CHAPTER 51.

An Act to extend the Acts relating to the purchase of small Government Annuities and to assuring payments of money on death. [18th August 1882.]

A.D. 1882.

WHEREAS under the Government Annuities Acts, 1829 to 1873, the National Debt Commissioners are authorised either directly or through the medium of a savings bank to grant annuities and to contract for payments on death within the limits and subject to the conditions in the said Acts mentioned, and it is expedient to make further provision respecting such annuities and contracts:

10 Geo. 4. c. 24. 2 & 3 Will. 4. c. 59. 3 & 4 Will. 4. c. 24. 16 & 17 Vict. c. 45. 27 & 28 Vict. c. 43, &c.

Be it therefore 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:—

Short title and construction.

1. This Act may be cited as the Government Annuities Act, 1882.

This Act and the Government Annuities Acts, 1829 to 1873, may be cited together as the Government Annuities Acts, 1829 to 1882.

This Act shall be construed as one with the Government Annuities Act, 1864.

The Act of the session of the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, chapter forty-six, intituled "An Act to provide for the investment and appropriation "of all moneys received by the Commissioners for the Reduction "of the National Debt on account of deferred life annuities and "payments to be made on death," is in this Act referred to and may be cited as the Government Annuities (Investments) Act, 1864.

Limit of grant of annuities.

2. An annuity granted to any one person under the Government Annuities Acts, 1853 and 1864, as amended by this Act (in this Act referred to as a savings bank annuity), may be of any amount not exceeding one hundred pounds a year.

A.D. 1882.

Any such annuity may be granted to any person not under the age of five years.

Contract for endowments and definition of insurance.

3. The National Debt Commissioners may, subject to the limits in this Act mentioned, contract with any person for a payment to be made on the attainment by such person of a specified age, or sooner in case of his death, and the Government Annuities Acts, 1853 and 1864, as amended by this Act (including the provisions punishing false declaration, forgery, and other offences), shall apply in like manner, so far as is consistent with the tenour thereof, as if such contract were a contract for the payment of a sum of money on death; and a contract with a person under the said Acts as amended by this Act for either any such payment to him as above in this section specified, or for a payment at his death, is in this Act referred to as a savings bank insurance.

Limits of insurance.

4. A savings banks insurance granted to one person may be for any amount not exceeding one hundred pounds.

(2.) A savings banks insurance may be granted to a person not over the age of sixty-five years and not under the age of fourteen years, or if the amount does not exceed five pounds, not under the age of eight years.

Tables for annuities and insurances.

5. (1.) The Treasury may on the passing of this Act cause tables to be constructed for the grant of savings banks annuities and insurances.

(2.) Every such table when approved by the Treasury shall, together with a statement of the rules observed in constructing it, be laid before both Houses of Parliament for not less than thirty days, and if any address is presented to Her Majesty by either House of Parliament praying that such table may be cancelled, the table shall be cancelled without prejudice to the framing of another table in lieu of the table so cancelled.

(3.) After the expiration of the said thirty days the Treasury may cause the table, if not cancelled as above provided, to be published in the London Gazette, and the table shall come into operation on the day of that publication or such later day as may be fixed by the Treasury.

(4.) The tables shall be framed in such manner that the fund formed by the receipt of sums in respect of deferred annuities and of insurances and the amounts paid for immediate annuities shall respectively be adequate (after payment of expenses) to meet all claims without causing any loss to the Exchequer.

(5.) The tables shall be framed so that the payments to obtain the annuities and insurances may be made in one sum or in annual

or more frequent instalments, and may be made during life or during a limited period.

(6.) The tables may also provide for such variations in the rates for and conditions of annuities and insurances and such surrender of insurances and such other matters as may seem expedient.

(7.) The Treasury may from time to time cause a new table to be constructed under this Act in lieu of any then existing table, and such table shall be laid before Parliament and be subject to be cancelled and be published in manner above provided by this section.

(8.) All savings banks annuities and insurances shall be granted in accordance with the tables for the time being in force in pursuance of this Act, and upon any new table made under this section coming into operation, any previously existing table in lieu of which such new table is expressed to be made shall, whether made before or after the passing of this Act be revoked without prejudice nevertheless to any annuity or insurance granted in accordance therewith.

(9.) If the fund formed by the receipt of sums in respect of insurances is so much in excess of the liabilities that it is possible to reduce the payments made to obtain insurances, and a new table is made under this section for that purpose, the Treasury may provide for giving to the persons entitled to insurances in force at that time such portion of the surplus of the said fund as seems just in such manner as seems expedient.

Regulations.

6. The regulations made in pursuance of section sixteen of the Government Annuities Act, 1864, shall provide:—

(*a.*) For proofs of age, of identity, and state of health, and such other matters as appear necessary or proper for the grant of annuities and insurances, and in the case of an insurance for such sum not exceeding twenty-five pounds as may be fixed by the regulations, for diminishing the amount to be paid to the insured in the event of any regulation as to medical certificates or any other matters having been dispensed with; and

(*b.*) For regulating the time and mode of making the payments to obtain savings banks annuities and insurances, whether granted before or after the passing of this Act, and enabling them to be made out of the deposits in a savings bank; and

(*c.*) For crediting the accounts of depositors in a savings bank with the sum due in respect of savings bank annuities or insurances granted to them either before or after the passing of this Act, or otherwise for regulating the mode of payment of such annuities or insurances, or of any annuities granted

A.D. 1882.

under any Acts repealed by the Government Annuities Act, 1853, and for regulating the receipts to be given for the same; and

(*d.*) For cancelling or varying contracts for the grant of annuities and insurances and correcting errors arising on any such grant; and

(*e.*) For enabling a person to whom an insurance is granted to nominate a person to whom the money due under such insurance, not exceeding fifty pounds, is to be paid on the death of such person, and for the discharge to be given for such money; and

(*f.*) In the case of minors under the age of twenty-one years for the making of contracts, the making of payments to obtain savings bank annuities and insurances out of the deposits in a savings bank, the giving of receipts and the doing of other acts on their behalf; and the contracts and payments so made, the receipts so given, and acts so done shall be valid and binding on the minor.

The regulations shall also make such provisions as seem to the authority making the same necessary or proper for making payments on the death of children under ten years of age subject to the provisions contained in section twenty-eight of the Friendly Societies Act, 1875, in like manner as if the same were the payments in that section mentioned.

38 & 39 Vict. c. 60.

Regulations may be made, in pursuance of the said section sixteen of the Government Annuities Act, 1864, as amended by this Act, by the National Debt Commissioners, with the approval of the Treasury, so far as regards any annuities and insurances granted by such Commissioners either directly or through any parochial or other society.

Application of Savings Banks Acts.

7. Subject to the provisions of this Act and of the regulations made under the Government Annuities Act, 1864, as amended by this Act, all enactments for the time being in force relating to savings banks, and all regulations made in pursuance of those enactments, shall, so far as is consistent with the tenour thereof, apply for the purposes of this Act, and a person to whom a savings bank annuity or insurance has been granted, either before or after the passing of this Act, shall be deemed for the purpose of those regulations and enactments to be a depositor in a savings bank.

Provided that—

(*a.*) for the purpose of the immediate purchase of a savings banks annuity or insurance, a deposit to an amount not exceeding the amount to be paid for such annuity or insurance may be

deposited in any one savings bank year, in addition to the maximum amount which otherwise is allowed to be deposited in a savings bank in that year, and

(*b.*) in computing the maximum amount of deposit allowable for a depositor in a savings bank, any deposit for the above-mentioned purpose and any sum credited to the account of a depositor in respect of any savings bank annuity or insurance shall not be reckoned, and it shall be lawful to credit the account of a depositor with any such deposit or sum: Provided that if, after such deposit or sum has been credited, the aggregate sum standing to the credit of a depositor exceeds the maximum amount which otherwise is allowed to be deposited in a savings bank, either in any one savings bank year or in the aggregate, such excess shall bear no interest, but shall be forthwith applied to the purpose for which it was deposited, or paid over to the depositor.

(*c.*) Nothing in the said Acts or this Act shall exempt any person obtaining or becoming entitled to a savings bank insurance from any probate or stamp duty payable by law.

Trust and joint account.

8. (1.) Notice of any trust express, implied, or constructive affecting any savings bank annuity or insurance (except such trusts as are from time to time recognised by law in relation to deposits in savings banks, and except such trusts as are provided for by section ten of the Married Women's Property Act, 1870, or any enactment now or hereafter to be passed relating to the property of married women,) shall not be entered upon any contract for such annuity or insurance, or in any deposit book relating thereto, or be receivable by the National Debt Commissioners or any savings bank.

33 & 34 Vict. c. 93.

(2.) A savings bank annuity or insurance depending on the life of any person may be granted to that person jointly with any other persons to an amount not exceeding in the whole the amount of the annuity or insurance which could have been granted to one person, and the said persons shall be deemed to be entitled to such annuity and insurance as joint tenants.

(3.) The National Debt Commissioners may permit the transfer of any annuity so granted to more persons than one under such regulations, as to such Commissioners seem fit, so however that the person on whose life such annuity is granted shall be transferee, or one of the transferees, and where it is granted on the joint lives of two or more persons, all of those persons, or such of those persons

A.D. 1882.

as the National Debt Commissioners think fit, shall be the transferees or included among the transferees.

Insane or incapacitated grantee.

9. Where any person entitled to a savings bank annuity or insurance is insane or otherwise incapacitated to act, then (subject to the conditions prescribed by the regulations under section sixteen of the Government Annuities Act, 1864, as amended by this Act) payment of such annuity or insurance may be made at such times and in such sums and to such persons as may seem proper, and the receipt of the said persons shall be a good discharge for the same.

Amendment of 27 & 28 Vict. c. 43. ss. 8 and 11. as to surrender of policy or assignment of policy after payment of five years premium.

10. Whereas by the Government Annuities Act, 1864, it is provided that a person who has obtained a savings bank insurance, and has paid the premiums thereon for a period of not less than five years, may (under section eight) surrender his policy or obtain a return in respect of the premiums paid by him (not being less than one-third thereof) or obtain another savings bank insurance or annuity in lieu of such premiums, and (under section eleven) may assign his right and interest in such insurance, and it is expedient to amend the said section: Be it therefore enacted as follows:

A person who has obtained a savings bank insurance, and has paid the premiums thereon for not less than two years, shall have the same right under sections eight and eleven of the Government Annuities Act, 1864, as a person has who has paid the premiums for not less than five years, and sections eight and eleven of the said Act shall be construed as if "two years" were therein substituted for "five years," and so much of the said section eight as requires the amount returned to be not less than one-third of the premiums shall be repealed.

Forfeiture by person holding annuity or insurance exceeding the maximum or making false declaration.

11. (1.) If any one person by his own act holds or claims to be entitled to any savings bank annuities or insurances, whether granted before or after the passing of this Act, which exceed in the whole the maximum annuity or insurance allowed by this Act to be granted to any one person, such person shall be liable, in the discretion of the National Debt Commissioners, to forfeit the whole or any part of such annuities or insurances.

(2.) Any person who makes a false declaration in relation to any matter or thing required by the Government Annuities Act, 1853 and 1864, or by this Act, or by the regulations made in pursuance of the said Acts, or any of them, or produces any false declaration or certificate, shall be liable, in the discretion of the National Debt Commissioners, to forfeit the whole or any part of the savings

bank annuity or insurance to which such false declaration or certificate related or for the purpose of obtaining which it was made or produced, and all or any part of the money paid for obtaining such annuity or insurance, and the National Debt Commissioners may, in lieu of all or any part of such forfeiture, adjust the contract made by such person so as to be in accordance with what it would have been if such false declaration or certificate had not been made or produced.

(3.) If a person makes any such false declaration as aforesaid knowing the same to be false in any material particular, he shall, in addition to such forfeiture, be liable on conviction to imprisonment, with or without hard labour, for a period not exceeding twelve months.

Penalty for receiving annuity or insurance in fraud of the Commissioners.

12. (1.) If any person receives any payment in respect of any savings bank annuity after the death of the person at whose death such annuity is to cease, or receives the amount of any insurance payable at the death of a person before the death of that person, he shall be liable to pay to the National Debt Commissioners double the amount of the sum received, with interest thereon at the rate of five per cent. per annum from the date of the receipt: such sum shall be recoverable in a county court or any other competent court as a debt to Her Majesty.

(2.) If a person receiving any such money as above mentioned received the same with intent to defraud, he shall, in addition to the above-mentioned payment, be liable on conviction to imprisonment with or without hard labour for a period not exceeding twelve months.

Application and investments of sums paid for savings bank annuities or insurances.

13. (1.) All sums paid in order to obtain savings bank annuities and insurances shall be paid into the bank to the account of the National Debt Commissioners, and there carried to such account or accounts and under such title or titles as the National Debt Commissioners from time to time direct, but such current outgoings as herein-after mentioned may be defrayed thereout, either before or after such payment into the bank, and the application thereof herein-after mentioned shall be subject to such defraying of outgoings.

(2.) The sums paid for immediate annuities shall be forthwith applied in the purchase of government annuities (that is to say,) of perpetual bank annuities, terminable annuities, exchequer bills, exchequer bonds, or treasury bills, and the securities so purchased shall be forthwith cancelled, and cease to be charged on the Consolidated Fund.

(3.) All immediate annuities granted under this Act shall be charged on the Consolidated Fund and issued thereout, or out of

A.D. 1882.

the growing produce thereof, at such times as the Treasury may from time to time direct with a view to the due payment thereof to the persons entitled thereto.

(4.) The Government Annuities (Investments) Act, 1864, shall apply to all sums paid into the bank as aforesaid, other than amounts applicable for immediate annuities as above provided.

(5.) In the event of any contract for a savings bank annuity or insurance being cancelled or varied in pursuance of this Act, or any error therein corrected, the National Debt Commissioners may vary the charge on the Consolidated Fund, and on the fund created under the Government Annuities (Investments) Act, 1864, in such manner as may be necessary for carrying into effect such cancellation, variation, or correction, and the Treasury may, if need be, create new securities in lieu of any securities which have been cancelled, and the securities so created shall be charged on the Consolidated Fund, and payable in like manner, and be subject to the same conditions as the securities which were cancelled.

(6.) The expression "current outgoings" includes all sums payable by the National Debt Commissioners in respect of annuities or insurances from time to time, and also all such expenses of carrying into effect this Act as are payable out of the sums paid by persons to obtain savings bank annuities and insurances.

All expenses incurred by any savings bank in the execution of this Act to such amount as may be from time to time allowed by the National Debt Commissioners (subject to the directions of the Treasury) shall be paid by the National Debt Commissioners, and defrayed by them as part of the expenses of the grant of annuities and insurances.

(7.) The expression "bank" in this section means the Governor and Company of the Bank of England, or the Governor and Company of the Bank of Ireland, as the case requires.

Definitions.

14. In this Act, unless the context otherwise requires—

The expression "Treasury" means the Commissioners of Her Majesty's Treasury;

The expression "National Debt Commissioners" means the Commissioners for the Reduction of the National Debt;

The expression "trustee savings bank" means a savings bank to which the Trustee Savings Banks Act, 1863, extends; and

26 & 27 Vict. c. 87.

The expression "savings bank" means a trustee savings bank and a post office savings bank.

A savings bank year shall be reckoned as the twelve months ending, in the case of a trustee savings bank, on the twentieth day

of November, and in the case of a post office savings bank, on the thirty-first day of December. A.D. 1882.

Repeal of Acts and savings.

15. The Acts specified in the schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of that schedule mentioned, without prejudice to anything previously done or suffered in pursuance of any enactment hereby repealed; and every annuity and insurance granted before such commencement shall, save as may otherwise be provided by this Act or by regulations under the Government Annuities Act, 1864, as amended by this Act, have effect as if the said enactment had not been repealed.

Until revoked in pursuance of this Act, the tables in force at the commencement of this Act shall continue in force as if made in pursuance of this Act.

The regulations in force under any enactment repealed by this Act shall continue in force until revoked or superseded by regulations made in pursuance of section sixteen of the Government Annuities Act, 1864, as amended by this Act.

Where, at the passing of this Act, a person has obtained an annuity or insurance through the medium of a post office, and such person has a deposit in a trustee savings bank, nothing contained in this Act or done thereunder shall render such deposit in a trustee savings bank unlawful or prevent such person from making or receiving any payment in respect of such annuity or insurance by means of the post office savings bank.

Extension of Acts to Channel Islands and Isle of Man.

16. The Government Annuities Act, 1853, the Government Annuities Act, 1864, and this Act shall extend to the Channel Islands and the Isle of Man, and the Royal Courts of the Channel Islands shall register the same accordingly.

A.D. 1882.

SCHEDULE.

REPEAL OF ACTS.

NOTE.—A description or citation of a portion of an Act is inclusive of the words of the section part first and last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Session and Chapter.	Title.	Extent of Repeal.
16 & 17 Vict. c. 45 -	The Government Annuities Act, 1853.	Section two from "to any amount" down to the end of the section; section four, section five, section six, section seven, section eight, section nine, section twelve, section thirteen, from "may require such proofs" down to "the purposes of this Act and": section fourteen, section sixteen, down to "remain in force and"; and from "alter, revoke, and recall" down to "Treasury and also"; and from "provided always that the said" to the end of the section; section seventeen, section eighteen, section nineteen, section twenty-two, so far as relates to savings banks; section twenty-three, section twenty-four, section twenty-six, section twenty-seven, from "shall be free" down to "annuities"; section thirty, section thirty-three, and section thirty-five.
27 & 28 Vict. c. 43 -	The Government Annuities Act, 1864.	Section one, section two, section four, section five, section six. In section eight the words "not "being less than one-third of the "premiums paid by him"; section nine, section twelve, section thirteen.

LONDON: Printed by GEORGE E. B. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1882.