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Introduction

本号では、バングラデシュにおける法令の種類をご紹介します。法律の施行後、SRO や Notification にて改正や追加があるため、最新の規定を確認するためには、法律 (Act) のみならず、SRO や Notification などの法令を確認する必要があります。

皆様にとって関心のあるテーマやトピックのご要望がございましたら、fsaori@tny-legal.com までご連絡頂けると幸いです。

バングラデシュにおける法令の種類

バングラデシュでは、憲法 (Constitution) や法律 (Act) のほか、条令 (Ordinance)、通達 (SRO (Statutory Regulatory Orders)) 等、複数の法令が存在します。これら全てが明確に定義されているわけではありませんが、一般的に以下のように分類されています。

Act (法律) について、憲法 80 条に規定されている立法手続きに従い、議会で提出された法案 (Bill) が議会を通過し、大統領の承認を受けたものが法律として施行されます。

Ordinance (条例) は、憲法 93 条によって大統領に立法権が認められているもので、議会にて可決される法律と同じ効力を有します。大統領は、即時に発効させる必要性を認める場合に、Ordinance を発効することができます。ただし、当該 Ordinance が、a) 憲法に基づき議会法として成立できなかったものである、b) 憲法を改正・撤廃するものである、c) 既存の Ordinance の規定を継続して有効とするものである場合を除きます。また、後に議会で提出しなければなりません。

SRO (Statutory Regulatory Orders) とは、規則、条令、通知などの個別の通達で、法務省より固有の識別番号が付与されます。議会在立法権の一部を委任した者または団体、通常は、政府、省庁または最高裁判所が制定する権限を有します。SRO はそれぞれ特定の法律の範囲内にあり、かかる法律が廃止されると同じく廃止されます。

Circular (通達) は、国の重要な課題に対して下された政策決定を国民に公式に知らせる宣言ですが、法的根拠に基づくものではありません。政策が変更された場合は、Circular が発行されます。

Notification (通知) は、国の重要な課題に対して下された政策決定の法的根拠となるものです。

Laws and Regulations in Bangladesh

There are several types of laws and regulations in Bangladesh, such as Ordinances and Statutory Regulatory Orders (SROs), in addition to the Constitution and Acts. Although not all of these terms are clearly defined, these are generally clarified as follows.

Act is enacted in accordance with the legislative procedure stipulated in Article 80 of the Constitution, a bill passed by the Parliament and is enforced as an Act after being approved by the President.

Ordinance, its making power is granted to the President by Article 93 of the Constitution and has the same effect as acts passed by Parliament. The President may make and promulgate an Ordinance if he satisfies that circumstances exist which render immediate action necessary. Provided that no Ordinance makes any provision a) which couldn't lawfully be made under the Constitution by Act of Parliament, b) for altering or repealing any provision of the Constitution, or c) continuing in force any provision of an Ordinance previously made. Ordinances shall be laid before Parliament at its first meeting following the promulgation of the Ordinance.

SRO (Statutory Regulatory Orders) is a subordinate legislation, which is a collective term for statutory rules, regulations, ordinances, by-laws, and notifications which bears a unique identification number provided by the Ministry of Law, Justice and Parliamentary Affairs after vetting. It is made by the persons or bodies to whom Parliament has delegated some of its law-making powers. Ordinarily, Government, ministries or superior courts are authorized to make SROs. These are also under the purview of the parent acts and are repealed when the parent act is repealed.

Circular is a declaration that officially informs the public of policy decisions taken on important national issues, but it has no legal basis. A circular may be issued if the policy decision changes.

Notification provides the legal basis for policy decisions made on national important issues.

2022年7月に発出された主な法令情報(7月11日~8月10日)/ Major updates on Legislations in July 2022 (11 July to 10 August)

Official Extraordinary Gazette, Notification Circulars

Issue Date	Title	Issuing Ministry
08-Jul	S.R.O. No. 198-Law/2022. -- National Tobacco Control Cell Rules, 2022.	Ministry of Health and Family Welfare
12-Jul	S.R.O. No-100-Law/2022. -- Rajshahi City Corporation Building Construction and Reconstruction Fees Bye-law, 2022.	Rajshahi City Corporation
12-Jul	No. 40.00.0000.042.30.002.20-133. -- 'Policy for Implementation of Social Protection Program for Out of Work and Distressed Workers in Export Oriented Industries-2020' (Amendment-2022).	Ministry of Labor and Employment
14-Jul	S.R.O. No. 246-Law/2022. -- Minimum wage of Printing Press industry.	Ministry of Labor and Employment
14-Jul	No. 40.00.0000.015.004.31.21.105. -- National Employment Policy, 2022.	Ministry of Labor and Employment
14-Jul	No. BSEC/CMRRCD/2009-193/36/Admin/131.--The Bangladesh Securities and Exchange Commission (Credit Rating Companies) Rules, 2022.	Bangladesh Securities and Exchange Commission
14-Jul	No. 26.00.0000.116.22.001.21-184. -- Digital Business Identity (DBID) Registration Guidelines, 2022.	Ministry of Commerce
20-Jul	S.R.O. No. 245-Law/2022.-- Seizure, Management and Disposal of Confiscated Object Rules, 2022.	Ministry of Home Affairs
25-Jul	S.R.O. No. 231-Law/2022.--Information and Communication Technology (Conduct of Investigation) Rules, 2022.	Ministry of Post, Telecommunications and Information Technology
25-Jul	No-03.14.2692.877.99.087.2022-405.--Apprenticeship Guidelines, 2022.	Prime Minister's Office
26-Jul	S.R.O. No.-255-Law/2022.--Air Pollution (Control) Rules, 2022.	Ministry of Environment and Forest
31-Jul	No. 10.00.0000.128.11.003.22.297.-- Regarding the appointment as the said 11 (eleven) persons are Additional Justice of Bangladesh Supreme Court, High Court Division for not more than 02 (two) years from the date of taking oath.	Ministry of Law, Justice and Parliamentary Affairs
05-Aug	No. 28.00.0000.026.35.001.18(Part).108.--Regarding revision/adjustment of price structure of diesel, kerosene, octane and petrol.	Ministry of Power, Energy and Mineral Resources

07-Aug	S.R.O. No. 260-Law/2022.--Amendment of National Human Rights Commission (Officers and Employees) Employment Rules, 2019.	National Human Rights Commission (NHRC), Bangladesh
07-Aug	No. 35.00.0000.020.26.005.16-408.--Regarding re-fixation of maximum fare for diesel buses and minibuses due to increase in diesel prices.	Ministry of Road Transport and Bridges

Bangladesh Bank Circular

Issue Date	Title
13-Jul	FEPD Circular No. 12: Repayment guarantees by importers against short term import finance under buyer's credit
13-Jul	FEPD Circular No. 13: Remittances on account of visa processing fees by resident agents through International Card
13-Jul	FEPD Circular Letter No. 23: Reporting Tax and Vat Information on Online TM Form Monitoring System (OTFMS) and Online Inward Remittance Monitoring System (OIRMS)
14-Jul	FEPD Circular Letter No. 24: Online reporting of import information to Bangladesh Bank web portal
14-Jul	FEID Circular Letter No. 02: Placement of fund from Offshore Banking Operations to Domestic Banking Units
17-Jul	FEPD Circular No. 15: Interest on Non-resident Foreign Currency Deposit Accounts.
18-Jul	BRPD Circular No. 16: Master Circular on Loan Rescheduling and Restructuring
18-Jul	FEPD Circular Letter No. 25: Disposal of foreign currency notes and coins
18-Jul	FEPD Circular Letter No. 26: Special Tax Treatment in respect of undisclosed offshore assets
19-Jul	FEPD Circular Letter No. 27: Settlement of loans against Export Development Fund (EDF)
19-Jul	FEPD Circular No. 16: Extended limit from Export Development Fund (EDF)
19-Jul	SMESPD Circular No. 04: Introducing Refinance Scheme against financing to Cottage, Micro, Small and Medium (CMSME) Enterprises
20-Jul	FEPD Circular No. 17: Interest rate on borrowing from Export Development Fund (EDF)
20-Jul	FEPD Circular No. 18: Extension of usance period of import of industrial raw materials
20-Jul	DOS Circular Letter No. 28: Submission of Statement regarding Large Loan (Form L)
21-Jul	CGD Circular No. 01: Formation of 'Credit Guarantee Department'
21-Jul	CIB Circular Letter No. 03: Registration fee for CIB online services, imposition and realization of service charges for CIB reports generated through CIB online system, penalties imposed on banks and FIs failed to contribute batch monthly contribution in time and for disclosure of credit information contained in CIB reports and exaction of money as penalties for these from banks/FIs concerned.
24-Jul	SFD Circular No. 04: Refinance Scheme for Environment Friendly Products/ Projects/Initiatives
25-Jul	DMD Circular Letter No. 05: Regarding compliance of clause 48 of Finance Act, 2022 in investing more than Taka 5 (Five) lac in Sanchayapatra and Post Office savings bank accounts
26-Jul	BRPD Circular Letter No. 28: Saving/Reducing Expense of Energy and Fuel.
26-Jul	BRPD Circular Letter No. 29: Exemption from the provision of section 26kha(1) of Bank Company Act, 1991 regarding general credit limit to electricity producing companies
27-Jul	PSD Circular Letter No. 05: Guidelines for Trust Fund management in payment and settlement services
28-Jul	FEPD Circular Letter No. 29: Online reporting of import information to Bangladesh Bank web portal
01-Aug	FEPD Circular No. 19: Interest rate ceiling on Non-resident Foreign Currency Deposit (NFCD) Accounts
03-Aug	FEPD Circular Letter No. 30: Encashment of value added portion of repatriated export proceeds
03-Aug	BRPD Circular Letter No. 33: Regarding Loan Rescheduling and Restructuring.

08-Aug	FEPD(Remi-1)/1/2022-3968: Regarding Publicity and Taking Action on Offshore Tax Amnesty in Accordance With Income Tax Ordinance
10-Aug	FEPD Circular No. 20: Relaxation for permission of drawing arrangements between Authorized Dealers and exchange houses abroad

ご案内

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例えば、顧問契約においては、お客様のご事情に沿ったサービス内容を検討し、お見積りをご提案しております。その他、顧問契約などの継続的なお取引のない方でも、案件ごとにご依頼いただけます。

また、事業の進め方や取引方法について、バングラデシュの法令に基づいて最善の方法を検討したいというお客様には、法令調査や関係機関へのヒヤリングなどの法律調査も承っております。

- ✓ 株式譲渡手続きをしたい
- ✓ 取締役、株主の変更手続きをしたい
- ✓ 支店から現地法人に変更したい
- ✓ 計画している事業について、外資規制があるか確認したい
- ✓ 雇用契約のリーガルチェックをして欲しい
- ✓ 契約書を作成して欲しい
- ✓ 労働者のストライキへの対応について相談したい
- ✓ 従業員を解雇したいが、どのように進めればよいか
- ✓ 金銭トラブルを解決したい
- ✓ 法務に関する事案は日本の親会社の法務部が管轄するが、現地でのサポートが欲しい、etc....

といった方、個々の案件ごとにお見積りを差し上げております。突発的に生じる、契約書作成やレビュー、就業規則をはじめとする社内規定類の見直しなど、お気軽にお問合せください。

編集後記/ Editor's Note

ダッカの病院で健康診断を受けてきました。年々検査すべき項目が増えているせいか、7時間かかり、前払いでなければ、途中で帰宅しているところでしたが、文字通り「Patient」で乗り切りました。

I took health check-up at a hospital in Dhaka. It took 7 hours! I was literally "patient" for such long hours because I paid in advance, otherwise I would have left the hospital in the middle of the check-up.



ブログ始めました！
健康診断についてアップしました。

本稿は、2022年8月10日現在の情報に基づきます。

The information in this Newsletter is the information as of 10 August, 2022.

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