

# REPRINT

## **NATIONAL BANK OF SOLOMON ISLANDS ACT (CAP. 52)**

**As in force at: 1 March 1996**

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**AN ACT TO PROVIDE FOR THE VESTING OF ASSETS IN THE NATIONAL BANK OF SOLOMON ISLANDS AND TO AMEND THE BANKING ACT**

## **NATIONAL BANK OF SOLOMON ISLANDS ACT (CAP. 52)**

### **Table of provisions**

1	Short title and Interpretation	1
2	Vesting of assets in NBSI	1
3	Removal of limit on advances	2
<b>SCHEDULE</b>		<b>2</b>

# NATIONAL BANK OF SOLOMON ISLANDS ACT (Cap. 52)

As in force at: 1 March 1996

## 1 Short title and Interpretation

(1) This Act may be cited as the *National Bank of Solomon Islands Act*.

(2) In this Act:

“**CSB**” means the Commonwealth Savings Bank of Australia;

“**CTB**” means the Commonwealth Trading Bank of Australia;

“**NBSI**” means the company to be incorporated under the name of “The National Bank of Solomon Islands Limited” pursuant to the Memorandum of Understanding of 1st July 1980 between Solomon Islands Government, the Commonwealth Banking Corporation, CTB and CSB; and

“**vesting date**” has the meaning given by section 2.

(3) A notice under sections 2 or 3 shall be published in the *Gazette*; but section 62 of the *Interpretation and General Provisions Act* (parliamentary procedure) shall not apply to such a notice.

## 2 Vesting of assets in NBSI

(1) All property, rights, liabilities and obligations which, immediately before such day as may be appointed by the Minister by notice (in this Act referred to as “the vesting date”) were:

(a) property, rights, liabilities or obligations of CTB or CSB; and

(b) related to their banking business in Solomon Islands,

shall on the vesting date vest by virtue of this Act and without further assurance in NBSI.

(2) The Schedule to this Act contains provisions supplementary to subsection (1).

- (3) The Minister shall not appoint a day under subsection (1) unless he is satisfied that on or before that day:
  - (a) NBSI, CTB and CSB will have entered into an agreement for the vesting in NBSI of the property, rights, liabilities and obligations referred to in that subsection; and
  - (b) any consideration payable by NBSI under the agreement in respect of the vesting will have been paid.

### **3 Removal of limit on advances**

- (1) The duty imposed on financial institutions by section 14(1)(a) of the *Banking Act* (limit on aggregate amount of advances, etc.) shall not apply to NBSI at any time during the period of five years beginning with the vesting date.
- (2) The Minister may by notice extend or further extend the period referred to in subsection (1).

## **SCHEDULE**

### **Section 2**

#### **SUPPLEMENTARY PROVISIONS ABOUT VESTING OF ASSETS**

- 1 For the purposes of this Act, the banking business of CTB in Solomon Islands does not include its business as shareholder of NBSI.
- 2
  - (1) Every agreement (whether in writing or not) to which CTB or CSB was a party immediately before the vesting date and which relate to their banking business in Solomon Islands shall have effect as from the vesting date as if:
    - (a) NBSI had been a party to the agreement; and
    - (b) for any reference to CTB or CSB there were substituted, as respects anything falling to be done on or after the vesting date, a reference to NBSI.

- (2) Sub-paragraph (1) applies to an agreement whether or not it is of such a nature that rights, liabilities and obligations under it could be assigned by CTB or CSB.
- (3) In any agreement (whether in writing or not) or other document to which sub-paragraph (1) does not apply, references to CTB or CSB, in relation to their banking business in Solomon Islands, shall be construed as from the vesting date as references to NBSI.

3

- (1) Without prejudice to the preceding provisions of this Act, where any right, liability or obligation vests by virtue of this Act, NBSI and all other persons shall, as from the vesting date, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of NBSI.
  - (2) Without prejudice to the preceding provisions of this Act, any legal proceedings or applications to any authority pending on the vesting date by or against CTB or CSB, insofar as they relate to any property, right, liability or obligation vested by virtue of this Act or to any agreement or document which has effect in accordance with paragraph 2, shall be continued by or against in NBSI to the exclusion of CTB and CSB.
- 4 The Registrar of Titles shall make such alterations in the land register compiled under the *Land and Titles Act* as are necessary or expedient in consequence of this Act; but no fees shall be payable under section 259 of that Act in respect of such an alteration.
- 5 No stamp duty shall be payable in consequence of this Act or any agreement falling within section 2(3)(a).

## ENDNOTES

1

### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 52 of the Revised Edition of the Laws of Solomon Islands.

2

### LIST OF LEGISLATION

#### ***National Bank of Solomon Islands Act (Cap. 52)***

*Constituent legislation:* 13 of 1980 (Commenced 19 December 1980)

3

### LIST OF AMENDMENTS