



<http://www.fdata.global/north-america>

DIVISION 16 Consumer-Driven Banking Framework

Consumer-Driven Banking Act

Enactment of Act

198 The *Consumer-Driven Banking Act* is enacted as follows:

An Act to establish a consumer-driven banking framework

Short Title

Short title

1 This Act may be cited as the *Consumer-Driven Banking Act*.

Interpretation

Definitions

2 The following definitions apply in this Act.

Agency means the Financial Consumer Agency of Canada established under section 3 of the *Financial Consumer Agency of Canada Act*. (*Agence*)

derived data means data about a consumer, product or service that has been enhanced by a participating entity to significantly increase its usefulness or commercial value. (*données dérivées*)

entity means a corporation, trust, partnership, fund or an unincorporated association or organization. (*entité*)

Individual [insert definition, assume this would include a customer who provides information and is not an entity]

Minister means the Minister of Finance. (*ministre*)

Senior Deputy Commissioner means the Senior Deputy Commissioner for Consumer-Driven Banking appointed under subsection 7.2(1) of the *Financial Consumer Agency of Canada Act*. (*commissaire adjoint principal*)

Purpose

Purpose

3 The purpose of this Act is to establish a framework within which consumers, including small businesses, can direct that their data be shared among participating entities of their choice and to ensure that the sharing of data among participating entities is safe and secure.

Application

Data

4 (1) This Act applies in respect of data that relates to the following products and services, including data that is provided by a consumer **or small business, data that is exchanged between entities with a consumer's or small business' consent**, and any other data that is provided for in the regulations:

- (a) deposit accounts;
- (b) registered and non-registered investment accounts;
- (c) payment products, including credit cards and prepaid payment products;
- (d) lines of credit, mortgages or hypothecs and other kinds of loans; and
- (e) other products or services provided for in the regulations.

Exclusion

(2) This Act does not apply in respect of derived data.

Limit — editing data

5 Data that is shared between participating entities in accordance with this Act is to be shared in a manner that does not enable the participating entity that receives the data to edit the data on servers that are used by the participating entity that provides the data.

Restriction

6 Nothing in this Act affects any restriction imposed under the *Bank Act* on banks with respect to the sharing of information about a consumer with an insurance company, agent or broker for the business of insurance.

Registry

Participating entities

7 The Agency must maintain a public registry of participating entities that contains information respecting each participating entity.

Technical Standards

Designation of body

8 (1) The Minister may, by order, designate a body to be the technical standards body that is responsible for establishing the technical standards that are to be used for the sharing of data by participating entities in accordance with this Act.

Principles

(2) In designating the technical standards body, the Minister must take into account the following principles:

- (a)** the need to ensure the safe, secure and efficient sharing of data among participating entities;
- (b)** fairness, accessibility, transparency, and good governance;
- (c)** any other principle that the Minister considers relevant; and
- (d)** any other principle provided for in the regulations.

Publication in *Canada Gazette*

(3) The Minister must publish the order in the *Canada Gazette*.

Review

9 The Minister must review the designation every three years *from the date of entry into force as fixed by order of the Governor in Council*.

Revocation

10 (1) The Minister may, by order, revoke the designation, including in the following circumstances:

- (a)** the Senior Deputy Commissioner advises the Minister to do so;
- (b)** the Minister is of the opinion that the designation is no longer consistent with the principles referred to in subsection 8(2);
- (c)** the Minister is of the opinion that the designation poses a risk to national security; or
- (d)** the Minister is of the opinion that the designation poses a risk to the integrity or security of the financial system in Canada.

Publication in *Canada Gazette*

(2) The Minister must publish the order in the *Canada Gazette*.

Statutory Instruments Act

11 The *Statutory Instruments Act* does not apply to an order made under subsection 8(1) or 10(1).

Annual report

12 The technical standards body that is designated must submit an annual report to the Senior Deputy Commissioner in accordance with the regulations.

Change that has significant impact

13 The technical standards body that is designated must notify the Senior Deputy Commissioner of any change that has a significant impact on the technical standards body or the technical standards, including any change to the operation of the technical standards or the governance, composition or decision-making of the technical standards body, as soon as feasible but no later than the seventh day after the day on which the change takes effect.

Prohibitions

Claiming to be participating entity

- 14** An individual or entity, other than a participating entity, must not
- (a)** use the term “participating entity” or a variation, abbreviation or equivalent of that term, or any words, name or designation — in any language — in a manner that leads to a reasonable belief that the individual or entity is a participating entity for the purposes of this Act; or
 - (b)** represent themselves, in any way or by any means, to be a participating entity for the purposes of this Act.

False or misleading information

15 An individual or entity must not knowingly provide false or misleading information in relation to their participation under this Act.

Offences and Punishment

Offence and punishment

- 16** Every individual or entity who contravenes section 14 or 15 is guilty of an offence and is liable
- (a)** on conviction on indictment,
 - (i)** in the case of an individual, to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than five years, or to both, or
 - (ii)** in the case of an entity, to a fine of not more than \$5,000,000; or
 - (b)** on summary conviction,
 - (i)** in the case of an individual, to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year, or to both, or
 - (ii)** in the case of an entity, to a fine of not more than \$500,000.

Order to comply

17 (1) If an individual or entity is convicted of an offence under this Act, the court may, in addition to any punishment that it may otherwise impose, order the individual or entity to comply with the provisions of this Act or the regulations in respect of which the individual or entity was convicted.

Additional fine

(2) If an individual or entity is convicted of an offence under this Act, the court may, if it is satisfied that as a result of the commission of the offence the convicted individual or entity acquired any monetary benefits or that monetary benefits accrued to the convicted individual or entity or the individual's spouse, common-law partner or other dependant, order the convicted individual or entity to pay, despite the maximum amount of any fine that may otherwise be imposed under this Act, an additional fine in an amount equal to three times the court's estimation of the amount of those monetary benefits.

Party to offence

18 If an entity commits an offence under this Act, any director, any officer, any agent or mandatary or any principal officer of the entity who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable on summary conviction or on conviction on indictment to the punishment provided for an individual in respect of the offence, whether or not the entity has been prosecuted or convicted.

Limitation period

19 (1) Proceedings by way of summary conviction in respect of an offence under this Act may be commenced at any time within, but not later than, two years after the day on which the subject matter of the proceedings became known to the Senior Deputy Commissioner.

Certificate of Senior Deputy Commissioner

(2) A document appearing to have been issued by the Senior Deputy Commissioner, certifying the day on which the subject matter of any proceedings became known to the Senior Deputy Commissioner, is admissible in evidence without proof of the signature or official character of the person appearing to have signed it and is, in the absence of evidence to the contrary, proof of the matter asserted in it.

Regulations

Regulations

20 The Governor in Council may, on the recommendation of the Minister, make regulations

- (a)** providing for data for the purposes of subsection 4(1);

- (b) providing for products and services for the purposes of paragraph 4(1)(e);
- (c) providing for principles for the purposes of paragraph 8(2)(d); and
- (d) respecting the annual report referred to in section 12, including the information that is to be included in the report and the form and manner in which, and the time within which, it is to be submitted.

Coming into Force

Order in council

21 Sections 4 to 7, 12 and 13 come into force on a day or days to be fixed by order of the Governor in Council.

2001, c. 9

Related Amendments to the Financial Consumer Agency of Canada Act

199 Section 2 of the *Financial Consumer Agency of Canada Act* is amended by adding the following in alphabetical order:

participating entity means a participating entity under the *Consumer-Driven Banking Act*. (*entité participante*)

Senior Deputy Commissioner means the Senior Deputy Commissioner for Consumer-Driven Banking appointed under subsection 7.2(1). (*commissaire adjoint principal*)

technical standards body means the technical standards body designated under subsection 8(1) of the *Consumer-Driven Banking Act*. (*organisme de normalisation technique*)

End of inserted block

200 Section 2.1 of the Act is replaced by the following:

Supervision and protection

2.1 The purpose of this Act is to ensure that financial institutions, the external complaints body, payment card network operators, participating entities and the technical standards body are supervised by an agency of the Government of Canada so as to contribute to the protection of consumers of financial products and services and the public and to the safety and security of consumer-driven banking, including by strengthening the financial literacy of Canadians.

201 Section 3 of the Act is amended by adding the following after subsection (3):

Objects — consumer-driven banking

- (4) The objects of the Agency in relation to consumer-driven banking are to
- (a) supervise the participating entities, the external complaints body and the technical standards body to determine whether they are in compliance with
 - (i) the provisions of the *Consumer-Driven Banking Act* that are applicable to them, and
 - (ii) any terms and conditions or undertakings with respect to consumer-driven banking that the Minister imposes or requires, as the case may be, under an Act listed in Schedule 1 and the directions that the Minister imposes under this Act;
 - (b) monitor and evaluate trends and emerging issues that may have an impact on consumers of consumer-driven banking, including the trends and issues in respect of products, services and market developments, and make information on those trends and issues public;
 - (c) foster — in co-operation with any department, agency or agent corporation of the Government of Canada or of a province, financial institutions and consumer and other organizations — participation in consumer-driven banking; and
 - (d) foster an understanding of consumer-driven banking and related issues among consumers.

202 Subsection 5.1(1) of the Act is replaced by the following:

Minister's direction

5.1 (1) The Minister may give a written direction to the Agency if the Minister is of the opinion that it can strengthen consumer protection and the public's confidence in that protection, foster safe and secure consumer-driven banking or enhance the financial literacy of Canadians.

203 The Act is amended by adding the following after section 7.1:

Senior Deputy Commissioner

Appointment

7.2 (1) The Commissioner must, with the Minister's concurrence, appoint an officer to be called the Senior Deputy Commissioner for Consumer-Driven Banking who is to act under the instructions of the Commissioner and who is responsible for consumer-driven banking matters.

Absence or incapacity

(2) In the event of the absence or incapacity of the Senior Deputy Commissioner, or if the office of Senior Deputy Commissioner is vacant, the Commissioner may appoint a qualified person to exercise the powers and perform the duties and functions of the Senior Deputy Commissioner for a term of 90 days that may not be extended without the Minister's approval.

Role

7.3 (1) Subject to the supervision referred to in paragraph 4(2)(a.1) of the *Office of the Superintendent of Financial Institutions Act*, the Senior Deputy Commissioner is responsible for the supervision of consumer-driven banking.

Powers, duties and functions

(2) The Senior Deputy Commissioner may exercise the powers, and must perform the duties and functions, that relate to consumer-driven banking and that are conferred on them under this Act or any other Act of Parliament.

Personal information

(3) The Senior Deputy Commissioner may collect any *necessary* personal information that the Senior Deputy Commissioner considers necessary in furtherance of the objects described in subsection 3(4) *in accordance with federal or provincial privacy legislation*.

Publication of information

7.4 The Senior Deputy Commissioner *may* ~~must~~ publish, in the prescribed time and manner, the prescribed information respecting consumer-driven banking *provided for in the regulations*.

204 The Act is amended by adding the following after section 9:

Exercise by personnel — Senior Deputy Commissioner

9.1 Except as otherwise provided by the Senior Deputy Commissioner and subject to any terms and conditions that they may specify, a person who is an employee of the Agency — other than a Deputy Commissioner — may exercise any of the powers and perform any of the duties and functions of the Senior Deputy Commissioner under this Act, *except with regard to the determination or application of any administrative or monetary penalties*, if the person is appointed to serve in the Agency in a capacity appropriate to the exercise of the power or performance of the duty or function.

205 Section 10 of the Act is replaced by the following:

Employees

10 The employees that are necessary to enable the Commissioner and the Senior Deputy Commissioner to perform their duties are to be appointed in accordance with the *Public Service Employment Act*.

206 Subsection 11(1) of the Act is replaced by the following:

Responsibility for human resources management

11 (1) In respect of persons appointed under sections 7.2, 8 and 10, the Commissioner is authorized to exercise the powers and perform the functions of the Treasury Board that relate to human resources management within the meaning of paragraphs 7(1)(b) and (e) and section 11.1 of the *Financial Administration Act*, and those of deputy heads under subsection 12(2) of that Act, as that subsection reads without regard to any terms and conditions that the Governor in Council may direct, including the determination of terms and conditions of employment and the responsibility for employer and employee relations.

207 The Act is amended by adding the following after section 12:

Advisory and Other Committees

Advisory and other committees

12.1 (1) The Commissioner may, on the advice of the Senior Deputy Commissioner, establish advisory and other committees to advise or assist the Senior Deputy Commissioner on matters relating to consumer-driven banking and provide for their membership, duties, functions and operation. *The membership of these committees must be balanced to reflect the perspectives of all market stakeholders and the activities of*

these committees will be handled in a transparent and open manner to ensure all participants and public stakeholders benefit from committee activities and discussion.

Remuneration and expenses

(2) Members of a committee may be paid for their services the remuneration and expenses that the Commissioner may determine, in accordance with any applicable Treasury Board directives *and governance best practices*.

208 Subsection 13(3) of the Act is replaced by the following:

Payment for activity

(3) If the Agency carries on any activity in furtherance of an object described in paragraph 3(2)(d) or (e) or subsection 3(4) on the Minister's recommendation, the Minister may on terms and conditions approved by the Treasury Board, in any fiscal year, make a payment out of the Consolidated Revenue Fund to the Agency for the purposes of the activity.

209 (1) Subsection 14(1) of the Act is replaced by the following:

Ownership

14 (1)

The Commissioner, a person appointed under subsection 4(4), the Senior Deputy Commissioner, a person appointed under subsection 7.2(2) or a Deputy Commissioner must not hold, directly or indirectly, any interest or right in any shares of *any participant entity including* financial institution, any bank holding company, any insurance holding company, the external complaints body or any other body corporate, however created, carrying on any business in Canada that is substantially similar to any business carried on by any financial institution or the external complaints body.

(2) The portion of subsection 14(2) of the Act before paragraph (a) is replaced by the following:

Prohibitions — federal credit union

(2) The Commissioner, a person appointed under subsection 4(4), the Senior Deputy Commissioner, a person appointed under subsection 7.2(2) or a Deputy Commissioner must not

210 Section 14.1 of the Act is replaced by the following:

Ownership — payment card network operators

14.1 The Commissioner, a person appointed under subsection 4(4), the Senior Deputy Commissioner, a person appointed under subsection 7.2(2) or a Deputy Commissioner must not hold, directly or indirectly, any interest or right in any shares of a payment card network operator.

Ownership — participating entities, etc.

15 The Commissioner, a person appointed under subsection 4(4), the Senior Deputy Commissioner, a person appointed under subsection 7.2(2) or a Deputy Commissioner must not hold, directly or indirectly, any interest or right in any shares of a participating entity or the technical standards body *or another participant entity*.

211 (1) Subsections 16(1) and (1.1) of the Act are replaced by the following:

No grant or gratuity to be made

16 (1) The Commissioner, a person appointed under subsection 4(4), the Senior Deputy Commissioner, a person appointed under subsection 7.2(2), a Deputy Commissioner and any person appointed under section 10 must not accept or receive, directly or indirectly, any grant or gratuity from a financial institution, a bank holding company, an insurance holding company or the external complaints body or from a director, officer or employee of any of them and a financial institution, a bank holding company, an insurance holding company and the external complaints body, and any director, officer or employee of any of them, must not make or give any such grant or gratuity.

No grant or gratuity — payment card network operators

(1.1) The Commissioner, a person appointed under subsection 4(4), the Senior Deputy Commissioner, a person appointed under subsection 7.2(2), a Deputy Commissioner and any person appointed under section 10 must not accept or receive, directly or indirectly, any grant or gratuity from a payment card network operator or any of its directors, officers or employees, and a payment card network operator or any of its directors, officers or employees must not make or give any such grant or gratuity.

No grant or gratuity — participating entities, etc.

(1.2) The Commissioner, a person appointed under subsection 4(4), the Senior Deputy Commissioner, a person appointed under subsection 7.2(2), a Deputy Commissioner and any person appointed under section 10 must not accept or receive, directly or indirectly, any grant or gratuity from a participating entity or the technical standards body, or any of their directors, officers or employees, and a participating entity or the technical standards body, or any of their directors, officers or employees, must not make or give any such grant or gratuity.

(2) The portion of subsection 16(2) of the Act before paragraph (a) is replaced by the following:

Offence and punishment

(2) Every person, financial institution, bank holding company, insurance holding company, payment card network operator, participating entity or technical standards body that contravenes subsection (1), (1.1) or (1.2) is guilty of an offence and liable *pursuant to the offenses criteria and procedures set out in regulation.*

212 Section 17 of the Act is amended by adding the following after subsection (4):

Confidential information — participating entities, etc.

(5) Subject to subsection (6) and except as otherwise provided in this Act, information regarding the business or affairs of a participating entity, the external complaints body or the technical standards body, or regarding persons dealing with a participating entity, the external complaints body or the technical standards body, that is obtained by the Senior Deputy Commissioner or by a person acting under the direction of the Senior Deputy Commissioner, in the course of the exercise or performance of powers, duties and functions under section 7.3, and any information prepared from that information, is confidential and must be treated accordingly.

Disclosure permitted

(6) If the Senior Deputy Commissioner is satisfied that the information will be treated as confidential by the agency, body or person to whom it is disclosed, subsection (5) does not prevent the Senior Deputy Commissioner from disclosing it

(a) to any government agency or body that regulates or supervises financial institutions or participating entities, for purposes related to that regulation or supervision;

(b) to any other agency or body that regulates or supervises financial institutions or participating entities, for purposes related to that regulation or supervision;

- (c) to the Governor of the Bank of Canada or any officer of the Bank of Canada authorized in writing by the Governor of the Bank of Canada, for purposes related to the regulation or supervision of participating entities; and
- (d) to the Deputy Minister of Finance or any officer of the Department of Finance authorized in writing by the Deputy Minister of Finance, for the purposes of policy analysis related to the regulation of financial institutions or participating entities.

213 (1) Subsection 18(1) of the Act is replaced by the following:

Commissioner to ascertain expenses

18 (1) The Commissioner must, before December 31 in each year, ascertain the total amount of expenses incurred during the immediately preceding fiscal year for or in connection with the administration of this Act and the consumer provisions — excluding the expenses incurred in connection with the objects described in subsections 3(3) and (4) — and the amounts of any prescribed categories of those expenses in relation to any prescribed group of financial institutions and the external complaints body.

(2) Section 18 of the Act is amended by adding the following after subsection (5.5):

Commissioner to ascertain expenses — participating entities

(5.6) The Commissioner must, before December 31 in each year, ascertain the total amount of expenses incurred during the immediately preceding fiscal year in connection with the objects described in subsection 3(4).

Amount conclusive

(5.7) The amount ascertained under subsection (5.6) is final and conclusive for the purposes of this section.

Assessment

(5.8) As soon as possible after ascertaining the amount under subsection (5.6), the Commissioner must assess a portion of the total amount of *reasonable* expenses against each participating entity to the extent and in the manner that may be prescribed *based on assessment criteria set out in regulation*.

Interim assessment

(5.9) The Commissioner may, during each fiscal year, prepare an interim assessment against any participating entity.

Assessment is binding

(5.91) Every assessment and interim assessment is final and conclusive and binding on the participating entity against which it is made.

214 (1) Subsection 19(1) of the Act is amended by adding the following after paragraph (a.2):

(a.3) designating, as a violation that may be proceeded with under sections 20 to 31, the contravention of a specified provision of the *Consumer-Driven Banking Act* or its regulations, or the non-compliance with terms and conditions, undertakings or directions referred to in subparagraph 3(4)(a)(ii);

(2) Paragraph 19(1)(c.1) of the Act is replaced by the following:

(c.1) prescribing the circumstances in which the Commissioner and Senior Deputy Commissioner must not make public, under subsection 31(1), the name of the person who committed the violation; and

(3) Subsection 19(2) of the Act is replaced by the following:

Maximum penalties

(2) The maximum penalty for a violation ~~is \$1,000,000 in the case of a violation~~ that is committed by a natural person and ~~\$10,000,000 in the case of a violation~~ the maximum penalty that is committed by a financial institution, a payment card network operator or a participating entity *shall be set out in the regulation*.

215 Sections 20.1 and 21 of the Act are replaced by the following:

Purpose of penalty

20.1 The purpose of the penalty is not to punish but to promote compliance with the *Consumer-driven Banking Act* ~~consumer~~ provisions, compliance agreements that have been entered into under an Act listed in Schedule 1, any terms and conditions, undertakings or directions referred to in subparagraph 3(2)(a)(ii) or (4)(a)(ii), the provisions of the *Payment Card Networks Act*, the *Consumer-Driven Banking Act* or their regulations, and agreements entered into under section 7.1.

How act or omission may be proceeded with

21 If a contravention or non-compliance that is designated under paragraph 19(1)(a), (a.1) or (a.3) can be proceeded with either as a violation or as an offense, proceeding in one manner precludes proceeding in the other.

216 Section 22 of the Act is replaced by the following:

Commission of violation

22 (1) Every contravention or non-compliance that is designated under paragraphs 19(1)(a) to (a.3) constitutes a violation and the person that commits the violation is liable to a penalty determined in accordance with sections 19 and 20 *subject to regulation*.

Notice of violation — Commissioner

(2) If the Commissioner believes on reasonable grounds *and possess evidentiary support* that a person has committed a violation referred to in any of paragraphs 19(1)(a) to (a.2), they may issue and must cause to be served on the person a notice of violation.

Notice of violation — Senior Deputy Commissioner

(2.1) If the Senior Deputy Commissioner believes on reasonable grounds *and possess evidentiary support* that a person has committed a violation referred to in paragraph 19(1)(a.3), they may issue and must cause to be served on the person a notice of violation.

Contents of notice

(3) A notice of violation must name the person believed to have committed a violation, identify the violation and set out

(a) the penalty that the Commissioner or Senior Deputy Commissioner, as the case may be, proposes to impose *with supporting reasons according to regulation*;

(b) the right of the person, within ~~30~~ 90 days after the notice is served, or within any longer period that the Commissioner or Senior Deputy Commissioner, as the case may be, specifies, to pay the penalty or to make representations to the Commissioner or Senior Deputy Commissioner, as the case may be, with respect to the violation and the proposed penalty, and the manner for doing so; and

(c) the fact that, if the person does not pay the penalty or make representations in accordance with the notice, the person will be deemed to have committed the

violation and the Commissioner or Senior Deputy Commissioner, as the case may be, may impose a penalty in respect of it.

217 Subsections 23(2) to (4) of the Act are replaced by the following:

Representations to Commissioner

(2) If the person makes representations in accordance with the notice, the Commissioner or Senior Deputy Commissioner, as the case may be, must decide, *based on supporting evidence, a standard of reasonableness, and other criteria set out in regulation on a balance of probabilities*, whether the person committed the violation and, if so, may, subject to any regulations made under paragraph 19(1)(b), impose the penalty set out in the notice, a lesser penalty or no penalty *based on reasons provided in the decision*.

Failure to pay or make representations

(3) A person who neither pays the penalty nor makes representations in accordance with the notice is deemed to have committed the violation and the Commissioner or Senior Deputy Commissioner, as the case may be, may, subject to any regulations made under paragraph 19(1)(b), impose the penalty proposed, a lesser penalty or no penalty.

Notice of decision and right of appeal

(4) The Commissioner or Senior Deputy Commissioner, as the case may be, must cause notice of any decision made under subsection (2) or (3) to be issued and served on the person together with notice of the right of appeal *or judicial review* under section 24.

218 (1) Subsection 24(1) of the French version of the Act is replaced by the following:

Droit d'appel

24 (1) Il peut être interjeté appel à la Cour fédérale de la décision signifiée en conformité avec le paragraphe 23(4), et ce dans les trente jours suivant la signification de cette décision ou dans le délai supplémentaire que la Cour peut accorder.

(2) Subsection 24(2) of the Act is replaced by the following:

Court to take precautions against disclosing

(2) In an appeal *or judicial review*, the Court must take every reasonable precaution, including, when appropriate, conducting hearings in private, to avoid the disclosure by the Court or any person of confidential information referred to in subsection 17(1), (3) or (5).

(3) Subsection 24(3) of the English version of the Act is replaced by the following:

Powers of Court

(3) On an appeal *or judicial review*, the Court may confirm, set aside or, subject to any regulations made under paragraph 19(1)(b), vary the decision.

219 Subsection 26(1) of the Act is replaced by the following:

Certificate of default

26 (1) The unpaid amount of any debt referred to in subsection 25(1) may be certified by the Commissioner or Senior Deputy Commissioner, as the case may be

220 Section 28 of the Act is amended by adding the following after subsection (3):

Common law principles — *Consumer-Driven Banking Act*

~~(4) Every rule and principle of the common law that renders any circumstance a justification or excuse in relation to a charge for an offence in relation to a provision of the *Consumer-Driven Banking Act* applies in respect of a violation to the extent that it is not inconsistent with this Act.~~

221 Sections 30 and 31 of the Act are replaced by the following:

Time limit

30 (1) No proceedings in respect of a violation may be commenced later than two years after the subject-matter of the proceedings became known to the Commissioner or Senior Deputy Commissioner, as the case may be

Certificate

~~(2) A document appearing to have been issued by the Commissioner or Senior Deputy Commissioner, as the case may be, certifying the day on which the subject-matter of any proceedings became known to them, is admissible in evidence without proof of the signature or official character of the person appearing to have signed the document and is, in the absence of evidence to the contrary, proof of the matter asserted in it.~~

Publication

31 (1) Subject to any regulations, the Commissioner or Senior Deputy Commissioner, as the case may be, must make public the nature of a violation, the name of the person who committed it and the amount of the penalty imposed.

Publication — reasons

(2) In making public the nature of a violation, the Commissioner or Senior Deputy Commissioner, as the case may be, ~~must~~ ~~may~~ include the reasons for their decision, including the relevant facts, analysis and considerations that formed part of the decision *as set out in regulation*.

222 Section 33 of the Act is replaced by the following:

No liability

33 No action lies against His Majesty, the Minister, the Commissioner, the Senior Deputy Commissioner, any Deputy Commissioner, any officer or employee of the Agency or any person acting under the direction of the Commissioner for anything done or omitted to be done in good faith in the administration or discharge of any powers or duties that under any Act of Parliament are intended or authorized to be executed or performed.

223 Section 33.1 of the Act is replaced by the following:

Not compellable

33.1 The Commissioner, the Senior Deputy Commissioner, any Deputy Commissioner, any officer or employee of the Agency or any person acting under the instructions of the Commissioner is not a compellable witness in any civil proceedings in respect of any matter coming to their knowledge as a result of exercising any of their powers or performing any of their duties or functions under this Act or an Act listed in Schedule 1.

224 Section 34 of the Act is amended by striking out “and” at the end of paragraphs (a) and (b), by adding “and” at the end of paragraph (c) and by adding the following after paragraph (c):

(d) in aggregate form, its conclusions on the compliance, in that year, of participating entities, the external complaints body and the technical standards body with the provisions of the *Consumer-Driven Banking Act*.

225 Schedule 1 to the Act is amended by replacing the reference after the heading “SCHEDULE 1” with the following:

(Subsections 3(2) and (4), 5(1) and 19(1) and sections 20, 20.1 and 33.1)

226 Schedule 1 to the Act is amended by adding the following in alphabetical order:

Consumer-Driven Banking Act

Loi sur les services bancaires axés sur les consommateurs

Coming into Force

Order in council

227 Sections 213 to 221 and 224 come into force on a day or days to be fixed by order of the Governor in Council.