



# BRITISH BANKERS' ASSOCIATION

Christopher J Eadie  
The Deputy Banking Ombudsman  
70 Gray's Inn Road  
London WC1X 8NB

**Piners Hall**  
105-108 Old Broad Street  
London EC2N 1EX

Tel: +44 (020) 7 216 8800  
Fax: +44 (020) 7 216 8811  
**Chris Rawlins**  
Director

Direct Line: 020 7216 8899  
Direct Fax: 020 7216 4399  
E-mail: [chrisrawlins@bba.org.uk](mailto:chrisrawlins@bba.org.uk)

18 April 2000

Dear Chris,

## **Dormant accounts from World War II**

As discussed last week, the BBA has been leading the Restore UK Scheme with 17 of our members to identify any unclaimed accounts from the second world war period. My colleague Joanna Elson wrote to David Thomas on this subject on 18 December 1998, and he replied to her on 25 February 1999 making clear that OBO *'would be happy to deal with such cases in the usual way, provided they fall within our rules.'* David went on to say *'I anticipate that they will fall within our rules, like ordinary dormant account cases.'*

An independent panel chaired by Lord Tony Newton, the Restore UK Panel, has been set up to scrutinise the work that the BBA and the banks have been doing in this area. At its meeting last Friday, the Panel recommended that the BBA write to OBO both to inform you of the status of the Scheme and to obtain your further confirmation that you will continue to treat any complaints received as a result of its operation in the same way that you treat ordinary dormant account cases.

The good news is that the list of names of approximately 35,000 accounts identified will be published on an adjunct to the BBA's website on 8 May 2000. Claimants will be invited to send their claims either electronically or by post to Restore UK, the agency that has been set up and funded by the banks in the Scheme to handle and process claims efficiently.

Despite the number of names that is to be published, both the Restore UK Panel and the BBA think it is very unlikely that the number of complaints that reach deadlock in the banks will be large. Banks are keen to be seen to be generous when deciding on the validity of a claim, particularly in light of the political sensitivities that surrounds any attempt to restore assets that may belong to victims of the holocaust or their heirs. They are aware that, for obvious reasons, they may have to decide the fate of a claim on the basis of far less documentary evidence than they are used to seeing. They are also aware that to be seen not to be generous risks courting hostile attention from the media, with possibly damaging consequences for corporate PR.



Given that we can think of no reason that distinguishes these cases from normal dormant account cases, I should be most grateful if you could confirm to me that you are still willing to proceed on the basis indicated. To give you comfort, the Restore UK Panel will continue to exist. Should the unexpected occur and the number of complaints turns out to be larger than expected, the Panel has indicated that it will look at the matter again.

I look forward to hearing from you shortly.

Kind regards.

Yours sincerely

A handwritten signature in cursive script that reads "Christopher Rawlins". The signature is written in black ink and is positioned above the printed name.

Christopher Rawlins



# BRITISH BANKERS' ASSOCIATION

**Pinners Hall**  
105-108 Old Broad Street  
London EC2N 1EX

Tel: +44 (0) 171 216 8800  
Fax: +44 (0) 171 216 8811

**Joanna Elson**  
*Director*

Direct Line: 0171 216 8849  
Direct Fax: 0171 216 8908  
E-mail: joannaelson@bba.org.uk

Mr David Thomas  
Banking Ombudsman  
Office of the Banking Ombudsman  
70 Grays Inn Road  
LONDON WC1X 8NB

26 February 1999

*Dear David*

## **DORMANT ACCOUNTS FROM WORLD WAR II**

Many thanks for your reply of 25 February.

I was glad to hear that you are happy to deal with these cases in the usual way. As I said on the phone, I don't see any difference of principle between these cases and the general dormant accounts cases. I will of course keep you informed as the project progresses.

Yours sincerely

*Joanna*

**JOANNA ELSON**

# The OFFICE Of The BANKING OMBUDSMAN

70 Gray's Inn Road  
London  
WC1X 8NB

Ms Joanna Elson  
Director  
British Bankers' Association  
Pinners Hall  
105-108 Old Broad Street  
LONDON  
EC2N 1EX

phone: 0171 404 9944  
enquiries: 0345 66 09 02  
fax: 0171 405 5052

e-mail: [banking.ombudsman@obo.org.uk](mailto:banking.ombudsman@obo.org.uk)  
website: [www.obo.org.uk](http://www.obo.org.uk)

Ombudsman: David Thomas  
Deputy Ombudsmen: Chris Eadie and Michael Reddy  
Assistant Ombudsman: Jane Hingston

**26 FEB 1999**

25 February 1999

Dear Joanna

## **Dormant accounts from World War II**

Thank you for your letter of 18 December. My apologies for failing to reply previously.

We would be happy to deal with such cases in the usual way, provided they fall within our rules. I anticipate that they will fall within our rules, like ordinary dormant account cases.

If you think there is any reason which distinguishes these cases from normal dormant account cases, so that they would not fall within our existing rules, please let me know. Any change to our rules would need to go through our Council and Board.

If you or the working party would like any further information from me, please do not hesitate to contact me.

Yours sincerely,



DAVID THOMAS  
*The Banking Ombudsman*



# BRITISH BANKERS' ASSOCIATION

Mr David Thomas  
Banking Ombudsman  
Office of the Banking Ombudsman  
70 Grays Inn Road  
LONDON WC1X 8NB

Pinners Hall  
105-108 Old Broad Street  
London EC2N 1EX

Tel: +44 (0) 171 216 8800  
Fax: +44 (0) 171 216 8811

Joanna Elson  
Director

18 December 1998

*Dear David*

## DORMANT ACCOUNTS FROM WWII

You may recall that I wrote to you in October to let you know about a data matching project which is being undertaken by the banks to determine whether there are still dormant accounts within banks which could have related to holocaust victims. I attach a copy of this letter for ease of reference.

I promised to keep you in touch with developments.

The project is now progressing and we hope to have some results in the new year. As I said at the time banks are working on a claims procedure which would augment the ordinary dormant accounts claims procedure. It is likely that a list of names will be published as an adjunct to the BBA's website, and a simple claim form will also be available from the website. The BBA would then forward claims forms to the relevant bank, who would deal with the claim. Just as in the ordinary dormant accounts procedure, customers are told that if banks and claimants cannot agree on the validity of a claim they can go first through the banks' internal complaints procedure and then to the Office of the Ombudsman, the banks would wish the same procedure to apply in this case. We would therefore be grateful for your comments.

If you would like any further detail, or to meet the working party of banks currently working on the claims procedure, please do not hesitate to contact me.

Yours sincerely

*Joanna*

JOANNA ELSON



# BRITISH BANKERS' ASSOCIATION

Mr David Thomas  
Solicitor  
The OFFICE Of The BANKING  
OMBUDSMAN  
70 Gray's Inn Road  
LONDON WC1X 8NB

Pinners Hall  
105-108 Old Broad Street  
London EC2N 1EX

Tel: +44 (0) 171 216 8800  
Fax: +44 (0) 171 216 8811  
Joanna Elson  
Director

Direct: 0171 216 8849  
Fax: 0171 216 8908  
E-mail: joannaelson@bba.org.uk

23 October 1998

Dear: *David*

## **BANKS' DATA MATCHING PROJECT**

As you may know, the DTI has published on the internet a list of names relating to assets seized by the Board of Trade during World War II from 'belligerent enemy' countries.

There have been calls from pressure groups and others for banks to publish a list of bank accounts which are still dormant in banks, and which were frozen by the Custodian of Enemy Property during the war and re-released afterwards. As you may know these relate to the other class of country - those from 'technical enemy countries'.

Most banks' records do not now show which accounts were frozen, and a number of banks have therefore decided to undertake a matching exercise with the 'George Books' held in the Public Record Office. These records detail assets seized by the Custodian, and the plan is to match these records against banks' dormant account records in order to produce the kind of list described above. Price Waterhouse Coopers are undertaking this work for the group of banks involved. That group of banks, under the auspices of the BBA, is also beginning work on a claims procedure to deal with claims once the list of names is published.

You will recall that we consulted you when drafting the general dormant account claims form. As soon as we have a draft claims form and procedure I will be in touch to seek your views on it.

In the meantime I think we are meeting up for lunch soon, which I look forward to.

**Yours sincerely**

*Joanna Elson*

**Joanna Elson**

# The OFFICE Of The BANKING OMBUDSMAN

70 Gray's Inn Road  
London  
WC1X 8NB

phone: 0171 404 9944  
enquiries: 0345 66 09 02  
fax: 0171 405 5052

Mr Christopher Rawlins  
Director  
British Bankers' Association  
Pinners Hall  
105-108 Old Broad Street  
London  
EC2N 1EX

e-mail: [banking.ombudsman@obo.org.uk](mailto:banking.ombudsman@obo.org.uk)  
website: [www.obo.org.uk](http://www.obo.org.uk)

Ombudsman: David Thomas  
Deputy Ombudsmen: Chris Eadie and Michael Reddy  
Assistant Ombudsman: Jane Hingston

**our reference:** CJE/WWIIacs

20 April 2000

Dear Chris,

## **Dormant Accounts from World War II**

Thank you for your letter of 18 April confirming the recent developments in the Restore UK Scheme which we spoke about by telephone last week.

I think it may be a little simplistic to regard the disputes which are likely to arise where a bank is not satisfied of the entitlement of a claimant to the funds in a particular account as being directly parallel to our ordinary dormant account cases. The essential difference, as I see it, is that in the normal case we have a complainant who has evidence that at some time in the past he, or a predecessor in title, had funds in an account with the bank against which he complains. The issue is whether those funds remain in that account. Identification of the accountholder is rarely in doubt. In the anticipated Restore UK complaints, however, the funds undoubtedly exist but the issue is whether the complainant is entitled to them.

David Thomas's comment on the likelihood that the complaints would fall within our rules "*like ordinary dormant account cases*" related to the fact that, on the face of it, the events being investigated will be well before the six years limit within which complaints must ordinarily be brought to this Office. However the limitation period in relation to a bank account does not begin to run until a claim is made: putting it another way, a claim to the funds in an old account is essentially a claim that **today** the bank concerned holds money belonging to the complainant.

In deciding the eligibility of a complaint we must additionally ensure that the complainant is the person entitled to bring the complaint. But that will also be the substantive issue in these cases. There may obviously be a number of claims which will have no foundation whatsoever and it would be unfortunate if your literature and information gave the impression that **everyone** who claims under the Restore UK procedures will be entitled, upon rejection by the bank, to bring a complaint under the Banking Ombudsman Scheme or, in the fullness of time, the Financial Ombudsman Service. I anticipate that, in our eligibility procedures, we will require some document or other evidence indicating that the complainant may be the rightful owner of the funds.

We are unable to deal with a number of conflicting claims together and, where there are rival claims to the same funds, it may be necessary to decide, under the discretionary provision of our rules, that it is more appropriate that the case should be decided in the courts (by interpleader proceedings). It is tempting to say (to avoid excluding such a case) that the **likeliest** contender should have his complaint investigated by us but undoubtedly that would be seen as unfair to rival complainants. I think the procedures for these cases will probably need to place an obligation on banks to tell us whether they have any claim or claims competing with that which a potential complainant raises.

I am sorry if I am not giving you the straightforward 'Yes' which I suspect you sought, but I feel it is right to make clear at this stage that the eligibility, and practicability of investigation, of each and every case will have to be considered. It may only be after we have dealt with one or two lead cases that we can form a view of how effectively we can investigate and adjudicate upon these cases.

I have discussed the position with David Thomas who agrees, both as Banking Ombudsman and as Principal Ombudsman, Banking and Loans, of the new Service, with what I have said.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C J Eadie', written over a horizontal line.

C J Eadie  
*The Deputy Banking Ombudsman*