STATUTORY INSTRUMENTS

1983 No. 1126

SAVINGS BANKS

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

Made - - - -	*27th July* 1983
Coming into Operation	*27th August* 1983

At the Court at Buckingham Palace, the 27th day of 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 (**a**), 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 1970 (**b**) and the Trustee Savings Banks Act 1976 (Channel Islands) Order 1976 (**c**) are hereby revoked.

N. E. Leigh,
Clerk of the Privy Council.

(**a**) 1981 c.65. (**b**) S.I. 1970/1440. (**c**) S.I. 1976/2149.

Article 2 SCHEDULE 1

ADAPTATIONS AND MODIFICATIONS TO THE TRUSTEE SAVINGS BANKS ACT 1981 AS EXTENDING TO THE BAILIWICK OF GUERNSEY

1. In this Schedule, "the Bailiwick" means the Bailiwick of Guernsey 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, for paragraph (*b*) there shall be substituted the following paragraph:—

"(*b*) the bank is wound up by order of the Royal Court sitting as an Ordinary Court under the provisions of the Law entitled "Loi Relative aux Sociétés Anonymes ou à Responsibilité Limitée" registered on the 21st March, 1908, or by order of the Court of Alderney under the provisions of the Companies (Amendment) (Alderney) Law, 1962 and the provisions with respect to compulsory winding up under either of those Laws shall apply in relation to the bank subject to such modifications as may be provided by rules made by the Royal Court sitting as a Full Court.".

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 Guernsey who, if satisfied that an examination into the affairs of the bank is desirable, may thereupon appoint an Advocate of the Royal Court of Guernsey of not less than seven years' standing,".

8. In section 35(4), for paragraphs (*a*) and (*b*) there shall be substituted the words "in the Bailiwick, 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 "Her Majesty's Procureur".

10. In section 36(4), for all the words after the word "conviction," there shall be substituted the words "has the same meaning as it has for the time being in those sections as they have effect in England and Wales (that is to say, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980).".

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

"Time limit for commencement of proceeding under s.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 Her Majesty's Procureur 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.".

12. In section 40(3), for the words from "the Lord Advocate" to "for Scotland" there shall be substituted the words "Her Majesty's Procureur or the Chief Registrar of Friendly Societies".

13. In section 41(1), for the words "the United Kingdom" there shall be substituted the words "the Bailiwick".

14. In section 41(2), for the words from "by a court" to "Northern Ireland" there shall be substituted the words "by the Royal Court sitting as a Full Court".

15. In section 45(2), for the word "Scotland" there shall be substituted the words "the Bailiwick".

16. In section 50, after the words "stamp duty" there shall be inserted the words "or, in Guernsey, document duty".

17. In section 52(1), for the words "the United Kingdom" there shall be substituted the words "the Bailiwick".

18. In section 52(2), for the words from "by a court" to "Northern Ireland" there shall be substituted the words "by the Royal Court sitting as a Full Court".

19. In section 54(1)—

(a) for the definition of "enactment" there shall be substituted the following definitions:—

" "document duty" has the meaning assigned to it by section 1(1) of the Document Duty (Guernsey) Law 1973;

"enactment" means any enactment in force in the Bailiwick or any part thereof;";

(b) after the definition of "financial year" there shall be inserted the following definition:—

" "Her Majesty's Procureur" includes Her Majesty's Comptroller;"; and

(c) for the definition of "subsidiary" there shall be substituted the following definition:—

" "subsidiary" has the meaning assigned to it by section 20 of the Protection of Depositors (Bailiwick of Guernsey) Ordinance 1971;".

20. Section 54(2) shall be omitted.

21. 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.".

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

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

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

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 Greffe".

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 s.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.".

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Trustee Savings Banks Act 1981 extends to the Channel Islands, subject to such adaptations and modifications as may be specified by Order in Council. This Order provides for those adaptations and modifications.

SI 1983/1126
ISBN 0-11-037126-7

