

Post Office Savings-bank Amending Regulations, 1934.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 3rd day of December, 1934.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Post and Telegraph Act, 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. THESE regulations may be cited as the Post Office Savings-bank Amending Regulations, 1934.

2. These regulations shall be read together with and be deemed to form part of the Post Office Savings-bank Regulations, 1913, made under the Post and Telegraph Act, 1908, and enuring under the Post and Telegraph Act, 1928 (hereinafter called "the principal regulations").

3. These regulations shall come into force on the date of the publication hereof in the *Gazette*.

4. Regulation 11 of the principal regulations is hereby amended by adding thereto the following words:—

"Or by trustees constituted under any formal instrument creating a trust. In cases where a trustee acts for more than one trust, separate accounts may be opened for each trust."

5. Regulations 15 and 16 of the principal regulations are hereby revoked, and the following regulations substituted:—

"15. (1) Moneys belonging to any person shall not be deposited in the Post Office Savings-bank to the credit of more than one account therein otherwise than as provided in clause (2) of this regulation.

"(2) Nothing in clause (1) of this regulation shall prevent a person being a depositor in the Post Office Savings-bank from making a deposit to the credit of one account only in addition to any account or accounts opened or kept by such person—

"(a) As trustee for another person also named in the title to the account; or

"(b) As trustee of a legally constituted friendly, charitable, or provident society; or

"(c) As trustee of a society registered under the Trade-unions Act, 1908, or the Industrial Conciliation and Arbitration Act, 1925, or the Coal-mines Act, 1925, or any amendment thereof, respectively; or

"(d) As trustee of such other non-mercantile society as the Governor-General in Council from time to time specifies; or

"(e) As an executor, administrator, or other personal representative of a deceased person; or

"(f) As a trustee under any formal instrument creating a trust; or

"(g) On behalf of a present or past inmate of any institution deposits for the inmates of which have been approved under Regulation 12 (2) hereof; or

"(h) As trustee or on behalf of an inmate or former inmate of an institution established or deemed to be established under the Child Welfare Act, 1925, on whose behalf deposits have been made under the provisions of section 37 of the last-mentioned Act.

"16. (1) No person shall receive the benefit of deposits made in the Post Office Savings-bank to the credit of more than one account therein otherwise than as provided in clause (2) of this regulation.

"(2) Nothing in clause (1) of this regulation shall prevent any person from receiving the benefit of a deposit made to the credit of one account only in addition to any account or accounts under which such person receives benefit solely—

"(a) As a member of a legally constituted friendly, charitable, or provident society; or

"(b) As a member of a society registered under the Trade-unions Act, 1908, or the Industrial Conciliation and Arbitration Act, 1925, or the Coal-mines Act, 1925, or any amendment thereof respectively; or

"(c) As a member of a corporate body not carried on for the purposes of trade or profit; or

"(d) As a member of such other non-mercantile society as the Governor-General in Council from time to time specifies; or

"(e) As a beneficiary in the estate of a deceased person; or

"(f) As a beneficiary under any formal instrument creating a trust; or

"(g) As a present or past inmate of any institution deposits for the inmates of which have been approved under Regulation 12 (2) hereof; or

"(h) As a former inmate of an institution established or deemed to be established under the Child Welfare Act, 1925, on whose behalf deposits have been made under the provisions of section 37 of the last-mentioned Act.

"16A. If by reason of any contravention of Regulations 15 and 16 hereof any person receives or any account is credited with interest in excess of the amount which such person may properly receive or with which such account may properly be credited, such excess may be recovered as a debt due to the Crown from any person by whom it has been received or may be forfeited and debited to the account to which it was credited, and in the latter case may at any time be entered as a debit in the appropriate depositor's book without the consent of the depositor being first obtained.

6. Clause (5) of Regulation 22 of the principal regulations is hereby amended by adding thereto the following words:—

"Provided that when a deposit is made by means of a cheque or other negotiable instrument the entry in the depositor's book shall be conclusive evidence of the fact and amount of the deposit only after the value of the cheque or negotiable instrument has been collected from the bank or institution by which it is payable:

"Provided also that if a cheque or other negotiable instrument is dishonoured, the amount thereof shall forthwith be debited to the savings-bank account of the person to whose account the amount was previously credited:

"Provided also that the Postmaster-General may forthwith or at any time thereafter cause to be debited in the depositor's book the amount of the dishonoured cheque or other negotiable instrument, and such entry whenever made shall be as effective as if made at the time when the instrument was dishonoured."

7. Regulation 28 of the principal regulations is hereby amended by inserting in clause (1) thereof, following the words "another person," the following words:—

"Pursuant to Regulation 9 hereof."

8. Regulation 28 of the principal regulations is hereby further amended by adding thereto the following additional clause:—

"(4) Where an account has been opened by one or more persons pursuant to Regulation 11 hereof as trustees, executors, or administrators in the estate of any deceased person or under any formal instrument creating a trust, and letters of administration in the estate concerned or probate or other formal instrument creating the trust has been produced to and noted by the Postmaster-General, it shall not be necessary for any person whose name is entered in the title of the account, but not as a trustee, to be joined in the application, but the application may be made pursuant to Regulation 28A hereof."

9. The principal regulations are hereby amended by inserting following Regulation 28 thereof the following additional regulation:—

"28A. (1) An application to withdraw moneys deposited under Regulation 11 hereof shall be made jointly by the trustees, executors, or administrators entitled thereto.

"(2) Nevertheless, where the number of such persons exceeds two, such persons may by notice in writing given to the Postmaster-General authorize any two or more of their number either generally or for any particular transaction to make such application on their behalf.

"(3) Any such notice shall be deemed to continue in force until notice of revocation thereof is received by the Postmaster at the Post Office where the account is kept.

"(4) The receipt of the persons named in any such notice shall be a good discharge to the Postmaster-General for all moneys paid in pursuance thereof."

10. The principal regulations are hereby amended by inserting after Regulation 32 the following additional regulation:—

"32A. (1) In lieu of giving an authority by order as provided by Regulation 32, a depositor may by order authorize a person to operate upon his account generally. Such order shall be in a form approved by the Postmaster-General and be witnessed in the same manner as an order under Regulation 32.

"(2) The Postmaster-General may, under such circumstances as he deems expedient, accept a general order given by a minor of the age of seven years or upwards.