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STATUTORY INSTRUMENTS

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**1998 No. 1870**

**The Individual Savings Account Regulations 1998**

**Application by curator bonis**

**13.**—(1) Where a curator bonis has been appointed in Scotland in respect of a person who is incapable of managing or administering his property and affairs, and that person is a qualifying individual, an application to subscribe to an account may be made by the curator bonis in his capacity as such, notwithstanding that he has subscribed, or intends to subscribe, in another capacity to another account, in the year or one of the years to which the application relates.

(2) An application by a curator bonis must be made to an account manager in a statement and fulfil the conditions specified in paragraphs (3), (4) and (5).

(3) An application must specify the first year to which the application relates.

(4) An application shall provide for a declaration by the curator bonis that—

- (a) his application is to subscribe to a maxi-account, a mini-account made up of a specified component or a TESSA only account, as the case may be;
- (b) the declaration shall have effect for the year to which paragraph (3) refers, and each successive year following that year, in which the applicant subscribes to the account;
- (c) all subscriptions made, and to be made, to the account are the cash of the person in respect of whom he has been appointed;
- (d) in the case of a maxi-account, the curator bonis—
  - (i) has not subscribed, and will not subscribe, in that capacity, to any other account, not being a TESSA only account, in the year to which paragraph (3) refers, and
  - (ii) will not subscribe in that capacity to any other account, not being a TESSA only account, in each successive year following that year, during which the declaration has effect;
- (e) in the case of a mini-account, the curator bonis—
  - (i) has not subscribed, and will not subscribe, in that capacity, to any other account, not being a mini-account made up of a different type of component than that specified in accordance with sub-paragraph (a) or a TESSA only account, in the year to which paragraph (3) refers, and
  - (ii) will not subscribe in that capacity to any such other account referred to in paragraph (i), in each successive year following that year, during which the declaration has effect;
- (f) the person in respect of whom he has been appointed—
  - (i) is 18 years of age or over, and
  - (ii) is resident and ordinarily resident in the United Kingdom;
- (g) he will inform the account manager if the person in respect of whom he has been appointed ceases to be resident and ordinarily resident in the United Kingdom;
- (h) he authorises the account manager—

- (i) to hold the cash subscription, plan investments, interest, dividends and any other rights or proceeds in respect of those investments and any other cash;
  - (ii) to make on his behalf any claims to relief from tax in respect of account investments;
  - (iii) on the request of the curator bonis, subject to regulation 9(3)(b), to transfer or pay to him, as the case may be, account investments, interest, dividends, rights or other proceeds in respect of such investments or any cash;
  - (iv) where the application is not in writing, to record the terms of the declaration in a written declaration made on behalf of the curator bonis;
- (j) in the case of a maxi-account, the person in respect of whom he has been appointed—
  - (i) has not subscribed, and will not subscribe, to any other account, not being a TESSA only account, in the year to which paragraph (3) refers, and
  - (ii) will not subscribe to any other account, not being a TESSA only account, in each successive year following that year, during which the declaration has effect;
- (k) in the case of a mini-account, the person in respect of whom he has been appointed—
  - (i) has not subscribed, and will not subscribe, to any other account, not being a mini-account made up of a different type of component than that specified in accordance with paragraph (4)(a) or a TESSA only account, in the year to which paragraph (3) refers, and
  - (ii) will not subscribe to any such other account referred to in paragraph (i) in each successive year following that year, during which the declaration has effect.
- (5) An application by a curator bonis must contain—
  - (a) his full name,
  - (b) the address of his permanent residence, including postcode,
  - (c) the full name of the person in respect of whom he has been appointed,
  - (d) the address of the permanent residence, including postcode, of the person in respect of whom he has been appointed,
  - (e) the national insurance number of the person in respect of whom he has been appointed, or confirmation that he does not have one, and
  - (f) the date of birth of the person in respect of whom he has been appointed.
- (6) An account manager may not accept an application by a curator bonis—
  - (a) unless he holds written evidence of the appointment of the curator bonis, or
  - (b) if he has reason to believe that—
    - (i) the person in respect of whom he has been appointed is not or might not be a qualifying individual, or
    - (ii) the curator bonis has given untrue information in his application.
- (7) Where paragraph (4)(h)(iv) applies, the account manager shall make the written declaration therein referred to and send a copy to the curator bonis and, subject to any corrections notified by the curator bonis to the account manager within the period of 30 days from the date the copy is sent, and incorporated in a new declaration made by the account manager, any such declaration shall take effect as from the date on which the original declaration was made, as a declaration made on behalf of the curator bonis.
- (8) Regulation 12(8) shall apply to the statement and declarations to which paragraphs (2), (4) and (7) refer, in addition to the statement and declarations referred to in that regulation.
- (9) Where a curator bonis subscribes to an account in his capacity as such—

- (a) references in these Regulations to the account investor shall be taken to be references to the person in respect of whom he has been appointed, save that anything requiring to be done, or capable of being done, under these Regulations by the account investor shall be done by the curator bonis and any notice, assessment, payment or declaration required to be given to or made on, by or on behalf of the account investor shall be given to or made on, by or on behalf of the curator bonis, and
- (b) any requirement in these Regulations (other than that in regulation 31) for information to be given as regards an account investor shall include a requirement to give the full name of any curator bonis appointed in respect of the account investor and the address of his permanent residence, including postcode.