

CHAPTER 93

UNCLAIMED AND UNDISTRIBUTED MONEYS

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Officers to pay moneys to Accountant-General and furnish him with statement.
4. Minister may require Auditor-General to audit, etc.
5. Persons entitled to money may apply to Minister for payment of same.
6. Notice of application to be served on Attorney-General.
7. Costs and expenses of Attorney-General to be paid out of amount claimed.
8. Minister or Judge may require applicant to give public notice.
9. Substance of notice.
10. Before payment of moneys any other person may apply to rescind or vary order.
11. Neither Minister nor Accountant-General liable for money claimed after payment but claimant may recover from payee.
- 11A. Delegation of functions.
12. Indemnity for Minister and Accountant-General.
13. Moneys paid in by Official Assignee if required for payment of dividends to be paid on production of dividend order.
14. After 3 years money transferred to Consolidated Fund.
15. After 6 years unclaimed moneys may no longer be claimed.
16. Annual statement of moneys in hands of Accountant-General.

CHAPTER 93

UNCLAIMED AND UNDISTRIBUTED MONEYS

An Act to consolidate and amend the Acts of Barbados relating to unclaimed and undistributed moneys.

1891—21.
1977—59.
L.N. 168/
1967.
1981—8.

Commence-
ment.

Short title.

[7th July, 1891]

1. This Act may be cited as the *Unclaimed and Undistributed Moneys Act.*

Inter-
pretation.

2. For the purposes of this Act

“Minister” means the Minister responsible for Finance;

“officer” means the Official Assignee, Provost Marshal, Registrar or any other public officer not already required by statute to pay into the Consolidated Fund at stated periods all moneys in his hands or under his control;

“unclaimed moneys” means any money which now or may hereafter remain unclaimed for one year after the same became claimable by or payable to any person or persons;

“undistributed moneys” means any moneys which now or may hereafter remain unallotted or undistributed for one year after the same became allottable or distributable.

3. (1) When an officer has in his control any unclaimed moneys or any undistributed moneys, he shall pay the same to the Accountant-General to the credit of an account to be opened in the books of the Accountant-General in the name or style of office of the officer paying in such moneys with the words “unclaimed or undistributed moneys” added and following such name or style of office.

Officers to
pay moneys
to
Accountant-
General and
furnish him
with state-
ment.
L.N. 168/
1967.
1981—8.

(2) The officer paying in such money shall at the time of doing so furnish the Accountant-General with a statement signed by such officer showing the name of the person or style of account

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in which the moneys paid in stand in the books of his office, and the amount paid in, and, where known, the name of the person entitled thereto and whether the same will be likely to be claimed or not or distributed or not within a period of one year from the time of paying in the same, and containing such remarks thereon as such officer deems necessary and proper to make for ascertaining the person entitled thereto and for facilitating the payment thereof when claimed.

Minister
may require
Auditor-
General to
audit, etc.
L.N. 168/
1967.

4. The Minister may at any time require the Auditor-General to enquire into, examine or audit the accounts of any officer with a view to ascertaining if there are any unclaimed moneys or any undistributed moneys in his hands or under his control which should have been paid to the Accountant-General, and the Auditor-General upon being so required shall enquire into, examine or audit such accounts and report thereon in writing to the Minister.

Person
entitled to
money may
apply to the
Minister for
payment of
same.

5. (1) Any person entitled to any unclaimed moneys or any undistributed moneys paid to the Accountant-General by any officer pursuant to this Act may apply to the Minister for payment to him of the same, and the Minister, if satisfied that the person claiming the same is entitled thereto, shall order the payment by the Accountant-General to such person of the principal sum due him.

(2) Where the Minister is not satisfied of the right of such person claiming to be entitled thereto, the claimant may by motion or petition apply in a summary way to a Judge for payment by the Accountant-General of the amount claimed.

L.N. 168/
1967.

(3) Whenever the said moneys are adversely claimed by 2 or more persons, then the Minister shall, in a written certificate, decline to make any order for the payment of the

moneys so claimed and either of the parties claiming as aforesaid shall be at liberty to apply to the High Court, a Judge of which shall cause the parties or any or either of them to appear before the court at a time to be named.

(4) Upon the appearance of such parties, or, in the absence of any of them, upon proof of due service of notice to appear, it shall be lawful for the court to hear and determine such claim and order the payment of the moneys to the person or persons entitled thereto, and for that purpose to examine such parties or any of them and their witnesses upon oath; and the costs of the proceedings shall be in the discretion of the court and the amount thereof shall be taxed in the usual manner by the Registrar.

6. A notice of all applications to the Judge shall be served on the Attorney-General and the Judge shall hear such applications and make such orders on the Accountant-General in respect of the money claimed as to the Judge seems just.

Notice of application to be served on Attorney-General.

7. All costs and expenses incurred by or on behalf of the Attorney-General in resisting or appearing on any such application, unless the Judge certifies that the claim was so manifestly well grounded that it ought not to have been opposed, shall be paid out of the amount thereby claimed.

Costs and expenses of Attorney-General to be paid out of amount claimed.

8. The Minister or the Judge may, if he thinks fit, require any person applying to be paid any unclaimed moneys or any undistributed moneys paid to the Accountant-General, to give such public notice as he shall deem proper by advertisements in one or more of the newspapers of this Island.

Minister or Judge may require applicant to give public notice.

9. Every such notice shall state the amount claimed and the name of the claimant and the time at which the payment will be made if no other claimant sooner appears and makes out his claim and such other particulars as the Minister or the Judge requires, and where any such payment is ordered, the notice shall also state the purport of the order.

Substance of notice.

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Before payment of moneys any other person may apply to rescind or vary order.

10. At any time before payment under the order of the Judge or Minister, as the case may be, to any person of any unclaimed moneys or any undistributed moneys, any other person may apply to the Judge or Minister, as the case may be, by motion or petition in a summary way to rescind or vary any order made for payment thereof, and the Judge or Minister, as the case may be, shall hear and determine the rights of parties thereto and make such order thereon as to him seems just.

Neither Minister nor Accountant-General liable for money claimed after payment, but claimant may recover from payee.

11. Where any moneys having been paid as aforesaid to a claimant are afterwards claimed by another person, neither the Minister nor the Accountant-General shall be responsible for the same to such other claimant, but he may have recourse against the person to whom the payment was made and may, if entitled to such moneys, recover from such person the money so paid by action or complaint in the court having jurisdiction.

Delegation of functions. 1977-59.

11A. (1) The Minister may, by order, delegate to a public officer any of the functions conferred on him under this Act subject to such conditions, exceptions and qualifications as he thinks fit.

(2) Nothing in subsection (1) prevents the Minister from exercising by himself any function delegated by him under this section.

Indemnity for Minister and Accountant-General.

12. The Minister and the Accountant-General are hereby indemnified in respect of every payment of moneys under this Act and shall not be in any manner responsible to any person having or claiming any interest therein.

Moneys paid in by Official Assignee if required for payment of dividends to be paid on production of dividend order.

13. (1) Notwithstanding the preceding sections of this Act, in all cases in which the Official Assignee requires any moneys paid to the Accountant-General by him for the payment of any dividend subsequently declared, the money so required shall be paid to him by the Accountant-General on the production of the dividend order.

(2) Any moneys so paid to the Official Assignee, if not paid away by him within one year of the receipt thereof by him from the Accountant-General, shall be deemed unclaimed within the meaning of this Act.

- 14.** Any unclaimed or undistributed moneys paid to the Accountant-General by any officer which remained in the hands of such officer unclaimed for three years prior to such payment or are retained by the Accountant-General unclaimed for a period which, together with the period during which it

After 3 years
moneys
transferred to
Consolidated
Fund.
L.N. 168/
1967.

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has remained unclaimed in the hand of such officer, is equal to 3 years, shall be transferred by the Accountant-General, together with any accumulations of interest thereon, to the Consolidated Fund: but any moneys so transferred if claimed by any person entitled thereto, as provided by this Act, within 6 years after the same were paid to the Accountant-General shall be paid to such person.

1981—8.

15. Where any moneys are not claimed for 6 years after the same have been paid to the Accountant-General by an officer under this Act, the same and all accumulations (if any) of interest thereon shall no longer be capable of being claimed.

After 6
years
unclaimed
moneys may
no longer be
claimed.
L.N. 168/
1967.
1981—8.

16. The Accountant-General shall, sometime in the month of January in each year, publish in the *Official Gazette* a detailed statement of all unclaimed and undistributed moneys paid to him during the last preceding 12 months.

Annual
statement of
moneys in
hands of
Accountant-
General.
1981—8.

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