
STATUTORY INSTRUMENTS

2015 No. 624

The National Savings (No. 2) Regulations 2015

PART 6

Common provisions

CHAPTER 1

Protections

Notice of trust not receivable by Director of Savings

71.—(1) For the purposes of these Regulations—

- (a) no notice of a trust can be received by the Director of Savings in relation to a bond;
- (b) no notice of a charge, trust or other equitable interest can be received by the Director of Savings in relation to—
 - (i) a certificate; or
 - (ii) a children’s certificate;
- (c) the Director of Savings, or a person acquiring an interest in a certificate, shall not be affected with notice of—
 - (i) a trust;
 - (ii) the fiduciary character of a holder; or
 - (iii) a fiduciary obligation attaching to the holding of the certificate,

by reason that the certificate is held in the name of a person as trustee, whether jointly with another person or solely.

(2) As to stock, see regulation 35.

Powers of attorney

72.—(1) Where, under a power of attorney, the donee of the power makes, or joins in making, an application for the transfer or repayment of stock standing in the name of the donor (or in the donor’s name jointly with any other person),

the Director of Savings may act according to the application for the purposes of these Regulations.

(2) Despite it appearing—

- (a) from the power of attorney;
- (b) from any evidence required for the purposes of the power of attorney;
- (c) from the description of the donor, or
- (d) otherwise,

that stock is held on trust, the Director of Savings in making a transfer or payment under paragraph (1) shall not be affected with any notice of the trust.

(3) When a donee, in making an application for the transfer or repayment of stock in accordance with these Regulations, purports to act under a power of attorney, that shall be conclusive evidence for the Director of Savings that the donee is authorised by the power of attorney, unless the Director of Savings has notice otherwise at the time.

Indemnity of the Treasury, Director of Savings and officers

73.—(1) The Treasury, the Commissioners, the Director of Savings, and any person acting under the Director of Savings' authority shall not be liable in relation to any payment made or act done in accordance with these Regulations and any such payment shall be deemed to have been a valid payment.

(2) Subject to paragraph (3), where a payment of an amount is made—

- (a) in relation to new stock, a rolled-over certificate or a certificate purchased after 19th September 2012, by warrant or electronic transfer;
- (b) in relation to a deposit, a bond, or any other stock or certificate, by warrant;
- (c) (i) in relation to a Children's Bond, by crossed warrant or electronic transfer;
- (ii) in relation to a Children's Bonus Bond, by crossed warrant,

to a person who is not entitled under these Regulations to receive it, the payment is deemed to have been made to a person entitled to receive it.

(3) Paragraph (2) is subject to the payment having been made—

- (a) in good faith and without negligence; and
- (b) in consequence of some act or omission on the part of the holder of the bond, stock, certificate, or children's certificate, or the person entitled to payment.

(4) The Treasury and the Director of Savings shall not be responsible for the misapplication of any amount payable on a warrant by—

- (a) a friendly society, charitable society or other society (including an unincorporated body of persons), body corporate, or corporation sole, or by a trustee, director, officer or representative of any such society, body or corporation;
- (b) an officer or representative of a government department or public authority; or
- (c) by a person referred to in regulations 18 to 20 of the National Savings Regulations 2015(1),

or anyone authorised by those persons to receive payment.

(5) Where a payment is made under these Regulations by electronic transfer, neither the Treasury nor the Director of Savings are liable for—

- (a) any delay in the completion of the payment; or
- (b) any failure in the operation of the system through which the electronic transfer is made,

if it is outside the direct control of the Director of Savings.

(6) This regulation is subject to regulation 76 (saving for rights of third parties).

Receipts to be a full discharge

74.—(1) The receipt of a person to whom an amount is paid in accordance with these Regulations shall be a full discharge to the Treasury and the Director of Savings for that amount.

(2) Where a payment is made by the Director of Savings in accordance with these Regulations to a body of persons, whether incorporated or not, a receipt for the payment given by any person

purporting to act as an agent or officer of that body and to be authorised to receive the payment shall be a full discharge to the Treasury and to the Director of Savings for the amount.

Posting to be regarded as delivery

75. The posting of a letter containing a warrant or cash payment advice issued under these Regulations to a person at the last address given by that person 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 cash payment advice to that person.

Saving for rights of third parties

76.—(1) Nothing in these Regulations (or in any regulations they revoke, or previously revoked regulations) that operates for the protection of the Treasury, the Commissioners, the Director of Savings or the Postmaster General in relation to any payment made or act done shall operate—

- (a) to prevent the recovery by a person (or that person's representatives), to whom an amount is due by law, of that amount from a person to whom it was paid (or from the representatives of that person) by or under the direction of the Director of Savings or the Postmaster General; or
- (b) to affect the rights of a person (or that person's representatives) in relation to a bond, stock, certificate or children's certificate against a third party.

Saving for rights of joint holders, etc.

77.—(1) Nothing in these Regulations relating to joint holders of stock or certificates shall affect the mutual rights of joint holders.

(2) Nothing in these Regulations relating to a trustee shall, as between trustees or as between a trustee and a beneficiary under a trust, be deemed to authorise a trustee to act otherwise than in accordance with legal requirements applying to the trust and the terms of the instrument (if any) constituting the trust.