
STATUTORY INSTRUMENTS

1991 No. 1031

The Savings Certificates Regulations 1991

REPAYMENT OF CERTIFICATES

Applications for repayment

6.—(1) Application for payment of the amount repayable in respect of a certificate 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 the certificate in writing in a manner approved by the Director of Savings. 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 Savings Certificate and SAYE Office, Durham.

(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 seven years, may, subject to the approval of the Director of Savings, 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 warrant except to the extent that the Director of Savings otherwise directs or the applicant for the repayment requests that all or part of the amount repayable be used to purchase another certificate or a National Savings Capital Bond and the Director of Savings consents thereto; and accordingly in the absence of such request or direction every application for payment of any such amount shall be treated as implying an authority to him to issue a 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⁽¹⁾ (which relate to crossed cheques) and of sections 3 and 4 of the Cheques Act 1957⁽²⁾ (which relate to undorsed 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) An uncrossed warrant shall not be paid until the receipt for the amount thereby payable has been duly signed by the payee or by some person authorised by the payee to receive payment:

(1) 1882 c. 61.

(2) 1957 c. 36.

Provided that, where such a warrant is paid to a person purporting to be the payee or to be a person authorised by the payee to receive payment, then, notwithstanding that the receipt on the warrant was signed by some person being neither the payee nor a person so authorised, the making of the payment shall be a full discharge to the Treasury and to the Director of Savings for the amount thereof, if it is shown that the payment was made in good faith and without negligence, and that the making of the payment is attributable to some act or omission on the part of the holder of the certificate to which the warrant relates or on the part of the payee or the person so authorised.

(4) Notwithstanding anything in paragraph (3) above, where an uncrossed warrant for the amount repayable in respect of any certificate is made payable to the holder of the certificate, it may be paid to another person who signs the receipt on the warrant and forthwith reinvests the amount of the payment in certificates in the name of the holder of the repaid certificate; and the making of the payment shall be a full discharge to the Treasury and to the Director of Savings for the amount thereof.

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

(6) An uncrossed warrant shall be payable at the place named in the warrant or otherwise in accordance with the directions contained therein. The Director of Savings may dispatch the warrant to such place, and where he does so shall dispatch a notice informing the payee that he has done so.

(7) 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.

(8) Subject to paragraph (9) below, the date appearing on the warrant shall, unless the holder has requested a later date, be not more than 21 days from the date on which application for payment of 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.

(9) 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 (8) 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.

(10) Paragraphs (7), (8) and (9) of this regulation shall apply and be deemed always to have applied to all certificates, purchased and not repaid before the coming into force of these Regulations, provided that in respect of certificates purchased and not repaid before 11 February 1991 the date appearing on the warrant shall not be a date which would result in the amount repayable being less than the amount that, having regard to the date on which the warrant is dispatched, would have been repayable if the Savings Certificates (Amendment) Regulations 1991⁽³⁾ (which came into force on 11 February 1991) had not come into force in respect of such certificates.

(11) The posting of—

- (a) a warrant, or
- (b) the notice referred to in paragraph (6) above, where in accordance with that paragraph an uncrossed warrant is dispatched to the place at which it is payable,

(3) S.I. 1991/74.

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 or notice to that person.

Amount repayable when proceeds reinvested

8. For the purpose of determining the amount repayable in respect of a certificate where repayment is not made by warrant because the proceeds are used to purchase another certificate or a National Savings Capital Bond, the payment of the amount repayable shall be deemed to be effected on the date entered in the records kept by the Director of Savings as the date of such purchase.

Repayment in case of persons under 7 years of age and mentally disordered persons

9.—(1) Subject to the provisions of this regulation, no repayment shall be made in respect of a certificate held by a person under the age of seven years.

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

(3) Where it is shown to the satisfaction of the Director of Savings that any person holding, or having an interest in, a certificate is a person under the age of seven years, 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 satisfies him that he is a proper person to receive payment.

(4) Where it is shown to the satisfaction of the Director of Savings that any person holding, or having an interest in, a certificate is a mentally disordered person for whose estate no receiver has been appointed, 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 satisfies him that he will apply the payment for the maintenance or otherwise for the benefit of the mentally disordered person.

Repayment in case of certificate held by persons jointly

10.—(1) Application for payment of the amount repayable in respect of a certificate held in the names of two or more persons as joint holders shall be made by all those persons or, in the case of the death of one or more of them, by the survivors:

Provided that—

- (a) where one of any joint holders of a certificate, being a trustee for the other or others of them, becomes bankrupt or a mentally disordered person, the application may be made by the other or others of them without the concurrence of the trustee in bankruptcy or the receiver, if any, and the Director of Savings, if he thinks fit, may, without any such concurrence, pay the amount repayable in respect of the certificate in the same manner as if the trustee in question were not one of the holders of the certificate; and
- (b) where one of any joint holders of a certificate is the Public Trustee, the application may be made by him alone and the Director of Savings shall pay the amount repayable in respect of the certificate to the Public Trustee alone.

(2) The joint holders of a certificate may authorise any person, including one of themselves, to act as their agent for the purpose of receiving on their behalf any amount repayable in respect of the certificate.

Repayment to friendly societies, etc

11.—(1) Any application for payment of the amount repayable in respect of certificates held by a friendly society or any other body of persons, corporate or unincorporate, shall be made by that society or body in the names of the persons specified as the persons authorised to apply for repayment

on behalf of the society or body in any direction given to the Director of Savings from time to time by the society or body in a form approved by the Director of Savings or, where no such direction has been given, in the names of such persons as the Director of Savings may approve.

(2) Where, in pursuance of these Regulations, any amount is repayable to any friendly society or other body of persons, whether corporate or unincorporate, a receipt for the amount may be given by any person purporting to be an agent or officer of that society or body authorised to receive the repayment.

Repayment in case of bankrupts

12. 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 soleholder 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 sole 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.