
STATUTORY INSTRUMENTS

1991 No. 1407

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

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.