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## STATUTORY INSTRUMENTS

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# 1984 No. 779

## The Savings Certificates (Yearly Plan) Regulations 1984

### MISCELLANEOUS

#### Persons under disability

18. If any person who is a person to whom the terms of an agreement apply or who is the holder of a certificate is a mentally disordered person or is under legal disability for any other reason except his age alone, anything which under these Regulations is required or authorised to be done by or to that person shall or may be done by or to the receiver or other person having power in law to administer his estate.

#### Payments into National Savings Bank

19. Where the Director of Savings is unable for any reason to obtain a valid discharge for any repayment falling to be made to any person under an agreement or in respect of a certificate, he may, unless other provision for dealing with the repayment has been made by any enactment, open an account in the National Savings Bank in the name of the person to whom the payment is due, and may, until payment can be made to the person entitled thereto, retain the amount due in that account:

Provided that—

- (a) if the person to whom the payment is due has an account in the National Savings Bank, the Director of Savings may, if he thinks fit, instead of opening a new account, credit the amount payable to the existing account; and
- (b) in the case of an account opened by the Director of Savings—
  - (i) no sum shall be received by way of deposit for the credit of the account except in pursuance of these Regulations; and
  - (ii) the regulations requiring a declaration to be made by a depositor in the National Savings Bank shall not apply with respect to any payment into the account by the Director of Savings.

#### Loss of certificates, etc

20.—(1) The loss or destruction of any document issued by the Director of Savings in pursuance of these Regulations, shall be notified in writing to the Director of Savings as soon as practicable by the person entitled to possession of the document.

(2) If it appears to the Director of Savings that any document so issued has been issued in error, lost, destroyed or tampered with, or is in such a condition as to render it desirable that it should be replaced by a new document, he may, subject to the provisions of this Regulation, issue a new document in lieu of the old document to any person who satisfies him that he is entitled to the possession of the document.

(3) The Director of Savings may attach to the issue under this Regulation of any new document such conditions as to indemnity or otherwise as he thinks fit.

### **Persons unable to write**

21. Where any document is required by the Director of Savings or by these Regulations to be signed by any person and that person is unable to write, it shall be sufficient for the purposes of these Regulations if the document is marked by that person in the presence of a witness in such manner as the Director of Savings may require.

### **Rectification of mistakes**

22.—(1) Any mistake in any document received from the Director of Savings in pursuance of these Regulations, shall, as soon as practicable, be notified in writing to the Director of Savings by the person receiving the document.

(2) If the Director of Savings is satisfied that any transaction effected or thing done, or purporting to have been effected or done, in accordance with these Regulations has been effected or done in error, he may cancel the transaction and may take all such steps as are, in his opinion, necessary to rectify the error, and may for that purpose require the surrender to him of any certificate or other document.

### **Settlement of disputes**

23.—(1) If any dispute arises between the Director of Savings and—

- (a) the person to whom the terms of an agreement apply, or
- (b) the holder of any certificates, or
- (c) a person on whose behalf an agreement was entered into, or
- (d) a person who is or claims to be the personal representative or next of kin or creditor of a person to whom the terms of an agreement applied or the holder of a certificate, or the trustee in bankruptcy or assignee of such a person who is bankrupt or insolvent, or
- (e) a person who claims to be entitled under any agreement or to any certificate,

the matter in dispute shall be referred in writing to the Chief Registrar of Friendly Societies.

(2) On any such reference being made, the Chief Registrar may proceed ex parte on notice in writing sent by post to the Director of Savings, and may administer oaths to any witnesses appearing before him.

(3) The award of the Chief Registrar on any reference under this Regulation shall be final and binding on all parties.

(4) Section 11 of the National Savings Bank Act 1971 (which empowers the Treasury to direct that fees shall be charged on certain awards made by the Chief Registrar of Friendly Societies) shall have effect as if the awards therein mentioned included awards made under this Regulation.

### **Notice of trust not receivable by Director of Savings**

24.—(1) Subject to the provisions of these Regulations, no notice of a trust shall be receivable by the Director of Savings in respect of an agreement or a certificate.

(2) Neither the Director of Savings nor any person acquiring any interest under an agreement or in respect of a certificate shall, by reason that the terms of the agreement apply to any person as trustee or the certificate is held by any person as trustee (whether jointly with any other person or solely), be affected with notice of any trust or of the fiduciary capacity of the person or of any fiduciary obligation imposed on that person.

### **Exemption from stamp duty**

25. No stamp duty shall be charged on a power of attorney or other document which relates solely to the payment or receipt of any amount.

### **Fees for birth, death and marriage certificates**

26. Section 10 of the Savings Banks Act 1887 (which relates to the price of a certificate of birth, death or marriage required for the purpose of the Acts relating to the National Savings Bank), as amended by any Order in force for the time being under section 5 of the Public Expenditure and Receipts Act 1968, shall apply for the purposes of these Regulations as it applies for the purposes of those Acts, and for the purposes of these Regulations the said section 10 shall have effect as if the person to whom the terms of an agreement apply or the holder of a certificate or any person having an interest in a certificate were a depositor in the National Savings Bank.

### **Indemnity of Treasury, Director of Savings and officers**

27.—(1) The Treasury, the Director of Savings and any person acting under his authority shall not be liable in respect of any payment duly made or act duly done in accordance with these Regulations, and any such payment shall, subject to the provisions of these Regulations for saving the rights of third parties, be deemed to have been a valid payment, and the receipt of the person to whom the money was paid shall be a full discharge to the Treasury and the Director of Savings for the amount of the payment.

(2) Where a warrant for repayment of any amount repayable under an agreement or in respect of a certificate is issued payable to some person being neither the person to whom the terms of the agreement apply nor the holder of the certificate nor a person otherwise entitled under these Regulations to receive repayment in respect thereof, then, if it is shown that—

- (a) the warrant was issued in good faith and without negligence, and
- (b) the issue of the warrant to that person is attributable to some act or omission on the part of the person to whom the terms of the agreement apply or to the holder of the certificate or to a person otherwise so entitled to receive repayment,

the warrant shall, subject to the provisions of these Regulations for saving the rights of third parties, be deemed to have been duly issued to a person who was entitled to receive repayment.

### **Saving of rights of third parties**

28. Nothing in these Regulations, for the protection of the Treasury or the Director of Savings in respect of any act done or any money paid shall operate to prevent the recovery by any person or his representatives of any money lawfully due to him from the person to whom that money was paid by or under the direction of the Director of Savings, or from the representatives of that person, or affect the right which any person or his representatives may have under an agreement or in respect of a certificate against a third party.

### **Form of documents**

29. Where any application is required by these Regulations to be made in a manner approved by the Director of Savings, the document in which the application is made shall contain a full and specific statement of the particulars required to be given, and any such document which is required by the Director of Savings to be signed by any person shall be signed by that person.

### **Evidence of identity, etc**

**30.**—(1) The Director of Savings shall be entitled to require evidence to be given to his satisfaction of the identity of any person or of the title of any person to the terms of an agreement, to any certificates, document or money, or to require evidence that anything purporting to be done in pursuance of these Regulations has been duly done, or otherwise with respect to any matters on which the due exercise of his powers or performance of his duties under these Regulations depends, and the Director of Savings may, for the purpose of obtaining any such evidence, require a statutory declaration to be made by any person.

(2) The Director of Savings may accept as conclusive proof of the death of any person to whom the terms of an agreement applied or who held any certificate any evidence which establishes to his satisfaction the fact that the person has not been heard of for a period of seven years or more, and, for the purposes of this paragraph, the expression “person” includes any person beneficially interested at any time, whether absolutely or contingently, in the personal estate of the deceased.

### **Obligation of secrecy**

**31.**—(1) A person employed in connection with business arising under these Regulations shall not disclose to any person, other than the Director of Savings or a person employed in carrying these Regulations into execution, the name of any person to whom the terms of an agreement apply or the holder of any certificate, the number of certificates held by any person, or agreements entered into by or on behalf of any person, or the amount repaid under any agreement or in respect of any certificate.

(2) The last foregoing paragraph shall not prevent the disclosure by a person authorised for the purpose by the Director of Savings of information to any person in connection with an offence committed with reference to any agreement or certificate or for the purpose of ascertaining whether or not an offence has been so committed.

### **Saving for rights of joint holders, etc**

**32.**—(1) Nothing in these Regulations relating to joint holders of certificates shall affect the mutual rights of any joint holders.

(2) Nothing in these Regulations relating to trustees shall as between either trustee or as between any trustee and the beneficiary under a trust be deemed to authorise the trustees to act otherwise than in accordance with the rules of law applying to the trust and the terms of the instrument (if any) constituting the trust.

### **Application to Scotland**

**33.** In the application of these Regulations to Scotland—

- (a) any reference to a mentally disordered person shall be construed as a reference to a person who is incapable by reason of mental disorder within the meaning of the Mental Health (Scotland) Act 1960 of managing and administering his property and affairs;
- (b) any reference to a receiver in relation to a mentally disordered person shall be construed as a reference to a curator bonis, guardian or tutor;
- (c) any reference to a receiving order shall be construed as a reference to an award of sequestration;
- (d) any reference to the Official Receiver shall be construed as a reference to the trustee or judicial factor in bankruptcy;
- (e) any reference to probate, letters of administration or letters of administration with the will annexed shall be construed as a reference to confirmation of an executor;

- (f) any reference to the Treasury Solicitor shall be construed as a reference to the Queen's and Lord Treasurer's Remembrancer;
- (g) any reference to the Chief Registrar of Friendly Societies shall be construed as a reference to the Assistant Registrar of Friendly Societies for Scotland.

#### **Application to Northern Ireland**

- 34.**—(1) These Regulations shall extend to Northern Ireland.
- (2) In the application of these Regulations to Northern Ireland—
- (a) any reference to a mentally disordered person shall be construed as a reference to a person who, by reason of unsoundness of mind, or of mental disorder within the meaning of the Mental Health Act (Northern Ireland) 1961, is or is considered incapable of managing his affairs;
  - (b) any reference to a receiver in relation to a mentally disordered person shall be construed as a reference to a committee or any other person appointed pursuant to the Lunacy Regulation (Ireland) Act 1871 (as amended) and the orders made thereunder to exercise with respect to the estate of such person powers similar to those of a committee;
  - (c) any reference to a receiving order shall be construed as a reference to an order of adjudication of bankruptcy, or to an order in any arrangement operating by virtue of section 349 of the Irish Bankrupt and Insolvent Act 1857 to vest a deposit in the Official Assignee alone or jointly with any person;
  - (d) any reference to the Official Receiver shall be construed as a reference to the Official Assignee in Bankruptcy;
  - (e) any reference to the Treasury Solicitor shall be construed as a reference to the Chief Crown Solicitor for Northern Ireland.

#### **Application to the Isle of Man**

- 35.**—(1) These Regulations shall extend to the Isle of Man.
- (2) In the application of these Regulations to the Isle of Man—
- (a) any reference to a receiver in relation to a mentally disordered person shall be construed as a reference to the committee of the estate of a person found of unsound mind according to the law of the Isle of Man or to a receiver appointed under section 75 of the Mental Health Act 1974 of the Isle of Man, as the case may be;
  - (b) any reference to the Treasury Solicitor shall be construed as a reference to the Attorney-General of the Isle of Man.

#### **Application to the Channel Islands**

- 36.**—(1) These Regulations shall extend to the Channel Islands.
- (2) In the application of these Regulations to Jersey—
- (a) any reference to a mentally disordered person shall be construed as a reference to a person suffering from mental disorder within the meaning of the Mental Health (Jersey) Law 1969;
  - (b) any reference to a receiver in relation to a mentally disordered person shall be construed as a reference to a curator;
  - (c) the references in Regulation 7(2) of these Regulations to sections 3 and 4 of the Cheques Act 1957 shall be respectively construed as references to article 3 and 4 of the Cheques (Jersey) Law 1957;

- (d) any reference to a receiving order shall be construed as a reference to a declaration of “désastre”;
  - (e) any reference to the Official Receiver shall be construed as a reference to Her Majesty's Viscount for Jersey or to an “attourné” appointed in bankruptcy, as the case may be;
  - (f) any reference to the Treasury Solicitor shall be construed as a reference to Her Majesty's Receiver General for Jersey;
  - (g) a nomination made by the person to whom the terms of an agreement apply or who is the holder of a certificate and who is domiciled in Jersey of any person in respect of any sum due under an agreement or in respect of any certificate held by him at his death shall take effect only as to that portion of his personal estate over which he has power of testamentary disposition according to the law of Jersey, but any repayment made to that nominee without notice of the incapacity of the person who has made the nomination to dispose of the whole or any portion of the estate nominated shall be a valid payment.
- (3) In the application of these Regulations to Guernsey, Alderney and Sark—
- (a) any reference to a mentally disordered person shall be construed as a reference to a person who under any law for the time being in force in any of the Islands of the Bailiwick of Guernsey is a person of unsound mind;
  - (b) any reference to a receiver in relation to a mentally disordered person shall be construed as a reference to a guardian appointed by the Royal Court of Guernsey, the Court of Alderney or the Court of the Seneschal of Sark, as the case may be;
  - (c) any reference to the Treasury Solicitor shall be construed as a reference to Her Majesty's Receiver-General;
  - (d) any reference to a statutory declaration shall be construed, in relation to Guernsey, as a reference to a declaration on oath before the Bailiff, a jurat, the Magistrate or a Notary Public, in relation to Alderney, as a reference to a declaration on oath before the Court of Alderney, and, in relation to Sark, as a reference to a declaration before the Seneschal;
  - (e) the references in Regulation 7(2) of these Regulations to section 76, subsections (1), (3), (4) and (5) and, so far as it relates to crossed cheques, subsection (6) of section 77, and sections 78, 79, 80 and 81 of the Bills of Exchange Act 1882 shall be respectively construed as reference to section 75, subsections (1), (3), (4) and (5) and, so far as it relates to crossed cheques, subsection (6) of section 76, and sections 77, 78, 79 and 80 of the Bills of Exchange (Guernsey) Law 1958, and the references in the said Regulation 7(2) to sections 3 and 4 of the Cheques Act 1957 shall be respectively construed as reference to sections 83 and 84 of the Bills of Exchange (Guernsey) Law 1958;
  - (f) for Regulation 11 of these Regulations there shall be substituted the following Regulation:
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    - “11. Where it is shown to the satisfaction of the Director of Savings that any person who is the person to whom the terms of an agreement apply or who is the holder of a certificate is insolvent, the Director of Savings may, if he thinks fit, pay the amount repayable under the agreement or in respect of the certificate to any person who makes application in that behalf and who satisfies him that he is a proper person to receive payment.”;
  - (g) in Regulation 23(1)(d) of these Regulations the words “or the trustee in bankruptcy or assignee of such a person who is bankrupt or insolvent” shall be deleted;
  - (h) a nomination made by a person to whom the terms of an agreement apply or who holds a certificate and who is domiciled in the Bailiwick of Guernsey of any person in respect of any sum due under the agreement or in respect of any certificate as the case may be held by him at his death shall take effect only as to that portion of his personal estate over which he has power of testamentary disposition according to the law of the said Bailiwick,

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but any payment made to the nominee without notice of the incapacity of the person who made the nomination to dispose of the whole or any portion of the estate nominated shall be a valid payment.