

Abstract

The substance of this study is the legal nature of the Bank Cash Deposit Contract and its effects, whereas we start with the different definitions and introductions for this kind of the deposits and its distinction from the General Deposit Process.

Due to the importance of the theories which express the legal nature of the Bank Cash Deposit Contract, we have shown these four theories as follows:-

- the theory of the bailment .
- the exceptional theory (incomplete) bailment.
- the loan theory.
- the theory of special nature .

Then, and after perusing these theories in detail, we started applying the rules and regulations of these theories about what is running of dealing at the banks, and how the courts deal with, in order to discover under which image of these images, we may register this kind of deposits. We took into consideration in that matter, the statement of "Positives and Negatives" in considering any theory of the mentioned three theories, and we reached the taking into consideration of the loan theory which attained the authentication and support of our opinion to it.

Then after that we moved to the discussion of formulation of the Cash Deposit Contract and its affirmation as far as its items and influence of

formulation of the deposit contract on the legal nature of it, then the special principles relating to the affirmation the contract whether in regard to the Bank or in regard to the client.

After the formulation of the contract, we moved to the discussion of resulting effects of the Bank Deposit and what the Bank has of rights on it, as well as what is arranged on it of numerous obligations, as the obligation of the bank to repay the deposited money, its obligation to pay the accrued interests, and its obligation of serving the client's cash box, whereas we showed the legal suitability and fitness of each of the mentioned processes.

And at last, we moved after that in this study, to the practical side of it, in our opinion, that is the account of the Bank Cash Deposits, whereas we defined the account of the deposits and showed its extinguished characteristics, its conditions, and its differences between this account and the other kinds of accounts like the current account for instance. After this we showed the special regulations relating to some kinds of the deposit accounts; these accounts which still form a big difficulty in the practical dealing with it, due to the legislative diminishing and negligence in some of the Arab States' Rules and especially in relation to the Palestinian Rules. Out of these accounts, we take for instance the corporate accounts.

Cash Deposits

In general, we have shown all regulations of the deposits' account in as far as its items, kinds, distress, and closure are concerned.

After that we talked about some of the special images and types relating to the Bank deposits as : Saving Deposits and investment Deposit Certificates, from the point of its distinctions, the way of deliverance of its value, how to buy them, and also the deposit certificates, the extra regulations pertaining to them, and deposits specialized for a certain purpose, as well as current deposits.

The end result of this research, is the natural end for the Bank Cash Deposit and which is represented in its repayment to the depositor himself or to the third party, whether through a direct way or to be dealt with in an indirect way and form; this when the investor starts restoring his deposit by using checks and utilizing orders of the Bank Transfer.

We started, and for the sake of scientific research, dividing this study to three chapters as follows:

- The Preliminary Chapter which talks about the identification of the Bank Cash Deposits, their forms and images.
- The First Chapter which discusses the contract of the Bank Cash Deposit, and
- The Second Chapter which deals with the account of the Bank Cash Deposit.