

Government Annuities Act 1929

1929 CHAPTER 29

PART II

SAVINGS BANK ANNUITIES AND INSURANCES

Power to grant savings bank annuities and insurances

- (1) Subject to the provisions of this Part of this Act and of the regulations made thereunder, the Commissioners may, either themselves directly, or through savings banks or parochial or other societies or other duly authorised agents, grant savings bank annuities, that is to say:—
 - (a) immediate or deferred annuities depending on a single life; or
 - (b) immediate annuities depending on joint lives and the life of the survivor, or on the joint continuance of two lives.
- (2) Subject as aforesaid, the Commissioners may also in like manner enter into contracts (hereinafter referred to as savings bank insurances)—
 - (a) for the payment of a sum of money on the death of the person or one of the persons with whom the contract is made; or
 - (b) for the payment of a sum of money to be made on the attainment by the person with whom the contract is made of a specified age, or sooner in the case of his death.
- (3) The Commissioners may refuse to grant a savings bank annuity or a savings bank insurance in any case where there are, in the opinion of the Commissioners, sufficient grounds for refusing so to do.
- (4) The Treasury may by warrant addressed to the Commissioners discontinue the granting of savings bank annuities or insurances if they think fit so to do.

38 Limits on amount of annuities and insurances

(1) The amount of a savings bank annuity shall not, nor shall the aggregate amount of any savings bank annuities granted on the life of any one person, exceed one hundred

pounds a year, or such larger amount as may be provided by any Act passed whether before or after the passing of this Act in the present session of Parliament.

(2) The amount of a savings bank insurance shall not, nor shall the aggregate amount of any savings bank insurances granted, in respect of the life of any one person, exceed, one hundred, pounds.

39 Limit of age

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

40 Ascertainment of amount of annuities and insurances

All savings bank annuities and insurances shall be granted in accordance with the tables for the time being in force made in pursuance of this Part of this Act.

41 Security for, and payment of, annuities and insurances

- (1) All immediate savings bank annuities shall be charged on the Consolidated Fund and issued thereout or out of the growing produce thereof at such times as the Treasury may direct.
- (2) All deferred savings bank annuities and all savings bank insurances shall be charged on and paid out of the Government Annuities Investment Fund.
- (3) In the event of any contract for a savings bank annuity or insurance being cancelled or varied in pursuance of this Part of this Act, or any error therein being corrected, the Commissioners may vary the charge on the Consolidated Fund, or on the Government Annuities Investment Fund, 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 so cancelled.

42 Times of payment of annuities

- (1) All savings bank annuities shall be payable quarterly on the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October, in each year.
- (2) The first quarterly payments of such annuities shall be made on the days of payment specified in the First Schedule to this Act.
- (3) On the expiry of a savings bank annuity by reason of the death of a single nominee or of the survivor of joint nominees, or of either of two joint nominees, a sum equal to one-fourth part of the annuity, over and above all quarterly arrears thereof, shall, if claimed within two years after the death of that nominee, but not otherwise, be payable to the person entitled to the annuity, or to his executors or administrators, as the case may be, at any time after the expiration of thirty days after proof of the death:

Provided that such sum shall not be payable in respect of any deferred annuity unless one quarterly payment of the annuity has been paid or has become due at the time of the death of the nominee.

(4) For the purposes of this section the expression "nominee "means a person on whose life the savings bank annuity depends.

43 Mode of payment of annuities and insurances

All moneys becoming due on account of savings bank annuities and insurances shall be paid to the persons entitled thereto in accordance with regulations made under this Part of this Act.

44 Transfer of annuities and insurances

- (1) A savings bank annuity depending on the life of any person other than the person to whom it is granted may be transferred.
- (2) Without prejudice to the generality of the foregoing subsection, the Commissioners may permit the transfer under such regulations as the Commissioners think fit—
 - (a) of a savings bank annuity granted jointly to two or more persons on the life of one of them, so, however, that the person on whose fife the annuity depends is the transferee or one of the transferees;
 - (b) of a savings bank annuity granted to two or more persons on the joint fives of two or more persons, so, however, that all the persons on whose lives the annuity depends, or such of those persons as the Commissioners think fit, are the transferees or included amongst the transferees.
- (3) Subject to the foregoing provisions of this section, a savings bank annuity shall not, nor shall any interest therein, be assignable so as to enable the assignee to receive the annuity during the lifetime of the proprietor, except in the case of the bankruptcy of an individual proprietor, in which case the annuity shall become the property of the trustee in bankruptcy; and in the case of such bankruptcy, the Commissioners shall repurchase the annuity according to the value thereof computed upon the tables upon which the annuity was originally purchased, and the receipt of the trustee shall be a sufficient discharge to the Commissioners who shall forthwith cancel the annuity:
 - Provided that in the case of the bankruptcy of one of two or more joint proprietors of a savings bank annuity nothing in this subsection shall prevent his interest therein vesting in the trustee in bankruptcy.
- (4) Any person entitled to a savings bank insurance may, after having duly paid for two years or upwards premiums thereon, assign his right and interest therein upon payment of such fee and on such conditions as may be fixed by regulations under this Part of this Act, and the assignee shall have all the rights and interests therein, including the right to sue, possessed by the assignor, but no greater right or interest.

45 Commutation of insurances for annuities

(1) Any person entitled to a savings bank insurance shall be entitled to commute it for such life annuity as may be equivalent to the sum payable on death under the insurance on depositing during his lifetime with the Commissioners a direction in writing to

that effect, and nominating the person to whom the annuity is to be paid, in a form approved by the Commissioners.

(2) The annuity when approved by the Commissioners shall commence on the sixth day of January, the sixth day of April, the sixth day of July, or the sixth day of October, as the case may be, next following the death of the person insured, and the first quarterly payment shall be made in respect of the quarter commencing on that date.

46 Provisions as to surrender of insurance and default in paying premium

If a person entitled to a savings bank insurance, after having paid the premiums due thereon for a period of not less than two years, desires to surrender his policy, or makes default in the payment of premiums due in respect thereof, the Commissioners, at the option of the person entitled to the policy, shall pay him such sum of money as may be ascertained in accordance with the regulations under this Part of this Act, or shall grant to him such paid-up policy of insurance, or such an immediate or deferred savings bank annuity, as under the tables for the time being in force under this Part of this Act may be equivalent in value to the sum which under this section would be paid to him in money:

Provided that this section shall not apply where the insurance was granted on the condition that no portion of the premiums paid are to be returnable.

47 Application of Savings Banks Acts

Subject to the provisions of this Part of this Act and the regulations made thereunder, 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 Part of this Act, and a person to whom a savings bank annuity or insurance has been granted shall be deemed for the purpose of those enactments and regulations to be a depositor in a savings bank:

Provided that—

- (a) nothing in this Act shall exempt any person obtaining or becoming entitled to any savings bank insurance from any estate duty or stamp duty;
- (b) for the purposes of arbitration references to trustees of savings banks shall, where necessary, be construed as references to the Commissioners.

48 Power to recover money in county courts

(1) If payment of any sum of money alleged to be due under a savings bank insurance is refused by the Commissioners, the person entitled thereto may, if he thinks fit, instead of proceeding by arbitration in the manner provided by the enactments relating to savings banks as applied, by this Part of this Act, take proceedings for recovering the amount claimed, against the Commissioners in the county court of the district in which the contract was entered into, or, with the consent of the Commissioners, in the county court within the district of which such person is resident.

For the purposes of this section the contract shall be deemed to have been entered into at the place where the insured person resided at the date specified in the contract as the date thereof.

- (2) A county court in which proceedings may be taken under this section shall have jurisdiction in the matter, and the decision of the court thereon shall be final and shall not be subject to any appeal.
- (3) In the application of this section to Scotland references to the sheriff court shall be substituted for references to the county court.
- (4) In the application of this section to the Islands of Jersey or Guernsey, references to the Royal Courts of those islands, and in the application of this section to the Isle of Man, references to the Common Law Division (Summary Jurisdiction) of the High Court, shall be substituted for references to the county court.

49 Miscellaneous provisions as to annuities and insurances

- (1) Where a savings bank annuity or insurance has been granted to two or more persons they shall be entitled thereto as joint tenants.
- (2) Where any person entitled to a savings bank annuity or insurance is insane or otherwise incapacitated from acting, then, subject to any regulations made under this Part of this Act, payment of the 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 those persons shall be a good discharge.

50 Unclaimed annuities

The Commissioners shall on the fifth day of January in every year make up an account of all savings bank annuities which have remained unclaimed for the last three years, and all annuities so remaining unclaimed, together with the unclaimed quarterly arrears thereof, and all savings bank annuities which may have expired, and all quarterly arrears thereof, shall cease to be charged upon and shall not be issued out of the fund on which they are charged by this Part of this Act, as from the date from which they have remained so unclaimed or on which they have so expired:

Provided that nothing in this section shall prejudice the rights of any person entitled to any unclaimed annuity who may at any subsequent period prove his title to the annuity to the satisfaction of the Commissioners.

Power of Commissioners to act through medium of Post Office and trustee savings banks

- (1) The Postmaster-General may, with the consent of the Treasury, if he thinks fit, authorise such of his officers as he may select to receive any moneys becoming payable on contracts entered into under this Part of this Act, and to pay on behalf of the Commissioners any moneys becoming due under such contracts.
- (2) The Commissioners may, with the consent of the Treasury, if they think fit, authorise the trustees of savings banks, with the consent of the trustees, to receive any moneys which may become payable upon contracts entered into under this Part of this Act for remittance to the Commissioners, and to pay on behalf of the Commissioners, any moneys which may become due under such contracts, and the Commissioners may make to the trustees a reasonable allowance for their expenses out of the moneys so received and paid over by the trustees to the Commissioners.

52 Regulations

- (1) The Commissioners, with the concurrence of the Treasury, may make regulations as to the mode in which any sum payable by the Commissioners in respect of any savings bank annuity may be paid, and the manner in which a valid discharge is to be given to the Commissioners for any such payment, and payments made and discharges given in accordance with those regulations shall be valid notwithstanding anything in this or any other Act to the contrary.
- (2) The Commissioners, with the concurrence of the Treasury, may make regulations for carrying out the provisions of this Part of this Act, so far as regards any annuities and insurances granted by the Commissioners either directly or through any parochial or other society, and so far as the trustees of savings banks are concerned; and for the execution of contracts on behalf of the Commissioners by officers appointed for the purpose by the Commissioners, or by the Postmaster-General with the consent of the Commissioners, and the regulations so made shall provide—
 - (a) For proofs of age, identity, 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 bank annuities and insurances, 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 sums due in respect of savings bank annuities or insurances; and
 - (d) For regulating the mode of payment of savings bank annuities and insurances and the receipts to be given for the same; and
 - (e) For cancelling or varying contracts for the grant of annuities and insurances and correcting errors arising on any such grant; and
 - (f) For enabling a person to whom an insurance is granted to nominate a person to whom the money due under the insurance, not exceeding one hundred pounds, is to be paid, and for the discharge to be given therefor; and
 - (g) 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 savings banks, 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 the acts so done, shall be valid and binding on the minor; and
 - (h) For making payments on the death of children under ten years of age subject to the provisions contained in sections sixty-two to sixty-seven of the Friendly Societies Act, 1896, as amended by section two of the Friendly Societies Act, 1924, in like manner as if they were payments to which those sections apply.
- (3) Regulations may be made by the Postmaster-General with the concurrence of the Treasury for carrying out the provisions of this Part of this Act so far as his department is concerned.
- (4) Regulations made under this section, other than those made under subsection (1) thereof, shall be laid before Parliament, and shall have effect as if enacted in this Act.

Tables for annuities and insurances

- (1) The Treasury may from time to time cause tables to be constructed for calculating the amounts of savings bank 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 an address is presented to His 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 on which it is so published 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 be made during life or during a Uniited 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) Upon any new table made under this section coming into operation, any previous existing table in lieu of which the new table is expressly made shall be revoked, without prejudice nevertheless to annuities or insurances granted in accordance therewith.
- (8) 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 the giving to persons entitled to insurances in force at that time such portion of the surplus as seems just, in such manner as seems expedient.

54 Application and investment of sums paid for annuities or insurances

- (1) All sums paid for savings bank annuities and insurances shall be paid into the Bank of England or the Bank of Ireland to the account of the Commissioners, and there carried to such account or accounts and under such title or titles as the Commissioners direct, but current outgoings as herein-after defined may be defrayed thereout, either before or after payment into the bank.
- (2) The sums paid for immediate annuities shall, subject to the payment of current outgoings, be forthwith applied in the purchase of Government securities (that is to say) of consolidated stock, perpetual or terminable annuities, exchequer bills, exchequer bonds, or treasury bills and any securities issued under the War Loan Acts, 1914 to 1919, or any Act extending or amending those Acts, and the securities so purchased shall be forthwith cancelled, and cease to be charged on the Consolidated Fund.

- (3) All moneys received by the Commissioners for deferred savings bank annuities, and for savings bank insurances, shall, subject as aforesaid, be paid into the Government Annuities Investment Fund and invested in manner provided by this Act.
- (4) The expression "current outgoings" includes all sums payable by the Commissioners in respect of savings bank annuities or insurances, and also all such expenses of carrying into effect this Part of this Act as are payable out of the sums paid by persons for savings bank annuities and insurances.

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

55 Certification of amounts payable on the several quarter days

The Comptroller-General, acting under the Commissioners, shall within fourteen days preceding the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October, in each year, certify to the Treasury the amount on account of savings bank annuities which will become payable under this Part of this Act out of the Consolidated Fund on each of those dates respectively, and the Treasury shall thereupon by warrant direct the issue out of the Consolidated Fund to the account of the Commissioners of the sum specified in the certificate.

Validity of payments to executors and administrators

Where probate or letters of administration have been granted to any person in respect of the estate of a person entitled to a savings bank annuity, the production of probate or letters of administration granted by any court in the United Kingdom, the Isle of Man or the Channel Islands shall be a sufficient authority to the Commissioners to pay to the person to whom the probate or letters of administration have been granted any sum which may be due on account of such annuity if the amount of the estate exceeds that sum.

57 Payment of small sums on death without letters of administration

On the death of a person to whom any sum not exceeding one hundred pounds is due from the Commissioners in respect of any savings bank annuity, then, if the Commissioners so direct and subject to the regulations (if any) made by the Treasury, probate or other proof of the title of the personal representative of the deceased person may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the Commissioners beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons, or in the case of the illegitimacy of the deceased person or his children, to or among such persons as the Commissioners may think fit, and the Commissioners shall be discharged from all liability in respect of any such payment or distribution.

58 Exemption of certain documents from stamp duty

No stamp duty shall be payable in respect of—

(a) any copy of any register of birth, baptism, marriage, or burial, made for the purposes of this Part of this Act; or

- (b) any certificate or declaration required for the purposes of this Part of this Act; or
- (c) any certificate or other instrument respecting the payment of money for a savings bank annuity or insurance; or
- (d) any power of attorney authorising the receipt, or any receipt for the payment, of any savings bank annuity or any part thereof, or for the payment of any sum of money payable at death under any savings bank insurance.

59 Provisions as to warrants

- (1) Where any savings bank annuities are payable by warrants of the Commissioners the warrants may, subject to regulations made by the Commissioners, be sent by post.
- (2) A warrant so sent by post shall be deemed to be a cheque of the Commissioners within the meaning of any enactment relating to cheques for the time being in force.
- (3) Any person desirous of having a warrant for an annuity sent to him through the post shall give to the Commissioners an address in the British Islands to which a letter containing the warrant is to be sent, and, subject to the provisions of any regulations made under this Part of this Act, the posting by the Commissioners of a letter containing the warrant addressed to an annuitant at his request at the address given by him to the Commissioners shall, as respects the liability of the Commissioners and of the Consolidated Fund, be equivalent to the delivery of the warrant to the annuitant himself.
- (4) For the purposes of this section the expression "warrant" shall be deemed to include any draft order, cheque or other document for the time being used by the Commissioners as a medium for the payment of annuities under this Part of this Act.

Trusts not to be recognised

No notice of any trust, express implied Or constructive, affecting any savings bank annuity or insurance (except such trusts as are for the time being recognised by law in relation to deposits in savings banks, and except such trusts as are provided for by section eleven of the Married Women's Property Act, 1882, or any other enactment relating to the property of married women) shall be entered upon any contract for such annuity or insurance, or in any deposit book relating thereto, nor shall any such notice be receivable by the Commissioners or any savings bank.

61 Punishment for fraudulently receiving annuity or insurance

- (1) If any person receives any payment in respect of any savings bank annuity after the death of the person at whose death the 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 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, recoverable in a county court or any other competent court.
- (2) If a person receiving any such sum as above-mentioned received the sum with intent to defraud he shall, in addition to the above-mentioned payment, be liable on conviction to imprisonment for a term not exceeding twelve months.

62 Punishment for false declarations, &c

- (1) If any one person by his own act holds or claims to be entitled to any savings bank annuities or insurances, which exceed in the whole the maximum annuity or insurance allowed by this Part of this Act to be granted to any one person, such person shall be liable, in the discretion of the 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 this Part of this Act, or by the regulations made thereunder, or produces any false declaration or certificate, shall be liable, in the discretion of the Commissioners, to forfeit the whole or any part of the savings bank annuity or insurance to which the 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 the annuity or insurance, or the 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 the false declaration or certificate had not been made or produced.
- (3) If, in Scotland, Northern Ireland, the Channel Islands or the Isle of Man, 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 for a term not exceeding twelve months.
- (4) If, in Scotland, Northern Ireland, the Channel Islands or the Isle of Man, a person in any declaration for the purposes of this Part of this Act before any justice of the peace, magistrate, or officer of the Commissioners, wilfully makes any false statement or declaration, he shall be liable on conviction to be punished as if he were guilty of perjury.

63 Forgery

If, in Scotland, the Channel Islands or the Isle of Man, a person forges pr with intent to defraud utters to any person acting under the authority of this Act:—

- (a) Any register of birth, baptism, death or burial, required under the provisions of this Part of this Act, or any copy or certificate of any such register, or the name of any witness to any such certificate;
- (b) Any declaration required to be taken for any of the purposes of this Part of this Act;
- (c) Any certificate of any justice of the peace or magistrate of any such declaration having been taken before him or any certificate of any officer of the Commissioners;
- (d) Any certificate of any person authorised under this Part of this Act to grant a certificate of the life or death of any annuitant;
- (e) Any certificate of any cashier or clerk of the Bank of England or Bank of Ireland;
- (f) The name of any person on any certificate or other instrument for the payment of money for the purchase of any annuity or insurance under the provisions of this Part of this Act;
- (g) The name of any person on any receipt or discharge for any such annuity, or on any receipt or discharge for any payment due or to become due thereon, or for any sum payable under any insurance under the provisions of this Part of this Act;

(h) The name of any person on any certificate or other instrument authorising the receipt of any life annuity or any annuity for years of whatsoever kind, or sum payable under any insurance, granted under this Part of this Act, 01 any payment due or to become due thereon;

he shall be liable on conviction to the like punishment as if he had been convicted of forgery.

64 Personation

If any person with intent to defraud wilfully personates any person entitled to receive an annuity, he shall in England or Northern Ireland be guilty of a misdemeanour, and be liable on conviction to imprisonment, with or without hard labour, for any term not exceeding two years; and in Scotland the Channel Islands or the Isle of Man be liable on conviction to the like punishment as if he had been convicted of forgery.

65 Annual accounts

- (1) There shall annually be prepared and laid before Parliament on or before the twenty-fifth day of April in each year if Parliament is then sitting, or if not then within fourteen days after the commencement of the next session of Parliament, an account made up by the Commissioners to the preceding fifth day of January of the gross amount paid to the Commissioners under this Part of this Act, and of the gross amount of savings bank annuities and insurances which have been granted during the year ending on the said fifth day of January.
- (2) The annual accounts of the Postmaster-General and the Commissioners to the thirty-first day of December in each year in respect of all moneys received or invested under this Part of this Act shall annually prior to the thirty-first day of March in each year be submitted by the Postmaster-General and the Commissioners to the Comptroller and Auditor-General.

66 Repeals and savings

- (1) The enactments mentioned in Part II of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) This Part of this Act shall apply to all savings bank annuities and insurances granted before, and in force at, the commencement of this Act under any enactment repealed by this section, or any similar previous enactment, as if they had been granted under this Act:

Provided that—

- (a) Nothing in this section shall affect the validity of any such annuity or insurance or the terms and conditions on which it was granted, and any deferred savings bank annuity granted before the fourteenth day of July, eighteen hundred and sixty-four, shall remain charged upon the Consolidated Fund; and
- (b) This Part of this Act shall apply to a savings bank annuity granted under any such repealed enactment before the eleventh day of October, nineteen hundred and twenty-four, subject to the modifications set forth in Part II of the Third Schedule to this Act.

- (3) All regulations and tables made under any enactment repealed by this section shall continue in force and have effect as if they had been made under this Part of this Act.
- (4) All powers of attorney and other instruments executed for the purpose of any savings bank annuity or insurance before, and in force at, the commencement of this Act shall continue in force and have the same validity as if this Act had not been passed.