Savings Bank (Scotland) Act 1819

1819 CHAPTER 62 59 Geo 3

U.K.

An Act for the protection of banks for savings in Scotland. [2nd July 1819]

Whereas certain institutions called parish banks, or banks for savings, have been established in Scotland, for the safe custody and increase of small savings, belonging to the industrious classes of His Majesty's subjects: And whereas it is expedient to give protection to such institutions as may be desirous of the same, and to the funds thereby established, and to afford encouragement to the formation of like institutions.

Modifications etc. (not altering text)

C1 Act repealed by Savings Bank Act 1835 (c. 57), **s. 2** in relation to savings banks formed after 9.9.1835

C2 Act continued in force in relation to any savings bank established under it before 28.7.1863 unless and until that bank becomes a trustee savings bank by Trustee Savings Banks Act 1863 (c. 87), **s. 1** and Trustee Savings Banks Act 1981 (c. 65, SIF 110), s. 55(2)(3), Sch. 7 para. 15, **Sch.8**

C3 Short title given by Statute Law Revision Act 1948 (c. 62), **Sch. 2**

[I.] Persons desirous of the benefits of this Act, to deposit their rules and regulations as herein mentioned. U.K.

If any number of persons shall be desirous of having the benefit of the provisions of this Act, and shall have formed or shall form any institution in any part of Scotland, for the purpose of receiving deposits of money for the benefit of the persons depositing the same, and of returning the whole or any part of such deposit, and the produce thereof, to the depositors themselves, or to their heirs, executors, assignees or other persons entitled thereto under the provisions of this Act, deducting only out of such produce so much as shall be requisite for the payment and discharge of the necessary expences attending the management of such institution, according to such rules, orders and regulations as shall or may be established for that purpose; such persons shall cause the rules, orders and regulations, established or to be established for the management of such institution, to be entered, recorded and deposited in manner hereinafter directed,

and thereupon shall be deemed to be entitled to and shall have the benefit of the provisions contained in this Act.

II Rules to be exhibited to Quarter Sessions, and there deposited; and when attested, entered in books of the institution. Fee to clerk. Rules &c. may be altered, &c. U.K.

No such institution as aforesaid shall have the benefit of this Act, unless a written or printed copy of the rules, orders and regulations for the management thereof, signed by two of the managers of such institution, shall be exhibited to **[**[F1]the sheriff**]** for the **[**[F2]sheriffdom**]** within which such institution shall be situated; which rules, orders and regulations shall be subject to the review of such **[**[F1]sheriff**]**, who shall and may, after due examination thereof, annul and make void such part of the same as shall be repugnant to this Act, and shall allow and confirm the same, or such part thereof as shall be conformable to the true intent and meaning of this Act; and after the confirmation as aforesaid of the rules, orders and regulations of such institution the same shall be signed by **[**[F1]the sheriff clerk**]**, attesting their approbation thereof; for which attestation and all the expence and labour attending the same, the said clerk shall be entitled to charge the sum of **[**[F3]52½p**]** , and no more; and such rules, orders and regulations so attested, shall be deposited with **[**[F1]the sheriff clerk**]**, who is hereby specially required to receive and preserve the same among other the records in his custody, and to grant an attested copy of the same to the person or persons by whom the same shall have been exhibited, without any fee or reward to be paid in respect thereof; which rules, orders and regulations so attested, shall be entered in a book or books to be kept for that purpose by such institution; provided that nothing herein contained shall extend to prevent any alteration in or amendment of any such rules, orders and regulations, deposited as aforesaid, or to the repealing or annulling of the same, or of any of them, in whole or in part, or to the making of any new rules, orders or regulations for the management of any such institution, in such manner as shall be directed by the rules, orders and regulations thereof; provided such new rules, orders and regulations, or such alterations or amendments shall be entered in the book or books of the said institution kept as aforesaid; and a written or a printed copy thereof shall be exhibited, approved of, attested and deposited as aforesaid, before the same shall be put in force.

Textual Amendments

F1 Words substituted by District Courts (Scotland) Act 1975 (c. 20), **Sch. 1 para. 1**

F2 Word substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), **Sch. 1 para. 1**

F3 Words substituted by virtue of Decimal Currency Act 1969 (c. 19), **s. 10(1)**

III Persons depositing money to have the sole benefit thereof; except as to allowance for salaries, &c. U.K.

The persons depositing money with any institution taking the benefit of this Act, or their heirs, executors or other persons entitled thereto under the provisions of this Act, shall have the sole benefit of such deposits and the produce thereof, in the manner provided by the said rules, orders and regulations; save only and except such salaries and allowances, or other necessary expences, as shall, according to such rules, orders and regulations, be specified for conducting such institution, and for remuneration to clerks and servants employed in the management thereof, exclusive of the trustee or trustees and other persons having control and direction in the management of such

institution, who shall not directly or indirectly have any salary, allowance, profit or benefit whatsoever therefrom, on account of such control and direction, beyond the actual expences for the purposes of such institution.

IV Rules binding after their exhibition and evidence. Expence of copies. Receipts and issues exempted from stamp duties. U.K.

All rules, orders and regulations, from time to time made and in force for the management of any institution taking the benefit of this Act, and duly exhibited, entered, approved of, attested and deposited as aforesaid, shall be binding on the several members and trustees of such institution, and the several depositors therein, and their representatives and persons entitled as aforesaid under the provisions of this Act, all of whom shall be deemed and taken to have full notice thereof by the entry and deposit aforesaid; and all such rules, orders and regulations as aforesaid, or a certified copy thereof under the hands of **[**[F4]the sheriff clerk**]**, shall be received as evidence in all cases; and such clerk shall be bound to furnish such copies to all concernced, without fee or reward except the actual expence of making such copy at the rate of **[**[F4]20 pence**]** for each and every sheet thereof containing at least two hundred words; and neither such copy, nor any receipt or acknowledgment granted to any depositor or depositors, at the time of making any deposit in any institution taking the benefit of this Act, or granted by any such depositor or depositors, or their heirs, executors or other persons entitled as aforesaid under the provisions of this Act, at the time of drawing out his, her or their share or shares in the funds of the institution or any part thereof, shall be subject to or chargeable with any stamp duty whatever.

Textual Amendments

F4 Words substituted by District Courts (Scotland) Act 1975 (c. 20), **Sch. 1 para. 2**

V Money and effects of institution vested in trustees. Securities for money, &c. exempt from stamp duty. U.K.

All money, goods and effects whatever, and all securities for money or other obligatory instruments, and all rights or claims belonging to any institution taking the benefit of this Act, shall be vested in such person or persons as shall be appointed by the rules, order and regulations of the institution, trustee or trustees for the time being, for the use and benefit of such institution and the respective depositors therein, and the heirs, executors or persons entitled under the provisions of this Act, according to their respective claims and interests; and after the death, resignation or removal of any such trustee or trustees, the same shall vest in their successors in office by virtue of their appointment as such, and for the same uses and purposes, and subject to the same trusts, without any assignation or conveyance whatever; and such trustee or trustees shall and may, in all cases concerning the property, rights or claims aforesaid of such institutions, sue and be sued in their proper name or names, as trustee or trustees of such institution, without any other description; and no such action or cause shall be discontinued by the death of such person or persons, or by his or their removal from the office of trustee or trustees, or against the succeeding trustee or trustees as aforesaid, but the same shall and may be proceeded in by the succeeding trustee or trustees as aforesaid, any law, usage or custom to the contrary notwithstanding; declaring always, that no securities for money or other obligatory instruments belonging to or granted for or in respect of any such institution , and no proceedings in any action or cause touching or concerning the property, rights or claims of any such institution, shall be

subject to or chargeable with any stamp duty whatever; and that no advertisement in any newspaper, relative to any such institution, shall be chargeable with any duty to government.

VI Bond, &c. not charged with stamp duty. U.K.

If the rules and regulations of any institution taking the benefit of this Act, shall require any bond, obligation or security to be given to the trustees or managers, by the Treasurer or any other officer of such institution, such bond or other security, or any extract thereof, or any power of attorney relative thereto, shall not be charged or chargeable with any stamp duty whatever.

VII How depositors may bequeath their shares. Confirmation to be obtained from the commissary court where the sum exceeds 20l. If sum not more than 50l. no duty. U.K.

If any person entitled to money in any institution taking the benefit of this Act, shall be desirous of bequeathing his or her share or interest therein, or any part thereof, he or she shall effectually carry his or her intention into execution, by subscribing any holograph writing expressive of such intention, and if not holograph, but in the hand writing of some other person, then by subscribing thereto his or her name, or by exhibiting thereto his or her mark, in the presence of two credible witnesses, by whom also such writing shall be subscribed as witnesses; and the trustee or trustees, and all other persons appointed or to be appointed by the rules, orders and regulations of any such institution, and in virtue of such appointment, having control and direction in the management of the funds thereof, are hereby specially required to give full effect to every such writing holograph, or so subscribed and witnessed as aforesaid, by paying or otherwise disposing of any such share or interest as aforesaid, or any part thereof thereby bequeathed, in the manner therein directed, and by taking for the same the receipt or discharge of the person or persons entitled to such bequest, without any confirmation being obtained from the commissary court, provided the amount does not exceed the sum of twenty pounds; and upon confirmation being obtained from the commissary court when the sum shall exceed twenty pounds, in the manner directed by the [M1]Stamp Act 1804; provided always, that no stamp duty or legacy duty shall be charged for or in respect of any receipt granted for any sum bequeathed by any such writing as aforesaid, where the amount shall not exceed fifty pounds.

Modifications etc. (not altering text)

C4 Functions of commissary courts now exercisable by sheriffs; Sheriff Courts (Scotland) Act 1876 (c. 70), **s. 35**

Marginal Citations

M1 1804 c. 98.

VIII Shares to go to legal representatives if not bequeathed. U.K.

In case any person entitled to any sum of money deposited with any institution taking the benefit of this Act, shall die, leaving any sum or sums of money deposited with such institution, or any dividends or interest due thereon, belonging to him or her at the time of his or her death, and not disposed of as aforesaid, and in case no settlement thereof

shall be exhibited to the managers of such institution within six calendar months after the decease of any such person, nor any claim made by any person or persons showing a better title thereto, the same shall be paid over to such representative or representatives of such person so dying, as shall be entitled thereto by the ordinary rules of law regulating succession in Scotland; and that without any confirmation being obtained from the commissary court, provided the amount does not exceed the sum of twenty pounds.Disputes submitted to the sheriff, who shall determine therein.

IX Disputes submitted to the sheriff, who shall determine therein. Decision final. U.K.

In all cases not provided for by the rules and regulations of any institution taking the benefit of this Act, where any matter of dispute shall arise among the managers, or other members as aforesaid, of any such institution, or of any persons acting under them, and any individual depositor therein, or any executor, administrator, next of kin or creditor of any deceased depositor, or any person claiming to be such executor, administrator, next of kin or creditor, then and in such case such matter of dispute shall be submitted to the sheriff or his substitute of the **[**[F5]sheriffdom**]** within which such institution is situated, for his decision; whereupon the said sheriff or his substitute shall be bound to decide forthwith, and his decision shall be final and conclusive and binding on all parties, and in no case whatever shall it be competent to bring such decision under the review of any court of law whatever, by appeal, suspension, advocation, reduction or any other form of process; and no bond, receipt or discharge for or in respect of any sum of money paid upon such reference or in consequence of such decision, shall be subject to or chargeable with any stamp duty whatever.

Textual Amendments

F5 Word substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), **Sch. 1 para. 1**

Changes to legislation:
There are currently no known outstanding effects for the Savings Bank (Scotland) Act 1819.