

PARLIAMENT OF GHANA LIBRARY

**IN THE SECOND SESSION OF THE SEVENTH
PARLIAMENT OF THE FOURTH REPUBLIC OF
GHANA**

REPORT OF THE

FINANCE COMMITTEE

ON THE

**PAYMENT SYSTEMS AND SERVICES
BILL, 2018**

4TH DECEMBER, 2018

1.0 INTRODUCTION

The Payment Systems and Services Bill, 2018 was first presented to Parliament and read the first time on 8th November, 2018.

Rt. Hon. Speaker referred the Bill to the Finance Committee for consideration and report in accordance with the 1992 Constitution and the Standing Orders of Parliament

The Committee met with a Deputy Minister for Finance, Hon. Charles Adu Boahen, the Governor of the Bank of Ghana, Dr. Ernest Addison, the two Deputy Governors Dr. Maxwell Opoku-Afari and Mrs Elsie Addo Awadzi, and officials from the Ministry of Finance and the Bank of Ghana.

2.0 DOCUMENTS REFERRED TO

The Committee referred to the following documents in order to consider the Bill:

1. The 1992 Constitution;
2. The Electronic Transactions Act, 2008 (Act 772);
3. The Payment Systems Scheme Act, 2003 (Act 662);
4. The Fines (Penalty Units) Act, 2000 (Act 572);
5. The Standing Orders of Parliament;
6. The Bank of Ghana Guidelines for E-Money Issuers in Ghana; and
7. The Bank of Ghana Guidelines for E-Money Agents.

3.0 OBJECT OF THE BILL

The purpose of the Bill is to amend and consolidate laws and guidelines relating to payment systems, payment services, and electronic money operations and to regulate institutions which issue electronic money and provide payment services.

4.0 STRUCTURE OF THE BILL

The Bill has one hundred and two (102) clauses and three schedules.

Clause 1 provides for the scope of application of the Bill. Clause 2 deals with the application of relevant enactments whereas clause 3 provides for the functions of the Bank of Ghana.

Clause 4 empowers the Bank of Ghana to establish the Payment Systems Advisory Committee to advise the Bank on regulations and oversight of the payment systems, operational and technical

standards of payment systems and any other matter affecting payment services, clearing and settlement of payments.

Clause 5 provides for meetings of the Payment Systems Advisory Committee. Disclosure of interest provision for members of the Payment Systems Advisory Committee is provided for in clause 6.

Clause 7 provides that a body corporate other than a body corporate regulated under the Banks and Specialised Deposit-Taking Institutions Act, 2016 (Act 930) is prohibited from operating a payment system or providing a payment service without a payment system licence issued by the Bank of Ghana.

Clause 8 provides for application for a payment system licence. Clause 9 provides the penalty for a body corporate that carries on the business of payment services without a licence from the Bank of Ghana.

Clause 10 prohibits a body corporate regulated under the Banks and Specialised Deposit-Taking Institutions Act, 2016 (Act 930) from engaging in payment services business unless that body corporate obtains due authorisation from the Bank of Ghana.

Clause 11 prohibits the carrying on of the business of payment service without authorisation. Clause 12 empowers the Bank of Ghana to suspend a payment system licence or authorisation. Clause 13 deals with the revocation of a payment service licence or authorisation.

Clause 14 requires the Bank of Ghana to publish a notice of revocation in a newspaper of national circulation and on its website as well as inform the general public of the revocation.

Clause 15 prohibits a payment service provider from engaging in any act which is likely to result in systemic risk or prejudice the integrity, effectiveness or security of the payment system,.

Clause 16 provides grounds on which a Director or key management personnel of a payment service provider would have to cease to hold office.

Clause 17 provides for the capital requirements of a payment service provider.

Clause 18 requires a payment service provider to establish a Board of Directors with a minimum of five members.

Clause 19 deals with fees. Clause 20 relates to technology, security and controls of a payment service provider.

Clause 21 provides for persons who may engage in electronic money business.

Clause 22 provides that a body corporate which seeks to engage in electronic money business is required to submit an application to the Bank of Ghana.

Clause 23 provides for operation as a dedicated electronic money issuer. Clause 24 requires a person who seeks to engage in electronic money business to apply to the Bank of Ghana for a licence. The penalty for engaging in electronic money business without a licence is provided for in clause 25 whereas clause 26 relates to a contravention of a term of a licence or authorisation as an electronic money issuer.

Clause 27 provides for the validity and renewal of a licence or an authorisation. A licence issued or authorisation granted under the Bill is valid for a period of five years subject to an annual renewal.

Clause 28 permits an applicant whose application has been refused to apply for a review within thirty days from the date on which the refusal is communicated.

Clause 29 provides for the issuance and redeemability of electronic money. Electronic money account and transactions are required to be denominated only in Ghana Cedis.

Clause 30 enumerates the types of transactions permitted to be undertaken using electronic means. Clause 31 specifies activities that a payment service provider or dedicated electronic money issuer which is not a bank or specialised deposit-taking institution is prohibited from engaging in.

Clause 32 provides for the categorisation of electronic money accounts and imposition of transaction limits on each account type provided for.

Clause 33 makes provision for a dormant electronic money account.

A payment service provider is required under clause 34 to put in place a system that has built-in control mechanisms for a complete audit trail.

Clause 35 relates to customer due diligence. Clause 36 provides for liquid asset requirements in respect of electronic money float. Clause 37 provides for fund isolation requirements. Clause 38 relates to outsourcing of activities.

Clause 39 prohibits the transfer of an authorisation or licence to provide electronic money services from one entity to another without the written approval of the Bank of Ghana.

Clause 40 empowers the Bank of Ghana to carry out examinations of the operations and affairs of electronic money issuers and payment service providers at the times and with the frequency that the Bank of Ghana considers appropriate.

Clause 41 enjoins an electronic money issuer or payment service provider to submit any information or data relating to its assets, liabilities, income, expenditure affairs or any other matter that the Bank of Ghana requires.

Clause 42 provides for the principles of consumer protection. Clause 43 states the responsibilities of electronic money issuers and payment service providers.

Clause 44 makes provision for the rights and responsibility of electronic money holder. Clause 45 provides the complaint procedure to be followed by a customer in lodging a complaint.

Clause 46 permits the Bank of Ghana to establish, operate, promote and supervise payment, funds transfer, clearing and settlement systems and designate any other payment, funds transfer, clearing and settlement systems operating in the country which the Bank of Ghana considers to be in the public interest.

Clause 47 empowers the Bank of Ghana to grant access to participation in systems approved by the Bank of Ghana. Clause 48 provides for the supervisory role of the Bank of Ghana over a system established or designated.

Under clause 49, the Bank of Ghana is required to issue a directive in writing to a participant of the system where the Bank of Ghana considers that there is systemic risk.

Clause 50 provides for the keeping of Records created during the operation and administration of a system for a minimum period of six years from the date of creation of the record.

Under clause 51, an operator of a system is to ensure that the system operates in accordance with the principles of transparency. Clauses 52 and 53 provide for the information to be made available to a customer before or after the execution of a transfer.

Clause 54 confers on parties to an agreement the right to negotiate obligations under a transaction. Clause 55 deals with transfer time obligation. Clause 56 obliges the institution of the originator to make the funds resulting from a transfer available to the beneficiary within the time limit agreed with the beneficiary or in the absence of an express agreement, within the standard time limits applicable to the system.

Clause 57, on the other hand, prohibits the payment of compensation to an originator or a beneficiary if the institution of the originator or beneficiary can establish that the delay is attributed to the originator or the beneficiary.

Clause 58 provides that the provisions of clauses 55 and 56 on the execution of a transfer do not limit any other rights available to persons participating in the execution of the transfer. Clause 59 mandates the institutions of the originator and beneficiary and any intermediary institution to execute any transfer for the full amount unless the originator specifies that the costs of the transfer are to be borne wholly or partly by the beneficiary.

Clause 60 mandates the institution of the originator to refund to the originator, the amount of a transfer plus interest and any charges paid by the originator for the transfer where the transfer has been accepted by the institution of the originator but the relevant amount is not credited to the account of the institution of the beneficiary.

Clause 61 requires an operator of a system to specify the principles applicable to achieve transfer finality in respect of the operation of the system. A transfer executed in the absence of fraud, mistake or similar vitiating factors is irrevocable once executed as provided for in clause 62.

Clause 63 deals with the discharge of settlement obligations between institutions participating in the system which is effected by means of entries to accounts maintained with the Bank of Ghana for settlement purposes.

Clause 64 provides for customer funds and agent-based electronic money transactions undertaken by a payment service provider to be effected electronically and settled in real time against a pre-funded account held by an agent.

Clause 65 provides that where an institution that participates in a system established or designated is wound up, placed in administration or declared insolvent by a court, any provision contained in a written netting agreement to which that institution is a party or any netting rules and practices applicable to the system are binding on the liquidator or administrator of the institution in respect of any payment or settlement obligation.

Clause 66 provides for collateral for the discharge of the payment and settlement of obligation of an institution that participates in a payment system. Clause 67 provides for admissibility of evidence.

The establishment functions of a clearing house and participation in the clearing house are provided for under clauses 68 to 70.

A participant of a clearing house is permitted under clause 71 to act as an agent of another institution which is not a direct participant in the clearing house. Clearing charges are provided for in clause 72.

Under clause 73, a participant is permitted to withdraw from the clearing house upon giving at least twenty-one days' notice in writing to the Bank of Ghana and the clearing house. Clause 74 however empowers the Bank of Ghana to suspend a participant on recommendation of the clearing house if the Bank of Ghana is satisfied that the suspension is in the interest of the clearing system.

A participant is required under clause 75 to cease participation upon the revocation of its licence by the Bank of Ghana. Clause 76, on the other hand, provides for re-admission of a participant to participate in the clearing house.

Clauses 77 and 78 provide for the presentment of a payment instrument in an electronic form in a clearing house and the nature of electronic instrument to be presented for payment through a clearing house whilst clause 79 provides for the admissibility of a payment instrument or its certified copy or the essential details of the payment instrument retrieved from an electronic medium in a court.

Failure of a bank to credit customers within the time specified by the Bank of Ghana or return unapplied credits or debits within the period prescribed by the Bank of Ghana is liable to pay an administrative penalty to the Bank of Ghana as spelt out in clause 80.

Collection and Verification of Payment Instrument is provided for in clauses 81 to 83.

Clause 84 permits an agent to provide services on behalf of the principal but the principal is liable for the actions of the agent even if the actions of the agent are not authorised whilst clause 85 provides for the minimum requirements of an agency agreement.

The responsibilities of principal and master-agent are specified under clause 86. The criteria a principal is required to use in assessing the eligibility of a prospective agent or master agent is specified under clause 87.

Clauses 88 and 89 outline the permissible and non-permissible activities of an agent respectively. The appointment of agents and master-agents is provided for in clauses 90 and 91 respectively.

Clause 92 prohibits a principal from signing an exclusive agreement with an agent or master-agent. Clause 93 relates to customer due diligence.

Clause 94 deals with termination of an agency agreement.

Clause 95 empowers the Bank of Ghana to exercise oversight and supervisory powers over principals, agents or master-agents. Clause 96 requires a principal to submit to the Bank of Ghana any information or data relating to its assets, liabilities, income, expenditure affairs or any other matter that the Bank of Ghana may require.

Clause 97 requires a principal to seek approval from the Bank of Ghana in respect of any material change in the services of an agent which the principal intends to introduce. The principal is to notify the Bank of Ghana in writing of the material change within thirty days before the proposed material change.

The Minister is empowered under clause 98 to make Regulations for the effective implementation of the Bill when passed. Clause 99 empowers the Bank of Ghana to make rules and issue guidelines. Clause 100 provides for Interpretation whilst repeal and savings, and transitional provisions are provided for in clauses 101 and 102 respectively.

5.0 OBSERVATIONS

Justification for the Bill

The Deputy Minister for Finance, Hon. Charles Adu Boahen informed the Committee that as part of Governments efforts to improve the existing payment systems framework, a review of the regulations and guidelines on electronic money and payment service providers was undertaken. The review revealed a number of rigidities in the regulations and guidelines for branchless banking with its attendant uncertainties, thereby slowing down the development of the payment systems in the country.

He also stated that the Payment Systems Scheme Act, 2003 (Act 662) regulated specifically the establishment, operation and supervision of electronic and other payment, clearing and settlement systems, among others. It did not make provision for emerging payment streams such as electronic money, prepaid cards, credit cards, electronic platforms and payment instruments. The emergence of these new payment streams and issuance of various directives and guidelines by the Bank of Ghana has made it necessary to consolidate all these rules regarding payment systems and services into a law.

There was therefore the need to overhaul the entire legal framework on payment systems and services.

There is therefore the need to consolidate the existing Payment Systems Scheme Act, 2003 (Act 662), the Electronic Money and Agents Guidelines, and other Directives and Notices issued on the subject. Hence, the need for this bill.

Emergence of new payment systems

The Committee noted that payment services now play a crucial role in extending financial services to the unbanked population. So far, over thirty-one (31) million people hold various forms of electronic money accounts compared with twelve million, five hundred thousand (12,500,000) people who hold accounts with the traditional banks. This was because of the high cost of setting up and operating traditional bank branches throughout the country to serve the underprivileged customers.

He said the high prevalence of mobile phones and other electronic devices have made it convenient to expand access to financial services across the country. The bill therefore seeks to provide regulation for emerging payment services and promote the use of electronic money and other forms of payment services as retail payment medium.

Charges on Mobile Money Transfers

The Committee noted that mobile money transfers attract two charges. The originator pays for sending the money and the beneficiary pays for receiving the transfer.

The technical team explained that these charges were imposed to encourage agents of the electronic money provider to operate in underprivileged areas. The Committee was however assured that Bank of Ghana would continue to engage providers to address the issue.

6.0 RECOMMENDATIONS

The Committee having carefully scrutinized the Bill proposes the following amendments for the consideration of the House:

1. **Clause 1 – Amendment proposed** – delete and insert the following:
“ This Act applies to
 - a) a bank
 - b) a specialised deposit-taking institution
 - c) a dedicated electronic money issuer
 - d) a payment service provider
 - e) payment systems
 - f) an affiliate of a bank, a specialised deposit-taking institution or a financial holding company, and
 - g) an agent of a bank, specialised deposit-taking institution, a dedicated electronic money issuer or a payment service provider.”
2. **Clause 2 – Amendment proposed** – *Delete*.
3. **Clause 3 – Amendment proposed** – Sub-clause (2), paragraph (b), line 2, after “providers”, *insert* “electronic financial services”.
4. **Clause 3 – Amendment proposed** – Sub-clause (2), paragraph (d), line 1, *delete* “infrastructures” and *insert* “infrastructure”

5. **Clause 3 – Amendment proposed** – Sub-clause (2), paragraph (j), line 1, *delete* “individual” and *insert* “specific”
6. **Clause 3 – Amendment proposed** – Sub-clause (5), line 1, *delete* “an authorised” and *insert* “a”.
7. **Clause 4 – Amendment proposed** – Sub-clause (1), line 2, *delete* “may” and *insert* “shall”.
8. **Clause 4 – Amendment proposed** – Sub-clause (5), before “Governor” *insert* “the” and at end *add* “or the alternate of the Governor of the Bank of Ghana”.
9. **Clause 5 – Amendment proposed** – *Add* the following new Sub clause:
“(9) Members of the Payment Systems Advisory Committee shall be paid allowances approved by the Bank of Ghana”.
10. **Clause 6 – Amendment proposed** – *Add* the following new Sub clause:
“(3) Where there is vacancy under subsection (2), the Bank of Ghana shall notify the head of the relevant agency to appoint a person to fill the vacancy”
11. **Clause 8 – Amendment proposed** – Sub clause (3), line 3, after “18” *insert* “19”:
12. **Clause 8 – Amendment proposed** – Sub-clause (8), paragraph (a) sub-paragraph (i) and (ii), *delete* and *insert* the following:
“The applicant or any of its significant shareholders has been convicted of a crime involving a financial transaction in any jurisdiction within the past ten years”.
13. **Clause 8 – Amendment proposed** – Sub-clause (8), paragraph (c), line 1, *delete* “ten” and *insert* “thirty”.
14. **Clause 8 – Amendment proposed** – Sub-clause (8), paragraph (e), line 1, *delete* “has reason to believe” and *insert* “on reasonable grounds is convinced”.
15. **Clause 9 – Amendment proposed** – Sub clause (1), *delete* opening phrase and *insert* “A person who carries out payment service business without a license commits an offence and if that person is...”.
16. **Clause 9 – Amendment proposed** – *Add* the following new Sub-clause:

- “(3) The Bank of Ghana may close down the payment service business of a person who carries out payment service business without a license”.
17. **Clause 10 – Amendment proposed** – Sub-clause (3), line 3, after “18” *insert* “19”.
 18. **Clause 10 – Amendment proposed** – Sub-clause (5), paragraph (b), line 2, *delete* “ten” and *insert* “thirty”.
 19. **Clause 10 – Amendment proposed** – Sub-clause (5), paragraph (d), line 1, *delete* “has reason to believe” and *insert* “on reasonable grounds is convinced”.
 20. **Clause 11 – Amendment proposed** – Sub-clause (2), *delete* “convicted of an offence” and *insert* “liable”.
 21. **Clause 11 – Amendment proposed** – *Add* the following new Sub-clause:
“(3) The Bank of Ghana may close down the payment service business of a person who is liable under Subsection (1)”.
 22. **Clause 13 – Amendment proposed** – Sub-clause (5), line 4, *delete* “authorisation or”
 23. **Clause 14 – Amendment proposed** – paragraph (a), line 2, after “revocation” *insert* “in the Gazette”.
 24. **Clause 16 – Amendment proposed** – Sub-clause (1), paragraph (d), at end, *add* “determined by a Court of competent jurisdiction”.
 25. **Clause 17 – Amendment proposed** – Sub-clause (4), *delete*.
 26. **Clause 18 – Amendment proposed** – Sub-clause (1), line 2, *delete* and *insert* “with a minimum of three members, at least two of whom including the”.
 27. **Clause 18 – Amendment proposed** – Sub-clause (2), *delete*.
 28. **Clause 18 – Amendment proposed** – Sub-clause (6), paragraph (e), after “board”, *insert* “of directors”.
 29. **Clause 19 – Amendment proposed** – Line 2, after “annual renewal fees” *delete* “and any other fee that the Bank of Ghana may by notice specify”.
 30. **Clause 20 – Amendment proposed** – Sub-clause (3), *delete* and *insert* as follows:
“A payment service provider shall use appropriate authentication medium approved by the Bank of Ghana”.

31. **Clause 22 – Amendment proposed** – Sub-clause (4), line 3, after “18” *insert* “19”.
32. **Clause 22 – Amendment proposed** – *Add* the following new subclause:
“(8) The Bank of Ghana may close down the business of a person who engages in electronic money business without authorisation from the Bank of Ghana.”
33. **Clause 24 – Amendment proposed** – Sub-clause (4), paragraph (a) subparagraph (ii), *delete* and *insert* the following:
“(a) The applicant or any of its significant shareholders has been convicted of a crime involving a financial transaction in any jurisdiction within the past ten years”.
34. **Clause 24 – Amendment proposed** – Sub-clause (4), paragraph (c) line 3, *delete* “ten” and *insert* “thirty”
35. **Clause 24 – Amendment proposed** – Sub-clause (4), paragraph (d), line 1, *delete* “has reason to believe” and *insert* “on reasonable grounds”.
36. **Clause 24 – Amendment proposed** – Sub-clause (4), paragraph (e), *delete* and *insert* as follows:
“The Bank of Ghana on reasonable grounds is convinced that the applicant is incapable of performing the functions under this Act”
37. **Clause 25 – Amendment proposed** – *Add* the following new Sub-clause:
“(2) The Bank of Ghana may close down the electronic money business of a person who engages in electronic money business without a license”
38. **Clause 28 – Amendment proposed** – Sub-clause (8), line 2, *delete* “Court of Appeal” and *insert* “High Court.”
39. **Clause 29 – Amendment proposed** – Sub-clause (2), paragraph (c) line 1, *delete* “eighty” and *insert* “ninety”
40. **Clause 32 – Amendment proposed** – Sub-clause (2), line 2, *after* “stipulated” *insert* “by the Bank of Ghana”
41. **Clause 34 – Amendment proposed** – Sub-clause (1), line 1, *delete* the words “where applicable”.
42. **Clause 34 – Amendment proposed** – Sub-clause (2), paragraph (g), *delete* “irregular” and *insert* “suspicious”.
43. **Clause 34 – Amendment proposed** – Sub-clause (9), *delete* and *insert* a new subclause (9) as follows:

“A network service provider shall notify the Bank of Ghana and electronic money issuers on the network of that service provider, seven days before the network service provider engages in an activity that may result in the unavailability of electronic money service delivery by the network service provider”

44. **Clause 35 – Amendment proposed** – Sub-clause (6), line 1, *delete* “in all instances”
45. **Clause 35 – Amendment proposed** – Sub-clause (6), line 2, *delete* “where necessary”.
46. **Clause 37 – Amendment proposed** – Sub-clause (1), paragraph (a) line 1, *delete* “mixed” and *insert* “comingled”.
47. **Clause 37 – Amendment proposed** – Sub-clause (4), line 2, *delete* “ninety one day Government Treasury bill” and *insert* “short term Government Instruments determined by the Bank of Ghana.
48. **Clause 41 – Amendment proposed** – Headnote, at beginning, *add* “Submission of”.
49. **Clause 41 – Amendment proposed** – Transpose sub-clause (6) and (7) as a new provision after Clause 41

Add a new Clause after Clause (41) as follows:

“Requirement for Material Change

- (1) An electronic money issuer or payment service provider who intends to introduce a material change or enhancement in the electronic money issuance or provision of payment service shall
 - (a) seek approval of the Bank of Ghana, and
 - (b) give notice in writing to the Bank of Ghana thirty days before the proposed implementation of the change or enhancement.
- (2) An electronic money issuer or payment service provider shall seek the prior approval of the Bank of Ghana where the electronic money issuer or payment service provider intends to
 - (a) transfer more than fifteen per cent of the shares in the electronic money or payment service business; or
 - (b) introduce material changes in the payment service that alters the scope of the service, including new service capabilities or change in technology service provider.

50. **Clause 42 – Amendment proposed** – paragraph (e), line 1, *delete* “authorised”.
51. **Clause 44 – Amendment proposed** – Headnote, *delete* “account”.
52. **Clause 44 – Amendment proposed** – Sub-clause (1), line 1, *delete* “account”.
53. **Clause 44 – Amendment proposed** – Sub-clause (2), line 1, *delete* “account”.
54. **Clause 45 – Amendment proposed** – Sub-clause (3), *delete* “calendar”.
55. **Clause 45 – Amendment proposed** – Sub-clause (2), paragraph (d), line 2, *delete* “working”.
56. **Clause 45 – Amendment proposed** – *insert* a new sub-clause (10) as follows:
“the Bank of Ghana shall within three days, resolve the complaint”
57. **Clause 47 – Amendment proposed** – Sub-clause (4), line 1, *delete* “Subject to subsection (1)”.
58. **Clause 49 – Amendment proposed** – Sub-clause (i), paragraph (a), line 3, *delete* “or” and *insert* “and”.
59. **Clause 65 – Amendment proposed** – Sub Clause (1), paragraph (a), *add* at end “by a court
60. **Clause 65 – Amendment proposed** – Sub Clause (1), paragraph (b), *add* at end “by a court
61. **Clause 65 – Amendment proposed** – Sub Clause (1), paragraph (c), *add* at end “by a court or a regulatory body
62. **Clause 65 – Amendment proposed** – Second phrase, line 1, *delete* “by a court”
63. **Clause 69 – Amendment proposed** – *delete* and *insert* the following.

“Functions of clearing house

The functions of the clearing house include

(a) facilitating the speedy presentment of cheques, automated debits and credits and other payment instruments among participants;

(b) providing a mechanism for the timely determination of the net settlement positions of the members arising from the clearing process and to communicate same to the Bank of Ghana;

(c) retaining records of all clearing items in electronic form; and

(d) performing any other function incidental to paragraphs (a) to (c) that the Bank of Ghana may request or approve.”

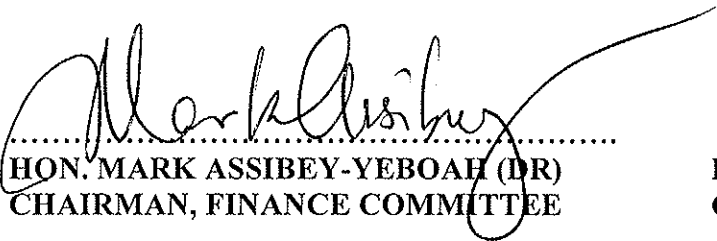
64. **Clause 74 – Amendment proposed – Sub Clause (1) line 2, *delete* “at least twenty- one days”**
65. **Clause 74 – Amendment proposed – Sub Clause (3), line 2, *delete* “fourteen days before the effective date of the suspension”**
66. **Clause 74 – Amendment proposed – *Add* the following new sub-clause:
“(6) Despite subsection (1) and (3) the Bank of Ghana may suspend a participant from participating in the clearing house where it is in the public interest.”**
67. **Clause 75 – Amendment proposed – Headnote, at end *add* “in clearing house”.**
68. **Clause 79 – Amendment proposed – Concluding phrase *delete* and *insert* “which is the subject of proceedings shall be admissible in evidence”.**
69. **Clause 82 – Amendment proposed – Headnote, *delete* “payment instrument” and *insert* “cheque”.**
70. **Clause 82 – Amendment proposed – Sub-clause (3), paragraph (a), *delete* “high value” and *insert* “high-value”.**
71. **Clause 82 – Amendment proposed – Sub-clause (3), paragraph (b), *delete* “limit based” and *insert* “limit-based”.**
72. **Clause 88 – Amendment proposed - Line 1, *delete* “(1)”**
73. **Clause 88 – Amendment proposed – paragraph (d) *delete* “bank mail to bank” and *insert* “mail”.**
74. **Clause 98 – Amendment proposed – Sub-clause (1), line 1, *delete* “in consultation with” and *insert* “acting on the advise of”.**

75. **Clause 99 – Amendment proposed** – Sub-clause (2), *Add* the following new paragraph
“(h) participation in the clearing system;
(i) electronic financial services; and
(j) generally for the effective implementation of this Act”
76. **Clause 100 – Amendment proposed** – Interpretation of “Agency Agreement”, *delete* definition of “agency agreement” and *insert* the new definition as follows:
““agency agreement” means the contractual arrangement between
(a) a principal and an agent
(b) a master-agent and an agent
(c) a principal and a master-agent
for providing banking or electronic money, payment services to end-users on behalf of the principal”
77. **Clause 100 – Amendment proposed** – definition of “Bank of Ghana” *delete*.
78. **Clause 100 – Amendment proposed** – Definition of “biometrics”, *delete* and *insert* the following:
“ “biometrics” means an art of identifying an individual based on some physical traits of that individual”.
79. **Clause 100 – Amendment proposed** – Interpretation for “designation”, *delete* and *insert* the following:
““designation” means the identification of a system that can pose systemic risk which the Bank of Ghana intends to supervise”.
80. **Clause 100 – Amendment proposed** – Interpretation , *add* the following new Interpretation :
““Electronic Financial Service” includes a medium of expanding financial assess through technological innovation”.
81. **Clause 100 – Amendment proposed** – Interpretation , *add* the following new Interpretation :
““Ghanaian Company” means a company which is incorporated under the Company’s Act, 1970 (Act 179) and which is wholly owned by a citizen of Ghana”
82. **Long Title – Amendment proposed** – *delete* and *Insert* the following:
“An Act to amend and consolidate the laws relating to payment systems, payment services, and electronic money business, and to regulate institutions which carry on payment service and electronic money business and to provide for related matters”

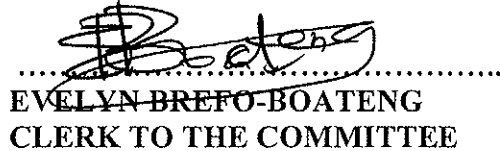
7.0 CONCLUSION

After careful consideration, the Committee is of the view that the bill is in the right direction and therefore recommends to the House to adopt its report and pass the Payment Systems and Services Bill, 2018 in accordance with the 1992 Constitution and the Standing Orders of the House.

Respectfully submitted.



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HON. MARK ASSIBEY-YEBOAH (DR)
CHAIRMAN, FINANCE COMMITTEE



.....
EVELYN BREFO-BOATENG
CLERK TO THE COMMITTEE

