CHAPTER 167

MALTA GOVERNMENT SAVINGS BANK ORDINANCE

To regulate the deposit at interest of monies in the Malta Government Savings Bank with the guarantee of the Government for the repayment thereof.

(1st September, 1961)*

Enacted by ORDINANCE XXV of 1961, as amended by Act I of 1962; Legal Notice 4 of 1963; and Acts: XXVIII of 1971, XXIX of 1979, XIII of 1983; XVI of 1997, Legal Notice 410 of 2007 and Act XXXIV of 2025.

Short title.

1. This Ordinance may be cited as the Malta Government Savings Bank Ordinance.

Interpretation.

2. In this Ordinance unless the context otherwise requires -

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

"prescribed" means prescribed by regulations under this Ordinance;

"revenue of the Savings Bank" does not include money received on deposit;

"Savings Bank" means the Malta Government Savings Bank constituted and established under article 3.

Establishment of Savings Bank.

3. (1) From and after the commencement of this Ordinance there shall be a Government Savings Bank in and for Malta and, upon such commencement, the Malta Government Savings Bank and all offices thereof subsisting at the time when this Ordinance comes into force shall be deemed to be constituted and established under this Ordinance.

(2) All deposits made, and all entries made in depositors' passbooks, and all monies invested in securities remaining unsold at the commencement of this Ordinance, and all other business transacted in the Savings Bank prior to the commencement of this Ordinance shall, so far as may be consistent with the provisions of this Ordinance, be deemed to be deposits and entries made, monies invested and Savings Bank business transacted under this Ordinance.

Management and control of Savings Bank.

4. The Savings Bank shall be under the management and control of the Accountant General, who may, subject to the provisions of this Ordinance and any regulations made thereunder, take such steps as may be desirable for the encouragement of thrift, for the proper management of the Savings Bank, and otherwise for the promotion of the objects and purposes of this Ordinance.

See Government Notice No. 398 of the 1st of September, 1961.

Establishment and closure of branch Savings Banks. *Amended by: L.N. 4 of 1963.*

5. The Accountant General, with the approval of the Minister responsible for finance, may open branches of the Savings Bank in any place in Malta and may, with the like approval, close any branch of the Savings Bank and notice of any such opening or closing shall be given in the Government Gazette.

Deposits and repayments.

6. (1) Deposits of money to be paid into the Savings Bank shall be received and repaid under such conditions as may be prescribed.

(2) The provisions of the Schedule to this Ordinance shall apply in relation to the opening of accounts in favour of minors and to withdrawals from such accounts.

Security of Government. *Amended by: L.N. 4 of 1963.*

7. The repayment of all monies deposited in the Savings Bank together with interest thereon is guaranteed by the Government of Malta and accordingly if at any time the assets of the Savings Bank shall be insufficient to pay the lawful claims of every depositor the Minister responsible for finance shall, by warrant under his hand and without the need of any appropriation other than this Ordinance, cause such deficiency to be met out of the general revenues of the Government of Malta.

Interest. *Amended by: XXIX. 1979.3.*

8. (1) Interests on deposits shall be payable on such amounts and at such rates *per centum per annum* as may from time to time be prescribed.

(2) Save as may be otherwise prescribed interest on deposits shall be calculated, until the year 1979, to 31st March and again from 1st April to 31st December of that year, and, for any subsequent year, to 31st December in every year and shall then be added to and become part of any principal money remaining on deposit.

Salaries and expenses. *Amended by: L.N. 4 of 1963.*

9. (1) All expenses incurred in carrying out the objects of this Ordinance shall be met from the monies in the Savings Bank.

(2) For the purposes of sub-article (1) "expenses" shall mean the cost of any work or service done by or in connection with the Savings Bank, including such sum on account of administrative and other overhead expenses as may, with the approval of the Minister responsible for finance, be reasonably assigned to that work or service.

Disposal of monies. *Amended by: L.N. 4 of 1963; XXVIII.1971.2.*

10. (1) Subject to the provisions of this Ordinance monies in the Savings Bank shall not be applied in any way to the purposes of the Government of Malta but, except so far as any sums may be prescribed to be kept in hand for the general purposes of the Savings Bank, shall be deposited in the Treasury of the Government of Malta and accounted for separately, and shall be invested by the Accountant General on behalf of the Savings Bank in such manner as he may, with the approval of the Minister responsible for finance, deem proper, or in accordance with such directions as the Minister responsible for finance may give.

(2) Any sums of money that may from time to time be required for the repayment of any deposits under the authority of this Ordinance, or for the payment of interest thereon or expenses

incurred in carrying out the objects of this Ordinance, may be raised by the sale of the whole or part of such securities:

Provided that any sums of money which may be required for the purposes aforesaid may, until they can be raised by the sale of such securities, with the approval of the Minister responsible for finance, be advanced to the Savings Bank by the Accountant General -

(*a*) out of the general revenues of the Government of Malta, or

(*b*) out of monies which the Accountant General may acquire for that purpose from such other sources and subject to such conditions as the Minister responsible for finance may approve,

and such advances shall bear interest at such rate as may be fixed from time to time by the Minister responsible for finance.

Accounts. *Substituted by: I. 1962.69. Amended by: XXIX. 1979.3; XVI.1997.8.*

11. A statement of the revenue and expenditure of the Savings Bank and of deposits received and repaid and interest credited to depositors during the year ending, until the year 1979, on 31st March and again during the nine months ending on 31st December of that year, and subsequently during the year ending on 31st December of each year together with a statement of the assets and liabilities of the Savings Bank shall, as soon as possible after the close of each financial year and in any case not later than three months after the close of such year, be forwarded by the Accountant General to the Auditor General, and sub-article (2) of article 35 of the Public Finance Management Act, shall apply to such statement.

Cap. 601.

Surpluses and deficits. *Amended by: L.N. 4 of 1963: XXIX. 1979.3.*

12. (1) If in any year the revenue of the Savings Bank shall be insufficient to defray the interest due to depositors and all expenses under this Ordinance, such deficiency shall be met out of the general revenue of the Government of Malta.

(2) If in any year the revenue of the Savings Bank shall be more than sufficient to defray the interest due to depositors and all expenses under this Ordinance, the Minister responsible for finance may direct the transfer of the surplus or any portion thereof to the general revenues of the Government of Malta:

Provided that no such transfer shall be made unless the assets of the Savings Bank will thereafter exceed the liabilities by not less than fifteen *per centum* of the liabilities to depositors.

(3) If on 31st March in any year until the year 1979, and again on 31st December of the said year, and if on 31st December in any subsequent year in any year the assets of the Savings Bank exceed the liabilities by more than fifteen *per centum* of the liabilities to depositors, the Minister responsible for finance may direct that the surplus over fifteen *per centum* or any portion thereof shall be transferred to the general revenues of the Government of Malta.

Power to make regulations. *Amended by: L.N. 4 of 1963; XIII. 1983.5.*

13. (1) The Minister responsible for finance may make regulations for the management and regulation of the Savings Bank and without prejudice to the generality of the foregoing such regulations, may -

(*a*) prescribe the kinds of deposits which may be made and limits of deposits;

(*b*) prescribe the modes of making deposits;

(*c*) prescribe the modes of withdrawing deposits and interest;

(*d*) prescribe the times at which deposit books shall be returned to the Savings Bank by depositors;

(*e*) authorize the Accountant General to enter into an arrangement with the Post Office Savings Bank of the United Kingdom of Great Britain and Northern Ireland or with the Government Savings Bank of any British Dominion, Colony, Protected State or Protectorate or any territory administered by the Government of any part of the British dominions under the trusteeship system of the United Nations, or any foreign country, for the transfer of any sums standing to the credit of depositors from such Savings Banks to the Malta Government Savings Bank, and vice versa, and prescribe conditions for such transfers;

(*f*) provide for any such matters as are authorized by this Ordinance to be prescribed;

(*g*) prescribe penalties not exceeding one hundred liri for the breach of any such regulation.

(2) All regulations made under this Ordinance shall be published in the Government Gazette and shall come into operation on such publication or at such later date as may be named in such regulations.

Names of depositors, etc., not to be disclosed. *Amended by: XIII. 1983.5.*

14. (1) No person, who is appointed to discharge any duty in connection with the Savings Bank, shall disclose the name of a depositor or the amount which may have been withdrawn or deposited by a depositor unless required to do so in accordance with law.

(2) Any person who contravenes the provisions of this article shall be guilty of an offence and on conviction shall be liable to a fine (*multa*) not exceeding one hundred liri.

Non-liability of Government.

15. When any payment is made or act done by the Accountant General or any person acting under his authority in accordance with this Ordinance and the regulations for the time being made thereunder, the Government, the Accountant General and such person shall not be liable in respect of any claim on the part of any person in connection with such payment or act, but any person may nevertheless recover any sum lawfully due to him from the person to whom the Accountant General has paid the same:

Provided that nothing in this article contained shall be construed as exempting any person from liability for damage or loss caused to any person by reason of fraud on the part of such first mentioned person in relation to his official duties.

SCHEDULE

Amended by: XXVIII. 1971.3; XIII. 1983.5; XXXIV.2025.22.

[ARTICLE 6 (2)]

ACCOUNTS OPENED IN FAVOUR OF MINORS

1. A savings account in the Savings Bank may be opened in favour of a minor by such minor himself, if he is of the age of seven years or upwards, or by some other person.

2. Where the account is opened by the minor himself withdrawals from such account shall, subject to the provisions of paragraph 5 of this Schedule, be governed by the following provisions of this paragraph, that is to say:

(*a*) if the minor is of the age of fourteen years or upwards he may withdraw any sum standing to his credit in such account;

(*b*) if the minor is of the age of less than fourteen years, he may not withdraw any sum exceeding five liri unless he is accompanied by -

(i) one of his parents, or

(ii) his tutor, or

(iii) a person charged with his care, custody or control.

3. Where the account is opened by a person other than the minor under the condition that withdrawals form such account shall not be made by the minor, withdrawals from such account shall not be made except by the person legally authorized to claim such withdrawal on behalf of such minor, but if the account is not opened under such condition as aforesaid the provisions of paragraph 2 of this Schedule shall apply.

4. Where a withdrawal is made by a minor in accordance with any of the provisions of this Schedule his receipt shall be a good discharge to the Accountant General for the sum stated therein provided that where it is required by such provisions that the minor should be accompanied by some other person such receipt shall be signed also by the person accompanying the minor during such withdrawal.

5. Any one of the parents or the tutor of a minor in whose favour an account has been opened in the Savings Bank may at any time notify the Accountant General, in writing, of his opposition to any withdrawal by such minor from such account, and in such case the provisions of this Schedule authorizing such minor to make any withdrawal shall cease to operate in regard to such minor.

6. Nothing in this Schedule shall affect any deposit made in favour of a minor in pursuance of a court order and any such deposit shall be governed by the provisions of the Civil Code and by the terms of the order.

Cap. 16.