

## UNCLAIMED MONEYS ACT.

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Act No. 11, 1917.

**George V,** An Act to provide that certain unclaimed moneys  
**No. 11.** be paid to the Colonial Treasurer as public revenue; to give publicity to information relating to such moneys; and for other purposes consequent thereon or incidental thereto. [Assented to, 3rd November, 1917.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

**1.** This Act may be cited as the "Unclaimed Moneys Act, 1917."  
**2.**

**2.** In this Act, unless the context otherwise requires, the terms following in inverted commas have the respective meanings hereby assigned to them, that is to say,—

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Definition—  
Western Australian Act,  
No. 36, of  
1912, s. 2.

“Company” means—

- (a) every company or society which, having for its object the acquisition of gain, is registered or incorporated in New South Wales under any Act relating to companies or societies; and
- (b) every company which, having for its object the acquisition of gain, and carrying on business in New South Wales aforesaid, is registered and incorporated elsewhere than in New South Wales;

and shall include—

- (c) every bank and life assurance company or association, except the Commonwealth Bank of Australia, and the Government Savings Bank of New South Wales, howsoever or wheresoever registered or incorporated, carrying on business within the said State;
- (d) the liquidator of any company;
- (e) every person or firm carrying on business as traders in the said State and acting as agents, trade assignees, or private bankers for individuals or companies.

“Owner” means the person entitled to any unclaimed moneys, and includes his executors, administrators, or assigns, or his or their lawful attorney or agent in New South Wales.

“Unclaimed moneys” means all principal and interest money, and all dividends, bonuses, profits, and sums of money whatsoever which shall have become legally payable by a company to the owner since the first day of January one thousand nine hundred and twelve, and not before, or which shall at any time after the commencement of this Act become payable to him, but the recovery whereof has been or may be barred by operation of law.

**3.**

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Register of  
unclaimed  
moneys to  
be kept.  
Western  
Australian  
Act, No. 34  
of 1912, s. 3.

**3.** It shall be the duty of every company holding any unclaimed moneys, on or before the thirty-first day of January in each year, to enter, in an alphabetical register to be made up to the thirty-first day of December last preceding, and kept by such company at its head or principal office in New South Wales, in the form set forth in the First Schedule to this Act, and with the particulars therein specified, all unclaimed moneys in an account which has not been operated upon for six years; and from and after the thirty-first day of January in each year such register shall be open to the inspection of any person at such head or principal office during the hours within which the company transacts its ordinary business, on payment of a fee of two shillings.

Copy of  
register to be  
gazetted.  
*Ibid.*, s. 4.

**4.** A copy of every such register shall be forwarded annually during the month of February by the company to the Colonial Treasurer for publication by him in the Gazette, and such copy shall be accompanied by a statutory declaration made by an officer of the company in the form set forth in the Second Schedule to this Act.

Penalty.  
*Ibid.*, s. 5.

**5.** Any company holding any unclaimed moneys failing to keep such register, or to forward such copy, or refusing inspection thereof, shall be liable to a penalty not exceeding two pounds for every day during which such default or refusal continues.

Unclaimed  
moneys to be  
paid to the  
Treasurer as  
public  
revenue.  
New Zealand  
Act, No. 961  
of 1908, s. 6.

**6.** (1) All unclaimed moneys which have not been paid by the company to the owner thereof within one year after the first publication of such notice in the Gazette shall be paid by the company to the Colonial Treasurer for the use of the public revenue.

(2) The company shall thereafter be relieved from all further liability in respect of the money so paid.

Penalty for  
neglect to pay  
unclaimed  
moneys.  
Victoria Act,  
No. 2451 of  
1906, s. 7.

**7.** Any company which fails to pay any unclaimed moneys to the Colonial Treasurer as required by the preceding section, shall be liable to a penalty not exceeding two pounds for every day during which such default continues.

Power to  
examine  
accounts, &c.  
South  
Australia Act,  
No. 312 of 1904,  
s. 7.

**8.** The Colonial Treasurer may, at any time after the publication of any notice as aforesaid, examine any of the accounts relating to the unclaimed moneys in such notice referred to, and may for that purpose require the production

production before him, or before such public officer as **George V,**  
 he may appoint, of any book, vouchers, or documents **No. 11.**  
 referring to such moneys; and if any error shall be  
 found in any register or notice aforesaid, he may direct  
 the register or notice, or both of them, to be amended.

The Colonial Treasurer may also examine the books  
 and accounts of any company not furnishing a return of  
 unclaimed moneys.

**9.** The owner of any unclaimed money paid over to  
 the Colonial Treasurer shall, upon proving his ownership  
 be entitled to recover the same from the Colonial  
 Treasurer.

Treasurer  
 may pay law-  
 ful claimant.  
 South Austra-  
 lian Act, No. 539  
 of 1891, s. 8.

**10.** When any unclaimed moneys are paid by the  
 Colonial Treasurer to some person other than the rightful  
 owner, the latter upon proving his ownership shall be  
 entitled to recover from the Colonial Treasurer the  
 unclaimed money belonging to him and so wrongfully  
 paid away as aforesaid.

Payment of  
 unclaimed  
 moneys to  
 person other  
 than rightful  
 owner.

**11.** All penalties for any offence against this Act may  
 be recovered before a stipendiary or police magistrate,  
 or any two justices in petty sessions in a summary way.

Recovery of  
 penalties.  
*Ibid.* s. 10.

**12.** This Act shall not apply to any unclaimed  
 moneys which any trustee company is required by law  
 to pay to the New South Wales Treasury, nor to any  
 unclaimed moneys which any company, or the liquidator  
 of any company, or any official assignee or trustee of  
 any bankrupt estate, is required by law to pay to the  
 said Treasury.

Act not to apply  
 to unclaimed  
 moneys of  
 trustee  
 companies.  
 Western  
 Australian Act,  
 No. 34 of 1912,  
 s. 10.

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SCHEDULES.

FIRST SCHEDULE.

.....Company.

Register of unclaimed moneys held by the [*here insert name of company*].

Name of owner on books.	Total amount due to owner.	Description of unclaimed money.	Date of last claim.

SECOND SCHEDULE.

*The Unclaimed Moneys Act, 1917.*

I [*insert name, address, and occupation*] do solemnly and sincerely declare—

1. That I am an officer of [*insert name of company*] hereinafter referred to as the said company.
2. That in accordance with the provisions of the Unclaimed Moneys Act, 1917, the said company has duly entered all unclaimed moneys in the register kept by the said company at its head or principal office in New South Wales.
3. That the said register correctly and completely sets forth the particulars of all unclaimed moneys within the meaning of said Act of the said company.
4. That the accompanying copy of the said register is a true copy.

And I make this solemn declaration, as to the matter aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration

Taken and declared at  
in the State of New South  
Wales, this                                    ) .....  
A.D. 19                                    day of                                    )

Before me                                    J.P.

LOCAL