

TRINIDAD AND TOBAGO.

No. 22 — 1918.

I ASSENT,

[L.S.]

J. R. CHANCELLOR,
Governor.

3rd December, 1918.

AN ORDINANCE to consolidate the law relating to the Government Savings Bank and to provide for the transfer of the said Bank to the control of the Postmaster-General.

[By Proclamation.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Savings Bank Short Title. Ordinance, 1918.

2. In this Ordinance, unless the context otherwise Interpreta- requires, the term— tion.

“Depositor” includes a person or any body of persons whether corporate or not for whose benefit a deposit is made, and a person entitled to a deposit as personal representative of a deceased depositor;

“Depositor’s Book” includes any book issued in continuation of any depositor’s book or books previously issued;

“First Deposit” includes any deposit by which a new account is opened;

“Prescribed” means prescribed by regulations made under this Ordinance;

“Savings Bank” means the Post Office Savings Bank established under this Ordinance.

Transfer of
Government
Savings Bank
to Post Office.

3. On the commencement of this Ordinance the Government Savings Bank and the Branches thereof established, maintained and carried on under the Ordinances repealed by this Ordinance shall be transferred to, maintained and carried on under the management and control of the Postmaster-General, and all the powers, rights and authorities vested in and the duties, liabilities and obligations imposed upon the Chief Manager and the Board of Management by the said Ordinances shall be transferred to, vested in and imposed upon the Postmaster-General, and the said Board shall be dissolved.

Postmaster-
General may
appoint
Savings Bank
Post Offices.

4. The Postmaster-General may from time to time with the approval of the Governor appoint any Post Office a Savings Bank Post Office, at which deposits may be received and payments made, and may with the like approval appoint officers to receive deposits and make repayments.

Power to
receive and
repay deposits

5.--(1.) The Postmaster-General and any person duly appointed for the purpose at any Post Office, shall, subject to the provisions of this Ordinance, receive deposits and repay the same. Such deposits shall be of money or by means of postage stamps in such manner and form and subject to such conditions as may from time to time be prescribed, and such deposits when duly received and entered in the Depositor's Book according to this Ordinance shall constitute a debt due from His Majesty the King to the depositor.

(2.) The Postmaster-General may refuse to receive any sum tendered as a deposit, and may return a deposit with interest accrued due at any time, should he see fit to do so.

6.—(1.) Every depositor in the Savings Bank on making his first deposit shall receive a depositor's book, free of charge, in which shall be entered the deposit so made and every subsequent deposit.

(2.) Every depositor in the Savings Bank shall, on making a first deposit, and whenever thereafter he is required to do so, state his name in full, his occupation and his residence to the proper officer, and shall subscribe with his name, or his mark if he is unable to write, a declaration that he is not already a depositor in the Savings Bank; and such declaration shall be witnessed by the officer aforesaid, or by some person known to such officer, or by some Minister of Religion, Justice, or officer of the Immigration Department resident in the district in which the depositor resides, or by any other person approved by the Postmaster-General in that behalf.

(3.) Where a deposit is made in the Savings Bank, the entry of such deposit in the depositor's book shall be attested by the date stamp of the Post Office at which the deposit is made, and the amount of the deposit shall be reported without delay to the Postmaster-General; and in the case of all deposits other than those in the Head office, the Postmaster-General shall forthwith send by post to the depositor, to his residence or to such other address as he may notify at the time of making the deposit, an acknowledgment that the deposit has been received and placed to the credit of the depositor.

(4.) It shall be lawful for a depositor to add to his deposits or to withdraw the whole or any part thereof, at any Savings Bank Post Office, without change of his depositor's book.

(5.) Where demand is made by a depositor for the repayment of a deposit made in the Savings Bank, the authority of the Postmaster-General for such repayment shall be forthwith transmitted to the depositor.

(6.) Every payment made to a depositor by any officer of the Savings Bank shall be entered by him at the time in the depositor's book, and the entry of such payment shall be attested by such officer and by the date stamp of his office.

Postmaster-
General to pay
deposits to
Receiver-
General.

7. Deposits received by the Postmaster-General under this Ordinance, which are not required to meet withdrawals at the Head office, Port-of-Spain, shall from time to time be deposited with the Receiver-General, who shall keep an account of all such moneys so paid to him.

Secrecy as to
depositors.

8. No officer of or person employed in the Post Office Department shall disclose, except by direction of a Judge of the Supreme Court, the Commissioner of the Port-of-Spain District Court, a Judge of a Petty Civil Court or a Magistrate in any proceeding, civil or criminal, or except by direction of the Governor, the name of any depositor or the amount deposited or withdrawn by him.

Amount of
deposits.

9. A deposit shall not be less than one shilling.

Interest.

10. Subject to the provisions of this Ordinance, interest shall be payable upon the amount at any time standing to the credit of a depositor at the rate of Three Pounds per centum per annum. Such interest shall commence upon any deposit on the first day of the month next after the deposit is made, and shall terminate on any sum withdrawn on the last day of the month preceding such withdrawal, but no interest shall be calculated on any fraction of a pound.

On the first day of January in every year the interest due up to and on the preceding thirty-first day of December shall be added to the principal.

Interest on
sums over
£500.

11. Subject as herein provided, if any deposit exceeds in amount the sum of £500, no interest shall be paid on such excess. Provided that interest shall be payable on any deposits made to the credit of the Land Assurance Fund, or by the Protector of Immigrants to the credit of the Immigrants' Repatriation Fund, or by the Registrar of the Supreme Court under the Supreme Court Funds Investment Ordinance (No. 49), and on any deposit not exceeding £1,000 made by the Managers, Trustees, Treasurers or other officers for the time being of any Penny Savings Bank or any other Charitable or Provident Institution or Society or charitable donation or bequest for the maintenance, education or benefit of the poor, or any Friendly Society legally enrolled and certified in the manner required by the Friendly Societies Ordinance, 1917.

The receipt of the Treasurer, Manager, Trustee or other officer for the time being of any such Penny Savings Bank, Charitable or Provident Institution or Society or of any Friendly Society legally enrolled and certified as aforesaid for any money paid according to the requisition of such Treasurer, Manager, Trustee or other officer apparently authorized to require such payment, shall be a sufficient discharge for the same.

12.—(1.) Deposits may be made in the name of one person as trustee of another person, whose name shall also be entered in the title of the account, and it shall not be an objection to such an account that the Trustee is himself a depositor in the Savings Bank. Repayment of such deposits or any part thereof shall be made upon the receipt of the persons named in the title of the account or of the survivors or survivor among such persons. Where nevertheless any person named in the trust account has become insane or bankrupt or where from any other cause the receipt of such person cannot conveniently be obtained, repayment of such deposits or any part thereof may be made upon the receipt of the other persons or person named in the account, if in the opinion of the Governor such repayment is expedient.

Deposits in trust.

Provided that no money shall under the provisions of this section be received on deposit from or paid on withdrawal to any person who appears to be under the age of seven years.

(2.) Deposits may be made in the joint names of two or more persons, and repayment of the same or any part thereof shall be made only in the joint receipt of all the persons named in the title of the account. In the event of the death of any joint depositors, the money shall be payable to the survivor or survivors.

Joint deposits.

13. If the person or persons entitled to the payment of any deposit demand in the prescribed manner payment of the whole or any part of such deposit to his or their credit, he or they shall be entitled to payment within fifteen days after demand.

Depositor entitled to payment within 15 days.

Notice of withdrawal of over £500.

14. Regulations made by the Governor under this Ordinance may provide for the notice to be given by any depositor before withdrawing any sum exceeding £500 standing to the credit of such depositor in the Savings Bank, and may specify the length of notice to be given according to the amount of such deposits.

Payments to be to depositor personally or his attorney.

15. Except as otherwise herein provided, money deposited in the Savings Bank shall not be repaid unless to the depositor personally or to some person appointed by the depositor by letter of attorney in such form as may from time to time be approved by the Postmaster-General.

Supreme Court may order payment of deposits.

16. Where any depositor or person whose consent is necessary to the withdrawal of a sum from the Savings Bank is under any disability, the Supreme Court or any Judge thereof may on application, order such sum to be paid to the depositor or otherwise applied for his benefit. Any such application may be made by summons in Chambers or otherwise as the Court may direct.

Deposits by infants.

17. Infants seven years of age and upwards may deposit money in their own names and withdraw the same together with any interest that may accrue thereon. Deposits may also be made by parents and guardians for the benefit of infants under the age of seven years; and such deposits with the interest that may have accrued thereon shall not be repayable until the infant shall have attained the age of seven years; but in the event of death before the age of seven years, the money shall be payable on a month's notice to the person who shall have deposited the same or to his personal representative, on the production of evidence as to death in the same manner as in the case of a deceased depositor.

Deposits of married women.

18. It shall be lawful to pay any sum of money in respect of any deposit made by or on behalf of any married woman, whether made before or after her marriage, upon the receipt of such woman, which notwithstanding her coverture, shall be a sufficient discharge without the concurrence of her husband, except in respect of any deposit as to which her husband before such payment proves in the

prescribed manner that the same was made after the marriage with his money, and requires that payment be not made otherwise than as he directs.

19. Payment of any deposit according to any probate of a will or letters of administration actually granted by the Supreme Court and appearing to be in force shall discharge His Majesty the King His Heirs and Successors and the Government of the Colony as against the executors and administrators of such deceased depositor and all other persons whomsoever, notwithstanding that such probate or letters of administration may be revoked or otherwise invalid, but nevertheless all persons lawfully entitled to such deposit shall have remedy against the persons who receive the same.

Payments
under
Probate or
letters of
administra-
tion.

20. Any depositor in the Savings Bank may by appointment in writing (which may be in the form in the Schedule to this Ordinance) signed or acknowledged in the presence of such persons as may from time to time be nominated for the purpose by the Postmaster-General and left with such person, direct that the whole or any part of the balance which may be standing to the credit of the depositor at the time of his death, or that out of such balance a sum not exceeding £300, shall in case of his dying intestate, be paid to the beneficiary named in such appointment.

Appointments.

An appointment of any deposit under this section shall be inoperative so far as it is inconsistent with a subsequent appointment, and shall be revoked by the death of the appointee in the lifetime of the depositor or by the marriage of the depositor.

It may also be revoked by the depositor by writing endorsed on the appointment and signed or acknowledged in such manner as would be sufficient for an appointment of the same deposit.

The Postmaster-General shall enter in proper books the prescribed particulars in reference to such appointments.

21. Where an appointment has been made under the provisions of Section 20 of this Ordinance and the Postmaster-General has no notice of the claim of any creditor of

Operation of
appointment.

the depositor, the Postmaster-General shall pay the beneficiary named in such appointment, if in force at the time of his death, according to the directions of such appointment, and the receipt of any such beneficiary shall be a good discharge to the Postmaster-General for the sum so paid.

Payment of debts out of appointed deposits.

22. Where on the death of a depositor who has made an appointment under Section 20 of this Ordinance the Postmaster-General has notice of a claim of any creditor against the estate of the depositor, and the estate, apart from the amount appointed, is not sufficient to satisfy the claim, the Postmaster-General may, in his discretion, apply the amount appointed in or towards the satisfaction of the claim, but, subject as aforesaid, any payment made by the Postmaster-General to the person appointed, shall be a valid payment and the receipt of the person appointed shall be a good discharge to the Postmaster-General for the sum so paid.

Estate duty.

23. In every such case as aforesaid where the total estate of the deceased depositor, including the sum to which the appointment relates but after deduction of debts and funeral expenses, exceeds £100, the Postmaster-General shall before making any payment to any beneficiary, require production of a certificate from the Receiver-General of the payment of estate duty or that no estate duty is payable.

Deceased depositors. Sums under £100.

24.—(1.) Where the whole amount due to a depositor at the time of his decease does not exceed £100 exclusive of interest, and probate of the will of such depositor or letters of administration of his estate and effects is not or are not produced within such time as the Postmaster-General thinks reasonable, if such depositor has made no appointment and so far as any appointment does not extend, the Postmaster-General may without requiring probate of the will or letters of administration of the estate and effects of the deceased depositor, in his discretion, with the sanction of the Governor pay or distribute the amount so due as aforesaid to or among any of the persons hereinafter described or indicated, that is to say :—

(a.) Any person who has paid the funeral expenses of the depositor ;

- (b.) Creditors of the depositor ;
- (c.) The widow or widower of the depositor ;
- (d.) The persons entitled to the effects of the depositor according to the Administration of Property Ordinance, 1913 ;
- (e.) The person entitled to take out probate of the will or letters of administration to the estate of the depositor ;
- (f.) In the case of foreign seamen, the Consular authority of any country with whom a treaty has been made relative to the payment of moneys due to such seamen ;
- (g.) Any person undertaking to maintain the children of the depositor ;
- (h.) The Administrator-General, if the estate of the depositor has devolved upon the Crown.

(2.) In making such payment and distribution as aforesaid, the Postmaster-General shall have regard to the rules of law regulating the distribution of the estates of intestates, but he may nevertheless when he considers that injustice, hardship or inconvenience would result from adherence to such rules, subject to the approval of the Governor, make such payment and distribution otherwise than in accordance with such rules.

(3.) The receipt of any of the persons mentioned in this section shall be a good discharge to the Postmaster-General for the sum paid, and any such receipt may be signed by the widow, widower, or next of kin above the age of sixteen years, notwithstanding that she or he has not attained the age of twenty-one years.

25. Where a depositor dies intestate and without next of kin, the Governor, if he thinks fit, may, subject to any appointment under this Ordinance made by the deceased depositor, direct the payment of any amount in a Savings Bank to which such depositor is entitled, or any part thereof, to the person or amongst the persons who, in case the depositor or some natural relative of the depositor had been lawfully begotten, or who, in case some natural child or

Power to pay money of deceased depositor to natural relatives.

remoter issue of the depositor had been lawful issue, would be entitled to the personal estate of the depositor according to the law regulating the distribution of the estates of intestates, or to or among some one or more of such persons, exclusively of the others or other of them, in such shares as the Governor thinks fit, and such amount or part shall be paid by the Postmaster-General accordingly upon the warrant of the Governor.

Interest after death of depositor.

26. The interest accruing upon any deposit between the death of the depositor and the time of repayment shall be paid to the person entitled to such deposit, or if there are more such persons than one, to such persons in proportion to their shares in the deposit.

Deposits not received by Postmaster-General.

27. Deposits received by any person other than the Postmaster-General shall be dealt with in such manner as may be approved by the Governor.

Unclaimed deposits.

28. In the case of any depositor's account, if for the period of ten years no money is deposited or drawn out, then after the expiration of such period

- (1.) No interest shall be payable upon the amount standing to the credit of such account, and
- (2.) The Postmaster-General may advertise the account according to this section.

Such advertisement shall be published once in the *Royal Gazette* and shall, so far as it is practicable, state the title of the account and the amount standing to the credit of it, and shall give notice to the effect that unless a claim to the amount aforesaid is established on or before an appointed day to the satisfaction of the Postmaster-General, the amount will be transferred to the Profit and Loss Account of the Bank. A notice containing a copy of such advertisement shall be sent at the time of the publication of such advertisement to the depositor at his last known address, and copies of such notice shall be posted up at all Savings Bank Post Offices. If no such claim is established as aforesaid, and subject to any such claim that may be so established, the Governor may at any time after the appointed day, by Warrant under his hand, order the

Postmaster-General to transfer the amount to such Profit and Loss Account. The appointed day shall be distant not less than six months from the publication of the said advertisement.

29. If at any time after an amount standing to the credit of a depositor has been transferred to the Profit and Loss Account under this Ordinance, any claimant establishes to the satisfaction of the Governor a claim to the whole or any part thereof, the Governor may, by warrant under his hand, order the Postmaster-General to pay to such claimant a sum specified in such warrant, being the whole or any part of the amount aforesaid, according as such claimant appears entitled. Grants from lapsed deposits.

Any payment under this section shall exonerate from all liability in respect of the deposit or part of it so paid, His Majesty the King His Heirs and Successors and the Government of this Colony; nevertheless, if erroneously made, the person truly entitled shall have as against the person to whom the payment is made to the extent of such payment the like remedy as he might have had against His Majesty the King His Heirs and Successors or the Government of this Colony in cases such payment had not been made.

30.—(1.) The Postmaster-General may enter into an arrangement with the Postmaster-General in England for the transfer of sums standing to the credit of depositors from a Post Office Savings Bank in the United Kingdom to the Savings Bank in this Colony, or from the Savings Bank in this Colony to a Post Office Savings Bank in the United Kingdom. Transfer of deposits to or from English Savings Bank.

(2.) Whenever such an arrangement has been made, the Postmaster-General may place any amount transferred in pursuance thereof to the Savings Bank in this Colony, to the credit of a depositor's account in that Bank.

(3.) Regulations made by the Governor under this Ordinance may provide for any matters necessary to give effect to transfers authorized in pursuance of this section.

31. All moneys received by the Postmaster-General under this Ordinance, after retaining a reasonable sum for the purpose of repayments, shall be invested in such names Investments of deposits.

and upon such one or more of the class of investments allowed as the Governor directs, and the Governor may from time to time direct any investments made under this section to be sold and converted into money, and the moneys so arising shall be paid to the Postmaster-General and applied by him in repaying deposits according to this Ordinance.

The following is the class of investments allowed:—

- (1.) Any of the Public Stocks or Funds of the United Kingdom or India, or any Colony or Dependency of the United Kingdom.
- (2.) Any Stocks, Debentures, Bonds, Mortgages or securities whereon the interest or dividends or a minimum rate of interest or dividend is guaranteed by the Government of the United Kingdom or India, or any Colony or Dependency of the United Kingdom, and
- (3.) Any investment upon which cash under the control of the Chancery Division of the High Court of Justice in England may be invested.

Depositor not to have more than one account.

32.—(1.) It shall not be lawful for any person to have more than one account in the Savings Bank.

If any person at any time has more than one account in the Savings Bank, he shall be liable to forfeit any amount illegally deposited, either as to the whole thereof or to such extent as the Postmaster-General may think just in the circumstances of the case, and any money so forfeited shall be paid into the Treasury for public uses.

(2.) It shall be lawful for the Postmaster-General to provide for the addition of one or more names to an account already opened in the Savings Bank, and the addition of such names shall not be deemed to be the opening of a new account.

Protection of Postmaster-General.

33. When any payment is made on presentation of a depositor's book, or without the production thereof where there is satisfactory proof that the depositor or other claimant is entitled to receive the sum in deposit, or when any act is done by the Postmaster-General in accordance

with this Ordinance and the Regulations for the time being in force hereunder, he shall be indemnified against all claims on the part of any person in respect of such payment or act, but any person may nevertheless recover any sum lawfully due to him from the person to whom the Postmaster-General has paid any such sum.

34. A separate account shall be kept by the Postmaster-General of all receipts, investments, sales and repayments under this Ordinance, and a balance sheet of such account from the first day of January to the thirty-first day of December in every year shall be laid before the Legislative Council. Accounts and balance sheet.

35. It shall be lawful for the Governor from time to time to order the repayment into the General Revenue of the Colony from the profits of the Savings Bank, if any, of such sums as may have been paid from the General Revenue for the salaries of the officials of the Savings Bank or for the expenses necessary for the working of the Savings Bank. Salaries and expenses.

36. The Governor may make Regulations prescribing the several matters required by this Ordinance to be prescribed by him, or otherwise for giving effect to this Ordinance. All such Regulations shall be published in the *Royal Gazette*. Regulations.

37. The Savings Banks Ordinance (No. 146), the Savings Banks Ordinance 1905, (No. 12 of 1905), the Savings Banks Ordinance 1906, (No. 5 of 1906), and the Savings Banks Ordinance 1914, (No. 33 of 1914) are hereby repealed. Repeal.

38. This Ordinance shall commence on a day to be fixed by the Governor by Proclamation in the *Royal Gazette*. Commencement.

Passed in Council this Fifteenth day of November, in the year of Our Lord one thousand nine hundred and eighteen.

J. M. FARFAN,
Acting Clerk of the Council.

1.1.19
170-105/18

 SCHEDULE.

TRINIDAD AND TOBAGO.

To the Postmaster-General.

I, _____ of _____
 a depositor in the Savings Bank, do hereby appoint and direct that all moneys
 (or the _____ part of, or the sum of £
 out of any moneys) which may be standing in the Savings Bank to my credit at
 the time of my death shall, in case of my dying intestate, be paid to (name and
 description of the appointee) :—

Dated this _____ day of _____ 19____

Signed (or acknowledged) by the said _____

J.S.

in presence of _____
