



**Tuvalu**

# **EXCHANGE CONTROL ACT**

**2022 Revised Edition**

**CAP. 38.15**





Tuvalu

## EXCHANGE CONTROL ACT

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Tuvalu

## EXCHANGE CONTROL ACT

### AN ACT TO PROVIDE FOR A SYSTEM OF EXCHANGE CONTROL AND FOR MATTERS INCIDENTAL THERETO<sup>1</sup>

Commencement [7th February 1983]

#### 1 Short title

This Act may be cited as the Exchange Control Act.

#### 2 Interpretation

In this Act, unless the context otherwise requires —

“**bullion**” means gold and includes any metal or coins declared under section 3 to be bullion for the purposes of this Act;

“**currency**” includes coins, currency notes, bank notes, postal orders, money orders, cheques, letters of credit, bills of exchange and promissory notes;

“**foreign currency**” means any currency that is not, or is payable or expressed otherwise than in, Tuvalu currency;

“**foreign exchange**” means foreign currency and foreign securities;

“**foreign securities**” includes —

- (a) any securities the principal of which, or interest from which, is repayable or payable in any country other than Tuvalu or in a foreign currency;
- (b) any securities the funds necessary for the repayment or payment of the principal of, or interest from, which are provided from any country other than Tuvalu;
- (c) any securities that are registered outside Tuvalu;

- (d) any security, debt or right which may be prescribed under section 4 for the purpose of this definition;

“**gold**” means gold coins or gold bullion;

“**securities**” includes shares, stock, bonds, debentures, debenture stock, unsecured notes, transferable or negotiable deposits, treasury bills, units or sub-units of a unit trust (and policies of life or endowment assurance) and also includes deposit receipts in respect of the deposit of any such securities and documents of title of any such securities;

“**the Regulations**” means regulations made under section 4;

“**Tuvalu currency**” means any currency that is, or is payable or expressed in currency that is, legal tender in Tuvalu.

### 3 Power to declare bullion

The Minister may, by order published by notice, declare any metal or coins to be bullion for the purposes of the definition of the expression in section 2.

### 4 Regulations

- (1) The Minister may make regulations with respect to the control of foreign exchange bullion and Tuvalu currency.
- (2) In particular, and without limiting the generality of subsection (1), the Regulations may relate to —
  - (a) the powers, rights, duties and responsibilities of authorised dealers in bullion or foreign exchange and the rates at which they may enter into transactions in foreign exchange or bullion;
  - (b) the buying, selling, borrowing, lending or exchange of foreign currency or bullion;
  - (c) any dealing or transaction having the effect of a purchase, sale, borrowing, loan, or exchange of foreign currency or bullion;
  - (d) the taking or sending out of Tuvalu of Tuvalu currency, foreign currency or bullion;
  - (e) transaction in Tuvalu currency with or on behalf of persons resident outside Tuvalu;
  - (f) a requirement that any person who has power to sell, or procure the sale of, any foreign currency or bullion, shall sell or procure the sale of the currency or bullion, in accordance with the Regulations;
  - (g) the taking, sending, transmission or transfer out of Tuvalu of securities prescribed in the Regulations, and other dealings with or transactions in securities so prescribed;
  - (h) the importation or exportation of goods;

- (i) the imposition of restrictions and conditions by the Minister on authorised dealers in bullion or foreign exchange;
  - (j) the appointment of persons to perform any prescribed functions for the purposes of the Regulations.
- (3) The Regulations may —
  - (a) regulate or prohibit the carrying on of any dealings or transactions or the doing of any act;
  - (b) constitute offences and prescribe, in respect of a conviction for an offence, a penalty not exceeding 2 years imprisonment and \$2,000 fine;
  - (c) provide for the prosecution and punishment of the officers of bodies corporate convicted of an offence against the Regulations,
  - (d) empower a court to order the forfeiture of Tuvalu currency, securities, bullion or goods in respect of which an offence has been committed against the Regulations;
  - (e) empower a court to order the sale to or the vesting in the Crown in right of Tuvalu of Tuvalu currency, foreign currency, securities, bullion or goods retained, obtained or dealt with in contravention of the Regulations.
- (4) The Regulations may create offences with respect to acts done, or dealings or transactions carried out, in or outside Tuvalu or partly in and partly outside Tuvalu.
- (5) The power under this section to make Regulations may be exercised —
  - (a) either in relation to all cases to which the power extends, or in relation to all of those cases subject to specified exceptions, or in relation to any specified case or class of case; and
  - (b) so as to make, as respects the cases in relation to which it is exercised —
    - (i) the same provision for all those cases or different provisions as respects the same case or class of case for different purposes; or
    - (ii) any such provision either unconditionally or subject to any specified condition.

## 5 Application to the Crown

This Act and the Regulations bind the Crown in right of Tuvalu and apply to transactions by a Government department or other person acting on behalf of the Crown, and the Minister shall not, by virtue of any contract made by them or on their behalf in relation to any bullion, currency or securities, be under any obligation to grant any permission or exemption under the Regulations.

## ENDNOTES

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<sup>1</sup> 1990 Revised Edition, Cap. 51 – Act 11 of 1981