



Number 38 of 2022

Credit Guarantee (Amendment) Act 2022



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CREDIT GUARANTEE (AMENDMENT) ACT 2022

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ACTS REFERRED TO

Credit Guarantee (Amendment) Act 2016 (No. 1)

Credit Guarantee Act 2012 (No. 26)

Credit Guarantee Acts 2012 to 2020

Loan Guarantee Schemes Agreements (Strategic Banking Corporation of Ireland) Act 2021 (No. 9)



Number 38 of 2022

CREDIT GUARANTEE (AMENDMENT) ACT 2022

An Act to make provision in relation to the giving of guarantees by the Minister for Enterprise, Trade and Employment under the Credit Guarantee Act 2012 in accordance with a credit guarantee scheme made under that Act by that Minister of the Government in response to the economic difficulties resulting from the aggression against Ukraine by Russia; to place a monetary limit on the potential liability of that Minister of the Government in respect of such a credit guarantee scheme; to extend the classes of enterprise to which such a credit guarantee scheme may apply; and, for those purposes, to amend the Credit Guarantee Act 2012 and the Credit Guarantee (Amendment) Act 2016; to amend the Loan Guarantee Schemes Agreements (Strategic Banking Corporation of Ireland) Act 2021; and to provide for related matters.

[2nd December, 2022]

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act, “Act of 2012” means the Credit Guarantee Act 2012.

Amendment of section 1 of Act of 2012

2. Section 1 of the Act of 2012 is amended by the insertion of the following definition:

“ ‘Ukraine credit guarantee scheme’ has the meaning assigned to it by section 4B(1).”.

Amendment of section 3 of Act of 2012

3. Section 3 of the Act of 2012 is amended, in subsection (1A), by the insertion of “or a Ukraine credit guarantee scheme” after “Covid-19 credit guarantee scheme”.

Amendment of section 4 of Act of 2012

4. Section 4 of the Act of 2012 is amended—

- (a) in subsection (1), by the substitution of “sections 4A and 4B,” for “section 4A”,
- (b) in subsection (2), by the substitution of “sections 4A and 4B,” for “section 4A”,
and

- (c) in paragraph (a) of subsection (4A), by the insertion of “or a Ukraine credit guarantee scheme” after “a Covid-19 credit guarantee scheme”.

Power of Minister to give guarantees in accordance with Ukraine credit guarantee scheme

5. The Act of 2012 is amended by the insertion of the following section after section 4A:

“4B. (1) In the case of a credit guarantee scheme made to facilitate the provision of financial products to participating enterprises in response to the economic difficulties resulting from the aggression against Ukraine by Russia (in this Act referred to as a ‘Ukraine credit guarantee scheme’)—

- (a) any guarantee given pursuant to an agreement entered into by the Minister under section 4 in accordance with that scheme shall not, with respect to any Ukraine qualifying finance agreement, have a duration greater than 6 years from the date on which such qualifying finance agreement was entered into, and
- (b) any Ukraine qualifying finance agreement shall be entered into on or before the 31st day of December 2024.
- (2) The Minister shall not exercise the powers conferred on him or her by section 4 in accordance with a Ukraine credit guarantee scheme in such manner as would result in the aggregate of all credit amounts in respect of all Ukraine qualifying finance agreements exceeding €1.2 billion.
- (3) The Minister shall not exercise the powers conferred on him or her by section 4 in accordance with a Ukraine credit guarantee scheme in such manner as would result in the aggregate of the Minister’s liability in respect of all Ukraine qualifying finance agreements exceeding €960 million.
- (4) In this section, ‘Ukraine qualifying finance agreement’, in relation to a Ukraine credit guarantee scheme, means a qualifying finance agreement to which a guarantee given under section 4 in accordance with that scheme applies.”.

Amendment of section 12 of Credit Guarantee (Amendment) Act 2016

6. Section 12 of the Credit Guarantee (Amendment) Act 2016 is amended—

- (a) in paragraph (a) of subsection (2), by the insertion of “or a Ukraine credit guarantee scheme” after “Covid-19 credit guarantee scheme”, and
- (b) by the substitution of the following subsection for subsection (3):

“(3) In this section—

‘Covid-19 credit guarantee scheme’ has the same meaning as it has in the Principal Act;

‘Ukraine credit guarantee scheme’ has the same meaning as it has in the Principal Act.”.

Amendment of Loan Guarantee Schemes Agreements (Strategic Banking Corporation of Ireland) Act 2021

7. Section 2 of the Loan Guarantee Schemes Agreements (Strategic Banking Corporation of Ireland) Act 2021 is amended, in subsection (3), by the substitution of “€180 million” for “€50 million”.

Short title, commencement and collective citation

8. (1) This Act may be cited as the Credit Guarantee (Amendment) Act 2022.
- (2) This Act (other than *section 7*) and the Credit Guarantee Acts 2012 to 2020 may be cited together as the Credit Guarantee Acts 2012 to 2022.
- (3) This Act shall come into operation on such day or days as the Minister for Enterprise, Trade and Employment may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.