
DRAFT STATUTORY INSTRUMENTS

2009 No.

The Saving Gateway Accounts Regulations 2009

PART 2

Other requirements to be satisfied in relation to accounts

Conditions for application to open an account

13.—(1) An application by a person who has received a notice of eligibility (“the applicant”) to open an account with an approved account provider must be made to the approved account provider, and satisfy the conditions in paragraphs (2) to (4).

- (2) An application must incorporate a true declaration by the applicant that he or she—
- (a) has not previously opened a Saving Gateway account (excepting any account opened and closed as mentioned in regulation 6(2)); and
 - (b) is ordinarily resident in the United Kingdom, or is so treated as ordinarily resident under regulation 4(2) to (5);

and where the application is not in writing, must authorise the approved account provider to record the terms of the declaration in a written declaration made on behalf of the applicant.

- (3) An application must contain—
- (a) the applicant’s full name and date of birth,
 - (b) his or her address, including postcode,
 - (c) the reference number, as stated on his or her notice of eligibility; and
 - (d) an authorisation to the approved account provider to make on the account holder’s behalf any claims to relief from tax in respect of the account.

(4) Where the application is not in writing, the approved account provider shall make the written declaration mentioned in paragraph (2), and notify the applicant of its contents, and such declaration shall take effect from the date on which the applicant agrees the contents (subject to any corrections), and if he or she neither agrees or disagrees with the contents within 14 days, he or she shall be treated as having agreed them.

- (5) An account provider shall decline to accept an application if he has reason to believe that—
- (a) the notice of eligibility has expired, or is not or might not be genuine,
 - (b) the applicant’s declaration (see Condition 1 in regulation 6(1) if applicable, and paragraph (2) of this regulation) or application is or might be untrue, or contains matters which are or might be untrue, or
 - (c) opening an account would be a breach of, or failure to comply with, any requirement in or a direction made under the Money Laundering Regulations 2007(1).

- (6) An application made under this regulation shall be regarded as in writing if it is made—

- (a) by telephonic facsimile transmission containing the signature of the individual, or
- (b) by electronic communication containing an electronic signature of the individual.

(7) Declarations made by the account provider under paragraph (4) shall be regarded as made in writing if they are produced by electronic means, and the copy of the declaration to be sent to the applicant in accordance with paragraph (4) may be sent by telephonic facsimile transmission or by electronic communication.

(8) Where a person is or may be entitled to a benefit or tax credit specified in section 3(2) of the Act but is unable for the time being to act, the following persons may act for that person—

- (a) a deputy or receiver appointed by the Court of Protection with power to make a claim for a benefit or tax credit on behalf of that person;
- (b) in Scotland, a tutor, curator or guardian acting or appointed in terms of law who is administering the estate of that person;
- (c) in Northern Ireland, a controller appointed by the High Court, with power to make a claim for a benefit or tax credit on behalf of that person;
- (d) where there is no person mentioned in sub-paragraphs (a) to (c), a person appointed on behalf of the person under—
 - (i) regulation 33(1) of the Social Security (Claims and Payments) Regulations 1987⁽²⁾,
 - (ii) regulation 33(1) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987⁽³⁾, or
 - (iii) regulation 18(3) of the Tax Credits (Claims and Notifications) Regulations 2002⁽⁴⁾.

(2) S.I. 1987/1968; regulation 33(1) was amended by S.I. 1999/2572, 2005/337 and 2007/2470.

(3) S.R. 1987 465; regulation 33(1) was amended by S.I. 1999/2574.

(4) S.I. 2002/2014.