and maintaining its stability at home and abroad

. Managing the state's reserves of gold and foreign exchange

Regulating monetary policy and supervising currency exchange operations inside and outside
. the Great Jamahiriya

Organizing the credit and banking policy, and supervising its implementation, under the general
. policy of the state

Achieving the objectives of the economic policy in the stability of the general level of prices, and
. the soundness of the banking system

. Managing cash flow in the national economy

. Regulating and supervising the foreign exchange market

. Providing advice to the state on issues related to general economic policy

Second : In order to fulfill the functions stipulated in the previous paragraph, the bank may take
: the following means

The effect on credit, in terms of its size, type and duration, in a manner that ensures meeting the
. real needs of aspects of economic activity in terms of production and services

. Appropriate measures to address economic or financial turmoil, whether local or international

Monitoring and supervising banking organizations in a way that ensures the soundness of their
financial position, monitoring the efficiency of their performance, and preserving the rights of
. their depositors and those who deal with them

Supervising the national payment system, including clearing operations between banks subject
. to the provisions of this law, and setting the rules regulating that

Any other procedures required for the application of monetary, credit and banking policies, and
. tight control over bank credit

Sixth Article

: In carrying out its activities, the bank may perform the following operations

. Buying, selling, importing, exporting and dealing in gold bullion and coins

. Buying and selling foreign currencies

Re-discounting commercial papers and local promissory notes, in accordance with the controls
. set by the bank's board of directors

. Managing and developing the state's reserves of gold and foreign exchange

Buying and selling bills and bonds issued or guaranteed by the public treasury, and which are
. due for payment within fifteen years at most

The purchase and sale of bills and bonds issued or guaranteed by foreign governments or
. international financial institutions, and which are due for payment within fifteen years at most

Issuing and dealing in securities for the purposes of open market operations, in proportion to the
. nature and functions of the bank

Article 7

The bank may deduct and re-discount the loans granted by the banks subject to the provisions of this law . Discount and rediscount rates and interest rates are determined by a decision of the bank's board of directors, according to the nature and terms of these loans, and in accordance . with the general monetary and credit policy

Eighth Article

In the event of a financial turmoil or any other economic turmoil that affects the stability of the credit situation, or calls for meeting necessary needs in the financial market, the bank may offer banks exceptional loans with the guarantee of any of their assets, to be appointed by the bank's . board of directors, and on the conditions it sets

Article 9

: The Central Bank of Libya provides banking services, in accordance with the following controls

Practicing banking business related to public administrative units, providing banking services to them, and depositing their balances therein . The bank does not pay any interest on the amounts and balances deposited in the accounts of the general administrative units, and does . not charge a fee for the banking services it performs for them

The bank may accept the deposit of the balances of public bodies and institutions, and the provision of banking services to them . The bank shall charge a consideration for the banking services it provides, in accordance with the provisions of this paragraph, in accordance with the . banking services price list, which is issued by a decision of the bank's board of directors

The bank may, with the approval of the financial secretariat, entrust commercial banks with maintaining the account balances of some public administrative units, and providing them with . banking services, within the limits and on the terms determined by the board of directors

Article 10

The state may entrust the bank with managing public treasury bills and bonds and the loans it contracts, servicing and depreciating them, managing its contributions, and providing advice on . them

Article eleven

First : Without prejudice to the provisions of Articles Seven and Eight and Paragraph (Second) of this Article, it is not permissible for the bank to grant facilities or guarantees to any party, . whether directly or indirectly

Second : The bank may provide temporary advances to the public treasury, to cover any temporary shortfall in the revenues of the general budget, on the terms agreed upon between : the bank and the financial secretariat, provided that they include the following

These advances shall not exceed one-fifth of the total estimated revenues in the general budget .

That the advance be repaid at the end of the financial year in which it was made, and it is not permissible to make any advance to the public treasury in a financial year except after the . payment of the advances made to it during the previous financial year

Article 12

The state may entrust the bank with the tasks and duties that result from its membership in international financial institutions, and by participating in representing the state in the

communications, negotiations and operations conducted with foreign governments and . international organizations, in relation to monetary, financial or commercial matters

Article thirteen

The bank may buy or rent real estate or movables, provided that this is necessary for its offices, stores or housing for its employees . He may not own any real estate or other movable property, except in the cases in which its ownership is transferred to the bank in fulfillment of a debt owed to it by others, provided that it is sold within one year from the date of its transfer, if it is movable, . and five years if it is real estate, unless the Board of Directors decides Extend this period

Chapter II

bank management

Article 14

: The bank is managed by a board of directors, composed as follows

Governor Chairman

Deputy Governor Vice President

(Secretary General of the Secretariat of the General People's Committee for Finance (Member

(Four highly qualified persons in the fields of law (Member

(Or financial, banking or economic affairs (Member

Article 15

: The governor, his deputy and the rest of the board of directors are required to

. To be a citizen of the Great Jamahiriya

. He is not related to other members of the Council by kinship up to the fourth degree

. Not be deprived of his civil and political rights

He should not have interests that conflict with his duties or that would affect his impartiality in
. deliberations and decision-making

Article 16

First : The bank's board of directors undertakes the directing of the authorities related to the achievement of its goals and objectives, and the development and implementation of monetary, credit and banking policies within the scope of the state's general policy, and for this purpose it
: has the right to exercise all powers, in particular the following

Determining the monetary policy tools and means that can be followed, and the procedures for
. implementing them

Determining the rules to be followed in evaluating the assets that correspond to the Libyan
. banknotes

Laying down the rules regulating the supervision and control of banks, in accordance with the
. provisions set forth in this law

Setting regulatory standards and controls that ensure the soundness of the financial positions of
banks and the proper performance of their work, issuing the necessary decisions for their
implementation, evaluating the efforts made in relation to credit control provided by banks, and
. following up on the application of standards of credit quality and financial soundness

Approve the estimated budget, financial statements and reports prepared by the Bank on its
. financial position and business results

Approval of the bank's organizational structure . This structure may include units of a special
nature, with technical, financial and administrative independence, the establishment of which is
. issued by a decision of the governor

Appointing the directors of the executive departments in the bank, based on the proposal of the
. governor

Laying down the internal regulations related to the bank's operations and its financial,
administrative and technical affairs, the list of auctions and tenders, the list of the bank's
employees, and other regulations and systems that ensure the achievement of the purposes
. stipulated in this law

Authorizing the establishment of commercial and specialized banks, financing and investment
banks, and others, and setting the regulations regulating the exercise of their activities, and the
. forms of their articles of incorporation and basic systems

Second : The bank's board of directors may assign one or more technical committees, from
. among its members or from others, to study the topics presented to it

Article 17

The governor and his deputy shall be chosen by a decision of the General People's Congress, for a period of five years, and they may be re-elected . Other members, other than the general secretary, stipulated in Article (14) of this law, shall be chosen by a decision of the Secretariat of the General People's Congress, in consultation with the Governor, for a period of three years, . and they may be reappointed

Article 18

First : The Governor of the Bank is the Chief Executive Officer of the Bank, and he is the one who undertakes its management and conduct of its normal affairs, under the supervision of the : Board of Directors, and is concerned with the following

Inviting the board of directors to a meeting, assuming the work of its secretariat and . implementing its decisions

. Managing, supervising and monitoring the Bank's business

. Adopting investment policies, supervising and directing them

. Signing individually on behalf of the bank

Assuming the powers of the bank in its relationship with public authorities and third parties and . before the judiciary

Second : The deputy governor exercises the powers and authorities of the governor in his absence . The governor may delegate his deputy to carry out any of the powers and authorities granted to him under the provisions of this law and the regulations and decisions issued pursuant thereto . This includes administrative supervision of the day-to-day work of the bank's departments, and the signing of documents that include financial obligations on the bank, in accordance with what is stipulated in the administrative organization and the regulations . governing work in the bank

Article 19

The board of directors meets, at the invitation of the governor, or his deputy in his absence, at the bank's headquarters, at least once a month . It may meet at the request of the majority of its members . The meeting of the council is not valid unless it is attended by more than half of the members, including the governor or his deputy, and the decisions of the council are issued by an absolute majority of the number of votes of the members present, and in case of equality, the side that includes the chairman shall be weighted . The board may invite to its meetings whoever it deems fit for assistance from among the experts, or from among the bank's employees, without having the right to vote . The council may convene outside the headquarters . of the bank, provided that this meeting is within the Great Jamahiriya

Article 20

The governor and his deputy shall receive the remunerations decided for them by the General People's Conference, and the rest of the members of the Council shall receive the remunerations decided for them by the Secretariat of the General People's Congress, based on a proposal from the Governor, and may not be reduced during their membership, and it is not permissible for the mentioned remunerations, all or some of them, to be in the form of A . commission of any kind, and it should not be estimated on the basis of the bank's profits

Article XXI

All members of the board of directors must, within fifteen days from the date of their appointment, report what they hold of shares and shares in companies, institutions or other bodies, and they must report in the same way about every change that occurs to the aforementioned data . No member of the board of directors may obtain any credit facilities from . the bank during the term of his membership

Article 22

First : The membership of a member of the Board of Directors shall be forfeited in any of the following cases

. If he loses one of the conditions of membership

. If he is convicted of a crime involving moral turpitude or dishonesty

If he worked as an employee, manager, or member of the board of directors of a bank subject to the provisions of this law

Second : By a decision of the General People's Congress secretariat, a member may be exempted from his work, before the expiry of his term, if he is unable to carry out his duties for a period of four consecutive months, due to illness or otherwise . If the position of a member becomes vacant before the expiry of his term, for any reason, another member shall choose his place for the remainder of his term

Chapter III

in bank accounts

Article 23

. The bank's fiscal year begins with the beginning of the state's fiscal year and ends with its end

Article 24

The bank shall, immediately after the end of the last day of each month, prepare and publish a statement of assets and liabilities upon closing its business at the end of that day, or at the end of the working day immediately preceding it, if it is a holiday, and send a copy of this statement to the conference secretariat. The General People, the Secretariat of the General People's . Committee, and it is published in the Procedures Blog

Article 25

The Financial and Technical Control Authority shall audit the bank's accounts, in accordance with the nature of the activity of central banks, and the international standards established in the . fields of auditing and accounting

Article 26

The bank shall prepare, within four months from the date of the end of its fiscal year, the : following

The financial statements for the ended fiscal year, according to the nature of the activity of . central banks, and international accounting standards

A report on the financial position of the bank in the last fiscal year, dealing in particular with the presentation of the economic conditions, and the local and international financial, monetary and . banking conditions

The financial statements and the report, during the aforementioned period, after being approved by the Board of Directors and the Financial and Technical Control Authority, shall be submitted

to the Secretariat of the General People's Congress, and the financial statements are published . in the Code of Procedures

Article 27

Credited to the account, the so- called " account revaluation reserve " , the book gains and losses arising from the net re - evaluate the assets and liabilities of the bank, as a result of changing the parity value of the Libyan dinar . These profits and losses are not included in the . bank's profit and loss account, unless they are realized

The losses arising from the revaluation shall be deducted from the credit balance in the account, provided for in the previous paragraph . In the event that the balance is insufficient to cover these losses, the public treasury issues, in favor of the bank, bonds valued at the deficit value, . denominated in local currency, without interest

In the event that there is a credit balance in the " Revaluation Reserve Account " , the bank shall, at the end of each fiscal year, in coordination with the Secretariat of the General People's Committee for Finance, cover the value of the bonds mentioned in paragraph (b) . If this value is covered, the bank retains 25% of the balance The remainder, and the excess of that is used to extinguish the public debt, and in the event the public debt is satisfied, the remainder of the . balance is allocated to finance the deficit in the public budget, if any

Article 28

After deducting all expenses, the bank's contribution to the social security of its employees and allocating the appropriate amounts to face bad and doubtful debts, depreciation of assets, amounts allocated to reserves, or to meet any shortage in the bank's assets, and any other reserves required by international accounting standards, and other ordinary and emergency expenses And after deducting the public treasury's share in the profits arising from cash

issuance operations, as stipulated in Article (40) of this law, the net profits shall be added, at the : end of the fiscal year, to the balance of the general reserve of the bank, as follows

. All net profits, until the general reserve reaches half of the authorized capital

of the net profits, if the general reserve reaches half of the capital, until it reaches the same 25% . amount as the authorized capital

of the net profits, if the general reserve is equal to the capital, until it reaches twice the 10% . authorized capital

of the net profit, if the reserve is twice the capital, until it reaches (10%) one tenth of the 5% . bank's total assets

. The remainder of the net profits thereafter shall be transferred to the public treasury

Article 29

. The bank is exempted from all taxes and fees

the fourth chapter

in the issuance of cash

Article 30

The Bank alone shall have the privilege of issuing cash in the Great Jamahiriya . In the application of the provisions of this chapter, money means paper and coins . The bank's board of directors has the right to organize and define the rules and foundations for its issuance, and to set its specifications and categories, and paper money must bear the signature of the . governor

Article 31

The unit of currency in the Great Jamahiriya is the Libyan dinar, and it is divided into one thousand dirhams . The Board of Directors of the Central Bank of Libya determines the par value of the Libyan dinar in units of special drawing rights, or in any convertible foreign currency, . or according to the interaction of supply and demand forces in the foreign exchange market

Article 32

The Bank determines and manages the exchange rates of the Libyan dinar against foreign currencies, in coordination with the Secretariat of the General People's Committee, according to local and international financial and economic developments, in a manner that achieves the . interests of the national economy

Article 33

Paper money issued by the bank shall have an unlimited discharge power, and coins issued by the bank shall have a release power to pay an amount up to twenty-five dinars . Nevertheless, this money is accepted in all public treasuries and banks in the Great Jamahiriya, whatever its . value

Article 34

The bank's board of directors may withdraw from circulation any of the paper money or coins it has issued, and invalidate any of them, in return for paying their nominal value . In this last case, an announcement is published in the procedures blog and in the local newspapers, at least two months before the date fixed for revocation, and the money that has been invalidated, as well as the money that was withdrawn from circulation to replace it with new ones, if it is not valid for reissuance, then the canceled money is destroyed in the way that Appointed by the . Board of Directors

Article 35

The bank is not obligated to pay the value of any lost, burned, damaged, mutilated or missing . notes or coins, unless the shortage in coins is a result of their normal circulation

Nevertheless, the bank's board of directors may specify the cases in which the value of damaged, mutilated or incomplete paper money is to be paid, in accordance with the conditions . and conditions it determines

Article 36

The total value of paper money and coins, in constant circulation, must correspond to assets : consisting of the following

Bullion, gold coins, convertible foreign currencies, or special drawing rights, provided that the . value of all of this is not less than 30% of the total issue assets

Treasury bills and bonds, which are issued by the public treasury in the Great Jamahiriya, and their maturity period does not exceed fifteen years from the date of the bank's acquisition of . them, and their value does not exceed 20% of the total assets of the issue

Financial bonds issued or guaranteed by international financial institutions or foreign governments whose currencies can be held, in accordance with paragraph (1) of this article, and they are due for payment within a period not exceeding five years from the date of its acquisition by the bank, and with a value not exceeding 50% of the total issuance assets. . The board of directors may decide to keep, within this percentage, foreign bonds that are due for payment within a period not exceeding fifteen years from the date of the bank's acquisition of . them, provided that their value does not exceed 10% of the total issuance assets

Other bonds determined by the Board of Directors of the Central Bank of Libya, and issued by international banks and financial institutions, in convertible currencies and negotiable in international financial markets, and their maturity period does not exceed ten years from the . date of its acquisition by the bank

Article 37

Gold, foreign exchange and foreign assets that make up the issue cover shall be deposited in the bank's vaults, or in any of the banks accredited abroad . The deposit shall be in the name . and account of the Central Bank of Libya

Article 38

The bank shall have a department for issuing paper and coins, and its accounts and operations shall be kept separate and distinct from the rest of the other bank accounts and operations . All expenses arising from the preparation, issuance, offering, withdrawal and destruction of paper . and coins are calculated as a deduction on the assets of this department

Article 39

The issuing department may not disburse any paper money or coins to other departments or branches of the bank, or to any person, except against payment of its value in Libyan cash, or against assets that are part of the assets of this department, and in accordance with the terms . and conditions determined by the bank's board of directors

Article 40

Profits arising from cash issuance operations are distributed at the end of each financial year at a rate of (80%) to the public treasury, and (20%) to the bank, after deducting all expenses approved by the auditors, and allocating a sufficient reserve to face the depreciation of assets, . to be determined by a decision From the bank's board of directors

Chapter V

in regulating foreign exchange operations

Article 41

Without prejudice to the provisions of Article (42) of this law, every natural or legal person may keep what he owns, possesses or devolves upon in terms of foreign currency, and may carry . out any of its operations, including transferring inside or outside the country

Article 42

Libyan public authorities may not keep foreign exchange unless it comes from the return of its activity, in which case it must keep it in an account with the Central Bank of Libya, or with one of . the national banks operating locally

Article 43

Without prejudice to the provisions of the previous article, commercial banks operating in the Great Jamahiriya may open foreign exchange accounts for natural and legal persons, which are : fed through

. foreign currency deposits

. Amounts transferred from abroad

. Amounts transferred from another local account in foreign exchange

The foreign currency equivalent of what the commercial bank accepts to purchase of foreign currency notes, tourist instruments or other foreign exchange payment instruments in favor of . the account

. Bank interest on the mentioned accounts

. Any other legal way

Article 44

: The accounts provided for in the previous article shall be used for the following purposes

Exchange in cash in a foreign currency, whether to the account holder himself, or to any
. beneficiary he designates

Making foreign currency transfers, inside or outside the Great Jamahiriya, at the request of the
. account holder

. Transfer to another account in foreign exchange

. Any other legally legitimate purposes

Article 45

Banks may, upon the request of the account holder or his authorization, purchase all or part of the account balance of foreign currency in exchange for any other currency, according to the exchange rates prevailing on its date, in accordance with the controls and conditions
. established by the Central Bank of Libya

Article 46

Exchange and financial services shall be conducted with the permission of the Central Bank of Libya . The bank's board of directors sets the rules regulating these businesses, granting and
. revoking the license to practice them

Article 47

Dealing in foreign exchange shall be through banks and entities licensed to do so by the Central Bank of Libya, and each of them shall prepare a periodic statement of what he sells or buys of foreign exchange, and what he makes of transfers, what he receives of remittances, and what he receives in return for the operations of exporting goods and services, What he has in his possession of balances denominated in foreign currency, and referring it to the Central Bank of . Libya, on the dates it specifies

Article 48

The value of goods and services, within the Great Jamahiriya, shall be paid in Libyan Dinars, and an equivalent value may be accepted through the banking means of payment approved by . the Central Bank of Libya

Article 49

It is prohibited to bring Libyan currency into or out of the Great Jamahiriya, except in the cases and conditions determined by the Board of Directors of the Central Bank of Libya, and by a . decision published in the code of procedures

Article 50

Customs officers shall exercise the powers entrusted to them under the Customs Law in relation to the application of the provisions of this chapter, and the regulations and decisions issued . pursuant thereto

Article 51

Debts owed to creditors not residing in the Great Jamahiriya, and whose value cannot be transferred abroad, for any reason, is considered to be paid into frozen accounts in the names of the creditors, in approved banks in the Great Jamahiriya, as acquittal of the debtors, provided that the Central Bank of Libya authorizes this payment . The Bank shall determine the . conditions and conditions under which these accounts shall be disposed of

Article 52

Transfers and transactions of a capitalist nature may be carried out to and from the Great Jamahiriya, in accordance with the terms and conditions determined by the Board of Directors . of the Central Bank of Libya

Article 53

Commercial banks operating in the Great Jamahiriya may grant credit in foreign exchange, with sufficient guarantees to recover its value in foreign currency on time . It may deal in foreign exchange among themselves, within the limits of the balances it is allowed to maintain, and in . accordance with the controls set by the Board of Directors of the Central Bank of Libya

Article 54

The Central Bank of Libya shall decide on cases related to foreign exchange for which there is . no provision in this law, in a manner that does not conflict with its provisions

Chapter six

In supervision of banks

Article 55

First : Subject to the supervision of the Central Bank of Libya, in accordance with the provisions : of this law, each of the following

- . commercial banks
- . Specialized banks whose objectives include financing and granting credit for specific activities
- . Banks that conduct their activities abroad, and their head office is in the Great Jamahiriya
- . Branches of foreign banks in the Great Jamahiriya
- . Representative offices of foreign banks in the Great Jamahiriya
- . Exchange and financial services companies

Second : Without prejudice to the agreements relating to the establishment of some banks, all banks operating in the Great Jamahiriya shall be subject to the supervision of the Central Bank . of Libya, in accordance with the provisions of this law

Article 56

First : The Board of Directors of the Central Bank of Libya shall set, in accordance with the requirements of the local monetary and credit situation and international banking standards, general rules for the control and supervision of banks and other institutions stipulated in the : previous article, in order to regulate the following issues

. The method used to estimate the different types of bank assets

Determining the types of liquid assets, and the ratio of liquidity to be maintained to deposit
. liabilities

. The faces in which banks are prohibited from investing money

The provisions that must be available to meet the assets that are subject to severe fluctuations
. in their value

The ratios that must be observed between the value of the advance and the loan value of the
. guarantee, and specifying the type of guarantee

. Maximum interest rates for all debit and credit accounts and delay interest

The permissible difference between the interest rates and the rediscount rate set by the Central Bank of Libya, and the discount rates set by banks for their customers, if the credit documents
. are suitable for rediscounting or obtaining a loan in return

The percentage of each type of credit in relation to its total, and the determination of the maximum credit values and terms, for all or some of these transactions, with respect to all or
. any of the banks

The minimum cash coverage required for opening documentary credits and issuing letters of
. guarantee, in general or for a specific type of credit

Maximum limits for banks' investments in securities, real estate finance and credit for consumer . purposes

The terms and conditions under which the non-performing loans are repaid, the interest . calculated on them is set aside, and they are exempted from them

The rules necessary to organize clearing operations between banks subject to the provisions of . this law, and to provide the necessary facilities for these operations

Second : In addition to the rules stipulated in the previous paragraph, the Central Bank of Libya : shall establish the following

. Disclosure rules, data to be published, and how to publish

. The necessary controls to combat money laundering and terrorist financing

. The controls and conditions that must be met by bank managers

. Minimum capital adequacy standard

. Controls for opening accounts and conducting banking business

The obligatory criteria in classifying the loans and credit facilities offered by banks, and in . classifying the irregular ones . Each bank determines the measures that must be taken to . confront irregular loans and credit facilities . The auditors are also obligated to ensure that the . bank's management follows these standards

Evaluation and classification of banks, in accordance with local and international banking . standards

Any other monetary, financial and credit issues that are consistent with the objectives of the . bank, and that are likely to achieve the interest of the national economy

Article 57

First : All commercial banks must maintain with the Central Bank of Libya, without interest, a mandatory cash reserve against their deposit liabilities . Payment of these reserves shall be in Libyan dinars, unless the Board of Directors of the Central Bank of Libya permits the provision . of some of them in the form of other assets

Second : The Board of Directors of the Central Bank of Libya determines the types of deposit . liabilities, and the ratio of the mandatory cash reserve to each of them

Third : Every amendment in excess of the limit determined under the provision of the preceding paragraph shall be made gradually, as much as possible, and shall be implemented after a . period of no less than fifteen days from the date of informing the banks of it

Article 58

The Board of Directors of the Central Bank of Libya may, at any time, obligate banks to deposit reserves, for any type of deposit liability, at a rate exceeding the limit determined under the provisions of the previous article, provided that the bank pays interest on reserves in excess of the aforementioned limit, at a rate not exceeding on the current discount rate on the date of filing

Article fifty-nine

The reserves required from each bank, in accordance with the provisions of the two preceding articles, are calculated on the basis of the deposit liabilities of each bank in each week, upon closing work on the days specified by the bank of each week . In the account of the required . reserves, the commercial bank and its branches are considered one unit

If a bank's reserves fall short of the required reserves, it must complete its reserves immediately, and the Central Bank of Libya may obligate it to pay an amount of the missing . amount, at a price of not less than thirty parts of 1% for each day, from the date it specifies

If a bank fails to complete its reserves for a period of one month, the Board of Directors of the Central Bank of Libya may prevent or restrict it from continuing to extend credit and to make new investments, and to prevent it from allocating all or part of its profits to pay the shares of its . shareholders

Article 60

The Central Bank of Libya shall collect and examine the reports that banks send to it, pursuant to the provisions of this law. At the end of the last working day of each month, it shall prepare a . summary report on their financial positions, which shall be published in the Procedures Code

Article 61

The Central Bank of Libya may access, at any time, the books and documents of banks, the debit accounts open to them, and the electronic systems and files related to them . The inspection shall be at the headquarters of each of them, and it shall be carried out by the bank inspectors who are delegated for this purpose . Banks must provide these inspectors with all the data and facilities necessary to perform their task, and the inspectors are prohibited from

making known to others or disclosing to them any records, papers or information related to the inspection, except in the cases authorized by law, or when it is necessary for a judicial . investigation

Article 62

First : If it becomes clear to the Central Bank of Libya, from examining the data submitted by any bank, that it is experiencing financial problems, according to what is explained in Paragraph (Third) of this Article, then the governor must warn him in writing of the necessity of correcting his situation within a period not exceeding two weeks from the date of receiving the warning . The governor may extend this period, not to exceed the total of thirty days, if it is proven to him that the bank has begun to take measures to address its financial problems, and has actually begun to provide the necessary additional financial resources . If the specified date lapses, without the concerned bank being able to address its financial problems, the governor may take : one or more of the following actions

. Inviting the general assembly of the bank to convene, and taking the appropriate action

Suspending the bank manager from work, referring him to investigation, and assigning someone . to take over the management of the bank in his place

Suspending the bank's board of directors from work, and appointing a temporary management . committee, until its situation is corrected

Merging the bank with another bank, with the approval of the general assembly of the bank in . which it is merging

Cancel the permission granted to the bank to carry out its activities, and take the necessary . measures to liquidate it

Second : In order for any of the two procedures stipulated in items (4) and (5) of the previous paragraph to take effect, it is required to be approved by the Board of Directors of the Central . Bank of Libya

Third : The bank is considered to be exposed to financial problems, according to the provisions : of this article, if one of the following cases is present in it

. The inability of his assets to cover his liabilities

The tangible decrease in his assets or revenues, as a result of engaging in practices that do not . comply with the foundations of banking business

Availability of strong evidence that he will not be able to meet the depositors' requests, or fulfill . his obligations under normal circumstances

Continuing inability to maintain liquidity requirements and mandatory reserves, established under the provisions of this law, for a period of sixty consecutive days, or ninety separate days, . during one year

Continuing decrease in the value of shareholders' equity, or inability to keep the provisions that . must be made

. Any other case classified by the Central Bank of Libya as a financial problem

Article 63

The Central Bank of Libya shall prepare a consolidated statement on the credit facilities granted by commercial banks to each customer . In order to implement this procedure, banks must send the data requested by the Central Bank of Libya, concerning debtors who are granted loans or credits, within the limits set by the Board of Directors of the Central Bank of Libya, and on the dates it determines . Any bank may request the Central Bank of Libya to provide it with a statement on the position of any customer requesting credit facilities, in accordance with the terms and conditions issued by a decision of the Board of Directors of the Central Bank of Libya

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Article 64

Banks subject to the provisions of this law shall abide by the controls and rules set by the Central Bank of Libya to regulate clearing operations and issues related to the national payment system . All entities that conduct their business under the provisions of this law shall implement . the decisions, publications, and instructions issued by the Central Bank of Libya

Chapter Two

in commercial banks

chapter one

In establishing and supervising banks

Article 65

First : Every company that habitually accepts deposits in current accounts that are paid on demand, or in term accounts, and grants loans and credit facilities, and other banking activities, in accordance with the provisions stipulated in Paragraph (Second) of this Article, is . considered a commercial bank

In the application of the provisions of this law, a commercial bank shall not be considered a specialized bank whose main purpose is to finance and grant credit for specific activities, and accepting demand deposits is not an aspect of its basic activities . By a decision of the Board of Directors of the Central Bank of Libya, specialized banks may be authorized to engage in some . commercial bank activities, for their beneficiaries

Second : Among the banking business and activities practiced by a commercial bank are the : following

- . Providing services for paying and collecting checks withdrawn from or against customers

- . Services related to documentary credits, documents for collection, and letters of guarantee

Issuing and managing payment instruments, including cash withdrawals, remittances, debit and . credit cards, tourist instruments, and others

Dealing with money market instruments and capital market instruments, buying and selling, . whether for his own account or for the account of his customers

- . Buying and selling debts, with or without recourse

- . leasing operations

- . Dealing with foreign currencies in the spot and forward exchange markets

Managing the issuance of securities, undertaking to cover them, distributing them, and dealing . with them

Providing advisory and other services to investment portfolios, and performing the services of . an investment trustee, including managing and investing funds for the account of others

- . Operations of management and safe keeping of securities and valuables

- . Providing the services of a trustee or financial advisor

- . Any other business related to banking activity that the Central Bank of Libya approves of

Article 66

First : Every commercial or specialized bank, before practicing its banking business, must obtain a permission to do so, issued by the Board of Directors of the Central Bank of Libya . This permission replaces the permission stipulated in the Commercial Law . The following shall be : considered before granting permission

Submit a request from the Constituent Committee to the Central Bank of Libya, together with the . documents it specifies

The subscription shares shall not be offered in the capital except after obtaining a preliminary . approval from the Central Bank of Libya

Granting the permission shall not result in a violation of any provision of this law or other laws . and regulations

The trade name adopted by the bank should not be the same or similar to the name of another . bank or other establishment, to the extent that it causes confusion

Second : It is prohibited for any establishment that is not authorized to engage in banking business, in accordance with the provisions of this law, to use the word “ bank ” and its synonyms or any expression similar to it in any language, whether in its own name, in its . commercial address, or in its advertisements

Article 67

First : It is required for commercial banks to take the form of a Libyan joint stock company, with a paid-up capital of not less than ten million dinars, divided into shares, the value of which does not exceed ten dinars, and the participation of natural and legal persons, public and private, in accordance with the rules and conditions to be determined by a decision From the Board of Directors of the Central Bank of Libya, taking into account the limits of ownership of shares established in accordance with the legislation in force, and the bank should complete its subscribed capital, within a period not exceeding five years from the date of granting the

permission . Granting permission to commercial banks to carry out their activities does not prevent the Central Bank of Libya from exercising its competence to evaluate the ownership . structure of these banks

Second : The existing banks at the time this law came into force should correct their positions in accordance with the provisions of the previous paragraph, within three years from the date of its enforcement . The Board of Directors of the Central Bank of Libya may extend this period for a . similar period, once

Third : The Central Bank of Libya may authorize the establishment of banks with foreign capital, and it may also authorize foreign banks to participate in local banks, or to open branches or representative offices for them within the Great Jamahiriya, in accordance with the terms and conditions established by the Board of Directors of the Central Bank of Libya, provided that That the head office of a foreign bank branch has a specific nationality and is subject to the supervision of a monetary authority in the country in which its head office is located, and that the capital allocated to the branch's activity in the Great Jamahiriya shall not be less than fifty million . US dollars

Article 68

First : The commercial bank is managed by a board of directors, consisting of at least five members, or seven members at most, whose appointment and financial treatment is issued by a decision of the general assembly of the bank . The board of directors chooses a president from among its members . The bank's articles of association specify the term of membership of the . chairman and members of the board of directors

Second : The bank shall have a general manager, who shall be appointed by the board of . directors, based on the proposal of its head or two of its members

Third : The chairman and members of the board of directors and the general manager are required to enjoy their civil and political rights, hold a university qualification, have sufficient experience, and none of them should be a member of the board of directors of another local bank, and not be among those who have been suspended from work, according to the text of . Article (119/ 6) of this law

Fourth : The persons mentioned below are prohibited from being members of the board of directors of any local bank, or having a direct connection with its management

Whoever has been convicted of a crime involving moral turpitude or dishonesty, or has been dismissed or removed by a disciplinary or judicial decision

Whoever declares his bankruptcy, stops payment, or enters into a protective arrangement with his creditors

Whoever was a member of the board of directors of any bank, or was directly related to its management, and was liquidated by a judicial procedure, or the permission granted to him was revoked as a result of violating the law

Article 69

First : The Governor of the Central Bank of Libya must be notified of the nominations of the members of the board of directors, the general manager of the bank, and all the data related to them, at least one week before the date set for the meeting scheduled to take the appointment decision . The governor may object to the nomination, within one month from the date of receiving the notification

Second : Everyone who is appointed as a member of the board of directors or general manager of any commercial bank must inform the governor, within a month from the date of his appointment, of a statement of what he holds of shares and stakes in commercial companies, and of any change in this statement, within a month of the date of its receipt

Article 70

: First : Membership of the Board of Directors shall be forfeited in any of the following cases

. If he is appointed as a general manager of the bank

If he loses one of the membership conditions stipulated in Article (68/ Third and Fourth) of this
. law

Death or inability to perform the duties of the position, for any reason, for a period exceeding
. four consecutive months

Absence without a legitimate excuse from Board meetings three times in a row or five times
. during one fiscal year

. resignation

Second : Without prejudice to the provisions of Article (69/ First) , if the position of a member becomes vacant for any of the reasons stipulated in the previous paragraph, the bank's board of directors shall delegate someone to replace him, until the first meeting of the general assembly is held, and a decision is taken regarding its approval. Or appoint a replacement, to complete
. the remaining term of the Council

Article 71

Commercial banks are subject to the supervision and control of the Central Bank of Libya, which is in charge of regulating the relationship between them, coordinating their work, and following
. up on their activities, within the framework of the state's general policy

Without prejudice to the provisions stipulated in Articles (69/ First) and (78/4) of this law, decisions of the boards of directors of commercial banks, related to long-term investments, opening or canceling branches, must be notified to the Central Bank of Libya within ten days of date of issuance . For the enforcement of these decisions, they must be approved by the Board
. of Directors of the Central Bank of Libya

Article 72

Natural and legal persons may own shares in the capital of state-owned banks . The general assembly of these banks is made up of share holders, each according to the percentage of his . contribution to the capital

The financial treatment of employees in each commercial bank is determined by a decision of its . board of directors

Chapter II

In the duties of banks

Article 73

Each bank must maintain a capital reserve, and before distributing profits, it must transfer to this reserve an amount not less than 25% of the net profits, until the reserve reaches half of the paid-up capital, after which an amount equal to 10% of the net profits is transferred . Until the . reserve is equal to the capital

Article 74

Each bank whose head office is abroad shall appoint - after the approval of the Central Bank of Libya - a resident manager for its branch or branches in the Great Jamahiriya, according to an official document that authorizes it to receive notifications, requests, judicial notices, and other papers required by the nature of the bank's work, and makes it fully responsible In front of the Libyan public authorities . An official copy of this document shall be deposited with the Central . Bank of Libya

Article 75

Each bank must always keep in the Great Jamahiriya funds, the value of which is not less than the total of its obligations payable in the Great Jamahiriya, in addition to an amount equal to the paid-up capital of the bank . In the application of this provision, the money that the bank is . allowed to keep abroad shall be included in the account of the funds in the Great Jamahiriya

Article 76

It is not permissible for any bank to distribute profits on its shares, except after deducting all expenses, including establishment and management expenses, covering losses, and any other . expenses that are not matched by real assets

Article 77

: It is prohibited for any commercial bank to engage in the following operations

Wholesale and retail trade, including import and export, or the work of brokers and commercial . agents

. Owning shares of companies contributing to the bank's capital

Owning shares of other joint stock companies, with a value exceeding (10%) of the paid-up capital of one company, provided that the nominal value of the total shares owned by the bank in these companies does not exceed half of its paid-up capital and capital reserve . When necessary, the two limits mentioned may be increased, with the approval of the Board of Directors of the Central Bank of Libya . The calculation of these two limits does not include the

shares transferred to the bank in payment of a debt owed to it by third parties, provided that it disposes of them within two years from the date of their transfer to it . The Board may extend . this term for a maximum of two more years

. Entering as a general partner in partnerships and the like

Accepting the shares that make up the bank's capital as security for a loan, or dealing in these shares or owning them, unless their ownership has been transferred to the bank in fulfillment of . a debt to it by others, provided that it sells them within a year from the date of their transfer to it

Buying the shares of any of the banks operating in the Great Jamahiriya, even if its head office . is abroad

. Issuance of bills to the bearer, payable upon request

Article 78

It is prohibited for any bank to open a credit or provide a financial guarantee or any other credit : facility to the following persons

Bank employees, if the transaction includes an obligation whose value exceeds the employee's salary for a period of two years, unless a sufficient guarantee is provided, and provided that the . transaction takes place on the same conditions established for the bank's customers

Members of the bank's board of directors, except with the approval of the general assembly . This prohibition applies to every facility in which the member has an interest, such as being a partner, manager, agent or guarantor, as well as to every person for whom the member is a . guarantor

The general manager of the bank, his deputies, his assistants and branch managers, except . with the approval of the bank's board of directors

Any person, if the transaction includes an obligation on the bank whose value exceeds the percentage determined by the Board of Directors of the Central Bank of Libya out of its total capital and reserves . The provision of this paragraph does not apply to the transactions that take place between banks, or between bank branches, or to the purchase of commercial papers whose value is paid abroad as a price for exports from the Great Jamahiriya, or to making . advances in exchange for these papers

Article 79

First : The board of directors of each bank sets, within the framework of the credit policy decided by the Central Bank of Libya, the rules regulating the granting of credit, the procedures to be followed to ensure creditworthiness, the correctness of the information and data provided, and . the system for controlling its use in the purposes and fields identified in the credit approval

Second : The person who is granted bank credit is required to be of good reputation and to provide sufficient security, accompanied by a feasibility study that proves that the expected cash flows of the activity for which the credit is granted are sufficient to meet its obligations . This is determined by an experience report, which is prepared in accordance with the text of Article (83/ . Third) of this law

The bank may, in the cases determined by the board of directors, request a periodic re-evaluation of the guarantees presented to it to ensure that they fulfill the obligations resulting from the credit granted . He may ask the customer to provide additional guarantees in kind or of . any other nature acceptable to the bank

Third : The bank may transfer to another person any right or credit granted to his customer, and his in-kind and personal securities, or accept any transfer of right to him, without the need to obtain the consent of the debtor, customer, mortgagor or guarantor, unless there is an . agreement that states otherwise that

Article 80

Each bank shall establish a system for the immediate and continuous registration of the positions of its customers who obtain loans and credit facilities from it . This system must be linked to the database collected at the Central Bank of Libya, and inform it, within ten days from the end of each month, of a statement on the position of each customer who obtains loans or . credit facilities, and any changes thereto

Article 81

Every bank must have an internal audit department, which is directly affiliated with the bank's board of directors, and its manager is appointed by a decision of the board, based on a proposal from its chairman or two of its members . The Board shall determine the functions of this : administration, provided that the following are among them

. Review and audit the daily business of the bank

Preparing a periodic, quarterly report on its activities, to be submitted to the bank's board of . directors

. Coordination between the bank's management and its external auditors

Article 82

The Central Bank of Libya, in coordination with the relevant authorities, shall prepare a register for the auditing offices, which are able to review and examine bank accounts, and another register for the offices and houses of expertise, which are capable of evaluating real estate assets and other things provided to the banks, as a guarantee for the financing, loans and facilities they grant . The Central Bank of Libya shall set the rules, conditions and procedures for . registration in these two records

Article 83

First : Each bank must entrust the examination of its accounts annually, to two legal auditors selected by the general assembly of the bank, from among those registered in the register : stipulated in the previous article. Each of them requires the following

He should not be a member of the bank's board of directors, its employees or agents, or those . who obtained a loan or facility from it, with or without a guarantee

He is not related to any of the members of the board of directors or to the other legal auditor of . the bank, up to the fourth degree

Second : The two reviewers mentioned in the previous paragraph must do the following : separately

Preparing a report on the bank's annual financial statements, including the means that were used to verify the existence of assets, methods of evaluating them, how to estimate existing commitments, and the extent to which the operations reviewed by each of them conform to the . provisions of the law

Preparing a semi-annual report on the follow-up of the financial and administrative performance . of the bank, and its compliance with local and international banking standards

Send a copy of the two reports, referred to in the previous two clauses, to the Central Bank of . Libya, within the period specified by the governor

Without prejudice to the penalties stipulated in Articles (109/2) and (112) of this law, each of the legal auditors shall be responsible for any default in either of the two reports he submits . In this case, the Central Bank of Libya may cross it off from the register stipulated in the previous . article

Third : Every bank must entrust an office or expert house with evaluating real estate assets and other things that are presented to it, as a guarantee for the financing, loans and facilities it grants . It is stipulated that he be among those registered in the register stipulated in the previous article, and that none of its employees is a member of the bank's board of directors, its

employees or agents, or one of those who obtained a loan or facility from it, with or without a .guarantee

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Fourth : Each bank that creates, within the administrative organization, administrative unit, : called the " Compliance Unit " , follows the management board directly, shall have the following

Follow up on the supervisory instructions issued by the Central Bank of Libya, and ensure the . extent to which the bank's departments and branches comply with them

Monitoring the extent of the bank's compliance with the standards that govern daily banking : work, the most important of which are

solvency of capital ? Maintaining legally prescribed liquidity ? Maintain mandatory reserves ? ? . International Banking Supervision Standards

. Any other tasks assigned to it by the bank's board of directors

. Preparing a periodic report on its activities to be submitted to the Board of Directors

Article 84

Each bank must display, throughout the year and in a conspicuous place in its head office and all its branches, a copy of the last financial statements reviewed for it, and it must publish them . in the procedures manual and in one of the local newspapers

Article 85

: First : Each bank must submit to the Central Bank of Libya

Monthly statements of his financial position, within a date not exceeding fifteen days from the . end of each month, and according to the forms established by the Central Bank of Libya

Monthly statements that include details of all the advances or financial credits provided by the bank, with or without a guarantee, to the company or companies in which it or any member of its board of directors has an interest, such as being a member of its board of directors, manager, . agent or guarantor

A copy of the last financial statements reviewed for him, within four months from the end of his . financial year

A copy of every report submitted to shareholders on the bank's business, within five days at most from the date of its submission to them, and a copy of the minutes of every meeting held . by the shareholders' general assembly, within fifteen days from the date of the assembly

A statement of every change in the members of the bank's board of directors, within fifteen days . from the date of its occurrence

Any other data or clarifications about the operations carried out by the bank, in the form and for . the period specified by the Central Bank of Libya

Second : The Governor of the Central Bank of Libya may issue, within a month from the date of receiving the financial statements and the report stipulated in Clause (4) of the previous paragraph, a decision not to approve the profits proposed to be distributed to shareholders, if it becomes evident to him that there is a shortage in the provisions, or a decrease in the sufficiency criterion The capital for the established minimum, or any reservation mentioned in . the auditors' report, has an impact on the distributable profits

Shareholders who hold at least a quarter of the total shares issued by the bank, or depositors whose deposits are not less than a quarter of the total deposits held by the bank, may request the Central Bank of Libya to inspect and examine the bank's business . The request must include the reasons justifying its submission . The Central Bank of Libya may delegate one or more employees to examine the bank's business . The employees of this bank shall submit to the inspectors the books, accounts, statements and documents related to the bank's business, and provide any information or data requested of them, provided that all of this is at the bank's headquarters . The person entrusted with the inspection, upon completion of his task, shall submit to the governor a report of the findings he concludes . The governor may send a copy of this report to the applicants for inspection, and obligate them or the bank on which the . inspection was signed to pay the expenses that are required, as the case may be

Article 87

No bank may merge with another bank without the approval of the Board of Directors of the Central Bank of Libya, and the procedures to be followed in this case shall be determined by a . decision of the Governor

Article eighty-eight

No bank may stop its operations without a prior permission from the Board of Directors of the Central Bank of Libya, and this permission shall not be issued except after verifying that it has finally cleared it from depositors and other creditors, in accordance with the terms and . conditions set by the Central Bank of Libya

Article 89

First : The permission granted to the bank to carry out its activities may be canceled in any of : the following cases

If it was found that he violated the provisions of the law or the regulations issued for its implementation, and he did not remove the violation, within the period specified by the Central Bank of Libya, and in accordance with the conditions it specifies

If it becomes clear that the permission to practice the activity was granted based on false information provided by the bank

. If he follows a policy that may harm the interests of depositors or shareholders

. If he stops carrying on his business

. If he is declared bankrupt or it is decided to liquidate him

. If merged with another bank

Second : Revocation of the permission shall be by a decision of the Board of Directors of the Central Bank of Libya, based on the proposal of the Governor . In the cases referred to in items (1 , 2 , 3 , 4) of the previous paragraph, the cancellation decision shall not be issued except after notifying the bank by registered letter, in order to present its defenses in writing, within two weeks from the date of its notification

Article ninety

The decision to cancel the permission shall result in stopping the bank from carrying out its work. In this case, the Board of Directors of the Central Bank of Libya may decide to liquidate the bank's business immediately, and authorize it to carry out the existing operations at the time of cancellation, under the conditions decided by the Board

Article 91

First : A fund called (Depositors' Money Guarantee Fund) shall be established to undertake . .insurance operations for deposits in banks operating in the Great Jamahiriya

Second : The Fund's articles of association shall be issued by a decision of the General People's Committee, based on the proposal of the Board of Directors of the Central Bank of : Libya . The articles of association must include - in particular - the following

The objectives of the Fund, the means of achieving them, and regulating the relationship . between it and its member banks

The fund's financial resources, including membership subscription, annual subscriptions to . member banks, and the rules and aspects of spending from them

. The fund's work system, the formation of the board of directors and its terms of reference

. The scope of the deposit guarantee, and the determination of the maximum guarantee limit

. Fund audit system

. Third : The fund's surplus funds are carried over from one fiscal year to another

Fourth : The Governor of the Central Bank of Libya, upon the proposal of the Fund's Board of Directors, may take any of the following measures, in the event that a member bank in the Fund : violates the provisions of the statute or the decisions issued in implementation thereof

. Sending a warning to the violating bank

Imposing a fine not exceeding 5% of the value of the annual subscription due from the bank, during the year in which the violation occurred . The maximum fine for this fine shall be increased to 10% if the bank returns to committing another violation within two years from the date of the previous violation . The amounts of fines imposed in application of the provisions of . this Article shall be added to the resources of the Fund

Article ninety-two

A union may be established between banks subject to the provisions of this law . The establishment of this union and its statutes shall be issued a decision of the Board of Directors . of the Central Bank of Libya, which shall be published in the Code of Procedures

Chapter III

General Provisions

Article 93

There is no restriction on the freedom of depositors to dispose of their account balances with banks subject to the provisions of this law, in accordance with the conditions agreed upon upon opening those accounts, and the said balances may not be prejudiced or executed except by virtue of a judicial or administrative attachment, and the interests paid on the savings balances . shall be exempted from taxes and fees enough

Article 94

Banks must maintain the confidentiality of their customers' accounts, balances and all their banking operations, and they may not allow access to them, or disclose or give data about them to others, except with the written permission of the account holder or a competent judicial . authority

Article 95

The chairmen and members of the board of directors, managers and employees of banks are prohibited from giving or disclosing any information or data about the bank's customers, their accounts or their balances, or enabling others to view them in cases other than those authorized by virtue of the provisions of this law . This prohibition applies to anyone who, by virtue of his profession, job or work, has access, directly or indirectly, to the aforementioned data and . information

Article 96

: The provisions of the two previous articles are without prejudice to the following

The duties legally entrusted to bank auditors, and the legally authorized functions of the Central . Bank of Libya

The bank's obligation to issue a certificate for the reasons for refusing to exchange the check, at . the request of the right holder

The right of the bank to disclose all or some of the data relating to the customer's transactions necessary to prove its right in a judicial dispute arising between it and its customer regarding . these transactions

Actions to be taken regarding revocable sukuk and combating money laundering and terrorist . financing

Article 97

The provisions of the civil and commercial laws shall apply to banks, to the extent that it does . not conflict with the provisions of this law

Electronic documents and signatures, which are made within the framework of banking and other related transactions, are considered valid and have authority in proving the data they . contain

Computer outputs related to banking transactions, as stipulated in the previous paragraph, are considered legal books stipulated in the Commercial Law and its complementary laws . Banks may keep, for the period prescribed by law, miniature copies on hard, floppy or CD-ROM, or other modern technical tools in the field of data or information preservation, in place of the originals of the books, records, papers, records, papers, and paperwork. And these miniature . copies shall have the authenticity of the original in proof

Article ninety-eight

The decisions issued to grant permission to any bank to practice its activity, to cancel it, or to . approve its merger with another bank, shall be published in the Code of Procedures

Article ninety-nine

As an exception to the provisions established under the Official Holidays Law, the Governor of the Central Bank of Libya may determine the days during which banks close their doors and the . working hours during which they are open to the public

Article 100

Without prejudice to the time-limit specified in Article (67/ Second), the existing banks at the time of enforcement of this law shall rectify their positions, and amend their bylaws and internal regulations in accordance with the provisions stipulated in this law, within a period not . exceeding one year from the date of its enforcement

Chapter Three

in penalties

Article one hundred

First : Without prejudice to any severer penalty stipulated in the Penal Code or in any other law, the crimes set forth in the following articles shall be punished with the penalties stipulated . therein

Second : The Board of Directors of the Central Bank of Libya shall have the authority to impose . the fines stipulated in Articles (102) , (104) , (106) , (107) , (108) , (111) of this law

Article 102

Any entity or bank that violates the provisions of Article (42) of this law, shall be punished with a fine of no less than five thousand dinars and not more than twenty thousand dinars, with an . order to close the violating account . The penalty is doubled in case of recurrence

Article 133

Whoever violates the provisions of Article (49) of this law shall be punished with a fine equivalent to twice the sums for which the criminal case was filed . The penalty is doubled in case of recurrence . In all cases, the sums in question shall be confiscated, and if they are not . seized, an additional fine equivalent to the value of those sums shall be imposed

Article four hundred

Any bank that fails to act according to the decisions issued by the Central Bank of Libya, in implementation of the provisions of bank control, set forth in Article (56) , or violates the provisions of Articles (58) and (59) of this law, shall be punished by a fine of not less than ten thousand dinars and not more than one hundred One thousand dinars, with the obligation of the . violating bank to remove the violation

Article one hundred five

First : Anyone who violates the provisions of the articles set forth in the following items, in relation to the condition of permission or licensing, shall be punished with the penalties set forth : therein

Violation of the provisions of Article (46) of this law is punishable by a fine of no less than five . thousand dinars

Violation of the provisions of Article (47) of this law is punishable by a fine of no less than ten . thousand dinars

Violation of the provisions of Article (66) of this law is punishable by a fine of no less than fifty . thousand dinars

Second : The penalty is doubled in case of repetition . In all cases, the court shall decide to publish a summary of the conviction sentence in one or more local newspapers, at the expense . of the convict

Article one hundred

Every bank that violates the provisions of any of Articles (73) , (75) , (76) and (77) of this law, shall be punished by a fine of no less than twenty thousand dinars and not more than one . hundred thousand dinars

Article 107

Failure to provide the data referred to in Articles (47) and (85/ First) of this law, on the dates specified in it or on the dates specified by the Central Bank of Libya, is punishable by a fine of . no less than one thousand dinars and not more than ten thousand dinars

The same penalty shall be imposed in case of refusal to submit books, records, documents and papers to the employees of the Central Bank of Libya who are delegated for review and . inspection, without prejudice to the obligation to submit them

Article eighty-eight

Every bank that violates the provisions of any of the articles (81) and (83 / first, third, fourth) of this law, shall be punished by a fine of not less than ten thousand dinars and not more than fifty . thousand dinars

Article 99

Whoever fabricates, with the intent of fraud, incorrect facts or hides some papers or facts in the statements, minutes, or other papers submitted to the Central Bank of Libya or its representatives, in accordance with the provisions of this law, shall be punished by a fine of no less than one thousand dinars and not more than five thousand dinars.

The penalty shall be doubled in case of recurrence, or if the act was committed by the legal auditor or evaluation expert, as stipulated in Article (83) of this law

Article one hundred

Anyone who violates the provisions (95) of this law shall be punished with a fine of no less than one thousand dinars and not more than ten thousand dinars . The penalty is doubled in case of recurrence

Article one hundred eleven

Every bank that fails to implement the provision stipulated in Article (100) of this law shall be punished by a fine of not less than ten thousand dinars and not more than fifty thousand dinars, and the penalty is doubled if the bank does not correct its situation after eighteen months from the date of the commencement of this law. The violation continued for a period of two years from the date the law came into force, so the provisions of Article (89/ First) of this law are applied to the bank

Article 121

Every legal auditor who violates the duties stipulated in Article (83/ Second) or does not observe the required accuracy in his report, shall be punished by imprisonment for a period of no less than six months, and a fine not exceeding fifty thousand dinars, or one of these two . penalties

Article one hundred and thirteen

First : Whoever submits to any bank forged or fictitious documents or documents that contain incorrect data, with the intention of obtaining a loan or credit facility, shall be punished by a fine . of no less than ten thousand dinars

Second : The same penalty, with its two limits increased by half, is applied to every bank employee or evaluation expert who helps or facilitates obtaining a loan or credit facility, contrary to the conditions and controls established in this regard . The penalty of the employee or expert shall be doubled if he commits the act with the intention of obtaining compensation of any kind, . or if he commits it again

Third : The penalty stipulated in the two preceding paragraphs does not prejudice the penalties . stipulated in the Penal Code or in any other law

Article one hundred and fourteen

Any other violation of any of the provisions of the obligation or prohibition contained in this law and the regulations and decisions issued for its implementation, the perpetrator shall be . punished by a fine of no less than one thousand dinars and not more than five thousand dinars

Article one hundred fifteen

In the cases in which the crime is attributed to a bank, the person responsible for its actual management shall be punished with the same penalty prescribed for it, if it is proven that he was aware of it and did not take the necessary measures to prevent it . In the event of the . violation being committed by a bank branch, the branch manager shall be responsible for it

The bank shall be jointly liable for the payment of the financial penalties or compensation imposed on it, if the crime was committed by one of its employees, in the name or on behalf of . the bank

Article 166

Subject to the provisions of Article (50) of this law, the employees of the Central Bank of Libya, who are designated by a decision of the governor, shall have the capacity of judicial control officers, with respect to crimes that occur in violation of the provisions of this law and the . regulations and decisions issued pursuant thereto

In this capacity, they have access to records, debit accounts, and other documents and documents, systems and electronics, and they must maintain the confidentiality of what they . see, or come to their knowledge of information or data, related to the performance of their jobs

Article one hundred seventeen

First : It is not permissible to file a criminal case or take any investigation procedure without the permission of the governor, in the crimes that are attributed to the employees of the Central . Bank of Libya, in relation to the performance of their duties

Second : It is not permissible to file a criminal case, or take any measure of investigation into . the crimes stipulated in this law, except at the request of the governor

Third : The governor may reconcile in the crimes referred to in the preceding paragraph, in whatever state the case is in, and before a final judgment is issued in it, and on condition that . the full rights of the bank are fulfilled, in accordance with the terms of the reconciliation

Fourth : The composition, stipulated in the previous paragraph, shall be written in an authenticated report signed by the parties, and shall have the force of an executive deed, and the investigation authorities or the competent court shall be notified thereof . The conciliation shall be considered a waiver of the request, and shall result in the expiration of the criminal case . for the incident subject of the conciliation

Article one hundred eighteen

Financial rewards may be granted to anyone who guides, facilitates or assists in detecting or seizing one of the crimes stipulated in this law, within the limits and in accordance with the . conditions issued by a decision of the Board of Directors of the Central Bank of Libya

Article one hundred and nineteen

Without prejudice to the penalties stipulated in this law or in any other law, and the measures that can be taken under the provisions of Article 62 , the Governor of the Central Bank of Libya, when it is proven that one of the banks or entities stipulated in Article (55) has violated any of the provisions of this The law, regulations, or decisions issued pursuant thereto, may take any of : the following actions

. alert

. warning

. Reducing or stopping the credit facilities of the violating bank

Demanding the chairman of the board of directors of the violating bank to invite the board to a meeting to look into the violations attributed to the bank, and take the necessary measures to remove them . In this case, the meeting of the Board of Directors shall be attended by one or . more delegates from the Central Bank of Libya

Appointing a supervisory member on the board of directors of the violating bank, to be among the employees of the Central Bank of Libya, for the period specified by the governor . This member has the right to participate in the discussions of the council, and his opinion is recorded . in the decisions taken

Suspending the general manager of the bank or its board of directors, or both of them, and assigning a temporary management committee to manage the bank for a period not exceeding six months, which may be renewed for a similar period, once . During the term of its mandate, the committee shall present the matter to the general assembly of the bank to choose a new board of directors, merge with another bank, or dissolve and liquidate the bank, otherwise the governor will request the Central Bank of Libya's board of directors to cancel the permission . granted to him to practice banking

Article one hundred and twenty

Law No. (1) for the year 1993 syphilis on banks, cash and credit, as well as any provision contrary to the provisions of this law . The previous regulations and decisions shall remain in force, in a manner that does not conflict with the provisions of this law, until the issuance of what . amends or cancels them

Article one hundred and twenty

This law shall be effective from the date of its issuance, and shall be published in the Legislation . Blog and in the various media

General People's Congress

Released in : Sirte

: dated

Corresponding to : 12 i.e. fire 1373 and . NS