
STATUTORY INSTRUMENTS

1991 No. 1407

NATIONAL DEBT

**The Savings Certificates (Children's
Bonus Bonds) Regulations 1991**

<i>Made</i>	- - - -	<i>18th June 1991</i>
<i>Laid before Parliament</i>		<i>19th June 1991</i>
<i>Coming into force</i>	- -	<i>8th July 1991</i>

The Treasury, in exercise of the powers conferred on them by section 11 of the National Debt Act 1972⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Savings Certificates (Children's Bonus Bonds) Regulations 1991 and shall come into force on 8th July 1991.

Interpretation

2. –

(1) In these Regulations, unless the context otherwise requires–

“amount repayable”, in relation to any certificate, includes any interest or bonus or other sum which has accrued due in respect of that certificate;

“certificate” means a national savings certificate issued under the name of a children's bonus bond by the Treasury under the auspices of the Director of Savings for the purpose of raising money authorised to be raised by any Act;

“Chief Registrar of friendly societies” means the Chief Registrar of friendly societies or a deputy appointed by him;

“mentally disordered person”, in the application of these Regulations to England and Wales, means a person who is incapable, by reason of mental disorder within the meaning of the Mental Health Act 1983⁽²⁾, of managing and administering his property and affairs;

(1) 1972 c. 65.
(2) 1983 c. 20.

“multiple certificate” means a certificate representing more than one unit certificate;

“receiver”, in the application of these Regulations to England and Wales, means, in relation to any act or thing done in respect of a mentally disordered person, a receiver or other person authorised in that behalf under Part VII of the Mental Health Act 1983;

“Treasury Solicitor” means the Solicitor for the affairs of Her Majesty’s Treasury; and

“unit” means, in relation to certificates of any series, the minimum amount for which a certificate of that series is issued and “unit certificate” means a certificate issued on payment of such minimum amount.

(2) Unless the context otherwise requires references to a certificate being held by a person shall include cases where a certificate is deemed to be held by that person and references to the holder of a certificate shall include a person deemed to hold a certificate.

(3) Unless the context otherwise requires references to regulations are references to regulations of these Regulations.

ISSUE AND PURCHASE OF CERTIFICATES

Issue, purchase and recording of certificates

3. –

(1) Certificates shall be issued at such places as the Director of Savings shall determine and by such persons as he shall authorise.

(2) An application to purchase a certificate shall be made in a manner approved by the Director of Savings and for the purposes of any such application, the applicant shall deliver to the Director of Savings such documents and other information in writing as he may require.

(3) The names of all persons who are for the time being holders of certificates shall be recorded by the Director of Savings.

Persons entitled to purchase and hold certificates

4. –

(1) A certificate may be purchased on behalf of and in the name of any person who has not attained the age of sixteen years by any other person who has attained the age of sixteen years, and is not under any legal disability, or by any two or more such persons.

(2) Any certificate purchased under paragraph 1 shall be deemed to be held by the person on whose behalf it is purchased but no certificate shall be purchased on behalf of and in the name of more than one person.

(3) A certificate may not be purchased or held by a person acting as trustee on behalf of any other person.

(4) A certificate may be held by a person who has attained the age of sixteen years and who is not under any legal disability.

(5) The Director of Savings may require a specimen of the signature of a person on whose behalf a certificate has been purchased at any time after that person has attained the age of sixteen years.

Maximum holding of certificates

5. A person shall not purchase any certificates if the total number of units which will be held by the person on whose behalf they are purchased immediately after the purchase will exceed the number of units specified by or in accordance with the prospectus relating to such certificates as the

maximum number of units of that description of certificate which may be held by any one person and a person shall not hold any certificates purchased on his behalf if the total number of units which will be held by him immediately after the purchase will exceed the number of units so specified.

REPAYMENT OF CERTIFICATES

Applications for repayment

6. –

(1) Application for payment of the amount repayable in respect of a certificate shall be made in writing in a manner approved by the Director of Savings and shall (subject to the provisions of these Regulations relating to payment in the case of special classes of persons) be made by the holder of a certificate who has attained the age of sixteen years. Where repayment is requested on a specified date the application may not, unless the Director of Savings otherwise agrees, be made more than two months before that date. Unless the Director of Savings otherwise directs or agrees any application for repayment shall be made to the Children's Bonus Bond Office, National Savings Bank, Glasgow.

(2) In the case of a multiple certificate, an application may be made for repayment in respect of any number of the unit certificates represented by the multiple certificate.

(3) The holder of a certificate, being a person who has attained the age of sixteen years, shall not, unless the Director of Savings is satisfied that it is appropriate for him to do so, authorise any person to apply for or receive on his behalf the amount repayable in respect of the certificate.

Repayment warrants

7. –

(1) Every payment of an amount repayable in respect of a certificate shall be made by a crossed warrant except where the Director of Savings otherwise directs; and accordingly in the absence of such direction every application for payment of any such amount shall be treated as implying an authority to him to issue a crossed warrant for that amount and to pay it in accordance with the terms of the warrant, and the death of the person who made the application for repayment shall not of itself determine such authority; but if the Director of Savings receives notice that the applicant has died or has countermanded such authority, the Director of Savings shall not issue the warrant or, if it has already been issued, shall take all reasonable steps to stop payment thereof.

(2) The provisions of 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⁽³⁾ (which relate to crossed cheques) and of sections 3 and 4 of the Cheques Act 1957⁽⁴⁾ (which relate to unindorsed cheques as evidence of payment and to the protection of collecting bankers) shall apply to any crossed warrant issued under these Regulations as if the warrant were a cheque drawn on the Director of Savings by the officer issuing the warrant, but nothing in these Regulations shall make any such warrant negotiable.

(3) Except where the Director of Savings otherwise directs, a warrant shall not be paid until the certificate in respect of which the repayment is to be made has been delivered to the Director of Savings.

(4) For the purpose of determining the amount repayable in respect of a certificate, the payment of the amount repayable thereunder shall be deemed to be effected on the date appearing on the warrant.

(5) Subject to paragraph (6) below, the date appearing on the warrant shall, unless the holder has requested a later date, be not more than 31 days from the date on which application for payment of

⁽³⁾ 1882 c. 61.

⁽⁴⁾ 1957 c. 36. Repayment warrants

the amount repayable in respect of a certificate is received by the Director of Savings in accordance with regulation 6(1) above; and where the holder has requested that the warrant be dated with a later date, the date appearing on the warrant shall be no later than that date save that the Director of Savings may set a different date (being not more than 10 days after the requested date) if, having regard to the terms on which the certificate was issued, he is satisfied that such different date would be in the interests of the holder.

(6) If the Director of Savings is satisfied that it is or was not practicable to dispatch the warrant in time to enable payment thereof to be made on a date within paragraph (5) above, then the date appearing on the warrant shall be no later than the earliest date by which he is satisfied it would be practicable for the payee to obtain payment thereof. In this paragraph the expression “payment” in relation to a crossed warrant shall include paying in the warrant at a bank or other institution.

(7) The posting of a warrant to any person at the last address furnished to the Director of Savings shall, as regards the liability of the Treasury or the Director of Savings, be equivalent to the delivery of the warrant to that person.

Repayment in case of persons under 16 years of age

8. –

(1) Subject to paragraph (2) below and to regulation 9, no repayment shall be made in respect of a certificate held by a person under the age of sixteen years.

(2) Where it is shown to the satisfaction of the Director of Savings that any person holding a certificate is a person under the age of sixteen years, other than a mentally disordered person, the Director of Savings may, if he thinks fit, pay the whole or any part of the amount repayable in respect of the certificate to any person who has applied for repayment and satisfies him that he is a proper person to receive payment.

Repayment in case of mentally disordered persons

9. –

(1) An application for repayment in respect of a certificate held by a mentally disordered person shall be made by his receiver.

(2) Where it is shown to the satisfaction of the Director of Savings that any person holding a certificate is a mentally disordered person for whose estate no receiver has been appointed, the Director of Savings may, where it is shown to his satisfaction that it is expedient that the whole or any part of the amount repayable in respect of the certificate should be applied for the maintenance or otherwise for the benefit of that person, if he thinks fit pay that amount or that part thereof to any person who satisfies him that he will apply it for such purposes as aforesaid.

Repayment in case of bankrupts

10. Where it is shown to the satisfaction of the Director of Savings that a bankruptcy order has been made against any person who is the holder of a certificate, or that a trustee has been appointed in the bankruptcy of any such person, or that an order for the administration in bankruptcy of the estate of a deceased holder has been made, the Director of Savings may, if he thinks fit, on an application made in that behalf by the Official Receiver or trustee pay to the Official Receiver or the trustee, as the case may be, the amount repayable in respect of that certificate.

TRANSFER OF CERTIFICATES

Prohibition on transfers

11. No transfer of a certificate may be effected by the Director of Savings either during the life, or on the death, of the holder of a certificate.

PAYMENT IN CASE OF DEATH

Payment under grant of representation

12. –

(1) In the event of the death of the holder of a certificate, the production of probate or letters of administration granted, or having effect as if granted, in respect of personal estate including the certificate, by a court in the United Kingdom, the Isle of Man or the Channel Islands, or of a certified copy thereof, shall, subject to the provisions of these Regulations, be sufficient authority to the Director of Savings to pay the amount repayable in respect of the certificate to the person to whom the grant was made or as directed by that person.

(2) Where any sum repayable in respect of a certificate is paid in purported pursuance of this regulation, the payment shall, notwithstanding the invalidity of, or any defect in, the probate or letters of administration, be deemed for the purposes of these Regulations to have been duly made.

Payment without a grant of representation

13. –

(1) Where, on the death of the holder of a certificate, the amount repayable in respect of which does not, at the time of his death, exceed in the aggregate £5,000, probate of his will or letters of administration to his estate is not or are not produced to the Director of Savings within such time as he thinks reasonable in the circumstances of the case, the Director of Savings, if he thinks fit, may, without requiring probate or letters of administration, pay the amount repayable in respect of those certificates, or any part of that amount—

- (a) to a person appearing to the Director of Savings to be entitled to take out probate of the will of the deceased or letters of administration to his estate;
- (b) where the deceased has left a will (being a will with respect to which the Director of Savings is satisfied that probate or letters of administration with the will annexed would be granted), to any person to whom the amount repayable or any part thereof would, in the opinion of the Director of Savings, be payable under such will, if probate thereof or letters of administration with the will annexed were granted;
- (c) to any person who satisfies the Director of Savings that he is entitled to receive the amount repayable or any part thereof in right of his being—
 - (i) a person who has paid the funeral expenses of the deceased; or
 - (ii) a creditor of the deceased; or
 - (iii) a person who has a beneficial interest in the estate of the deceased;
- (d) if the deceased was a British citizen and his next of kin appears to the Director of Savings to reside outside the United Kingdom, the Isle of Man and the Channel Islands, to any officer or authority who, in the opinion of the Director of Savings, may properly be entrusted with the duty of distributing the amount repayable;
- (e) if the deceased was a foreign subject, to the consular authority of the country to which the deceased belonged, or to such other authority as appears to the Director of Savings

to be appropriate, subject in either case to the Director of Savings being satisfied that the amount repayable will be duly distributed;

- (f) in a case where the estate of the deceased appears to the Director of Savings to have devolved upon the Crown, the Duchy of Lancaster or the Duchy of Cornwall, to the Treasury Solicitor, the Solicitor for the affairs of the Duchy of Lancaster or the Solicitor for the affairs of the Duchy of Cornwall, as the case requires:

Provided that, where a person to whom any sum may be paid under sub-paragraph (b) or (c) of this paragraph has died before payment has been made to him, that sum or any part thereof may be paid to any person to whom it might have been paid if the first mentioned person had, immediately before his death, been the holder of the certificates in question.

(2) Notwithstanding any rule of law to the contrary, any person to whom a payment may be made under sub-paragraph (b) or (c) of paragraph (1) of this regulation or under the proviso to that paragraph may sign a receipt therefor if he has attained the age of sixteen years, and the receipt shall be a valid receipt without the signature of any other person, and where any person to whom a payment may be so made is unable, by reason of his age or for any other reason whatsoever, to give a discharge therefor under these Regulations, the Director of Savings may make the payment to any person who satisfies him that he will apply it for the maintenance or otherwise for the benefit of the first mentioned person.

(3) Subject to the provisions of the last preceding paragraph, the Director of Savings, in making any payment under sub-paragraph (b) or (c) of paragraph (1) of this regulation or under the proviso to that paragraph, shall, unless he is of the opinion that hardship or inconvenience would be thereby caused, have regard to the rules of law relating to the distribution of the estates of deceased persons, but, if he is of that opinion, may depart from those rules in such manner and to such extent as he considers just.

- (4) In this regulation the expression “will” includes a codicil.

Law applicable on holder’s death

14. Where, in the event of the death of the holder of a certificate, any payment in respect of the certificate made under these Regulations is made in accordance with the law of the place where the holder of the certificate resided at the date of his death, that payment shall, unless notice in writing to the effect that the holder was, at that date, domiciled in some other place has been received by the Director of Savings before the payment was made, be deemed for the purposes of these Regulations to have been duly made.

MISCELLANEOUS

Persons under disability

15. If any person holding any 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 the holder of the certificate 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

16. –

(1) Where the Director of Savings is unable for any reason to obtain a valid discharge for any payment falling to be made to any person in respect of a certificate, he may, unless other provision for dealing with the payment 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.

(2) For the purpose of any Order under section 4 of the National Savings Bank Act 1971⁽⁵⁾ (which empowers the Treasury by order to limit the amount of deposits in the National Savings Bank) or any Order having effect as if made under that section, regard shall not be had to any sum credited to an account under this regulation.

Loss of certificates, etc.

17. –

(1) The loss or destruction of any document issued under the auspices of 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.

Forfeiture of certificates

18. –

(1) Subject to the provisions of this regulation, if any person—

- (a) not being a person entitled under regulation 4 so to do, purchases or holds a certificate; or
- (b) purchases or holds any certificate in contravention of regulation 5;

the certificate shall, if the Director of Savings so directs, be forfeited:

Provided that, in any case in which the Director of Savings has directed the forfeiture of any certificates, he may, if he thinks fit, pay to the person concerned or credit to him in the National Savings Bank:

- (i) a sum equal to the aggregate amount of the purchase price of the certificates forfeited;
- (ii) (in the case of any certificates which the person concerned has purchased or held when he was not entitled so to do under regulation 4) such sum by way of interest, not exceeding the amount of interest which had accrued due in respect of those

(5) 1971 c. 29; section 4 was amended by paragraph 3 of Schedule 20 to the Finance Act 1982 (c. 39).

certificates immediately before the forfeiture thereof, as the Director of Savings may determine;

- (iii) (in the case of any certificates which the person concerned has purchased or held in contravention of regulation 5) interest, at such rate as the Director of Savings thinks fit, on a sum equal to the purchase price of those certificates, being interest computed in such manner as the Director of Savings, with the approval of the Treasury, may direct.

(2) For the purposes of the foregoing provisions of this regulation, a multiple certificate shall be taken to be such number of unit certificates as is represented by the multiple certificate.

(3) For the purposes of any Order under section 4 of the National Savings Bank Act 1971 (which empowers the Treasury by order to limit the amount of deposits in the National Savings Bank) or any Order having effect as if made under that section, any sum credited to a person under this regulation shall, if the Director of Savings so directs, be disregarded.

(4) Notice of any forfeiture under this regulation shall be sent to the person concerned as soon as may be, and the Director of Savings may require any certificate which might be or is affected to be delivered up to him for the purpose of being either cancelled or altered or otherwise dealt with, as may be necessary to give effect to the provisions of this regulation.

Persons unable to write

19. 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

20. –

(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

21. –

(1) If any dispute arises between the Director of Savings and–

- (a) the holder of any certificate, or
- (b) a person who is or claims to be the personal representative or next of kin or creditor of a holder, or the trustee in bankruptcy or assignee of a holder who is bankrupt or insolvent, or
- (c) a person who claims to be entitled 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

22. No notice of a charge, trust or other equitable interest shall be receivable by the Director of Savings in respect of a certificate.

Fees for birth, death and marriage certificates

23. Section 10 of the Savings Banks Act 1887(6) (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(7), 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 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

24. –

(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 payment of any amount repayable in respect of a certificate is issued payable to some person being neither the holder of the certificate nor a person otherwise entitled under these Regulations to receive payment 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 holder or a person so entitled,

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 so entitled.

Savings for rights of third parties

25. 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

(6) 1887 c. 40; relevant provisions amending section 10 are Part III of Schedule 6 to the Post Office Act 1969 (c. 48), article 15 of the Financial Provisions (Northern Ireland) Order 1976 (S.I. 1976/1212 (N.I. 21)), Schedule 3 to the Departments (Northern Ireland) Order 1982 (S.I. 1982/338 (N.I. 6)), sections 4(3) and 7(3) and Schedule 4 to the Trustee Savings Banks Act 1985 (c. 58), the Schedule to the Births, Deaths and Marriages (Fees) (Northern Ireland) Order 1989 (S.R. (N.I.) 1989 No. 158), the Schedule to the Registration of Births, Deaths and Marriages (Fees) (No. 2) Order 1990 (S.I. 1990/2515) and the Schedule to the Registration of Births, Deaths and Marriages (Fees) (Scotland) Order 1990 (S.I. 1990/2637).

(7) 1968 c. 14.

affect the right which any person or his representatives may have in respect of a certificate against a third party.

Form of documents

26. 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.

27. –

(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 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 the holder of a certificate any evidence which establishes to his satisfaction the fact that the holder has not been heard of for a period of seven years or upwards, and, for the purposes of this paragraph, the expression “holder of a certificate” includes any person beneficially interested at any time, whether absolutely or contingently, in the personal estate of the deceased holder of a certificate.

Obligation of secrecy

28. –

(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 the purchaser or holder of any certificate, the number of certificates purchased by any person, or the amount repaid in respect of any certificate.

(2) The last foregoing paragraph shall not prevent–

- (a) the Director of Savings from issuing any certificates with the name of the purchaser appearing thereon unless the purchaser has, at the time of purchase, requested that his name should not so appear, or
- (b) 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 certificate or for the purpose of ascertaining whether or not an offence has been so committed, or
- (c) compliance by the Director of Savings with a notice served on him under section 20(3) of the Taxes Management Act 1970⁽⁸⁾ (requirement to deliver or make available documents relating to liability of a taxpayer).

Application to Scotland

29. In the application of these Regulations to Scotland–

(8) 1970 c. 9; section 20 was substituted by Schedule 6 to the Finance Act 1976 (c. 40), amended by section 142 of the Finance Act 1989 (c. 26) and extended by section 125 of the Finance Act 1990 (c. 29).

- (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 1984⁽⁹⁾ 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 bankruptcy 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 in bankruptcy or a judicial factor;
- (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

30. 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 (Northern Ireland) Order 1986⁽¹⁰⁾, 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 controller or any other person appointed pursuant to the Mental Health (Northern Ireland) Order 1986 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 bankruptcy 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⁽¹¹⁾ 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 Crown Solicitor for Northern Ireland.

Application to the Isle of Man

31. –

- (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 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 Act 1974 (an Act of Tynwald) of managing and administering his property and affairs;

⁽⁹⁾ 1984 c. 36.

⁽¹⁰⁾ S.I. 1986/595 (N.I.4).

⁽¹¹⁾ 1857 c. 60 (20 & 21 Vict.); section 349 was amended by S.I. 1980/561 (N.I.4), article 44(2)(a) and Schedule 2.

- (b) any reference to a receiver in relation to any act or thing done in respect of a mentally disordered person shall be construed as a reference to a receiver or other person authorised in that behalf under Part VII of the said Act of 1974;
- (c) any reference to a bankruptcy order shall be construed as a reference to a receiving order or an order of adjudication of bankruptcy;
- (d) any reference to the Treasury Solicitor shall be construed as a reference to Her Majesty's Attorney General for the Isle of Man.

Application to the Channel Islands

32. –

- (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 articles 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 the Viscount 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;
 - (g) any reference to a statutory declaration shall be construed as a reference to a declaration on oath before the Bailiff, a Jurat, the Magistrate or a notary public.
- (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 as a reference to a declaration on oath before a notary public or–
 - (i) in Guernsey, before the Bailiff or Deputy Bailiff, a Jurat of the Royal Court or the Magistrate;
 - (ii) in Alderney, before a Jurat of the Court of Alderney; and
 - (iii) in Sark, 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 references 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 references to sections 83 and 84 of the Bills of Exchange (Guernsey) Law 1958;

(f) for regulation 10 of these Regulations shall be substituted the following regulation—

“**10.** Where it is shown to the satisfaction of the Director of Savings that any person who is the holder of a certificate is insolvent, the Director of Savings may, if he thinks fit, pay the amount repayable 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 21(1)(b) of these Regulations the words “or the trustee in bankruptcy or assignee of a holder who is bankrupt or insolvent” shall be deleted.

18th June 1991

Sydney Chapman
Thomas Sackville
Two of the Lords Commissioners of Her
Majesty’s Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable the Director of Savings to issue national savings certificates under the name of children's bonus bonds. They reproduce the provisions of other Regulations made under section 11 of the National Debt Act 1972, the most recent being the Savings Certificates Regulations 1991 (S.I.1991/1031), with the following main differences:

1. Regulation 4 provides that certificates may be purchased on behalf of and in the name of any person who has not attained the age of 16, that certificates may not be purchased in joint names and that they may not be purchased or held by trustees.
2. Regulation 6(3) prohibits the holder of a certificate aged 16 or over from authorising persons to apply for or receive payment on his behalf except where the Director of Savings is satisfied that this is appropriate.
3. Regulation 7(1) provides that payments shall be made by crossed warrants except where the Director of Savings otherwise directs.
4. Regulation 11 prohibits the transfer of a certificate by the Director of Savings in any circumstances.
5. Regulation 28 (obligation of secrecy) allows the Director of Savings to issue a certificate bearing the name of the purchaser unless he has requested otherwise at the time of purchase.