

BANK OF GHANA

BANKING SUPERVISION DEPARTMENT

GUIDELINES FOR CLASS 1 BANKING LICENCES

1. Restricting Eligibility to Corporate Bodies

No person other than a body corporate shall be eligible to apply for a licence to carry on the business of banking in Ghana.

2. No person(s) shall carry on the business of banking (whether as principal or agent) except by or under the authority of licence issued in accordance with the Banking Act, 2004 (Act 673) as amended by the Banking (Amendment) Act, 2007 (Act 738).

3. Application for Licence

- A. Every application for a licence shall be made in writing to the Central Bank and shall be accompanied by:

i) A certified true copy of the Regulations or other Instrument relating to the proposed business of banking, or by or under which any person proposing to carry on such business was established.

ii) Names, addresses and occupations of persons including their corporate affiliations who would hold significant shareholdings directly or indirectly in the proposed banking venture and the respective values of such holdings as also their corporate affiliations.

iii) Particulars of the directors and key management personnel concerned with the management of the banking business, including their background, certified financial position, business interests and performance of the business concerns under their control or management.

(iv) statutory declaration from each would be directors stating whether she or he had

- ever been convicted of any offence by a competent court of jurisdiction.
- censured, disciplined or warned as to their conduct,

- publicly criticised or made the subject of a court order at the instigation of any regulatory body in which she/he belongs
 - each director should also submit a Criminal Record Certificate from the Criminal Investigation Department.
- v) Feasibility reports including a business plan and financial projections for the first five years and areas of specialisation, if any, intended.
- vi) Capital and sources of funds and
- vii) Such other particulars as the Central Bank may require
- B. The Central Bank may interview the promoter, directors and proposed senior management personnel in the course of appraisal and may also inspect their books and records to satisfy itself about the representations made or information furnished by the applicant.

4. Permissible Activities of Banks

A bank shall be permitted to carry on any of the following banking business activities:

- (a) acceptance of deposits and other repayable funds from the public;
- (b) lending;
- (c) investment in financial securities;
- (d) money transmission services;
- (e) issuing and administering means of payment including credit cards, travellers cheques and bankers' drafts;
- (f) guarantees and commitments;
- (g) trading for own account or for account of customers in,
 - (i) money market instruments,
 - (ii) foreign exchange, or
- (iii) transferable securities;
- (i) participation in securities issues and provision of services related to those issues;
- (j) advice to undertakings on capital structure, acquisition and merger of undertaking;
- (k) the keeping and administration of securities;
- (l) credit reference services;
- (m) safe custody of valuables;
- (n) electronic banking; and

(o) any other services as the Bank of Ghana may determine.

5. **Capitalisation**

Banks:

- In case of a Ghanaian bank, it is not less than GH¢120.0 million,
- In the case of foreign ownership of banking business, it is not less than GH¢120.0 million of which not less than 60 per cent of the required capitalization be brought into Ghana in equivalent convertible currency
- In case of an applicant incorporated outside Ghana, it should be a branch or related company of a foreign bank of established international reputation pursuant to Section 5C (e) of the Banking Act. The applicant must also secure a “no objection from the Home Supervisor.

Shareholding

- The Bank of Ghana shall review the significant shareholders’ past banking and non- banking business ventures and their integrity and standing in the business community, as well as their financial strength and their ability to provide further financial support, should the need arise.
- Where a shareholding, registered in the name of a nominee or a trustee, constitutes more than 10% cent of shares of the capital or of the voting rights attaching to shares in an applicant institution, the ultimate beneficial ownership of shares so held should be made known by the institution to the Bank of Ghana. This would enable the Bank of Ghana extend the due diligence process on the ultimate beneficiary owners
- the ultimate beneficiary owner is the person who, although not having title documents or being registered as the owner of the shares is entitled to all benefits accruing from ownership by reason of the fact that the person holding the title has it on trust only.

6. Provisional Approval

The Central Bank may issue provisional approval to the applicant on such terms and conditions, as it may consider necessary and appropriate. If it is satisfied that

- a) the applicant would carry on banking business with integrity, prudence and the required professional competence and
- b) the applicant has an initial paid-up capital as required to hold a licence

The applicant may then proceed to do the following:

- a. The acquisition and refurbishment of suitable premises for banking business and accommodation for the manager; and arranging with the undersigned for the premises to be inspected.
- b. Acquisition of stationery and other logistics to support the bank's operations;
- c. Submission of operational and policy manuals on the banking activities
- d. The submission of audited pre-operating accounts (i.e. statement of affairs) including a full list of shareholders and their contributions
- e. The submission of operational budget for the first year;
- f. Collection of manuals from the Banking Supervision Department to guide the operations of the bank;
- g. Recruitment and induction of staff to banking operations.

In addition to the above, applicants may also collect personal questionnaire forms for Directors of the proposed bank for completion and submission to the Bank of Ghana.

Under no circumstance should the promoters/ applicant solicit for deposits from the general public at this point.

7) **Final Approval and Issue of Banking Licence**

The Bank of Ghana shall issue a final approval and a licence to carry on banking business, after the Bank of Ghana is satisfied

- (a) with the organisational and infrastructural arrangements, as well as security arrangements made by the applicant
- (b) that the applicant has complied with the terms and conditions stipulated in the provisional approval

8) **Refusal of licence**

The Bank of Ghana may refuse an application for a licence to carry on banking business if the Bank of Ghana is not satisfied with the merits of the application or in view of prevailing conditions in the banking sector or in keeping with its banking policy.

An applicant reserves the right of an appeal to the Minister of Finance.

9) **Time limit for decision on application**

The Bank of Ghana shall communicate its decision on an application for a banking licence within three months from receipt of complete information.

10) **Processing Fee and Licensing Fee**

Non-refundable processing fee shall accompany each application as well as a licensing fee before the final issuance of the banking licence as indicated below:

TYPE OF FEE

Processing Fee	GH¢20,000
Licensing Fee	GH¢100,000
Annual Licence Fee	GH¢10,000