



Jersey

**TRUSTEE SAVINGS BANKS ACT 1981
(CHANNEL ISLANDS) ORDER 1983**

Unofficial extended UK law
Showing the law as at 1 January 2019 to Current
APPENDIX



Jersey

TRUSTEE SAVINGS BANKS ACT 1981 (CHANNEL ISLANDS) ORDER 1983

Jersey Order in Council 15/1983

THE TRUSTEE SAVINGS BANKS ACT 1981 (CHANNEL ISLANDS) ORDER 1983.

(Registered on the 19th day of August, 1983).

At the Court at Buckingham Palace.

27th July, 1983.

PRESENT

The Queen's Most Excellent Majesty in Council.

HER MAJESTY, in pursuance of section 56 of the Trustee Savings Banks Act 1981, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: -

1. This Order may be cited as the Trustee Savings Banks Act 1981 (Channel Islands) Order 1983 and shall come into operation on 27th August, 1983.
2. The Trustee Savings Banks Act 1981 in its extension to the Bailiwick of Guernsey shall have effect subject to the adaptations and modifications specified in Schedule 1 to this Order and in its extension to the Bailiwick of Jersey shall have effect subject to the adaptations and modifications specified in Schedule 2 to this Order.
3. The Trustee Savings Banks (Channel Islands) Order 1970¹ and the Trustee Savings Banks Act 1976 (Channel Islands) Order, 1976² are hereby revoked.

¹ Volume 1970–1972, page 76.

² Volume 1975–1978, page 209.

Jersey Order in Council 15/1983

*Trustee Savings Banks Act 1981 (Channel Islands)
Order 1983*

N.E. LEIGH,

Clerk of the Privy Council.

Jersey Order in Council 15/1983

*Trustee Savings Banks Act 1981 (Channel Islands)
Order 1983*

SCHEDULE 1

(Article 2)

Adaptations and modifications to the Trustee Savings Banks Act 1981 as extending to the Bailiwick of Guernsey.

* * * * *

*SCHEDULE 2***(Article 2)**

Adaptations and modifications to the Trustee Savings Banks Act 1981 as extending to the Bailiwick of Jersey

1. In this Schedule, “the Bailiwick” means the Bailiwick of Jersey and the territorial waters adjacent thereto.
2. Subject as hereinafter provided and save where the context otherwise requires, any reference to the Trustee Savings Banks Act 1981 or to any other enactment shall be construed as a reference to that enactment as it has effect in the Bailiwick.
3. Section 7(6) shall be omitted.
4. Section 11(5) shall be omitted.
5. In section 24(2), all the words after paragraph (d) shall be omitted.
6. In section 31, paragraph (b) shall be omitted.
7. In section 35(2), for the words from “any judge of the High Court” to “standing in Scotland”, there shall be substituted the words “the Bailiff of Jersey who, if satisfied that an examination into the affairs of the bank is desirable, may thereupon appoint an Advocate of the Royal Court of not less than 7 years’ standing”.
8. In section 35, for the words from “on summary conviction” where they appear in subsection (4) to the end of that subsection there shall be substituted the words “on conviction, for each offence be liable to a fine not exceeding £25.”.
9. In section 35(5), for the words from “a master or taxing officer” to “Scotland” there shall be substituted the words “the Judicial Greffier”.
10. In section 36, for subsection (3) there shall be substituted the following subsection: -

“(3) If a trustee savings bank contravenes a direction under this section, it shall be liable to a fine, and every trustee who knowingly authorises or permits such a contravention shall be liable to a fine or to imprisonment for a term not exceeding two years, or to both.”.
11. Section 36(4) shall be omitted.
12. In section 38, for subsection (4) there shall be substituted the following subsection: -

“(4) If a trustee savings bank contravenes any provision contained in regulations under this section, it shall be liable to a fine, and every trustee who knowingly contravenes or authorises or permits a contravention of any provision contained in

regulations under this section shall be liable to a fine or to imprisonment for a term not exceeding two years, or to both.”.

13. In section 38, for subsection (5) there shall be substituted the following subsection: -

“(5) If an employee of a trustee savings bank knowingly contravenes any provision contained in regulations under this section he shall be liable to a fine or to imprisonment for a term not exceeding two years, or to both.”.

14. Section 38(6) shall be omitted.

15. In section 40, for subsection (1) and the marginal note to the section there shall be substituted the following –

“Time limit for commencement of proceedings under section 36 or 38

40(1) Proceedings in the Bailiwick for any offence under section 36 or 38 may, subject to subsection (2) of this section, be commenced at any time –

- (a) within the period of one year beginning with the date on which evidence, sufficient in the opinion of the Attorney General to justify proceedings, comes to his knowledge, or
- (b) where such evidence was reported to him by the Chief Registrar of Friendly Societies within one year after the date on which it came to the knowledge of the Chief Registrar.”.

16. In section 40(3), for the words from “the Lord Advocate” to “for Scotland” there shall be substituted the words “Attorney General or the Chief Registrar of Friendly Societies”.

17. In section 41(1), for the words “the United Kingdom” there shall be substituted the words “the Bailiwick”.

18. In section 41(2), the words “on indictment” and “by a court in England, Wales or Northern Ireland” shall be omitted.

19. In section 45(2), for the word “Scotland” there shall be substituted the words “the Bailiwick”.

20. In section 52(1), for the words “the United Kingdom” there shall be substituted the words “the Bailiwick”.

21. In section 52(2), the words “on indictment” and “by a court in England, Wales or Northern Ireland” shall be omitted.

22. In section 54(1) –

- (a) for the definition of “enactment” there shall be substituted the following definition:

-

“ ‘enactment’ means any enactment in force in the Bailiwick”; and

(b) in the definition of “subsidiary” the words from “or section 148” to the end shall be omitted.

23. Section 54(2) shall be omitted.

24. In section 56, there shall be added at the end the following subsection: -

“(2) Any order, regulations or warrant made under any of the preceding provisions of this Act, other than this section, shall not have effect in the Bailiwick until registered by the Royal Court.”.

25. In paragraph 14(2) of Schedule 2, for the words “the United Kingdom” there shall be substituted the words “the Bailiwick”.

26. In Part II of Schedule 4, there shall be added at the end the following paragraph:

“23. Any security issued by the States of Jersey or Guernsey of which principal and interest are charged on the annual income of the States issuing that security.”.

TRUSTEE SAVINGS BANKS ACT 1981**CHAPTER 65****ARRANGEMENT OF SECTIONS****Establishment of trustee savings banks**

Section

1. Establishment of savings bank in accordance with the Act.
2. Conditions as to rules of savings bank.
3. Certification of a trustee savings bank.

General provisions

4. Title of a trustee savings bank.
5. Requirements as to bank rules.
6. Status of bank rules.

The Trustee Savings Banks Central Board

7. The Central Board.
8. Revenues of Central Board and subsidiaries to cover out-goings and allocations to reserves.
9. Power to levy contributions on trustee savings banks.

Duty of banks to comply with directions of central board

10. Duty of banks to comply with directions of Central Board.

Trustees and property of trustee savings banks

11. Scheme for appointment and removal of trustees.
12. Age limit for trustees.
13. Notification of changes in trustees.
14. Power to pay trustees.
15. Bank property to be held by custodian trustees.
16. Register of custodian trustees and certificates as to custodian trustees and property.
17. Power to purchase and dispose of property, erect buildings. etc.

General financial provisions

18. Power to carry on business of banking.
19. Power to borrow.
20. Liabilities as banker to be matched by certain assets.
21. General powers of investment.
22. Revenue of bank to cover outgoings and allocations to reserves.

Accounts and audit

23. Duties in relation to accounts.
24. Appointment and qualification of auditors.

25. Right to receive copies of accounts.

Deposits

26. Settlement of disputes.
27. Regulations as to deposits.
28. Power to increase amount disposable on death without representation.
29. Deposits by, and payments to, certain institutions etc.

Amalgamation

30. Power to amalgamate.

Closure of banks

31. Procedure for closing a bank.
32. Disposal of surplus money on closure of a bank.

Supervision of trustee savings banks

33. Periodic returns.
34. Inspection of books and documents etc. of trustee savings banks.
35. Appointment of commissioner to examine affairs of trustee savings bank.

Control of advertising

36. Directions by Chief Registrar as to advertisements.
37. Supplementary provisions as to directions under section 36.
38. Regulations as to advertisements and other communications.
39. Defence in proceedings under section 36 or 38.
40. Time limit for commencement of proceedings under section 36 or 38.

Liability of officers, trustees etc

41. Persons failing to account for money received from depositors.
42. Liability of trustees.
43. Indemnity for trustees against claims in respect of certain acts.
44. Recovery of property of a bank from certain persons.
45. Priority of debts owed by bank officers to the bank.

Superannuation

46. Superannuation.

Miscellaneous

47. Forms in which records may be kept.
48. Rules of bank for authentication of documents.
49. Fees taken by Registrar.
50. Exemption from stamp duty.
51. Indemnity for Bank of England etc.

- 52. Use of title of certified savings bank by unauthorised persons.
- 53. Closure of Fund for the Banks for Savings.

Supplemental

- 54. Interpretation.
- 55. Consequential amendments, transitional provisions, savings and repeals.
- 56. Application to Isle of Man and Channel Islands.
- 57. Citation, etc.

SCHEDULES:

- Schedule 1 Matters to be covered by the rules of a trustee savings bank.
- Schedule 2 Additional provisions relating to the Central Board.
- Schedule 3 Execution of documents by custodian trustees.
- Schedule 4 Classes of assets to be held by a trustee savings bank to match its liabilities to depositors.
- Schedule 5 Transitory provisions relating to the Fund for the Banks for Savings.
- Schedule 6 Consequential amendments.
- Schedule 7 Transitional provisions and savings.
- Schedule 8 Repeals.

ELIZABETH II**1981 CHAPTER 65**

AN ACT to consolidate the Trustee Savings Banks Acts 1969 to 1978, with amendments to give effect to recommendations of the Law Commission and the Scottish Law Commission.

(30th October, 1981)

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows: -

ESTABLISHMENT OF TRUSTEE SAVINGS BANKS

Establishment of savings bank in accordance with the Act

1.-(1) A savings bank is established with this Act if –

- (a) its formation has been sanctioned and approved by the Registrar; and
- (b) the conditions referred to in section 2 are fulfilled with respect to the rules of the bank.

(2) Subsection (1)(a) does not apply in relation to a savings bank formed before 28th July 1863; and in relation to a savings bank formed on or after that date but before 21st November, 1976 the reference in that paragraph to the Registrar is to be read as a reference to the National Debt Commissioners or the Comptroller General or Assistant Comptroller of the National Debt Office acting on their behalf.

(3) In this section and sections 2 and 3 –

- (a) “savings bank” means a society formed in the United Kingdom, the Isle of Man or any of the Channel Islands for the purpose of establishing and maintaining an institution in the nature of a bank –
 - (i) to accept deposits of money for the benefit of the persons making the deposits and deposits of money by a trustee; and
 - (ii) to accumulate the produce of the deposits (so far as not withdrawn) at compound interest; and

³ Deletions and words in square brackets indicate adaptations and modifications made by the Trustee Savings Banks Act 1981 (Channel Islands) Order, 1983.

(iii) to return the deposits and produce to the depositors after deducting any necessary expenses of management but without deriving any benefit from the deposits or produce; and

(b) “the Registrar” –

(i) in relation to a savings bank in England, Wales, the Isle of Man or the Channel Islands, means the Central Office of the Registry of Friendly Societies.

(ii) in relation to a savings bank in Scotland, means the Assistant Registrar of Friendly Societies for Scotland; and

(iii) in relation to a savings bank in Northern Ireland, means, in this section, the Central Office of the Registry of Friendly Societies and, in section 2, the Chief Registrar of Friendly Societies or a deputy appointed by him.

(4) Subsection (3)(a)(iii) shall not be construed as requiring the return to a depositor of the produce of any deposit standing to the credit of an account in his name on which no interest is paid.

Conditions as to rules of savings bank

2.-(1) The conditions which must be fulfilled with respect to the rules of a savings bank as mentioned in section 1(1)(b) are the following, namely –

(a) that the rules comply with the requirement relating to the rules of trustee savings banks contained in section 5(1)(a), and

(b) that the rules have been certified by the Registrar in pursuance of this section.

(2) For the purpose of ascertaining whether the rules are in conformity with law and with the provisions of this Act, two copies of all the rules of the bank signed by two trustees of the bank shall be submitted by the trustees of the bank to the Registrar.

(3) The Registrar shall certify on each copy that the rules are in conformity with law and with the provisions of this Act or point out in what respect they are repugnant thereto.

(4) One of the copies when so certified shall be returned to the bank and the other copy shall be retained by the Registrar.

Certification of a trustee savings bank

3.-(1) The certification in pursuance of section 2 of the rules of a savings bank established in accordance with this Act shall constitute the certification of the bank under this Act by the title of “savings bank certified under the Trustee Savings Banks Act 1981”.

(2) A savings bank certified under this Act, the Trustee Savings Banks Act 1969,⁴ the Trustee Savings Banks Act 1954 or the Trustee Savings Banks Act 1863 is hereinafter in this Act referred to as a “trustee savings bank”.

⁴ Volume 1970–1972, page 78.

(3) The fact that a savings bank has been certified under this Act or under any earlier enactment mentioned in subsection (2) may be proved by the production of an office or examined copy of the certificate given with respect to the rules of the bank in pursuance of section 2 of this Act or, as the case may be, in pursuance of section 2 of the Trustee Savings Banks Act 1969⁵, section 2 of the Trustee Savings Banks Act 1954 or section 4 of the Trustee Savings Banks Act 1863.

GENERAL PROVISIONS

Title of a trustee savings bank

4. A trustee savings bank may not be designated or described in any manner which imports that the Government is responsible or liable to depositors for money placed in the safe keeping of the bank, and may not bear any title other than that of “savings bank certified under the Act of 1863” or, as the case may be, “savings bank certified under the Trustee Savings Banks Act 1954” or “savings bank certified under the Trustee Savings Banks Act 1969” or “savings bank certified under the Trustee Savings Banks Act 1981” with such additional local description, if any, as may be required for the sake of distinctiveness.

Requirements as to bank rules

5.-(1) The rules of a trustee savings bank –

- (a) must expressly provide for the matters set out in Schedule 1; and
- (b) must be entered in a book to be kept by an officer of the bank appointed for the purpose, and shall not take effect unless they have been so entered.

(2) The book mentioned in subsection (1)(b) shall be open at all proper times for inspection by depositors.

(3) No alteration of the rules of a trustee savings bank shall take effect until it has been entered in the book mentioned in subsection (1)(b).

(4) Subject to subsection (5), two copies of any alterations of the rules signed by two trustees shall as soon as possible be submitted by the trustees of the bank to the Registrar; and the Registrar shall certify on each copy that they are in conformity with law and with the provisions of this Act or point out in what respect they are repugnant thereto.

(5) An alteration as respects the days or hours of attendance need not be submitted to the Registrar.

(6) One of the copies when so certified shall be returned to the trustee savings bank and the other copy shall be retained by the Registrar.

(7) In this section “alteration” includes repeal.

Status of bank rules

⁵

Volume 1970–1972, page 84.

6.-(1) Subject to section 5(1)(b) and (3), the rules of a trustee savings bank, and any alterations to those rules, shall, from the time when they are certified by the Registrar, be binding on the trustees and officers of the bank and on the depositors.

(2) The copy of any rules of a trustee savings bank, certified under this Act by the Registrar, or an examined copy of the original copy so certified, shall be admissible as evidence of the rules in all cases.

THE TRUSTEE SAVINGS BANKS CENTRAL BOARD

The Central Board

7.-(1) The Board called the Trustee Savings Banks Central Board (in this Act referred to as “the Central Board”) shall continue in existence as a body corporate.

(2) The additional provisions contained in Schedule 2 shall have effect in relation to the Central Board.

(3) The Central Board –

- (a) may give directions of a general character to the trustee savings banks as to the carrying on by the trustee savings banks of their activities;
- (b) may provide banking services for the trustee savings banks;
- (c) may provide other common services for the trustee savings banks, including (without prejudice to the generality of the foregoing) data processing services and the formation, management and operation of unit trusts;
- (d) may give directions to the trustee savings banks as to the equipment and procedures to be adopted by them in the operation of banking services, the manner in which funds are to be raised, expended, allocated to reserve and invested and the rates of interest to be paid on deposits;
- (e) shall give directions to the trustee savings banks as to the conditions of service of persons employed by the banks (any such directions being given in accordance with the terms of any settlement which may have been reached or award which may have been made by virtue of paragraph 14 of Schedule 2).

(4) The Central Board shall have power to carry on all such activities as may appear to them to be requisite, advantageous or convenient for them to carry on for or in connexion with the discharge of their powers and duties under this Act.

(5) The Central Board shall have power to enter into any transaction (whether or not involving the expenditure or investment or borrowing of money or the acquisition or disposal of any property or rights) which in their opinion is calculated to facilitate the exercise of their powers or the performance of their duties under this Act or is incidental or conducive to the exercise of their powers or the performance of their duties.

(6) * * * * *

Revenues of Central Board and subsidiaries to cover outgoings and allocations to reserves

8.-(1) The Central Board shall exercise their powers and perform their duties under the Act and exercise control over their subsidiaries so as to secure that, taking one year with another, the combined revenues of the Board and their subsidiaries are not less than sufficient –

- (a) to meet the total outgoings of the Board and their subsidiaries properly chargeable to revenue account; and
- (b) to enable the Board and their subsidiaries to make such allocations to reserves as the Board consider adequate.

(2) The reserves of the Central Board shall be applied for such purposes as the Board may determine.

Power to levy contributions on trustee savings banks

9.-(1) The Central Board may, from time to time, for the purpose of financing their expenditure in exercising their powers and performing their duties under this Act, require each trustee savings bank to pay to them such sum as the Board may determine.

(2) On determining the sum to be paid by each trustee savings bank under subsection (1), the Central Board shall send to each trustee savings bank a notice stating the sum required to be paid by it, and the bank shall within one month of the date of the notice pay over to the Central Board the sum so required.

DUTY OF BANKS TO COMPLY WITH DIRECTIONS OF CENTRAL BOARD

Duty of banks to comply with directions of Central Board

10.-(1) It shall be the duty of each trustee savings bank to comply with such directions as may be given to it by the Central Board in the exercise of their powers and the performance of their duties under this Act.

(2) If a trustee savings bank fails to comply with any directions of the Central Board, the Board may give notice in writing to the bank to remedy the non-compliance within a specified time and, if the bank does not comply within that time, the Board may –

- (a) appoint a person to conduct an inquiry into the conduct of the bank and to report his findings to the Board;
- (b) report the non-compliance to the Registrar with a request that an examination be made under section 35 into the affairs of the bank;
- (c) withdraw any or all of the banking services or other common services provided by the Board as they may determine until the bank complies.

(3) A person appointed under subsection (2)(a) need not be an officer of the Central Board; and the trustee savings bank concerned shall give all due facilities for enabling the inquiry to be made.

TRUSTEES AND PROPERTY OF TRUSTEE SAVINGS BANKS

Scheme for appointment and removal of trustees

11.-(1) Subject to subsection (5), by such date as the Central Board may direct, each trustee savings banks shall submit to the Board, for the Board's approval, a scheme providing for the appointment of trustees and for their removal by the bank's depositors.

(2) When such a scheme has been approved (with or without modifications) by the Central Board, the trustee savings bank shall within six months of the date of approval alter its rules in accordance with the provisions of the scheme.

(3) If by the end of the period of six months mentioned in subsection (2) a trustee savings bank has failed to alter its rules in accordance with the scheme approved by the Central Board, the Board may give a direction to the bank to so alter its rules within such time as may be specified in the direction.

(4) If a trustee savings bank fails to submit a scheme for approval by the date by which it is due, the Central Board may make a scheme on behalf of the bank and give a direction to the bank to alter its rules in accordance with the provisions of the scheme within such time as may be specified in the direction.

(5) * * * * *

Age limit for trustees

12.-(1) A person shall cease to be a trustee of a trustee savings bank on attaining the age of 70, except that a person who held office as a trustee on 21st November, 1976 shall cease to be a trustee on attaining the age of 75.

(2) Any person who is appointed, or is to his knowledge proposed to be appointed, a trustee of a trustee savings bank shall give notice of his age to the bank.

Notification of changes in trustees

13. Whenever a person becomes or ceases to be a trustee of a trustee savings bank, the bank shall within one month give notice thereof to the Central Board and to the Registrar, and shall furnish such particulars of that person as the Central Board may direct.

Power to pay trustees

14. A trustee savings bank shall have power to pay to its trustees such remuneration by way of fees and expenses as it may determine with the approval of the Central Board.

Bank property to be held by custodian trustees

15.-(1) All property of whatever description belonging to a trustee savings bank, including things in action or interests arising out of or incident to any property, shall be vested in the custodian trustees of the bank to be appointed under this section.

(2) It shall be the duty of the trustees of every trustee savings bank (referred to in this section as "the general trustees") as soon as may be to appoint out of their own number four persons to be the custodian trustees of the bank, and from time to time, when a vacancy occurs in the number of the two custodian trustees, to appoint out of their own number a person to fill the vacancy.

(3) If the general trustees of a trustee savings bank fail, within three months after the occurrence of a vacancy in the number of the custodian trustees, to fill the vacancy the power of the general trustees to fill the vacancy shall be transferred to the Central Board, and the Board shall fill the vacancy accordingly.

(4) The Central Board may, on the application of the general trustees of a trustee savings bank, remove any custodian trustee of the bank if, in the opinion of the Board, he is unfit to continue in office or incapable of performing his duties; and a custodian trustee may, with the approval of the Board, resign his office as such.

(5) A custodian trustee may continue to hold office as a general trustee, and may continue to hold office as a custodian trustee notwithstanding that he has ceased to be a general trustee.

(6) All property of whatever description vested in any person in trust for a trustee savings bank at the date of the first appointment of the custodian trustees of the bank shall, by virtue of this Act, vest in the custodian trustees so appointed, and thereafter all property of whatever description vested in the custodian trustees of a trustee savings bank shall, on the occurrence of any vacancy in the number of custodian trustees or any change in the persons who are custodian trustees, by virtue of this Act, vest in the custodian trustees of the bank for the time being.

(7) On there ceasing to be any custodian trustees of a bank the property shall thereupon, by virtue of this Act, vest in the general trustees of the bank until the appointment of new custodian trustees.

(8) The management of the property and the exercise of any power or discretion exercisable by the general trustees shall remain vested in the general trustees, and the custodian trustees shall concur in and perform all acts necessary to enable the general trustees to exercise their powers of management or other power or discretion vested in them.

(9) Documents executed and things done by the custodian trustee of a trustee savings bank in relation to property vested in those trustees for the bank, or on or in connexion with the acquisition of property to be so vested, shall be conclusively presumed to have been executed or done by them by the direction and on behalf of the trustees of the bank.

(10) Schedule 3 shall have effect with respect to the execution of documents by the custodian trustees of a trustee savings bank.

(11) The custodian trustees of a trustee savings bank may sue and be sued by the name of "the Custodian Trustees for the Trustee Savings Bank" without further description, and in all legal proceedings concerning any property of the bank the property may be stated to be the property of the custodian trustees of the bank; but nothing in this section shall affect any proceedings by or against or relating to the property of a trustee savings bank which are pending at the time of the first appointment of custodian trustees for that bank.

Register of custodian trustees and certificates as to custodian trustees and property

16.-(1) The Registrar shall in respect of each trustee savings bank keep a register of the custodian trustees of the bank, and shall enter in the register the date of the appointment of each custodian trustee and, on his vacating office, the date on which he vacates office.

- (2) A certificate purporting to be signed by the Registrar to the effect –
- (a) that the persons named in the certificate were on any specified date custodian trustees of a trustee savings bank; or
 - (b) that any property mentioned in the certificate was, at the date of the first appointment of custodian trustees for a trustee savings bank, held by a person named in the certificate in trust for that bank,

shall be conclusive evidence for all purposes of the facts stated in the certificate.

(3) The general trustees of every trustee savings bank shall forthwith, after the appointment of custodian trustees, send to the Registrar such particulars as the Registrar may require for the purposes of subsections (1) and (2), and thereafter shall from time to time send to the Registrar such particulars as the Registrar may require for the purposes of the register mentioned in subsection (1).

(4) Any person acting in pursuance of a certificate such as is mentioned in subsection (2) shall not by reason only of anything contained in it be affected with notice of any trust or of the fiduciary character of the persons named in it or of any fiduciary obligation attached to the holding of any property.

Power to purchase and dispose of property, erect buildings, etc

17.-(1) The trustees of a trustee savings bank shall have power to purchase land or erect buildings for the purposes of the bank, and to sell, exchange or lease any land or buildings acquired for the purposes of the bank, or any part of such land or buildings.

(2) The trustees of a trustee savings bank shall have power to purchase land or erect buildings jointly, with one or more other trustee savings banks for their joint purposes.

(3) The power of the trustees of a trustee savings bank to purchase land or erect buildings for the purposes of the bank shall include power to incur expenditure of a capital nature on the doing of work to land or buildings provided for the purposes of the bank.

(4) No purchaser, assignee or tenant shall be entitled to inquire as to the authority for any sale, exchange or lease under this section, and the receipt of the custodian trustees for the time being shall be a discharge for all moneys accruing from or in connection with such a sale, exchange or lease.

GENERAL FINANCIAL PROVISIONS

Power to carry on business of banking

18.-(1) Subject to the provisions of this Act, a trustee savings bank shall have power to carry on the business of banking.

(2) Any expenditure properly incurred by a trustee savings bank in carrying on the business of banking shall be deemed to be necessary expenses of management for the purposes of section 1(3)(a)(iii).

Power to borrow

19.-(1) A trustee savings bank shall have power to borrow money from any source whatever with the approval of the Central Board.

(2) The approval of the Central Board may be given for the purposes of subsection (1) either generally, in relation to borrowing by trustee savings banks of any description (whether by reference to the amount to be borrowed or to the purpose of the borrowing or otherwise) or in relation to any particular borrowing proposed by a trustee savings bank.

(3) The acceptance by a trustee savings bank of deposits of money in the ordinary course of carrying on its business shall not require the approval of the Central Board under this section.

(4) A trustee savings bank may not give security for the repayment of any sum lent to the bank or for the payment of any sums payable by way of interest on any such sum.

(5) A certificate signed by the chief officer or deputy chief officer of the Central Board stating that any borrowing undertaken or proposed by a trustee savings bank has the approval of the Board shall be conclusive evidence for all purposes that the borrowing has that approval.

Liabilities as banker to be matched by certain assets

20.-(1) It shall be the duty of each trustee savings bank to secure that at any time –

- (a) such proportion of the aggregate of the sums owed by it to its depositors as the Treasury may from time to time determine is matched by assets of the trustee savings bank of one or more of the classes referred to in Part I of Schedule 4; and
- (b) the residue of that aggregate is matched by assets of the trustee savings bank of one or more of the classes referred to in Part II of that Schedule.

(2) The Treasury may from time to time determine the amount which may be invested by a trustee savings bank in any class of assets specified in or designated by virtue of Schedule 4 as a proportion of the total amount invested by the bank in all classes of assets specified in or designated by virtue of that Schedule.

General powers of investment

21.-(1) It is declared that a trustee savings bank has power, subject to the relevant requirements, namely –

- (a) section 20;
- (b) any direction under section 7(3)(d) with respect to the manner in which trustee savings banks are to invest their funds; and
- (c) the rules of the bank.

to invest its funds in assets of any description whatever (including loans, whether temporary or otherwise and whether secured or unsecured).

(2) No person taking from a trustee savings bank a loan on real security or dealing with the security for any such loan or with the subject matter of any such security shall be bound

to inquire as to the compliance by the bank in relation to the loan with any of the relevant requirements mentioned in subsection (1).

In this subsection “loan on real security” means any loan secured by a mortgage of or charge on any land or, in Scotland, any loan secured by a heritable security within the meaning of section 9(8) of the Conveyancing and Feudal Reform (Scotland) Act, 1970.

Revenue of bank to cover outgoings and allocations to reserves

22. It shall be the duty of each trustee savings bank to conduct its business so as to secure that, taking one year with another, its revenue is not less than sufficient –

- (a) to meet the total outgoings of the bank properly chargeable to revenue account, and
- (b) to enable the bank to make such allocations to reserves as it may consider adequate and as may be necessary to comply with any directions given by the Central Board under section 7.

ACCOUNTS AND AUDIT

Duties in relation to accounts

23.-(1) Each trustee savings bank shall –

- (a) keep proper accounts and proper records in relation to the accounts; and
 - (b) prepare in respect of each financial year a statement of accounts in such form as the Central Board may direct, being a form which shall conform to the best commercial accounting practice.
- (2) Each statement of accounts shall include –
- (a) a balance sheet giving a true and fair view of the state of affairs of the bank at the end of the financial year; and
 - (b) an income and expenditure account of the bank giving a true and fair view of the income and expenditure of the bank for the financial year.
- (3) The accounts prepared in pursuance of this section shall be supported by –
- (a) schedules or notes to the accounts, including a statement of the accounting policies adopted by the bank, giving such information as is necessary for a proper understanding of the accounts; and
 - (b) a statement with respect to the state of affairs of the bank listing the principal activities of the bank in the course of the financial year and indicating any significant change in those activities in that year.

Appointment and qualification of auditors

24.-(1) Each trustee savings bank shall at the beginning of each financial year appoint a qualified auditor or qualified auditors to audit its accounts.

(2) A person shall not be qualified to be an auditor of a trustee savings bank unless he is a member of one or more of the following bodies –

- (a) the Institute of Chartered Accountants in England and Wales;
- (b) the Institute of Chartered Accountants of Scotland;
- (c) the Association of Certified Accountants;
- (d) the Institute of Chartered Accountants in Ireland.

* * * * *

(3) None of the following persons shall be qualified to be an auditor of a trustee savings bank –

- (a) a trustee, officer or servant of the bank;
- (b) a person who is a partner of or in the employment of a trustee, officer or servant of the bank;
- (c) a body corporate.

(4) References in subsection (3) to an officer or servant shall be construed as not including an auditor.

(5) Notwithstanding anything in this section, a Scottish firm shall be qualified to act as auditor of a trustee savings bank if all the partners are qualified so to act.

Right to receive copies of accounts

25.-(1) A copy of the audited accounts shall be sent by each trustee savings bank to the Central Board and to the Registrar within four months of the end of each financial year, and shall be accompanied by a statement of the trustees of the bank giving such particulars as the Board may direct.

(2) Each depositor of a trustee savings bank shall be entitled, on demand and without charge, to be furnished with a copy of the last audited accounts of the bank.

DEPOSITS

Settlement of disputes

26.-(1) If a dispute arises between the trustees of a trustee savings bank and –

- (a) a depositor; or
- (b) a person who is or claims to be the personal representative or next of kin or creditor of a depositor or the successor in the trusts of any depositor, being a trustee; or

- (c) the trustee in bankruptcy or assignee of a depositor who is bankrupt or insolvent; or
- (d) a person who claims to be entitled to money deposited in the bank,

the matter in dispute shall be referred in writing to the Registrar.

(2) Upon the reference of the dispute the Registrar shall have power to proceed ex parte on giving notice in writing to the trustees of the bank left at, or sent by post to, the office of the bank.

(3) Any award, order or determination made by the Registrar shall be binding and conclusive on all parties and shall be final to all intents and purposes, without any appeal.

(4) On a reference under this section the Registrar may inspect any books belonging to the trustee savings bank relating to the matter in dispute, and may administer an oath to any witness appearing before him.

Regulations as to deposits

27.-(1) The Treasury may make regulations for the purpose of extending to trustee savings banks any regulations made with respect to the National Savings Bank so far as those regulations provide –

- (a) for the payment or transfer of sums which belong to persons appearing to be under the age of majority or incapable through disorder or disability of mind of managing their property and affairs, or form part of the personal estate of any persons appearing to be deceased; or
 - (b) for the transfer of deposits from one account to another account, whether an existing or a new account; or
 - (c) for determining the receipts which are to be a good discharge in the case of the payment or transfer of any sum.
- (2) Regulations under this section may also provide –
- (a) for the addition of one or more names to an account already in a trustee savings bank;
 - (b) for the nomination by a depositor not being under the age of 16 of any person or persons to whom any sum or sums payable to the depositor at his decease (including any portion of any savings bank annuity or accrued interest payable to the representatives of the depositor) is or are to be paid at his decease;
 - (c) for the manner in which any such nomination may be revoked by the depositor, and for the circumstances in which it is to be treated as having ceased to be operative and for the payment of the specified amount to any nominee so nominated;
 - (d) for directing that any person acting as witness to a nomination shall be disqualified from taking thereunder;

- (e) for authorising the trustee savings bank to treat as a depositor in the bank any person named as a nominee in any nomination who dies after the death of the nominator, but before receiving payment of the sum to be paid to him under the nomination;
- (f) for providing that where any person to whom any sum, being the whole or any part of the deposit of a deceased depositor, is payable is unable by reason of any incapacity whatever to give a legal discharge for it, the sum may be paid to any person undertaking to maintain the incapacitated person.

(3) The Treasury may make regulations applying to trustee savings banks, with or without modifications, the provisions of any regulations made with respect to the National Savings Bank so far as those regulations provide –

- (a) for prescribing the means by which particular facts may be proved and the mode in which evidence of them may be given, and for authorising proof of any particular facts given in the manner prescribed by the regulations to be treated as conclusive evidence of those facts for the purpose of the payment or transfer of any sum;
- (b) for the purpose of the payment or transfer of any sum, for authorising a person to be treated as having been domiciled in the place in which he was resident at the date of his death;
- (c) for directing that, except as provided by the regulations, no entry with respect to any trust, express, implied or constructive, shall be made in the account of any depositor, and that except as aforesaid no notice of any such trust shall be received by the Director of Savings;
- (d) for determining the date on which a deposit is to be deemed to be withdrawn and for prescribing the method by which payment of sums withdrawn is to be made,

but paragraph (d) shall not have effect in relation to transactions concerning current accounts.

(4) Where the sum in a trustee savings bank which forms part of the personal estate of a person appearing to be deceased does not exceed £1,500, then, if the regulations under this section so provide, and subject to such regulations –

- (a) probate or other proof of the title of the personal representative of the deceased person may be dispensed with; and
- (b) that sum may be paid or distributed to or among the persons appearing in manner provided by the regulations to be beneficially entitled to the personal estate of the deceased person, whether under such nomination of the deceased person as is allowed by the regulations, or by law, or as next of kin, or as creditors or otherwise, or to or among any one or more of such persons, exclusively of the others,

and the person making such a payment shall be discharged from all liability in respect of the sum paid in accordance with the regulations.

(5) Any regulations under this section shall be made by statutory instrument, a draft of which shall be laid before Parliament.

Power to increase amount disposable on death without representation

28.-(1) The Treasury may from time to time by order direct that section 27(4) shall have effect as if for the reference to £1,500 there were substituted a reference to such other amount (being more than £500) as may be specified in the order.

(2) Any order under this section shall apply in relation to deaths occurring after the expiration of a period of one month beginning with the date on which the order comes into force.

(3) Any order under this section shall be made by statutory instrument; but no such order shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

Deposits by and payments to, certain institutions etc

29.-(1) Without prejudice to the provisions of section 31 of the Industrial and Provident Societies Act 1965⁶ and section 31 of the Industrial and Provident Societies Act (Northern Ireland) 1969 (which deal with the investment powers of registered societies), the treasurer of any charitable or provident institution or society, or charitable donation or bequest for the maintenance, education or benefit of the poor or of any penny savings bank, may invest the funds of the institution or society in the funds of a trustee savings bank.

(2) Where a payment is made by a trustee savings bank to a trustee, treasurer or other officer of a provident institution or society or of a charity, friendly society or penny savings bank who is apparently authorised to require that payment, his receipt shall be a sufficient discharge and neither the trustee savings bank nor any of its trustees or officers shall be responsible for any misapplication or for any want of authority of the person requiring or receiving the payment.

(3) In this section –

“friendly society” means a friendly society or branch thereof which is registered within the meaning of the Friendly Societies Act 1974⁷ or is registered or deemed to be registered under the Friendly Societies Act (Northern Ireland) 1970; and

“penny savings bank” means a bank the rules of which fix a sum not exceeding £5 as the maximum amount which may stand to the credit of any one depositor therein at any one time, and which provide, upon the attainment of that maximum amount, for its transfer to an account opened in the depositor’s own name in the savings bank where the deposit account of the penny savings bank is kept.

AMALGAMATION**Power to amalgamate**

30.-(1) Any two or more trustee savings banks may, with the assent of the Central Board, by special resolution of both or all such banks, become amalgamated together as one bank with or without dissolution or division of the funds and property of the banks, or either or

⁶ Volume 1966–1967, page 79.

⁷ Volume 1975–1978, page 289.

any of them, and all the funds and property of the banks, so far as not already vested in the custodian trustees of the amalgamated bank, shall become vested in them without the necessity of any form of conveyance or assignment other than the special resolution for amalgamation.

- (2) For the purposes of the amalgamation a special resolution shall mean a resolution –
- (a) passed by not less than three-fourths of the trustees of the bank present at a general meeting of which notice specifying the intention to propose the resolution has been duly given according to the rules, and
 - (b) confirmed by a majority of the trustees present at a subsequent meeting, of which notice has been duly given, held not less than fourteen days nor more than a month from the date of the earlier meeting.

(3) Notwithstanding anything in section 15 (bank property to be held by custodian trustees), on any amalgamation of two or more trustee savings banks which is to be effected not by merging with one of the existing banks the other or others of them but by establishing a new bank, the special resolutions for the amalgamation shall appoint four of the trustees of the amalgamated bank to be custodian trustees of that bank.

CLOSURE OF BANKS

Procedure for closing a bank

31. The trustees of a trustee savings bank may not close or dissolve the bank or cease to carry on the business of the bank or carry on a business only for the purposes of winding up its affairs unless –

- (a) they do so with the approval of the Central Board and in the manner prescribed by the bank's rules; or
- (b) * * * * *

Disposal of surplus money on closure of a bank.

32. When a trustee savings bank is finally closed, the trustees shall pay over to the Central Board any surplus moneys remaining in the hands of the trustees, after providing for the sums due to depositors and for any expenses authorised by the bank's rules; and the Central Board may distribute the moneys among such other trustee savings banks as the Board think fit.

SUPERVISION OF TRUSTEE SAVINGS BANKS

Periodic returns

33.-(1) The trustees of each trustee savings bank shall transmit such periodic returns to the Commissioners in such form and containing such particulars as the Commissioners may from time to time direct.

(2) Each trustee savings bank shall transmit to the Central Board such periodic returns in such form and containing such particulars as the Board may from time to time require.

Inspection of books and documents etc. of trustee savings banks

34. The Central Board may appoint persons to inspect the books and accounts of trustee savings banks, and to examine and ascertain and report to the Board from time to time, with respect to each bank, whether the bank has complied with the requirements of this Act; and every trustee savings bank shall give all due facilities for enabling any such inspection or examination to be made.

Appointment of commissioner to examine affairs of trustee savings bank

35.-(1) If satisfied on the representation either of such number of the depositors in any trustee savings bank as appears to him sufficient, or of the Commissioners or the Central Board, that there is good reason for causing an examination to be made into the affairs of any trustee savings bank, the Registrar may, after consultation with the Treasury, make an application under subsection (2); but such notice of any representation by depositors under this section shall be given to the trustees of the bank as the Registrar may direct after consultation with the Treasury.

(2) An application under this subsection shall be made *ex parte* to [the Bailiff of Jersey who, if satisfied that an examination into the affairs of the bank is desirable, may thereupon appoint an Advocate of the Royal Court of not less than 7 years' standing] as a commissioner to hold a local inquiry into the affairs of that bank, and to report thereon.

(3) Every such commissioner shall, for the purposes of the examination which he is authorised to conduct, have power –

- (a) to require by summons under his hand a person to send a written return to any inquiry, or to attend as a witness before him, and to examine any witness on oath, and to require any witness to take an oath and to answer any question; and
- (b) to require production of all books, papers and documents which appear to him to relate to the affairs of the bank, and the production of which appears to him necessary.

(4) If any person, after having had a tender made to him of the expenses (if any) to which he is entitled, fails without lawful excuse to comply with any requirement of the commissioner under this section, he shall, [on conviction, for each offence be liable to a fine not exceeding £25].

(5) Every witness shall be allowed such expenses as would be allowed to him when attending to give evidence before any superior court, and in case of dispute the amount shall be referred by the commissioner to [the Judicial Greffier], who on request under the hand of the commissioner, shall ascertain and certify the proper amount of the expenses.

(6) The Registrar, after consultation with the Treasury, may, if he thinks fit in a case where a representation is made by depositors or by the Central Board, require such security for costs to be given as he thinks proper; but, except so far as costs may be recovered under any such security, all costs incurred in or incidental to any proceedings under this section shall be paid out of money provided by Parliament.

In the application of this subsection to Scotland, any reference to costs is to be read as a reference to expenses, and any reference to security for costs as a reference to caution for expenses.

CONTROL OF ADVERTISING

Directions by Chief Registrar as to advertisements

36.-(1) If, with respect to any trustee savings bank, the Chief Registrar of Friendly Societies considers it expedient to do so in the interests of persons who may invest or deposit money with the bank, he may, with the consent of the Treasury and subject to section 37, serve on the trustees of the bank a notice giving a direction under this section.

(2) A direction given to the trustees under this section may do all or any of the following things –

- (a) prohibit the issue by the bank of advertisements of any description specified in the direction; or
- (b) prohibit the issue by the bank of any advertisements which are, or are substantially, repetitious of an advertisement which has been issued and which is specified in the direction; or
- (c) require the bank to take all practical steps to withdraw any advertisement, or any description of advertisement, specified in the direction which is on display in any place.

[(3) If a trustee savings bank contravenes a direction under this section, it shall be liable to a fine, and every trustee who knowingly authorises or permits such a contravention shall be liable to a fine or to imprisonment for a term not exceeding two years, or to both.]

(4) * * * * *

Supplementary provisions as to directions under section 36

37.-(1) Not less than one week before giving a direction under section 36 to a trustee savings bank, the Chief Registrar of Friendly Societies shall serve on the bank, and on every trustee of the bank, a notice stating that he proposes to give the direction.

(2) A notice served on a trustee savings bank under subsection (1) of this section shall specify the considerations which have led the Chief Registrar to conclude that it would be in the interests of persons who may invest or deposit money with the bank to give the direction.

(3) The Chief Registrar shall consider any representations with respect to the notice which may be made to him by the trustee savings bank within the period of one week from the date on which the bank is served with the notice, and, if the bank so requests, shall afford to it an opportunity of being heard by him within that period.

(4) On giving a direction under section 36 the Chief Registrar –

- (a) shall serve on the trustee savings bank, and on every trustee of the bank, a notice of the giving of the direction; and
- (b) shall serve on the bank a notice specifying the considerations which have led him to conclude that it is expedient to give the direction in the interests of persons who may invest or deposit money with the bank; and the Chief Registrar shall not have power to give a direction under section 36 unless all the considerations so specified

were those, or were among those, which were specified in the notice served on the bank under subsection (1) of this section.

Regulations as to advertisements and other communications

38.-(1) The Chief Registrar of Friendly Societies may, with the consent of the Treasury, make regulations with respect to the nature and form of any kind of communication which a trustee savings bank may issue or cause to be issued, and in particular with respect to the nature and form –

- (a) of any kind of advertisement; or
 - (b) of any kind of invitation, whether or not addressed to particular persons, to invest in or lend money to a trustee savings bank.
- (2) Regulations under this section may in particular –
- (a) require that in any specified kind of advertisement or invitation to invest in or lend money to a trustee savings bank, there shall be included in the form prescribed by such regulations information concerning the general financial position of the trustee savings bank or giving any particular information with respect to the affairs of the bank;
 - (b) require a trustee savings bank to take steps so prescribed to withdraw advertisements which are on display in public places and which do not comply with the requirements of the regulations.
- (3) Any regulations made under this section –
- (a) make different provision for different cases, and
 - (b) may contain such transitional supplementary and incidental provisions as appear to the Chief Registrar to be desirable.

[(4) If a trustee savings bank contravenes any provision contained in regulations under this section, it shall be liable to a fine, and every trustee who knowingly contravenes or authorises or permits a contravention of any provision contained in regulations under this section shall be liable to a fine or to imprisonment for a term not exceeding two years, or to both.]

[(5) If an employee of a trustee savings bank knowingly contravenes any provision contained in regulations under this section he shall be liable to a fine or to imprisonment for a term not exceeding two years, or to both.]

(6) * * * * *

(7) Any regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) The Statutory Instruments Act 1946 shall apply to the power to make statutory instruments under this section as if the Chief Registrar of Friendly Societies were a Minister of the Crown.

Defence in proceedings under section 36 or 38

39. In any proceedings for an offence under section 36 or 38 it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

[Time limit for commencement of proceedings under section 36 or 38

40.-(1) Proceedings in the Bailiwick for any offence under section 36 or 38 may, subject to subsection (2) of this section, be commenced at any time –

- (a) within the period of one year beginning with the date on which evidence, sufficient in the opinion of the Attorney General to justify proceedings, comes to his knowledge; or
- (b) where such evidence was reported to him by the Chief Registrar of Friendly Societies within one year after the date on which it came to the knowledge of the Chief Registrar.]

(2) Nothing in subsection (1) authorises the commencement of proceedings for any offence at a time more than three years after the date on which the offence was committed.

(3) A certificate purporting to be signed by or on behalf of [the Attorney General or the Chief Registrar of Friendly Societies] as to the date on which such evidence as is mentioned in subsection (1) came to his knowledge shall be conclusive evidence of that date for the purposes of that subsection.

LIABILITY OF OFFICERS, TRUSTEES ETC**Persons failing to account for money received from depositors**

41.-(1) If an actuary, cashier, secretary, officer or other person holding a situation or appointment in a trustee savings bank receives any sum of money from or on account of a depositor, or a person desirous of becoming a depositor, or on account of the bank, and does not forthwith (or, in the case of local receivers acting on behalf of a trustee savings bank, within the time specified in the rules of that bank) duly account for and pay over the money to the trustees or to such person as may be directed by the rules of the bank, he shall (in any part of the [the Bailiwick]) be guilty of an offence.

(2) A person convicted * * * of an offence under this section * * * * * shall be liable to a fine or to imprisonment for a term not exceeding two years or to both.

Liability of trustees

42.-(1) No trustee of a trustee savings bank shall be personally liable, except –

- (a) for money actually received by him on account of or for the use of the bank which is not paid over and disposed of as directed by the rules of the bank; or

- (b) for neglect or omission to comply with any rules made in pursuance of Schedule 1 in relation to the holding of meetings or the keeping of the minutes of proceedings at meetings.

Indemnity for trustees against claims in respect of certain acts

43. Where any payment or act is, or has before the commencement of this Act been, made or done by the trustees of a trustee savings bank in accordance with the enactments and regulations relating to trustee savings banks for the time being in force, and in accordance with the rules of the bank, the trustees of the bank are hereby indemnified against all claims on the part of any person in respect of the payment or act, but any person may nevertheless recover any sum lawfully due to him from the person to whom the trustees of the bank have paid it.

Recovery of property of a bank from certain persons

- 44.** A person who –
- (a) holds or receives any part of the money, effects or funds belonging to a trustee savings bank; or
 - (b) is in any manner entrusted with the disposition, management or custody of such money, effects or funds or of any securities, books or papers, or property relating thereto,

and his personal representative and assigns, shall on demand made in pursuance of an order of not less than two trustees of the bank or at any general meeting of the trustees of the bank –

- (i) give in his or their account to the trustees of the bank or to the general meeting, or to such other person as may be nominated to receive the account, to be examined and allowed or disallowed by the trustees of the bank; and
- (ii) pay over all the money remaining in his or their hands and assign and transfer or deliver all securities and effects, books, papers and property in his or their hands or custody to such person as the trustees of the bank may appoint.

Priority of debts owed by bank officers to the bank

45.-(1) If an officer of a trustee savings bank who is entrusted with the keeping of the accounts or who has in his hands or possession by virtue of his office or employment any money or effects belonging to the bank, or any deeds or securities relating thereto –

- (a) dies; or
- (b) becomes bankrupt, or makes any assignment or assignation of his property for the benefit of his creditors; or
- (c) has any execution or attachment or other process issued against his property,

his personal representative or, as the case may be, his trustee in bankruptcy or assignee, or the sheriff or other officer executing any such process, shall, within 40 days after demand made by two of the trustees of the bank –

- (i) deliver and pay over all moneys and other things belonging to the bank to such person as those trustees appoint; and
 - (ii) pay out of the estate, assets or effects of the officer concerned all sums of money remaining due which he received by virtue of his office or employment, before any other of his debts are paid or satisfied, or, as the case may be, before the money directed to be levied by the said process is paid over to the party issuing the process.
- (2) Subsection (1), so far as it relates to bankruptcy or the administration of insolvent estates, does not apply in [the Bailiwick].

SUPERANNUATION

Superannuation

46.-(1) The Central Board shall direct the trustee savings banks –

- (a) to pay such pensions, allowances, gratuities or other benefits to or in respect of such of the employees of the banks as the Board may determine;
- (b) to make such payments towards the provision of such pensions, allowances, gratuities or other benefits as may be so determined.

(2) The Central Board shall make and administer such schemes (whether contributory or not) for the payment of such pensions, allowances, gratuities or other benefits required to be paid to or in respect of employees of the trustee savings banks as may be determined by the Board.

(3) Any scheme under subsection (2) may amend or revoke any previous scheme made thereunder.

(4) No scheme under subsection (2) shall make any provision which would have the effect of reducing the amount of any pension, allowance, gratuity or other benefit in so far as that amount is calculated by reference to service rendered before the coming into operation of the scheme, or have the effect of reducing the length of any reckonable service so rendered.

MISCELLANEOUS

Form in which records may be kept

47.-(1) Any relevant record required by any provision of this Act or by the rules of the bank to be kept by a trustee savings bank may be kept by making entries in a bound book or by recording the matters in question in any other manner.

(2) Where any such relevant record is not kept by making entries in a bound book but by some other means, precautions shall be taken to the satisfaction of the Central Board for guarding against falsification and for facilitating its discovery.

(3) In this section “relevant record” means a ledger, book of account or other record in relation to accounts, register or minute book.

Rules of bank for authentication of documents

48. The rules of a trustee savings bank may provide for the execution and signing of instruments and documents on behalf of the trustees by not less than four trustees authorised for the purpose by the trustees; and any such rules, if duly certified, shall be binding on all persons and be operative for all purposes.

Fees taken by Registrar

49.(1) The Treasury may by warrant direct that there shall be charged upon any certificate given, and any award, order or determination made, by the Registrar under this Act such reasonable fee as may be fixed by the warrant of the Treasury.

(2) Every such fee shall be paid into the Consolidated Fund, and shall be paid by such persons and in such manner as may be directed by the warrant.

(3) No fee which is not allowed by the warrant shall be charged or taken in respect of any matter for which a fee can be charged under this section.

(4) Any warrant under this section shall be made by statutory instrument, a draft of which shall be laid before both Houses of Parliament for at least 40 days before the statutory instrument is made; but section 6 of the Statutory Instruments Act 1946 shall not apply to a statutory instrument under this section.

Exemption from stamp duty

50. No stamp duty shall be charged on –

- (a) a power, warrant or letter of attorney given by a person as trustee of a trustee savings bank or by a depositor in a trustee savings bank authorising a person to make a deposit on behalf of the depositor or to sign a document or instrument required by the rules of the bank on making a deposit, or to withdraw a deposit, or the interest on a deposit; or
- (b) an appointment of an agent, an instrument for the revocation of any such appointment, or any other instrument or document whatever required or authorised to be given, issued, signed, made or produced in pursuance of this Act.

Indemnity for Bank of England etc

51. Neither the Bank of England nor the Bank of Ireland nor the Commissioners shall be under any liability in respect of anything required or permitted to be done in pursuance of this Act.

Use of title of certified savings bank by unauthorised persons

52.(1) If any person, not being a trustee savings bank, takes or uses, in connexion with any business carried on by him, the title of “savings bank certified under the Act of 1863”, “savings bank certified under the Trustee Savings Banks Act 1954”, “savings bank certified under the Trustee Savings Banks Act 1969”, or “savings banks certified under the Trustee Savings Banks Act 1981”, he shall (in any part of [the Bailiwick]) be guilty of an offence.

(2) A person convicted * * of an offence under this section * * * * * shall be liable to a fine or to imprisonment for a term not exceeding two years, or to both.

(3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Closure of Fund for the Banks for Savings

53.-(1) The Fund for the Banks for Savings shall be closed on such day as the Treasury may by order appoint.

(2) The transitory provisions contained in Schedule 5 shall have effect in relation to the Fund.

(3) The Treasury may by order provide for the repeal of any of the provisions of paragraphs 1 to 13 of that Schedule; and different days may be appointed for, or for different purposes of, the repeal of different provisions of those paragraphs.

(4) Any order under this section –

(a) shall be made by statutory instrument; and

(b) may make such transitional, incidental, supplementary and consequential provisions as the Treasury may consider necessary or expedient in connexion with the closure of the Fund or, as the case may be, in connexion with the repeals made by the order.

SUPPLEMENTAL

Interpretation

54.-(1) In this Act, unless the context otherwise requires –

“advertisement” means an advertisement in any medium inviting business or making known the activities of a trustee savings bank, and includes any circular or hand bill inviting business or making known the bank’s activities;

“the Central Board” means the Trustee Savings Banks Central Board;

“the Commissioners” means the National Debt Commissioners;

[“enactment” means any enactment in force in the Bailiwick];

“financial year”, in relation to a trustee savings bank, means the period in respect of which an income and expenditure account of the trustee savings bank is made up, whether that period is a year or not;

“the Registrar” –

- (a) in relation to a trustee savings bank in England, Wales, the Isle of Man or the Channel Islands, means the Central Office of the Registry of Friendly Societies;
- (b) in relation to a trustee savings bank in Scotland means the Assistant Registrar of Friendly Societies for Scotland;
- (c) in relation to a trustee savings bank in Northern Ireland –
 - (i) except in sections 5, 6, 26 and 49, means the Central Office of the Registry of Friendly Societies, and
 - (ii) in those sections means the Chief Registrar of Friendly Societies or a deputy appointed by him;

“subsidiary” has the meaning assigned to it by section 154 of the Companies Act 1948.*
* * * * *

“trustee” in relation to a trustee savings bank does not include a custodian trustee;

“trustee savings bank” means a bank certified under this Act, the Trustee Savings Banks Act 1969⁸, the Trustee Savings Bank Act 1954 or the Trustees Savings Banks Act, 1863.

(2) * * * * *

(3) It is declared that any power of giving directions conferred by a provision of this Act includes power to vary or revoke at any time, any directions previously given under that provision.

Consequential amendments, transitional provisions, savings and repeals

55.-(1) The enactments mentioned in Schedule 6 shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act.

(2) This Act shall have effect subject to the transitional provisions and savings contained in Schedule 7.

(3) The enactments mentioned in Schedule 8 are hereby repealed to the extent specified in the third column of that Schedule.

(4) Nothing in this section is to be taken as prejudicing the operation of the provisions of the Interpretation Act 1978 as respects the effect of repeals.

Application to Isle of Man and Channel Islands

56.-(1) This Act shall extend to the Isle of Man and the Channel Islands and shall have effect in those islands subject to such adaptations and modifications as Her Majesty may by Order in Council specify.

⁸ Volume 1970–1972, page 78.

Jersey Order in Council 15/1983

*Trustee Savings Banks Act 1981 (Channel Islands)
Order 1983*

[(2) Any order, regulations or warrant made under any of the preceding provisions of this Act, other than this section, shall not have effect in the Bailiwick until registered by the Royal Court.]

Citation, etc

57.-(1) This Act may be cited as the Trustee Savings Banks Act, 1981.

(2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.

(3) This Act extends to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 5

Matters to be covered by the rules of a Trustee Savings Bank

The rules of a trustee savings bank must expressly provide for the following matters

1. The manner of appointment and removal of the trustees of the bank.
2. The manner of appointment and removal of any committee of management of the bank.
3. The manner of appointment of auditors.
4. The calling and holding of meetings of trustees and the procedure to be followed at such meetings.
5. The manner in which security is to be given by officers of the bank or in which insurance is to be effected against losses due to acts of default of officers of the bank.
6. The manner in which the bank is to be closed or dissolved.

SCHEDULE 2**Section 7****Additional provisions relating to the Central Board****Appointment and tenure of members**

1.-(1) The Central Board shall consist of –

- (a) persons appointed by eligible trustee savings banks, each of which shall appoint one member;
- (b) the chief officer and deputy chief officer for the time being of the Board;
- (c) the persons acting as alternate members by virtue of paragraph 11(3), and
- (d) the persons appointed under sub-paragraph (2) of this paragraph.

(2) The Central Board shall have power to appoint not more than four persons to be members of the Board.

(3) The person to be appointed a member of the Central Board by an eligible trustee savings bank shall be either one of the trustees or the general manager of the bank.

(4) In this paragraph “eligible trustee savings bank” means a trustee savings bank which satisfies the Central Board that its cash liabilities to its depositors exceed £100 million or such other sum as the Board may from time to time determine.

2. A member of the Central Board, other than the chief officer or the deputy chief officer shall hold office in accordance with the terms of his appointment.

3. A member of the Central board may resign his office.

4. A member of the Central Board shall vacate his office if –

- (a) he ceases to be a trustee or, as the case may be, the general manager of the trustee savings bank which appointed him;
- (b) the trustee savings bank which appointed him ceases to be an eligible trustee savings bank as defined in paragraph 1(4).

Chairman

5.-(1) The chairman of the Central Board shall be elected by the Board from the members of the Board.

(2) The chief officer and the deputy chief officer shall not be eligible for election as chairman.

6. Subject to the provisions of paragraphs 7 and 8 and of any standing orders made under paragraph 10(1)(b), the chairman shall hold office for a period of three years from the date of his appointment but shall be eligible for re-appointment.

7. If the chairman ceases to be a member of the Central Board, he shall cease to be chairman.

8. The chairman may resign as such without resigning his membership of the Central Board.

Meetings and proceedings of the Board and committees

9.-(1) The Central Board may appoint such committees for such purposes as the Board consider necessary or desirable.

(2) The Central Board may delegate to a committee appointed under this paragraph, with or without restrictions or conditions, as the Board think fit, any of the functions of the Board.

(3) Members of the committee appointed under this paragraph need not be members of the Central Board.

(4) The number of members of a committee appointed under this paragraph and the terms of office of the members thereof shall be fixed by the Central Board.

(5) The proceedings of the Central Board, or of any committee appointed under this paragraph shall not be invalidated by any vacancy in their number.

10.-(1) The Central Board may make standing orders with respect to –

- (a) the proceedings and conduct (including quorum, voting, place of meeting and notices to be given of meetings) of the Board or of any committee appointed by the Board under paragraph 9; and
- (b) subject to paragraphs 5, 7, and 8 the appointment and removal of the chairman of the Board or of the chairman of any committee.

(2) Subject to any standing orders made under this paragraph, the proceedings of any committee appointed under paragraph 9 shall be such as the committee may determine.

11.-(1) A trustee savings bank may, in respect of the member appointed by it, appoint a person, being a trustee or the general manager of the bank, to perform the duties of that member in his absence.

(2) A person appointed under sub-paragraph (1) may take part in the proceedings of the Central Board and of any committee in the absence of the member in respect of whom he was appointed or as provided by sub-paragraph (3), but not otherwise.

(3) If a member dies or vacates his office (otherwise than by virtue of paragraph 4(b)) his alternate may act as member in his place until a new person is appointed to fill his office as member.

(4) A person appointed as an alternate member shall hold office in accordance with the terms of his appointment and shall not act as an alternate member until his appointment as such has been notified in writing to the chief officer of the Central Board; and any such appointment shall have effect either in relation to meetings during a stated period or until the appointment is revoked.

(5) A person appointed as an alternate member may resign his office, and shall vacate his office if the member for whom he is alternate vacates his office by virtue of paragraph 4(b).

Officers

12-(1) The Central Board shall appoint a chief officer and a deputy chief officer, but no appointment of a chief officer shall be made except with the approval of the Treasury.

(2) The Central Board may appoint such member or other officers as the Board may determine.

Remuneration and allowances for members and officers

13.-(1) The Central Board shall pay to each member or alternate member of the Board, other than the chief officer and the deputy chief officer, such fees and allowances as the Board may determine.

(2) The Central Board shall pay to their officers such remuneration and allowances as the Board may determine.

(3) The Central Board shall –

- (a) pay such pensions, allowances or gratuities to or in respect of their officers;
- (b) make such payments towards the provision of such pensions, allowances and gratuities; or
- (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities,

as the Board may determine.

14.-(1) Except in so far as the Central Board consider adequate machinery exists for achieving the purposes of this paragraph, the Board shall seek consultation with such independent trade unions as appear to the Board to be appropriate with a view to the conclusion between the Board and any such trade union of agreements to establish and maintain machinery for –

- (a) the settlement of negotiation of terms and conditions of employment of persons employed by the Board, the Board's subsidiaries and trustee savings banks, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements; and
- (b) consultation between the Board and independent trade unions on matters of common interest to the Board, the persons employed by the Board and the Board's subsidiaries and persons employed by trustee savings banks.

(2) In this paragraph “independent trade union” has (throughout [the Bailiwick]) the meaning assigned to it by section 30(1) of the Trade Union and Labour Relations Act 1974.

Accounts and audit

15.-(1) The Central Board shall keep proper accounts and proper records in relation to the accounts, and shall prepare in respect of each financial year a statement of accounts in a form which shall conform to the best commercial accounting practice.

- (2) Each statement of accounts shall include –
- (a) a balance sheet giving a true and fair view of the state of affairs of the Central Board at the end of the financial year; and
 - (b) a consolidated balance sheet in respect of the Central Board and their subsidiaries giving a true and fair view of the state of affairs of the Board and their subsidiaries at the end of the financial year; and
 - (c) a consolidated income and expenditure account of the Central Board and their subsidiaries giving a true and fair view of the income and expenditure of the Board and their subsidiaries for the financial year.
- (3) The accounts prepared in pursuance of this paragraph shall be supported by –
- (a) schedules or notes to the accounts, including a statement of the accounting policies adopted by the Central Board and their subsidiaries, giving such information as is necessary for a proper understanding of the accounts; and
 - (b) a statement with respect to the state of affairs of the Central Board and their subsidiaries listing the names of the persons who at any time during the financial year were members of the Board, the principal activities of the Board and their subsidiaries in the course of the year and indicating any significant change in those activities in that year.
- (4) A copy of the audited accounts shall be transmitted to the Registrar within four months of the end of each financial year.

(5) In this and the following paragraph “financial year” in relation to the Central Board means the period in respect of which a consolidated income and expenditure account of the Board and their subsidiaries is laid before the Board, whether that period is a year or not.

Appointment and qualifications of auditors

16.-(1) The Central Board shall at the beginning of each financial year appoint a qualified auditor or qualified auditors to audit the accounts of the Board and their subsidiaries.

- (2) A person shall not be qualified to be an auditor of the Central Board unless he is a member of one or more of the following bodies –
- (a) the Institute of Chartered Accountants in England and Wales;
 - (b) the Institute of Chartered Accountants of Scotland;

- (c) the Association of Certified Accountants;
- (d) the Institute of Chartered Accountants in Ireland;
- (e) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 or section 155(1)(a) of the Companies Act (Northern Ireland) 1960,

or is a person who is for the time being authorised under section 161(1)(b) of that Act of 1948 or section 155(1)(b) of that Act of 1960 as being a person with similar qualifications obtained outside the United Kingdom.

(3) None of the following persons shall be qualified to be an auditor of the Central Board –

- (a) a member, officer or servant of the Central Board;
- (b) a person who is a partner of or in the employment of a member, officer or servant of the Central Board;
- (c) a body corporate.

(4) References in sub-paragraph (3) to an officer or servant shall be construed as not including an auditor.

(5) Notwithstanding anything in this paragraph, a Scottish firm shall be qualified to act as auditor of the Central Board if all the partners are qualified so to act.

Authentication of documents

17.-(1) The application of the seal of the Central Board shall be authenticated by the signature of the chairman of the Board or by the signature of any member of the Board authorised by them either generally or specially to act for that purpose.

(2) Any document purporting to be a document duly executed under the seal of the Central Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Status of Board and their property

18. The Central Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and the property of the Board shall not be regarded as property of or property held on behalf of the Crown.

SCHEDULE 3**Section 15****Execution of documents by custodian trustees**

1.-(1) The custodian trustees of every trustees savings bank shall have an official seal which shall be officially and judicially noticed.

(2) The seal shall be authenticated by the signatures of one of the custodian trustees and of an officer of the trustee savings bank authorised by the custodian trustees to act on their behalf.

2. Every document purporting to be a document executed by the custodian trustees and to be sealed with the seal of the custodian trustees and authenticated in the manner provided by paragraph 1(2) shall be received in evidence and shall be deemed to be such a document without further proof, unless the contrary is proved.

*SCHEDULE 4***Section 20****Classes of assets to be held by a Trustee Savings Bank to match its liabilities to depositors****PART I***CLASSES OF ASSETS TO MATCH A PROPORTION, DETERMINED UNDER SECTION
20(1)(A), OF SUMS DUE TO DESPOSITORS*

1. Cash.
2. Deposits in the Fund for the Banks for Savings.
3. Money held on current account by other bankers (including the Central Trustee Savings Bank Limited) on behalf of the trustee savings bank.
4. Deposits in accounts with other bankers (including the Central Trustee Savings Bank Limited) repayable at not longer than 7 days' notice.
5. Loans of either of the kinds mentioned in paragraph 9 of Part II of Schedule 1 to the Trustee Investments Act 1961, being loans repayable within one month.
6. Treasury Bills payable not more than 91 days from date; bills so payable issued by Her Majesty's Government in Northern Ireland and by local authorities in the United Kingdom.
7. Marketable fixed interest securities issued by Her Majesty's Government in the United Kingdom or Her Majesty's Government in Northern Ireland, being securities within one year of the final redemption date.
8. Marketable fixed interest securities the payment of interest on which is guaranteed by Her Majesty's Government in the United Kingdom or Her Majesty's Government in Northern Ireland, being securities within one year of the final redemption date.
9. Assets of such other classes as may from time to time be designated by the Treasury for the purposes of this Part of this Schedule.

PART II*CLASSES OF ASSETS TO BE HELD TO MATCH THE RESIDUE OF SUMS DUE TO
DEPOSITORS*

10. Cash.
11. Deposits in the Fund for the Banks for Savings.
12. Money held as mentioned in paragraph 3 of this Schedule.

13. Deposits in accounts with other bankers (including the Central Trustee Savings Bank Limited).
14. Sterling Certificates of Deposit.
15. Treasury Bills; bills issued by Her Majesty's Government in Northern Ireland.
16. Marketable fixed interest securities issued by Her Majesty's Government in the United Kingdom, Her Majesty's Government in Northern Ireland or the Government of the Isle of Man.
17. Marketable fixed interest securities the payment of interest on which is guaranteed by Her Majesty's Government in the United Kingdom, Her Majesty's Government in Northern Ireland or the Government of the Isle of Man.
18. Loans of either of the kinds mentioned in paragraph 9 of Part II of Schedule 1 to the Trustee Investments Act, 1961.
19. Fixed interest securities of the kinds mentioned in paragraphs 3, 5 and 9 of Part II of that Schedule.
20. Debentures of the kind mentioned in paragraph 8 of Part II of that Schedule.
21. Capital assets acquired under section 17(1) of this Act.
22. Assets of such other classes as may from time to time be designated by the Treasury for the purposes of Part 1 of this Schedule or for the purposes of this Part of this Schedule.
- [23. Any security issued by the States of Jersey or Guernsey of which principal and interest are charged on the annual income of the States issuing that security.]

SCHEDULE 5**Section 53****Transitory provisions relating to the fund for the banks for savings****The Fund for the Banks for Savings**

1.-(1) Subject to section 53(1), there shall continue to be an account maintained in the name of the Commissioners in the books of the Banks of England and Ireland respectively called the Fund for the Banks for Savings (which account relates to sums invested before 21st November, 1979 by trustee savings banks under section 33 of the Trustee Savings Banks Act 1969⁹ and corresponding earlier enactments in respect of ordinary deposits).

(2) In this Schedule “the Fund” means the Fund for the Banks for Savings.

Interest-bearing receipts

2.-(1) Receipts issued under section 34(1) of the Trustee Savings Banks Act 1969⁹ or any corresponding earlier enactments in respect of payments into the Fund before 21st November, 1979 shall carry interest at such rate, not being less than £2.75 per cent per annum, as the Treasury may fix by order.

(2) Any order under sub-paragraph (1) shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The principal and interest of all sums mentioned in any receipt shall be charged on all money in the Fund and on any money produced by the sale of any securities standing to the credit of the Fund.

Interest on sums in the Fund

3.-(1) All sums credited to an account of a trustee savings bank in the books of the Commissioners shall carry interest at the prescribed rate from the day at which they are credited to the account to the day preceding that at which they are debited to it; but no interest shall be allowed on any fraction of a pound of the balance for the time being standing to the credit of the account.

(2) The officer of the Commissioners shall, within six weeks from 20th November, and 20th May in each year, calculate the interest due on the said sums for the six months ending with that day, and that interest shall be credited to the account as at the following day (any fraction of a penny being disregarded); and within 60 days from 20th November and 20th May in each year he shall issue, in a form approved by the Commissioners, a receipt signed by him for the amount of the interest so credited as if that amount had been a payment made by the trustees of the bank into the Fund on the 21st day of that month.

(3) In sub-paragraph (1) “the prescribed rate” means the rate for the time being fixed by order under paragraph 2(1).

Investment of money in the Fund⁹

Volume 1970–1972, page 103.

4.-(1) The Commissioners, subject to reserving such sums as they think fit, shall invest money paid into the Fund in the following securities namely –

- (a) securities issued by Her Majesty's Government in the United Kingdom or by Her Majesty's Government in Northern Ireland;
- (b) securities the payment of issue on which is guaranteed by Her Majesty's Government in the United Kingdom or by Her Majesty's Government in Northern Ireland.

(2) The interest on such investments shall also be invested under this paragraph.

(3) Without prejudice to section 17(2)(b) of the Interpretation Act 1978, any investments held by the Commissioners immediately before the commencement of this Act in accordance with section 36 of the Trustee Savings Banks Act 1969¹⁰ shall have effect as if made under this paragraph.

Power to hold cash balance in Bank of Ireland

5. Notwithstanding the provisions of paragraph 4, the Commissioners may in accordance with arrangements made by them with the bank of Ireland, pay any sums of money into the Bank of England to be placed to the credit of the Fund in the Bank of Ireland; and those sums shall be applied as if they had originally been paid into the Fund in the Bank of Ireland by the trustees of a trustee savings bank.

Withdrawal of sums from the Fund

6. The Commissioners with the concurrence of the Treasury may by statutory instrument make regulations as to the manner in which sums standing to the credit of a trustee savings bank in the books of the Commissioners may be withdrawn, the manner in which payments may be made on any such withdrawal and the manner in which a valid discharge is to be given to the Commissioners for any such payment.

Annual account as between Commissioners and trustee savings banks

7.-(1) The Commissioners shall annually make out an account in such form as the Treasury may direct with respect to the year ending on 20th November –

- (a) showing on the one side the interest accrued from the securities standing to the credit of the Fund; and
- (b) showing on the other side the interest paid and credited to trustee savings banks.

(2) The account shall, not later than 31st May in each year, be transmitted to the Comptroller and Auditor General.

Certain expenses to be defrayed out of surplus income of the Fund

8.-(1) The Commissioners shall in every year, out of the amount by which the gross amount of the interest accrued during the preceding year on the securities standing to the credit of the Fund appears by the account under paragraph 7 to have exceeded the gross amount of

¹⁰ Volume 1970–1972, page 105.

interest paid and credited in that year to trustee savings banks, apply in accordance with the directions of the Treasury, such sums as the Treasury may from time to time authorise towards defraying the expenses incurred by the Commissioners in the execution of this Act.

(2) For the purposes of this paragraph the expenses incurred by the Commissioners in the execution of this Act shall be deemed to include –

- (a) such sum as, in the opinion of the Treasury, approximately represents the amount in each year of the accruing liability in respect of the benefits for which any officers or persons employed by the Commissioners in the execution of this Act will on their retirement become eligible under the Superannuation Act 1972;
- (b) such proportion of the salary, or of the said accruing liability in respect of superannuation benefits, of any officer or person who is so employed in part only in the execution of this Act as, in the opinion of the Treasury, is attributable to the execution of this Act;
- (c) any capital expenditure incurred in providing premises wholly used by the Commissioners for the purposes of this Act and such part of any such expenditure incurred in providing premises partly so used as was, in the opinion of the Treasury, incurred for those premises;
- (d) in the case of any premises occupied by the Commissioners wholly or partly for the purposes of this Act and in respect of which no rent is payable, such an amount as is estimated by the Treasury to represent the rental value of the premises or of the part of the premises used for those purposes, after allowing for any capital expenditure incurred as mentioned in paragraph (c) which has been charged to the Fund.

(3) If, in any case where any capital expenditure incurred as mentioned in subparagraph (2)(c) has been charged to the Fund, the premises in respect of which the expenditure was incurred are sold or cease to be used for the purposes of this Act, there shall be deducted from the amount thereafter chargeable to the Fund such sum as may be determined by the Treasury to represent the then value of the premises or of the part of the premises which was used for those purposes.

Adjustment of balances

9.-(1) Where the annual account mentioned in paragraph 7 shows that in the year for which the account is made up the gross amount of interest accrued from the securities standing to the credit of the Fund exceeded –

- (a) the gross amount of interest paid and credited during the year to trustee savings banks in pursuance of this Act, together with
- (b) a sum, to be determined by the Treasury, to provide against the depreciation in the value of the securities, and
- (c) any amount applied under paragraph 8(1)

the Commissioners shall cause the amount of the surplus to be paid out of the Fund into the Consolidated Fund in such manner as may from time to time be agreed between the Treasury and the Commissioners.

(2) If the Fund is insufficient to meet its liabilities the Treasury may, on being informed of this by the Commissioners, issue the amount of the deficiency out of the Consolidated Fund, and the Treasury shall certify the deficiency to Parliament.

Annual statement of liabilities of Government to banks

10.-(1) The Commissioners shall at the close of each year ending on 20th November, prepare a statement in such form as the Treasury may direct showing the aggregate of the liabilities of the Government to trustee savings banks and the nature and amount of the securities held by the Commissioners to meet those liabilities.

(2) The statement shall, not later than 31st May in each year, be transmitted to the Comptroller and Auditor General.

Account to be prepared by Commissioners

11.-(1) The Commissioners shall at the close of each year ending on 20th November prepare an account with respect to trustee savings banks containing such particulars and in such form as the Treasury may direct.

(2) The account shall, not later than 31st May in each year, be transmitted to the Comptroller and Auditor General.

Comptroller and Auditor General to report on certain accounts etc

12. The Comptroller and Auditor General shall each year examine, certify and report on the account transmitted to him under paragraph 7 or 11, and on the statement transmitted to him under paragraph 10, and shall lay copies of them, together with copies of his report, before each House of Parliament.

Commissioners' staff

13. The Commissioners may employ such clerks and other officers as may be necessary for the purposes of this Act; and the Minister for the Civil Service may determine the remuneration of those clerks or other officers.

Closure of the Fund

14.-(1) The Treasury may by order fix a limit on the sums which may be withdrawn in any period of six months ending on 20th November or 20th May by a trustee savings bank from the amount standing to the bank's credit in the Fund.

(2) At the end of the period of six months ending on 20th November or, as the case may be, 20th May immediately preceding the appointed day, the Commissioners shall pay to each trustee savings bank the amount (if any) standing to its credit in the Fund, together with any interest accrued thereon under sub-paragraph (1) of paragraph 3 from the date on which interest was last credited under sub-paragraph (2) of that paragraph to the date of payment.

(3) After paying each bank in accordance with sub-paragraph (2) of this paragraph, the Commissioners shall pay any surplus amount remaining in the Fund into the Consolidated Fund.

(4) Any order under this paragraph shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House or Parliament.

(5) The provisions of this paragraph shall cease to have effect on the appointed day.

(6) In this paragraph “the appointed day” means the day appointed for the closure of the Fund under section 53(1).

SCHEDULE 6**Section 55(1)****Consequential amendments****BANKERS' BOOKS EVIDENCE ACT 1879 (c.11)**

In subsection (1)(b) of section 9, as substituted by Schedule 6 to the Banking Act 1979, for "section 3 of the Trustee Savings Banks Act 1969" substitute "the Trustee Savings Banks Act 1981".

BANKRUPTCY ACT 1914 (c. 59)

In section 33(9), for "section 72 of the Trustee Savings Banks Act 1969" substitute "section 45 of the Trustee Savings Banks Act 1981".

AGRICULTURAL CREDITS ACT, 1928 (c. 43)

In section 5(7), in the definition of "Bank", as substituted by Schedule 6 to the Banking Act 1979, for "section 3 of the Trustee Savings Banks Act 1969" substitute "the Trustee Savings Banks Act 1981".

AGRICULTURAL CREDITS (SCOTLAND) ACT 1929 (c.13)

In section 9(2), in the definition of "Bank" as substituted by Schedule 6 to the Banking Act 1979, for "section 3 of the Trustee Savings Banks Act 1969" substitute "the Trustee Savings Banks Act 1981".

COMPANIES ACT 1948 (c. 38)

1. In section 398, for "the Trustee Savings Banks Act 1954 or the Trustee Savings Banks Act 1969" substitute "1954, 1969 or 1981".

2. In section 399, for subsection (8) substitute the following subsection –

“(8) A petition for winding up a trustee savings bank may be presented by the Trustee Savings Banks Central Board or by a commissioner appointed under section 35 of the Trustee Savings Banks Act, 1981 as well as by any person authorised under the other provisions of this Act to present a petition for winding up a company”.

PAYMENT OF WAGES ACT 1960 (c. 37)

In section 7(6)(a), for "1954" substitute "1981".

COMPANIES ACT (NORTHERN IRELAND) 1960 (c. 22) (N.I.)

1. In section 348, for "the Trustee Savings Banks Act 1954 or the Trustee Savings Banks Act 1969" substitute "1954, 1969 or 1981".

2. In section 349, for subsection (8) substitute the following sub-section –

“(8) A petition for winding up a trustee savings bank may be presented by the Trustee Savings Banks Central Board or by a commissioner appointed under section 35 of the Trustee Savings Banks Act 1981 as well as by any person authorised under the provisions of this Act to present a petition for winding up a company.”.

ADMINISTRATION OF ESTATES (SMALL PAYMENTS) ACT 1965 (c. 32)

1. In section 5(1) for “or to section 28(5) of the Trustee Savings Banks Act 1969” substitute “or to section 27(4) of the Trustee Savings Banks Act 1981”.

2. In section 6(3), for “or section 29 of the Trustee Savings Banks Act 1969” substitute “or section 28 of the Trustee Savings Banks Act 1981”.

INDUSTRIAL AND PROVIDENT SOCIETIES ACT 9(NORTHERN IRELAND) 1969 (c. 24) (N.I.)

In paragraph (b) of section 87(7), as added by Schedule 6 to the Banking Act 1979, for “section 3 of the Trustee Savings Banks Act 1969” substitute “the Trustee Savings Banks Act 1981”.

INCOME AND CORPORATION TAXES ACT 1970 (c. 10)

1. In section 304(5), as amended by paragraph 1 of Schedule 11 to the Finance Act 1980, for “section 95(1) of the Trustee Savings Banks Act 1969” substitute “section 54(1) of the Trustee Savings Banks Act 1981”.

2. In section 339(1) for “within the meaning of the section 95(1) of the Trustees Saving Banks Act 1969” substitute “as defined in section 54(1) of the Trustee Savings Banks Act 1981”.

FRIENDLY SOCIETIES ACT (NORTHERN IRELAND) 1970 (c. 31) (N.I.)

In section 39(1)(b), for “the Trustee Savings Banks Act 1954 or the Trustee Savings Banks act 1969” substitute “1954, 1969 or 1981”.

NATIONAL SAVINGS BANK ACT 1971¹¹

1. In section 21(3)(c)(i) for “1969” substitute “1981”.

2. In section 27, in the definition of “trustee savings bank”, for “the Trustee Savings Banks Act 1954, the Trustee Savings Bank Act 1969” substitute “1954, 1969 or 1981”.

FRIENDLY SOCIETIES ACT 1974¹²

In section 46(1)(a), for “the Trustee Savings Banks Act 1954 or the Trustee Savings Banks Act 1969” substitute “1954, 1969 or 1981”.

SOLICITORS ACT 1974 (c. 47)

¹¹ Volume 1970–1972, page 235.

¹² Volume 1975–1978, page 289.

Jersey Order in Council 15/1983

*Trustee Savings Banks Act 1981 (Channel Islands)
Order 1983*

In section 87(1), in paragraph (c) of the definition of “bank” for “section 3 of the Trustee Savings Banks Act, 1969” substitute “the Trustee Savings Banks Act 1981”.

SOLICITORS (SCOTLAND) ACT 1976 (c. 6)

In section 5(1), for “section 95 of the Trustee Savings Bank Act 1969” substitute “the Trustee Savings Banks Act 1981”.

HOME PURCHASE ASSISTANCE AND HOUSING CORPORATION GUARANTEE ACT
1978 (c. 27)

In paragraph 6 of the Schedule, for “1969” substitute “1981”.

CREDIT UNIONS ACT 1979 (c. 34)

In section 31(1), in paragraph (a) of the definition of “authorised bank”, for “section 3 of the Trustee Savings Banks Act 1969” substitute “the Trustee Savings Banks Act 1981”.

BANKING ACT 1979 (c. 37)

In section 50(1), in the definition of “trustee savings bank”, for “section 3 of the Trustee Savings Banks Act 1969” substitute “section 54(1) of the Trustee Savings Banks Act 1981”.

HOME PURCHASE ASSISTANCE (NORTHERN IRELAND) ORDER 1979 (1979/1043)
(N.I. 13)

In paragraph 3 of the Schedule, for “1969” substitute “1981”.

FINANCE ACT 1980 (c. 48)

In paragraph 8 of Schedule 11, in the definition of “trustee savings bank”, for “1969” substitute “1981”.

SCHEDULE 7**Section 55(2)****Transitional provisions and savings****General provisions**

1. Any enactment or other document whatever referring to an enactment repealed by this Act, by the Trustee Savings Banks Act 1969¹³ or by the Trustee Savings Banks Act 1954 shall, so far as may be necessary for preserving its effect, be construed as referring (or as including a reference) to the corresponding provision of this Act.

2. Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

3. Any reference in this Act (whether express or implied) to a thing done or falling to be done under a provision of this Act shall, so far as the context permits, be construed as including, in relation to times, circumstances and purposes in relation to which the corresponding provision repealed by this Act had effect, a reference to a thing done or falling to be done under that corresponding provision; and where that provision was itself a re-enactment of an earlier provision such references shall extend in the same way to that earlier provision, and so on.

Appointments of first members of Central Board

4. Any person who was, immediately before the commencement of this Act, a member of the Central Board having been appointed a member by a trustee savings bank falling within paragraph (a)¹⁴ of paragraph 2(4) of Schedule 1 to the Trustee Savings Banks 1976 (banks eligible to appoint first members of the Board) shall, notwithstanding the repeals made by this Act, continue to be a member of the Board as if he had been appointed under paragraph 1(1)(a) of Schedule 2 to this Act.

Loans on real security

5. Nothing in the repeal by this Act of subsections (3) and (4) of section 1 of the Trustee Savings Banks Act 1978¹⁵ shall affect the continued operation of those subsections in relation to loans on real security (within the meaning of that section) made by trustee savings banks before the commencement of this Act.

Amounts disposable on death without representation

6. In its application in relation to any death occurring before 10th August, 1975, section 27(4) shall have effect as if for the reference to £1,500 there were substituted a reference to the amount applicable in relation to that death immediately before the commencement of this Act by virtue of any enactment corresponding to that subsection and then in force.

Returns under section 33(1)

¹³ Volume 1975–1978, page 78.

¹⁴ Volume 1975–1978, page 231.

¹⁵ Volume 1979–1981, page 10.

7. On such day, as the Treasury may by order made by statutory instrument appoint section 33(1) shall have effect with the substitution of words “the Registrar” for the words “the Commissioners” in both places where they occur.

Superannuation schemes

8. In so far as any provisions of sections 75, 76 and 78 to 82 of the Trustee Savings Banks Act 1969¹⁶ or of any instruments made thereunder had effect immediately before the commencement of this Act in accordance with subsection (5) of section 30 of the Trustee Savings Banks Act 1976¹⁷ as if they constituted a scheme under subsection (2) of that section, they shall, notwithstanding the repeals made by this Act, continue to have effect (with any necessary adaptations and modifications) as if they constituted a scheme under section 46(2) of this Act, and may be revoked or amended accordingly.

Withdrawal of sums from Fund for the Banks for Savings

9.-(1) Until such time as paragraph 6 of Schedule 5 is repealed by an order under section 53(3), section 48 shall have effect as if there were added at the end of the section the words “but shall not affect anything contained in any regulations made by the Commissioners under paragraph 6 of Schedule 5”.

(2) Nothing in section 51 applies in relation to any liability arising by virtue of paragraph 14 of Schedule 5.

Transfer of stock registered in parts of National Savings Stock Register kept by trustee savings banks

10. Nothing in the repeals made by this Act shall affect the continued operation of the provisions of section 33 of the Trustee Savings Banks Act 1976¹⁸ until such time as the stock registered in the parts of the National Savings Stock Register kept by trustees of trustee savings banks has been transferred to the Director of Savings in accordance with an order under subsection (2) of that section.

Amendments made by Banking Act 1979

11. If at the commencement of this Act the amendment made by Schedule 6 to the Banking Act 1979 in the case of any of the following enactments, namely –

- (a) the Bankers’ Books Evidence Act 1879;
- (b) the Agricultural Credits Act 1928;
- (c) the Agricultural Credits (Scotland) Act 1929; and
- (d) the Industrial and Provident Societies Act (Northern Ireland) 1969,

is not in force, then the amendment to that enactment (as so amended) contained in Schedule 6 to this Act shall not come into force until such time as the amendment made by Schedule 6 to the Banking Act 1979 has been brought into force under section 52(3) thereof.

¹⁶ Volume 1970–1972, pages 130, 131, and 133 to 137.

¹⁷ Volume 1975–1978, page 231.

¹⁸ Volume 1975–1978, page 233.

Saving of amendments etc

12. Notwithstanding the repeals made by this Act –
- (a) the amendments made by paragraphs 1, 3, 4 to 7, 19 and 20 of Schedule 5 to the Trustee Savings Banks Act 1976¹⁹ (“the 1976 Act”) shall, subject to subparagraph (b) of this paragraph continue to have the same effect as they had immediately before the commencement of this Act (any reference to section 95(1) of the Trustee Savings Banks Act 1969²⁰ being read as a reference to section 54(1) of this Act);
 - (b) if any of those amendments, or any repeal in the National Debt Act 1972 contained in Schedule 6 to the 1976 Act was not in force immediately before the commencement of this Act it may be brought into force on or after that commencement by means of an order under section 38 of the 1976 Act as if this Act had not come into force.

Other Savings

13. Notwithstanding the repeals made by this Act, the moneys received by the Central Board under section 23(1) of the Trustee Savings Banks Act 1976²¹, being moneys formerly standing to the credit of the closed banks fund under section 65 of the Trustee Savings Banks Act 1969²² shall continue to be subject to any claim that may be substantiated on account of any depositor in a closed bank up to the amount of money (if any) carried in that fund on account of the bank.

14. Nothing in the repeals made by this Act shall affect –
- (a) the savings on the repeal of section 11(4) of the Trustee Savings Banks Act 1969²³ (“the 1969 Act”) contained in section 10(3) of the Trustee Savings Banks Act 1976²⁴ (“the 1976 Act”);
 - (b) the savings on the repeal of sections 53, 54 and 62 of the 1969 Act²⁵ contained in sections 15 and 21(1) of the 1976 Act²⁶;
 - (c) the savings on the repeal of any of sections 75 to 82 of the 1969 Act²⁷ contained in section 30(6) or 32(2) of the 1976 Act²⁸; or
 - (d) the savings on the repeal of section 19(2)(b) of, and paragraph 65 of Schedule 2 to, the Pensions (Increase) Act 1971 contained in paragraphs 17 and 18 of Schedule 5 to the 1976 Act²⁹.

¹⁹ Volume 1975–1978, pages 246 and 249.

²⁰ Volume 1970–1972, page 142.

²¹ Volume 1975–1978, page 227.

²² Volume 1970–1972, page 125.

²³ Volume 1970–1972, page 89.

²⁴ Volume 1975–1978, page 221.

²⁵ Volume, 1970–1972, pages 116 and 123.

²⁶ Volume 1975–1978, pages 223 and 226.

²⁷ Volume 1970–1972, pages 130 to 137.

²⁸ Volume 1975–1978, page 232 and 233.

²⁹ Volume 1975–1978, page 249.

15. Nothing in the repeals made by the Trustee Savings Banks Act 1954 shall affect
- (a) the application of an Act passed in the 59th year of the reign of King George the Third intituled an Act for the Protection of Banks for Savings in Scotland to any savings bank established under that Act before 28th July, 1863 unless and until that bank becomes a trustee savings bank; or
 - (b) the savings on the repeal of section 12 of the Trustee Savings Banks Act 1863 contained in section 12 of the Savings Banks Act 1949.

SCHEDULE 8**Section 55(3)****Repeals**

Chapter	Short title	Extent of repeal
1969 c. 50	Trustee Savings Banks Act 1969 ³⁰	The whole Act.
1972 c. 41	Finance Act 1972	Section 133
1976 c. 4	Trustee Savings Banks Act 1976 ³¹	The whole Act
1978 c. 16	Trustee Savings Banks Act 1978 ³²	The whole Act

³⁰ Volume 1970–1972, page 78.

³¹ Volume 1975–1978, page 213.

³² Volume 1979–1981, page 10.