

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Savings Certificates Regulations 1991

17.—(1) The Savings Certificates Regulations 1991(1) are amended in accordance with this paragraph.

(2) In regulation 2(1) (interpretation), omit the entries for “mentally disordered person” and “receiver” and, in the appropriate alphabetical position, insert—

- (a) ““deputy” in the application of these Regulations to England and Wales, means, in relation to any decision made for a person who lacks capacity, a deputy appointed by the Court of Protection for that person with power to make decisions in relation to the matters in question;” and
- (b) ““person who lacks capacity” means a person who lacks capacity within the meaning of the Mental Capacity Act 2005 (c.9);”.

(3) In regulation 4(2)(c) (persons entitled to purchase and hold certificates), for “mentally disordered person, by his receiver” substitute “person who lacks capacity, by his deputy”.

(4) In regulation 9 (repayment in case of persons under 7 years of age and mentally disordered persons)—

- (a) in the title, for “mentally disordered persons” substitute “persons who lack capacity”;
- (b) in paragraph (2), for “mentally disordered person shall be made by his receiver” substitute “person who lacks capacity shall be made by his deputy”; and
- (c) in paragraph (4), for the words from “mentally disordered person for” to “of the mentally disordered person” substitute “person who lacks capacity in respect of whom no deputy 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 person who lacks capacity”.

(5) In regulation 10(1)(a) (repayment in case of certificate held by persons jointly)—

- (a) for “mentally disordered person” substitute “person who lacks capacity”; and
- (b) for “receiver” substitute “deputy”.

(6) In regulation 18 (persons under disability)—

- (a) for “mentally disordered person” substitute “person who lacks capacity”; and
- (b) for “receiver” substitute “deputy”.

(7) In regulation 33 (application to Scotland)—

- (a) in paragraph (a), for “mentally disordered person” substitute “person who lacks capacity”; and
- (b) in paragraph (b), for “receiver in relation to a mentally disordered person” substitute “deputy in relation to a person who lacks capacity”.

(8) In regulation 34 (application to Northern Ireland)—

- (a) in paragraph (b), for “mentally disordered person” substitute “person who lacks capacity”; and

(1) S.I. 1991/1031, amended by S.I. 2005/2078, S.I. 2005/445, S.I. 1992/3115; there are other amending instruments but none are relevant.

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- (b) in paragraph (c), for “receiver in relation to a mentally disordered person” substitute “deputy in relation to a person who lacks capacity”.
- (9) In regulation 35(2) (application to the Isle of Man)—
 - (a) in paragraph (a), for “mentally disordered person” substitute “person who lacks capacity”; and
 - (b) in paragraph (b), for “receiver in relation to any act or thing done in respect of a mentally disordered person shall be construed as a reference to a receiver” substitute “deputy in relation to any decision made for a person who lacks capacity shall be construed as a reference to a deputy”.
- (10) In regulation 36 (application to the Channel Islands)—
 - (a) in paragraphs (2)(a) and (3)(a), for “mentally disordered person” substitute “person who lacks capacity”; and
 - (b) in paragraphs (2)(b) and (3)(b), for “receiver in relation to a mentally disordered person” substitute “deputy in relation to a person who lacks capacity”.
- (11) In paragraph 2 of Part 1 of Schedule 1 (persons entitled to hold index-linked certificates to be purchased before 7th September 1981), for “receiver on behalf of and in the name of a mentally disordered person” substitute “deputy on behalf of and in the name of a person who lacks capacity”.