

Changes to legislation: There are currently no known outstanding effects for the Trustee Investments Act 1961, Part IV. (See end of Document for details)

SCHEDULES

FIRST SCHEDULE **U.K.**

MANNER OF INVESTMENT

Modifications etc. (not altering text)

- C1** Sch. 1 extended (24.6.2003) by [The Uncertificated Securities \(Amendment\) \(Eligible Debt Securities\) Regulations 2003 \(S.I. 2003/1633\)](#), reg. 1(1), **Sch. 2 para. 2(b)**
- C1** Sch. 1 extended (24.6.2003) by [The Uncertificated Securities \(Amendment\) \(Eligible Debt Securities\) Regulations 2003 \(S.I. 2003/1633\)](#), reg. 1(1), **Sch. 2 para. 8(2)(a)**

PART IV **U.K.**

SUPPLEMENTAL

- 1 The securities mentioned in Parts I to III of this Schedule do not include any securities where the holder can be required to accept repayment of the principal, or the payment of any interest, otherwise than in sterling [^{F1}, in the currency of a relevant state or in the european currency unit (as defined in article 1 of Council Regulation no. 3180/78/EEC^{M1}).]

Textual Amendments

- F1** Words in Sch. 1 Pt. IV para. 1 inserted (22.8.1994) by [S.I. 1994/1908](#), **art. 3(2)**

Marginal Citations

- M1** OJ No. L379, 30.12.78, p.1; the relevant amending instrument is Council Regulation (EEC) No. 1971/89, OJ No. L189, 4.7.89, p. 1.

- 2 The securities mentioned in paragraphs 1 to 8 of Part II, other than Treasury Bills or Tax Reserve Certificates, securities issued before the passing of this Act by the Government of the Isle of Man, securities falling within paragraph 4 of the said Part II issued before the passing of this Act or securities falling within paragraph 9 of that Part, and the securities mentioned in paragraph 1 of Part III of this Schedule, do not include—
- (a) securities the price of which is not quoted on [^{F2}a recognised investment exchange ^{F3}. . .][^{F4}or on an investment exchange which constitutes the principal or only market established in a relevant state on which securities admitted to official listing are dealt in or traded];
 - (b) shares or debenture stock not fully paid up (except shares or debenture stock which by the terms of issue are required to be fully paid up within nine months of the date of issue).

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Textual Amendments

- F2** Words substituted by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(2), [Sch. 16 para. 2\(c\)](#)
F3 Words in Sch. 1 Pt. IV para. 2 repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1, 269\(5\)](#)
F4 Words in Sch. 1 Pt. IV para. 2(a) inserted (22.8.1994) by [S.I. 1994/1908](#), [art. 3\(3\)](#)

- ^{F5}[2A The securities mentioned in paragraphs 16 to 21 of Part II of this Schedule, other than securities traded on a relevant money market or securities falling within paragraph 22 of Part II of this Schedule, and the securities mentioned in paragraph 4 of Part III of this Schedule do not include—
- (a) securities the price for which is not quoted on a recognised investment exchange ^{F6}. . . or on an investment exchange which constitutes the principal or only market established in a relevant state on which securities admitted to official listing are dealt in or traded;
 - (b) shares or debenture stock not fully paid up (except shares or debenture stock which by the terms of issue are required to be fully paid up within nine months of the date of issue or shares issued with no nominal value).]

Textual Amendments

- F5** Sch. 1 Pt. IV para. 2A inserted (22.8.1994) by [S.I. 1994/1908](#), [art. 3\(4\)](#)
F6 Words in Sch. 1 Pt. IV para. 2A repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1, 269\(5\)](#)

- 3 The securities mentioned in paragraph 6 [^{F7} and 21] of Part II and paragraph 1 [^{F7} or 4] of Part III of this Schedule do not include—
- (a) shares or debentures of an incorporated company of which the total issued and paid up share capital is less than one million pounds;
 - ^{F8}[(ab) shares or debentures of an incorporated company of which the total issued and paid up share capital at any time on the business day before the investment is made is less than the equivalent of one million pounds in the currency of a relevant state (at the exchange rate prevailing in the United Kingdom at the close of business on the day before the investment is made);]
 - (b) shares or debentures of an incorporated company which has not in each of the five years immediately preceding the calendar year in which the investment is made paid a dividend on all the shares issued by the company, excluding any shares issued after the dividend was declared and any shares which by their terms of issue did not rank for the dividend for that year.

For the purposes of sub-paragraph (b) of this paragraph a company formed—

- (i) to take over the business of another company or other companies, or
- (ii) to acquire the securities of, or control of, another company or other companies,

or for either of those purposes and for other purposes shall be deemed to have paid a dividend as mentioned in that sub-paragraph in any year in which such a dividend has been paid by the other company or all the other companies, as the case may be.

[^{F9}For the purposes of sub-paragraph (b) of this paragraph in relation to investment in shares or debentures of a successor company within the meaning of the Electricity (Northern Ireland) Order 1992 the company shall be deemed to have paid a dividend as mentioned in that sub-paragraph—

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- (iii) in every year preceding the calendar year in which the transfer date within the meaning of Part III of that Order of 1992 falls (“the first investment year”) which is included in the relevant five years; and
 - (iv) in the first investment year, if that year is included in the relevant five years and that company does not in fact pay such a dividend in that year; and
- “the relevant five years” means the five years immediately preceding the year in which the investment in question is made or proposed to be made.]

Textual Amendments

- F7** Words in Sch. 1 Pt. IV para. 3 inserted (22.8.1994) by S.I. 1994/1908, **art. 3(5)(a)(b)**
- F8** Sch. 1 Pt. IV para. 3(ab) inserted (22.8.1994) by S.I. 1994/1908, **art. 3(5)(c)**
- F9** Words in Sch. 1 Pt. IV para. 3 added (1.4.1992) by S.I. 1992/232, **art. 4**; S.R. 1992/117, **art. 3(1)**

Modifications etc. (not altering text)

- C1** Sch. 1 Pt. IV para. 3 amended by **Trustee Savings Banks Act 1985** (c. 58, SIF 110), s. 3, **Sch. 1 para. 10**
- C2** Sch. 1 Pt. IV para. 3(b) modified by **British Aerospace Act 1980** (c. 26, SIF 64), **s. 11**, **Civil Aviation Act 1980** (c. 60, SIF 9), **s. 9**, **Transport Act 1981** (c. 56, SIF 126), s. 14, **Sch. 4 Pt. I para. 8**, **Telecommunications Act 1984** (c. 12, SIF 96), **s. 71(1)**, **Ordnance Factories and Military Services Act 1984** (c. 59, SIF 64), **s. 9(1)**, **Airports Act 1986** (c. 31, SIF 9), **s. 11(1)** and **Gas Act 1986** (c. 44, SIF 44:2), **s. 59(1)**
- C3** Sch. 1 Pt. IV para. 3(b) modified (E.W.S.) by **British Steel Act 1988** (c. 35, SIF 70), **s. 12(1)(2)**
- C4** Sch. 1 Pt. IV para. 3(b) modified (E.W.) by **Water Act 1989** (c. 15, SIF 130), s. 94(1) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**)
- C5** Sch. 1 Pt. IV para. 3(b) modified by **Electricity Act 1989** (c. 29, SIF 44:1), **s. 83(1)(2)**
- C6** Sch. 1 Pt. IV para. 3(b) modified (6.1.1991) by **British Technology Group Act 1991** (c. 66, SIF 64), **s. 13(1)**; S.I. 1991/2721, **art. 2**
- C7** Sch. 1 Pt. IV para. 3(b) modified (1.4.1992) by S.I. 1992/231, **art. 85(1)**; S.R. 1992/117, **art. 3(1)**
- C8** Sch. 1 Pt. IV para. 3(b) modified (E.W.S.) (27.7.1993) by 1993 c. 37, s. 12, **Sch. 2 Pt. II para. 34**.
Sch. 1 Pt. IV para. 3(b) modified (8.11.1995) by 1995 c. 37, s. 6, **Sch. 2 para. 8**
Sch. 1 Pt. IV para. 3(b) modified (24.7.1996) by 1996 c. 55, s. 134, **Sch. 6 para. 5(1)**(with s. 43(1))
Sch. 1 Pt. IV para. 3(b) modified (27.7.1999) by 1999 c. 20, **s. 21(1)** (with s. 15)
Sch. 1 Pt. IV para. 3(b) applied (1.2.2001) by 2000 c. 38, **s. 55(4)(5)**, (with s. 106); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with **Sch. 2 Pt. II**)
- C9** Sch. 1 Pt. IV para. 3(b) applied (E.W.S.) (with modifications) (6.1.1994) by 1993 c. 43, **s. 108(1)**; S.I. 1993/3237, **art. 2(2)**.
- C10** Sch. 1 Pt. IV para. 3(b) excluded (N.I.) (3.11.1993) by 1993/2655 (N.I. 10), art. 15 Sch. 2 para. 2.

3A **F10**

Textual Amendments

- F10** Sch. 1 Pt. IV para. 3A as inserted by **Housing (Consequential Provisions) Act 1985** (c. 71, SIF 61), s. 4(1), **Sch. 2 para. 5(3)** repealed by **Building Societies Act 1986** (c. 53, SIF 16), s. 120, **Sch. 19 Pt. I**

- 4 In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
- “debenture” includes debenture stock and bonds, whether constituting a charge on assets or not, and loan stock or notes;
 - “enactment” includes an enactment of the Parliament of Northern Ireland;

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“fixed-interest securities” means securities which under their terms of issue bear a fixed rate of interest;

“local authority” in relation to the United Kingdom, means any of the following authorities—

- (a) in England and Wales, the council of a county, [^{F11}a county borough,] a . . . ^{F12} borough . . . ^{F13}, an urban or rural district or a parish, the Common Council of the City of London [^{F14}the Greater London Council] and the Council of the Isles of Scilly;
- (b) in Scotland, a local authority within the meaning of the ^{M2}Local Government (Scotland) Act, 1947;
- (c) ^{F15}

[^{F16}“mutual investment society” means a credit institution which operates on mutual principles and which is authorised by the appropriate supervisory authority of a relevant state;

“relevant money market” means a money market which is supervised by the central bank or a government agency of a relevant state;

“relevant state” means Austria, Finland, Iceland, [^{F17}Liechtenstein,] Norway, Sweden or a member state other than the United Kingdom;]

. ^{F18}
“securities” includes shares, debentures [^{F19}units within paragraph 3 [^{F20}or 6] of Part III of this Schedule], Treasury Bills and Tax Reserve Certificates;

“share” includes stock;

“Treasury Bills” includes . . . ^{F21} bills issued by Her Majesty’s Government in the United Kingdom and Northern Ireland Treasury Bills.

Textual Amendments

- F11** Words in Sch. 1 Pt. IV para. 4 inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 19(2)**(with ss. 54(7), 66(7), Sch. 17 paras. 22, 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F12** Words repealed by **London Government Act 1963** (c. 33, SIF 81:1), **Sch. 18 Pt. II**
- F13** Words repealed by **Local Government Act 1972** (c. 70, SIF 81:1), s. 273(1)–(3), **Sch. 30**
- F14** Words inserted by **London Government Act 1963** (c. 33, SIF 81:1), **Sch. 17 para. 25**
- F15** Sub-para. (c) repealed by **Statute Law (Repeals) Act 1981** (c. 19), s. 1(1), **Sch. 1 Pt. V**
- F16** Definitions in Sch. 1 Pt. IV para. 4 inserted (22.8.1994) by S.I. 1994/1908, **art. 3(6)(a)**
- F17** Words in Sch. 1 Pt. IV para. 4 inserted (18.4.1995) by S.I. 1995/768, **art. 2**
- F18** Definitions repealed by **Trustee Savings Banks Act 1976** (c. 4, SIF 110), s. 36(2), **Sch. 6**
- F19** Words inserted by **Financial Services Act 1986** (c. 60, SIF 69), s. 212(2), **Sch. 16 para. 2(d)**
- F20** Words in Sch. 1 Pt. IV para. 4 inserted (22.8.1994) by S.I. 1994/1908, **art. 3(6)(b)**
- F21** Words repealed by **National Loans Act 1968** (c. 13, SIF 99:3), **Sch. 6 Pt. I**

Modifications etc. (not altering text)

- C11** Sch. 1 Pt. IV para. 4 extended (24.6.2003) by **The Uncertificated Securities (Amendment) (Eligible Debt Securities) Regulations 2003** (S.I. 2003/1633), reg. 1(1), **Sch. 2 para. 3(a)**
- C12** By virtue of **Local Government (Scotland) Act 1973** (c. 65, SIF 81:2), s. 214(1), **Sch. 27 Pt. I para. 1(2)** it is provided that the reference to a local authority within the meaning of the 1947 Act shall be construed as a reference to a local authority within the meaning of **Local Government (Scotland) Act 1973** (c. 65, SIF 81:2)

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Marginal Citations

M2 1947 c. 43(81:2, 103:2)

[^{F22}4A In this Schedule—
“authorised unit trust scheme” and “recognised scheme” have the meaning given by section 237(3) of the Financial Services and Markets Act 2000;
“collective investment scheme” has the meaning given by section 235 of that Act; and
“recognised investment exchange” has the meaning given by section 285 of that Act.]

Textual Amendments

F22 Sch. 1 Pt. IV para. 4A inserted (1.12.2001) by [S.I. 2001/3649](#), [arts. 1, 269\(6\)](#)

5 It is hereby declared that in this Schedule “mortgage”, in relation to freehold or leasehold property in Northern Ireland, includes a registered charge which, by virtue of subsection (4) of section forty of the ^{M3}Local Registration of Title (Ireland) Act 1891, or any other enactment, operates as a mortgage by deed.

Marginal Citations

M3 1891 c. 66.

6 [^{F23}In relation to the United Kingdom,] references in this Schedule to an incorporated company are references to a company incorporated by or under any enactment and include references to a body of persons established for the purpose of trading for profit and incorporated by Royal Charter.

Textual Amendments

F23 Words in Sch. 1 Pt. IV para. 6 inserted (22.8.1994) by [S.I. 1994/1908](#), [art. 3\(7\)](#)

^{F24}6A

Textual Amendments

F24 Sch. 1 Pt. IV para. 6A repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1, 269\(7\)](#)

7 ^{F25}

Textual Amendments

F25 Sch. 1 Pt. IV para. 7 repealed by [Building Societies Act 1986](#) (c. 53, SIF 16), s. 120, [Sch. 19 Pt. I](#)

Changes to legislation:

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