

# **The National Savings Bank Regulations 1972**

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## **STATUTORY INSTRUMENTS**

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**1972 No. 764**

### **SAVINGS BANKS**

#### **The National Savings Bank Regulations 1972**

Made - - -	17th May 1972
Laid before Parliament	1st June 1972
Coming into Operation	1st July 1972

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The Treasury, in exercise of the powers conferred on them by section 2 of the National Savings Bank Act 1971(a), as extended by sections 3(2), 6(1), 7(2), 8, 9(1) and 15(3) of that Act, and of all other powers enabling them in that behalf, hereby make the following Regulations:-

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(a) 1971 c.29.

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## PRELIMINARY

### Citation and commencement

1. These Regulations may be cited as the National Savings Bank Regulations 1972, and shall come into operation on 1st July 1972.

### Interpretation

2.--(1) In these Regulations, unless the context otherwise requires-

"approved" means approved by the Director of Savings;

"authorised signatories" has the meaning given by regulation 29E(3) below;

"authorised telephone procedure", in respect of treasurer's accounts, has the meaning given by regulation 29K(1) below and, in respect of individual savings accounts, has the meaning given by regulation 29R(1) below;

"charitable society" means a penny savings bank, or a charitable or provident institution or society, and includes a charitable donation or bequest for the maintenance, education, or benefit of the poor;

"deposit" means a deposit with the National Savings Bank, and "depositor" shall be construed accordingly;

"depositor serving in the Royal Navy or in the Royal Marines" includes a depositor who is an employee of the Navy, Army, and Air Force Institutes serving in any of Her Majesty's ships on a foreign station;

"electronic transfer" means an approved system of transferring money to a bank account by means of electronic or automated processes which do not involve the delivery and collection of a payable instrument or the delivery of cash and the Director of Savings may approve different systems for different accounts;

"friendly society" means a friendly society registered under the Friendly Societies Act 1896 (a) or a branch registered under that Act of a friendly society so registered;

"incorporated friendly society" means a society incorporated under the Friendly Societies Act 1992(b);

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(a) 1896 c.25.

(b) 1992 c.40.

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"individual savings account" means an account of investment deposits made under regulation 29L below;

"investment deposit" has the same meaning as in the National Savings Bank Act 1971;

"mentally disordered person", in the application of these Regulations to England and Wales, means a person who is incapable, by reason of mental disorder within the meaning of the Mental Health Act 1959<sup>(a)</sup>, of managing and administering his property and affairs;

"mini account" has the same meaning as in regulation 4(1)(d) of the Individual Savings Account Regulations 1998;

"name", used in connection with an unincorporated body of persons, includes any description which the Director of Savings considers sufficient to identify the body;

"officer" used in connection with a society or body corporate includes the solicitor of the society or body;

"ordinary deposit" has the same meaning as in the National Savings Bank Act 1971;

"organisation" means a body corporate, a corporation sole, or an unincorporated body of persons;

"principal office of the National Savings Bank" means -

(a) in connection with the business of treasurer's accounts, the office of the National Savings Bank which is the principal office for the transaction of that business, and

(b) in connection with other business, the office of the National Savings Bank which is the principal office for the transaction of that business;

"proper officer", used in connection with an organisation and in relation to a treasurer's account, has the meaning given in regulation 29D below;

"receiver", in the application of these Regulations to England and Wales, means, in relation to any act or thing done or to be done in respect of a mentally disordered person, a receiver or other person authorised in that behalf under Part VIII of the Mental Health Act 1959;

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(a) 1959 c.72.

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"savings bank business" means the receipt and repayment of deposits with the National Savings Bank and all business incidental to such receipt and repayment;

"savings bank office" means a place at which savings bank business is transacted;

"savings certificate" means a certificate issued under the name of a war savings certificate or a national savings certificate by the Treasury through the department of the Postmaster General or under the auspices of the Director of Savings for the purpose of raising money authorised to be raised by any Act;

"TESSA only account" has the same meaning as in Regulation 4(1)(e) of the Individual Savings Account Regulations 1998;

"treasurer's account" means an account of investment deposits made under regulation 29A below;

"Treasury Solicitor" means the Solicitor for the affairs of Her Majesty's Treasury.

(2) Any reference in these Regulations to the provisions of any enactment or regulations shall be construed, unless the context otherwise requires, as a reference to those provisions as amended by any other enactment or regulations.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

### **Disapplication of particular regulations to certain accounts**

2A. The following provisions of these regulations shall not apply to an investment account of any description for which terms and conditions have been set pursuant to section 9A(1) of the National Savings Bank Act 1971 –

- (a) regulations 4(3) to 4(5) (inclusive);
- (b) regulations 5 and 6;
- (c) regulations 8 to 19 (inclusive);
- (d) regulations 21 and 25;
- (e) regulations 27 to 29 (inclusive);
- (f) regulations 30 to 33 (inclusive);
- (g) regulations 35 to 38A (inclusive); and
- (h) regulations 42 and 46(2).

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(a) 1889 c.63.

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### **Closure of ordinary deposit accounts**

2B. Notwithstanding regulations 16(2), 20, 22(1), 28(2) and 43 below –

- (a) an ordinary account may not be opened after 28th January 2004,
- (b) an ordinary deposit may not be made after 31st July 2004, and
- (c) any withdrawal from an ordinary account after 31st July 2004 must be for the whole amount standing to the credit of the account at the date of withdrawal and any accrued interest that has not been credited to the account.

## **DEPOSIT AND WITHDRAWAL**

### **Transaction of savings bank business**

3. Savings bank business shall be transacted at such places as the Director of Savings shall determine and by such persons as he shall authorise.

### **Declaration by depositor**

4.--(1) Subject to the provisions of these Regulations, a depositor, on opening an account and whenever thereafter required so to do, shall specify his full name and his residence and, if required, the date of his birth and his occupation, and shall make and sign a declaration in the approved form as to the facts so specified, and, if required, furnish the Director of Savings with an additional specimen of his signature.

(2) Except where the depositor is to be or is described in the account as a trustee pursuant to Regulation 5(2) or 9 below, the declaration shall set forth the particulars of every other account the depositor already has in the National Savings Bank (including every joint account in which his name appears) other than accounts in which he is described as a trustee pursuant to Regulation 5(2) or accounts to which Regulation 9 applies.

(3) Where the account is opened or held by a trustee otherwise than under Regulation 9 below, the declaration shall set forth the particulars of every other account in the National Savings Bank to which are credited moneys belonging to the same trust fund as that to which the moneys credited or to be credited to the first mentioned account belong, and, for the purposes of this paragraph, moneys credited to an account in the name of a trustee shall be deemed to belong to the same trust fund as that to which belong other moneys credited or to be credited to another account in the name of that trustee, unless such first mentioned moneys are held by that trustee upon trusts which (as respects the beneficiaries, or their respective interests, or the purposes of the trust, or the powers of the trustee) differ from those on which such other moneys are held by him.

(4) Where the declaration is made by a trustee pursuant to Regulation 9(2) below, the declaration shall set forth the particulars of every other account in the National Savings Bank

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standing in his name (including every joint account under Regulation 9 or otherwise in which his name appears as a trustee) in respect of which he is a trustee for the same (and no other) beneficiary.

(5) This Regulation shall not apply to accounts opened by or under the authority of any statute or statutory instrument whereunder the making of the declaration is dispensed with, or to cases in which the Director of Savings shall direct that the making of the declaration is unnecessary.

### **Depositors generally**

5.--(1) Deposits may be made by and in the name of any person who has attained the age of seven years and who is not under any legal disability otherwise than by reason of his age provided that no account shall be opened after 31st December 1989 in the name of a person who is not an individual other than an account opened under paragraph (2) below in the name of a trustee, an account opened under regulation 9 below in the joint names of the trustee and the beneficiary, or an account opened under regulation 12(4), 13, 14 or 15 below (government departments and other public bodies).

(2) Where deposits are made by and in the name of a trustee otherwise than under Regulation 9 below, he may be described in the account as a trustee of a specified trust or as a trustee without specifying a trust provided that no account shall be opened after 31st December 1989 by and in the name of a trustee--

(a) except in the names of not more than two trustees of the trust; and

(b) unless there are not more than two beneficiaries of the trust both of whom are individuals (but a person who has an interest which will only take effect on the death of another person shall not be regarded as a beneficiary for this purpose).

### **Minors under seven years of age**

6.--(1) Deposits may be made on behalf and in the name of a minor under the age of seven years.

(2) A declaration in the approved form shall be made by the person opening the account, who shall state in the declaration such facts relating to the minor as are required to be specified in relation to a depositor by Regulation 4(1) and (2) above.

(3) After attaining the age of seven years, the minor himself, whenever required to do so, shall specify such facts as aforesaid and make and sign a declaration in the approved form and, if required, furnish the Director of Savings with an additional specimen of his signature.

(4) During any period while a depositor is a minor under the age of seven years—

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(a) in respect of any account opened before 1st January 1990 the Director of Savings may, where it is proved to his satisfaction that any deposits in that account are urgently needed for the maintenance, education or benefit of the minor or that in any other circumstances it is expedient so to do, in his discretion pay the deposits, or any part thereof, to any person whom he shall judge proper to receive the same; or

(b) in respect of any account opened after 31st December 1989 the Director of Savings may in his discretion pay the deposits in that account, or any part thereof, to any person who satisfies him that he is a proper person to receive payment.

### **Mentally disordered persons**

7.--(1) Deposits may be made on behalf and in the name of a mentally disordered person by his receiver.

(2) On the opening of an account in the name of a mentally disordered person, a declaration in the approved form shall be made by his receiver, who shall specify the capacity in which he acts.

(3) Any application for the withdrawal of deposits standing in the name of a mentally disordered person, or any part thereof, shall be made by his receiver.

(4) Where a depositor is a mentally disordered person and there is no receiver by whom application for withdrawal of deposits standing in the depositor's name might be made, the Director of Savings may, if it is proved to his satisfaction that it is just and expedient so to do, pay the deposits, or any part thereof, to any person whom he shall judge proper to receive the same.

### **Joint accounts**

8.--(1) Deposits may be made in the joint names of two or more persons entitled to make deposits.

(1A) No new account shall be opened in the names of more than two persons after 31st December 1989.

(2) A declaration in the approved form shall be made by all the persons in whose names the account is to be opened.

(3) The persons in whose names an account stands or is to be opened may jointly authorise the Director of Savings to act on an application made by any one of those persons to withdraw or to transfer the deposits; in the absence of such authorisation any application to withdraw or to transfer the deposits shall be made by all the persons in whose names the account stands, or by the survivor of those persons.

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(4) Any authorisation to which paragraph (3) above applies shall be revoked upon the receipt by the Director of Savings of an application under paragraph (5) of this

Regulation or under paragraph (1) of Regulation 32, or on notice of--

- (a) the death of any of the persons in whose name the account stands;
- (b) by the making of a receiving order against any of the persons in whose names the account stands or the appointment of a trustee in the bankruptcy of any such person;
- (c) any of the persons in whose names the account stands becoming a mentally disordered person whether or not a receiver has been appointed.

(5) Upon the application of all the said persons or the survivor of them, the Director of Savings may remove the name of any person from the title of the account and may substitute the name of another person in place thereof with the consent in writing of the person whose name it is desired to substitute, and every party to the account as altered shall make the declaration required upon the opening of an account.

### Trust accounts

9.--(1) Deposits may be made by one person as trustee for another person in the joint names of the trustee and the beneficiary provided that no account shall be opened after 31st December 1989 unless the only beneficiary of the trust is a sole individual (but a person who has an interest which will only take effect on the death of another person shall not be regarded as a beneficiary for this purpose).

(2) A declaration in the approved form shall be made by the trustee.

(3) Any application to withdraw the deposits shall be made jointly by the parties to the account, or by the survivor of them.

(4) Where one of the parties to the account has become a mentally disordered person or bankrupt, the Director of Savings may, in his discretion, pay the deposits to the other party to the account, with or without the concurrence of the receiver or of the Official Receiver or trustee in bankruptcy (if any) of the party who is a mentally disordered person or bankrupt.

(5) The Director of Savings may, if he thinks fit, on the application of either party to the account, cause the account to be put in the name of the beneficiary alone or in the names of the beneficiary and another trustee; where the name of another trustee is substituted, he shall make a declaration in the approved form.

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### **Friendly societies**

10.--(1) Deposits may be made by a friendly society through its trustees either in the name of the society or in the names of the trustees, the full name of the society being entered in the title of the account.

(2) The trustees of the society shall forward to the Director of Savings--

(a) a printed copy of the rules of the society; and

(b) an application in the approved form for authority to make deposits, signed by the trustees and specifying the officers or members of the society who shall sign applications to withdraw the deposits.

(3) Where a friendly society is a branch of a larger friendly society, any officers of the central body or of any other branch of the larger society may be specified as the persons by whom applications for withdrawal shall be signed.

(4) The trustees may, by direction in writing in the approved form signed by them, amend their application for authority to make deposits so far as it relates to the specification of the officers or members of the society by whom applications for withdrawal shall be signed.

(5) Notwithstanding paragraphs (2)(b), (3) and (4) above, any application to withdraw the deposits may be made by any persons for the time being recognised by the Director of Savings as entitled to sign applications for withdrawal.

(6) This regulation shall have effect only in relation to an account opened before 1st January 1990.

### **Charitable and other societies**

11.--(1) Deposits may be made by the trustees or treasurer of a charitable society and by the trustees or treasurer of any other society (including in that expression any unincorporated body of persons) of moneys belonging to any fund, being a fund which the Director of Savings, in his discretion, shall deem proper to be deposited in the National Savings Bank.

(2) The trustees or treasurer of the society shall forward to the Director of Savings--

(a) a copy of the rules of the society or, if there are no rules, a statement of the objects, constitution and character of the society; and

(b) an application in the approved form for authority to make deposits, signed by the trustees or treasurer of the society, and specifying the officers or members of the society who shall sign applications to withdraw the deposits.

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(3) The trustees or treasurer may, by direction in writing in the approved form signed by them or him, amend their or his application for authority to make deposits so far as it relates to the specification of the officers or members of the society by whom applications for withdrawal shall be signed.

(4) Notwithstanding paragraphs (2)(b) and (3) above, any application to withdraw the deposits may be made by any persons for the time being recognised by the Director of Savings as entitled to sign applications for withdrawal.

5) This regulation shall have effect only in relation to an account opened before 1st January 1990 and to an account opened after 28th January 2004 by transferring all the money held in an ordinary account to that account.

### **Building societies, industrial and provident societies, corporations and government departments**

12.--(1) Deposits may be made in the name of a building society incorporated under the Building Societies Act 1962(a) or under the enactments repealed by that Act, in the name of a society registered under the Industrial and Provident Societies Act 1965(b), and (subject to the approval of the Director of Savings in each case) in the name of any other body corporate or in the name of a corporation sole.

(2) In the case of a corporation sole, a declaration in the approved form shall be made by the person constituting the corporation for the time being.

(3) Any application to withdraw the deposits shall be made--

(a) in the case of a society or other body corporate, under its seal, or by the secretary or treasurer or two of the directors thereof for the time being;

(b) in the case of a corporation sole, by the person constituting the corporation for the time being.

(3A) Paragraphs (1) to (3) of this regulation shall have effect only in relation to an account opened before 1st January 1990.

(4) Subject to the approval of the Director of Savings, and to such conditions as he may impose, deposits may be made by a responsible officer of any government department or office or of any public authority in his official capacity, and the account shall stand in the name of the official title of that officer with such additional description as the Director of Savings may require, and withdrawals from the account shall be made in accordance with the conditions imposed as aforesaid.

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(a) 1962 c.37.

(b) 1965 c.12.

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### **Sheriff Clerk in Scotland**

13.--(1) Deposits may be made in Scotland by the Sheriff Clerk of a Sheriff Court under the authority of any statute or statutory instrument in that behalf.

(2) Application to open an account shall be made in the approved form, and shall be signed by the Sheriff Clerk in the presence of a witness.

(3) Any application to withdraw the deposits shall be signed by the Sheriff Clerk.

(4) Where deposits standing in the name of a Sheriff Clerk are transferred into the name of the Sheriff Clerk of any other Sheriff Court, the Sheriff Clerk into whose name the deposits are transferred shall make an application as provided in paragraph (2) above.

(5) In this Regulation references to the Sheriff Clerk include references to the Sheriff Clerk Depute.

### **County Courts in Northern Ireland**

14. --(1) Deposits may be made in Northern Ireland in the joint names of a County Court Judge and a Clerk of the Crown and Peace.

(2) Application to open the account shall be made in the approved form, and shall be signed by the Clerk of the Crown and Peace.

(3) Any application to withdraw the deposits shall be signed by the Clerk of the Crown and Peace and (except where the withdrawal is authorised by the rules of the Court without the necessity for such an order) shall be accompanied by a certified copy of the order of the Court authorising the withdrawal.

(4) Where any deposits made under this Regulation are transferred into the names of any other County Court Judge and Clerk of the Crown and Peace, that Clerk of the Crown and Peace shall make an application as provided in paragraph (2) above.

(5) In this Regulation references to a County Court Judge include references to a Recorder.

### **Public Trustee**

15.--(1) Deposits may be made by the Public Trustee in respect of any estate which he is administering or for which he is acting as custodian trustee or as ordinary trustee, or on behalf of any person for whom he is acting as trustee.

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(2) Application to open an account shall be made in the approved form, and shall be signed by the Public Trustee or by an officer of the Public Trustee authorised by him in writing to act on his behalf in opening accounts.

(3) The title of each account opened by the Public Trustee shall specify on behalf of what estate or person the account is opened, or shall contain such other description as the Director of Savings may require.

(4) Any application to withdraw the deposits, whether standing in the name of the Public Trustee alone or with some other person, shall be signed by the Public Trustee or by an officer of the Public Trustee duly authorised by him in writing to sign such application, and may be signed by the Public Trustee or such officer alone.

(5) Any authority given by the Public Trustee under this Regulation shall be lodged with the Director of Savings at least 48 hours before any application signed by virtue of the authority is presented.

### **Deposit book**

16.--(1) Subject to the provisions of these Regulations, where an account is opened, a book (in these Regulations referred to as a "deposit book") shall be issued to the depositor, and where the account is in the names of two or more persons, shall be delivered or sent to such one of them as the Director of Savings shall think fit.

(2) Except in such cases as the Director of Savings shall direct, every person who may properly sign an application to withdraw ordinary deposits shall sign his name in the space provided in the deposit book.

(3) No charge shall be made for a deposit book.

(4) Every deposit book shall be the property of the Director of Savings and shall be delivered up as and when required by him.

### **Transmission of deposit book to the Director of Savings**

17.--Every depositor shall, at such times as the Director of Savings may direct and whenever required by the Director of Savings, forward to the Director of Savings the deposit book relating to any account in his name.

### **Loss of or damage to deposit book**

18.--(1) On the application of a depositor, the Director of Savings may, if he thinks fit, issue a new deposit book to replace a lost one.

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(2) If in the opinion of the Director of Savings any deposit book has been tampered with or is in such a condition as to render the issue of a new book desirable, he may, if he thinks fit, require the surrender and cancellation of the book and issue a new book to the depositor.

(3) Notwithstanding anything in these Regulations, the Director of Savings may pay any sum in respect of any amount in the National Savings Bank without the production of the deposit book, where he is satisfied that the depositor or other claimant is entitled to receive that sum.

### **Entry of deposits in deposit book**

19. Except where the Director of Savings otherwise directs, every deposit made to the credit of a depositor's account shall be entered in the deposit book relating to that account by the person receiving it at the time when it is received, and the entry shall be attested by that person:

Provided that--

(a) where the deposit book is not produced at the time when a deposit is made, the deposit shall be entered when the book is next received at the principal office of the National Savings Bank;

(b) on the opening of an account, a receipt so attested may be issued for the first deposit by the person receiving it and the deposit entered in the deposit book by an officer of the Director of Savings when the book is issued to the depositor.

### **Minimum amount of ordinary deposits**

20. An ordinary deposit of less than £10 may only be made at the principal office of the National Savings Bank unless the Director of Savings, in any case in which he thinks fit, accepts any such deposit made at any other savings bank office.

### **Procedure on withdrawals**

21.--(1) Subject to the provisions of these Regulations, application for withdrawal of money deposited shall be made in writing in the approved form requesting that payment be made either by an uncrossed warrant payable in cash drawn in favour of the depositor or of the person entitled to make such application, or by a crossed warrant payable only through a bank drawn in favour of the depositor, or of such person as aforesaid, or of a third party named in the application:

Provided that the Director of Savings may in his discretion--

(a) limit the number of crossed warrants which may be issued to or under the direction of the same depositor in any calendar year; or

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(b) refuse to issue a crossed warrant where the sum to be withdrawn is less than a specified amount fixed for this purpose by the Director of Savings.

(2) If the issue of a crossed warrant is requested, the application shall be accompanied by the deposit book.

(3) Where an application for the withdrawal of deposits is made by more than one person, the applicants may request that the sum to be withdrawn should be paid to any one or more of them to the exclusion of the others, and an application for the withdrawal of the deposits of a society or body corporate may contain a request that the sum to be withdrawn should be paid to any officer of the society or body corporate or, where the society is a branch, to any officer of the central body or of any other branch, although such officer is not one of the applicants.

(4) Subject to Regulation 22 below, and except where the Director of Savings otherwise directs, every payment made by him shall be made by a warrant, and accordingly every application for withdrawal of deposits shall be treated as implying an authority to him to issue a warrant for the amount to be withdrawn and to pay it in accordance with the terms of the warrant, and the death of the person who made the application for withdrawal shall not of itself determine such authority; but if the Director of Savings receives notice that the applicant has died or has countermanded such authority, the Director of Savings shall not issue the warrant or, if it has already been issued, shall take all reasonable steps to stop payment thereof.

(5) The provisions of section 76, sub-sections (1), (3), (4) and (5) and, so far as it relates to crossed cheques, sub-section (6) of section 77, and sections 78, 79, 80 and 81 of the Bills of Exchange Act 1882(a) (which relate to crossed cheques) and of sections 3 and 4 of the Cheques Act 1957 (b) (which relate to unendorsed cheques as evidence of payment and to the protection of collecting bankers) shall apply to any crossed warrant issued under these Regulations as if the warrant were a cheque drawn on the Director of Savings by the officer issuing the warrant, but nothing in these Regulations shall make any such warrant negotiable.

(6) An uncrossed warrant shall not be paid until the receipt for the amount thereby payable has been duly signed by the payee or by some person authorised by the payee to receive payment:

Provided that, where such a warrant is paid to a person purporting to be the payee or to be a person authorised by the payee to receive payment, then, notwithstanding that the receipt on the warrant was signed by some person being neither the payee nor a person so authorised, the making of the payment shall be a full discharge to the Director of Savings for the amount thereof, if it is shown that the payment was made in good faith and without negligence, and that the making of the payment is attributable to some act or omission on the part of the depositor or on the part of the payee or the person so authorised.

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(a) 1882 c.61.

(b) 1957 c.36.

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(7) An uncrossed warrant shall be payable, on presentation with the relative deposit book, at the place named in the warrant or otherwise in accordance with the directions contained therein, and a crossed warrant shall be payable at the office in London of the Director of Savings or at such other place as he may direct.

(8) The amount of every withdrawal shall be entered in the deposit book by the person making the payment and the entry shall be attested by that person.

(9) The posting of a letter containing a warrant issued under these Regulations addressed to any person at the last address furnished by him to the Director of Savings shall, as regards the liability of the Director of Savings, be equivalent to the delivery of the warrant to the person to whom the letter was addressed.

### **Payment of ordinary deposits on demand**

22.--(1) Withdrawal of ordinary deposits may be made without previous notice:--

- (a) at any savings bank office to an amount not exceeding £100 in cash;
- (b) Revoked.
- (c) at a savings bank office designated for the purpose of this Regulation, in accordance with paragraph (1A) below, to an amount not exceeding £250 in cash:

Provided that--

- (i) a withdrawal may not be made under this Regulation if, as regards any particular office, payment at that office would inconvenience the business of that office;
- (ii) the depositor shall attend in person to make the application and shall produce the deposit book;
- (iii) the depositor shall sign a receipt in the approved form and, if required by the paying officer, such signature shall be made in that officer's presence;
- (iv) the deposit book may be retained by the paying officer for transmission to the Director of Savings, who shall return it in due course to the depositor except when the account is closed;
- (v) not more than one withdrawal may be made under this Regulation from any one account on any one day;
- (vi) when savings bank business is being transacted in any of Her Majesty's ships or at any naval establishment, a depositor serving in the Royal Navy or in the Royal Marines, or an officer or member of a society (the members

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whereof are persons serving in the Royal Navy or in the Royal Marines) who is recognised by the Director of Savings in that behalf may withdraw in any such ship or establishment a sum not exceeding £100 in pursuance of this Regulation, and paragraph (iv) of this proviso shall not apply to such withdrawal.

(1A) The Director of Savings may designate a savings bank office in respect of an account, in response to an application by a depositor in the approved form, if the depositor has transacted savings bank business at that office at any time during the period of six months ending on the date on which the application is made.

(2) This Regulation shall not apply in the case of such accounts as the Director of Savings shall direct.

### **Withdrawals of ordinary deposits by telegraph**

23. Repealed.

### **Withdrawals of ordinary deposits by telegraph in respect of naval accounts**

24. Repealed.

### **Withdrawals by minors over seven years of age**

25. An application for the withdrawal of money deposited by or in the name of a minor may be made by him if he has attained the age of seven years.

### **Withdrawals in case of bankrupts**

26. Where it is shown to the satisfaction of the Director of Savings that a bankruptcy order has been made against any person who is a sole depositor, or that a trustee has been appointed in the bankruptcy of any such person, or that an order for the administration in bankruptcy of the estate of a deceased sole depositor has been made, the Director of Savings may, if he thinks fit, on an application made in that behalf by the Official Receiver or trustee, pay the deposits standing in the name of the depositor, or any part thereof, to the Official Receiver or trustee.

### **Authority for payment to third party**

27.--(1) An uncrossed warrant shall be presented for payment by the person named therein or by a person duly authorised by him to receive payment.

(2) The authority for a person other than the person named in a warrant to receive the amount payable on the warrant shall be either a power of attorney duly executed in the presence of a witness, or an authority in the approved form or letter signed in the presence of a person authorised by the Director of Savings in that behalf:

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Provided that the Director of Savings may in his discretion, in any case in which he thinks fit, dispense with the attestation of the signature to any such authority or letter.

(3) An authority or letter may be signed by a minor if he has attained the age of seven years, and shall be as valid and binding upon him as if he had been of full age.

(4) Where a power of attorney, authority or letter authorises payment to be made to a firm, or to a body corporate or corporation sole, any person purporting to be a member of the firm or body corporate, or to be an officer thereof or of the corporation sole, and accredited to the satisfaction of the Director of Savings, may present and receive payment under the warrant.

(5) This Regulation shall not apply to moneys deposited pursuant to Regulation 13, 14 or 15 above.

### **INVESTMENT DEPOSITS**

#### **Conditions on which investment deposits may be made**

28.--(1) Where investment deposits are to be made by or on behalf of a depositor, a separate account shall be opened and a separate deposit book issued in respect of those deposits.

(2) Subject to the provisions of this Regulation and of Regulation 29 below, a depositor may apply to transfer deposits standing in his name, being ordinary deposits, to an investment deposit account in his own name or to be opened in his own name, or, being investment deposits, to an ordinary deposit account in his own name, and the provisions of Regulation 30 below shall apply in relation to such an application.

(3) Repealed.

(4) Repealed.

(5) An investment deposit of less than £20 may only be made at the principal office of the National Savings Bank unless the Director of Savings, in any case in which he thinks fit, accepts any such deposit made at any other savings bank office.

#### **Withdrawal or transfer of investment deposits**

29.--(1) Except in the case of withdrawal or transfer under paragraph (2) below, or where the Director of Savings otherwise directs, money deposited by way of investment deposit (or any interest thereon) may not be withdrawn or transferred (except to an investment deposit account) unless the relevant prior notice of withdrawal or transfer thereof has been given to the Director of Savings in accordance with this regulation.

(1A) In paragraph (1) above, the relevant prior notice is -

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- (a) in the case of withdrawal from a treasurer's account, 30 days' prior notice, and
- (b) in any other case, one month's prior notice.

(2) The Director of Savings may permit -

- (a) money which has been deposited by way of investment deposit for a continuous period of not less than 30 days, and

- (b) interest on any money deposited by way of investment deposit,

to be withdrawn or transferred (except to an investment deposit account) otherwise than upon the giving of the notice required by paragraph (1) above, but subject instead to the condition described in paragraph (4) below.

(3) In calculating the period of 30 days mentioned in paragraph (2)(a) above, the day on which the money was deposited shall be included, but not the day on which it is withdrawn.

(4) For the purposes of paragraph (2) above, the condition is that an amount calculated in accordance with paragraph (5) below shall be debited from the account from which the withdrawal is made and shall be treated as having been -

- (a) withdrawn on the same day as, but immediately before, the withdrawal is made, and thereupon

- (b) paid to the Director of Savings (otherwise than by way of deposit in the National Savings Bank) by the person entitled to payment of the deposits standing to the credit of that account.

(5) The amount mentioned in paragraph (4) above is the amount equal to the interest earned on the sum withdrawn during the period of 30 days immediately preceding the day on which the withdrawal is made.

(6) For the purposes of paragraph (5) above, any part of the amount withdrawn which -

- (a) consists of interest which was calculated to the preceding 31st December and then capitalised (in accordance with regulation 42(2) below), and

- (b) has not itself earned interest for the full period of 30 days mentioned in that paragraph, shall be treated as having also earned interest ('additional interest') during such period ('the additional period') immediately preceding the commencement of the period on which it began so earning, as is necessary to complete the period of 30 days for the purposes of that paragraph.

(7) For the purposes of paragraph (6) above, additional interest shall be calculated using the rate of interest from time to time applicable to money deposited in the relevant account

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during the additional period (and, where the applicable rate would have depended on the balance of that account at any time, regard shall be had to the actual balance at that time, without treating any interest as having been calculated and added to the principal on a date earlier than that on which it was so added, except that a balance of at least one pound shall always be assumed for the purposes of this paragraph).

(8) Paragraphs (2A) and (3) of regulation 42 below shall apply for the purposes of the preceding paragraphs of this regulation as they apply for the purposes of that regulation.

(9) Every notice of withdrawal under paragraph (1) above shall be given by sending or delivering to the Director of Savings at the principal office of the National Savings Bank an application for withdrawal in the approved form signed by the depositor or other person entitled to sign the application.

(10) In relation to an application for withdrawal in accordance with paragraph (9) above, regulation 21 above shall apply as if the words 'on the expiration of one month beginning with the day on which the application is received at the principal office of the National Savings Bank' were inserted after the words 'requesting that payment be made' in regulation 21(1).

(11) Every notice of transfer under paragraph (1) above shall be given by sending or delivering to the Director of Savings at the principal office of the National Savings Bank an application for transfer in the approved form requesting that the transfer be made on the expiration of one month beginning with the day on which the application is received at the principal office, and the application shall be accompanied by the relevant deposit book.

(12) Paragraphs (9) and (10) above shall not apply to a withdrawal from a treasurer's account.

### **Deposits to treasurer's accounts**

29A.-(1) Investment deposits may be made for the credit of a treasurer's account opened in accordance with this Regulation.

(2) Subject to paragraphs (3) and (4) below, a treasurer's account may be opened in the name of any organisation.

(3) Subject to paragraphs (4) and (5) below, a treasurer's account shall not be opened in the name of an organisation which appears to the Director of Savings to have, as its principal aim, the generation (in whatever manner) of profit with a view to the principal part of such profit being distributed (whether immediately or after investment or accumulation) to any person or description of persons, otherwise than in pursuance of charitable purposes.

(4) A treasurer's account may be opened in the name of a friendly society (within the meaning of paragraph (11) below) or a society registered under the Industrial and Provident

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Societies Act 1965 (a) but, subject to paragraph (5) below, not in the name of a building society incorporated or deemed to be incorporated under the Building Societies Act 1986 (b).

(5) Notwithstanding paragraphs (3) and (4) above, a treasurer's account may be opened in the name of an organisation in either of the following circumstances-

(a) where the organisation has investment deposits (or interest thereon) standing to its name which were made under regulation 11 or 12(c) above, provided that all such deposits (and interest) are transferred to one or more treasurer's account on the first opening of such an account in the name of that organisation in reliance on this paragraph;

(b) where a treasurer's account has previously been opened in the name of that organisation in reliance on sub-paragraph (a) above (regardless whether such account has since been closed).

(6) A treasurer's account may be opened only with a first deposit of not less than £10,000.

(7) An application to open a treasurer's account shall be made in the approved form, signed by the proper officer of the organisation in the name of which it is to be held, and shall specify the authorised signatories in accordance with regulation 29E below.

(8) An application under paragraph (7) above shall be delivered to the principal office of the National Savings Bank, and shall be accompanied by a copy of the constitution, rules, trust deed, memorandum of association or other document defining the objects, constitution and character of the organisation or, if there is no such definitive document, a statement of such objects, constitution and character.

(9) While a treasurer's account remains open, the Director of Savings shall be informed in the approved manner, by the proper officer or the authorised signatories, of any changes to the objects, constitution or character of the organisation which may reasonably be thought capable of giving grounds for the exercise of the Director's discretion to require the account to be closed under regulation 29I below.

(10) Where any information given to the Director of Savings by the proper officer or the authorised signatories in any approved form or approved manner under these Regulations (including any particulars notified under this paragraph) ceases, while any relevant treasurer's account remains open, to be accurate, amending particulars shall be notified to the

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(a) 1965 c. 12.            (b) 1986 c. 53.

(c) Regulations 11 and 12 were amended by S.I. 1989/2045 so as to have effect only in relation to accounts opened before 1st January 1990.

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Director of Savings by the proper officer or the authorised signatories in such manner as may be approved.

(11) In paragraph (4) above, "friendly society" means-

- (a) a society which remains registered within the meaning of the Friendly Societies Act 1974<sup>(a)</sup> by virtue of section 7(1)(a) of that Act, or a branch of such a society which is separately registered within the meaning of the said Act; or
- (b) an incorporated friendly society.

### **Disapplication of particular regulations to treasurer's accounts**

29B.-(1) The following provisions of these Regulations shall not apply to treasurer's accounts-

- (a) regulations 4 to 19 above (inclusive);
- (b) subject to paragraph (3) below, regulation 28 above; and
- (c) regulations 32 to 41 below (inclusive).

(2) Regulation 21 above shall not apply to withdrawals from a treasurer's account, except as provided by regulation 29H below.

(3) Deposits standing to the credit of a treasurer's account shall not be transferable under regulation 28(2) above, or under regulation 30 or 31 below, but deposits of any other description may be transferred to a treasurer's account in accordance with those regulations.

### **Title of treasurer's accounts**

29C.-(1) In addition to the name of the organisation concerned, the Director of Savings may allow such further particulars to be added to the title of the account as may be requested for purposes of identification.

(2) Upon written application delivered to the principal office of the National Savings Bank, in such form as may be approved, signed by the authorised signatories, the Director of Savings may amend the title of a treasurer's account (including the name of the organisation concerned), except where it appears to the Director that the amendment would effect a transfer of the account to a different organisation or person.

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<sup>(a)</sup> 1974 c. 46; section 7(1) was amended by the Friendly Societies Act 1992 (c. 40), Schedule 16, paragraphs 1 and 4.

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### **Proper officer for purposes of treasurer's accounts**

29D.-(1) In these Regulations, any reference to the proper officer of an organisation in relation to anything to be done in connection with a treasurer's account, means-

(a) in the case of an unincorporated body of persons, the trustees or treasurer;

(b) in the case of a body corporate, two directors (or, in the case of an incorporated friendly society, two members of the committee of management) acting jointly, or the secretary or treasurer;

(c) in the case of a corporation sole, the person constituting the corporation sole for the time being.

(2) In paragraph (1) above, "treasurer" includes any person recognised by the Director of Savings as entitled to do that thing on behalf of the body in accordance with its constitution, rules, trust deed, articles of association, statutory framework or other document or provision governing its constitution or powers, or under the general law.

### **Authorised signatories for purposes of treasurer's accounts**

29E.-(1) One or more persons shall be specified in relation to every treasurer's account for the purpose of operating the account on behalf of the organisation in the name of which the account is held.

(2) A specification under this regulation may specify that-

(a) any person so specified may act unilaterally, or

(b) only a specified quorum or combination of such persons acting jointly may act.

(3) In these Regulations, unless the context otherwise requires, any reference to the authorised signatories in relation to a treasurer's account means such person, or quorum or combination of such persons, as may be entitled to act in accordance with a specification made under this regulation.

(4) The initial specification under this regulation shall be made in accordance with regulation 29A(7) above, and any specification under this regulation may be amended from time to time upon written direction delivered to the principal office of the National Savings Bank, in the approved form, signed by the authorised signatories (and for the purpose of ascertaining the authorised signatories for this purpose, the effect of the amendment which it is the purpose of the direction to effect shall be disregarded).

(5) A specimen of the signature of every person specified under this regulation shall be supplied to the Director of Savings in the approved manner, and the Director of Savings may

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decline to accept or act upon any instruction signed by any person in respect of whom such a specimen has not been so supplied.

(6) Notwithstanding anything in these Regulations, the Director of Savings may, if he thinks fit, allow anything which these Regulations permit or require to be done by or in relation to the authorised signatories to be done by or in relation to the proper officer of the organisation in the name of which the account is held.

(7) Notwithstanding anything in these Regulations, where the Director of Savings has reasonable cause to believe or suspect that any instruction given, or other thing done, by the authorised signatories in accordance with these Regulations-

(a) is contrary to the wishes of the proper officer of the organisation in the name of which the account is held, or

(b) is not, or if acted upon by the Director of Savings would not be, a proper transaction having regard to the law governing the organisation in the name of which the relevant treasurer's account is held or which is, or would be, otherwise applicable to dealings in respect of the asset represented by the relevant treasurer's account, the Director of Savings may, if he thinks fit, act in accordance with paragraph (8) below.

(8) Where the Director of Savings acts in accordance with this paragraph, he may decline to accept, recognise or proceed according to the tenor of the relevant application or other thing done pending-

(a) the making of such further enquiries by the Director of Savings as he may think reasonable for the purpose of ascertaining whether the circumstances are as described in sub-paragraph (a) or (b) of paragraph (7) above.

(b) the taking of such further steps, whether by the proper officer or otherwise, in accordance with these Regulations as the Director may consider will enable the matter to be resolved in an appropriate manner; or

(c) the resolution of any litigation or arbitration (including a reference under section 10 of the National Savings Bank Act 1971<sup>(a)</sup> which has commenced or which the Director considers is intended to be commenced, in respect of any matter, and between any parties, which the Director considers material;

and the Director of Savings may decline as aforesaid where he considers that such a course will enable the matter to be brought before the adjudicator on a reference under the said section 10, and that this would be appropriate.

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<sup>(a)</sup> 1971 c.29; section 10 was amended by the Friendly Societies Act 1992 (c.40), Schedule 21, paragraph 2.

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### **Procedure on making deposits to a treasurer's account**

29F.-(1) Subject to paragraphs (2) and (3) below, deposits to a treasurer's account shall be made-

(a) by cheque delivered to the principal office of the National Savings Bank, accompanied by such completed form as may be approved;

(b) by bank giro credit to an approved bank account, specifying such reference or other particulars as may be approved; or

(c) by the transfer of any sum, in accordance with these Regulations, from another account in the National Savings Bank.

(2) The first deposit to a treasurer's account mentioned in regulation 29A(6) shall not be made in accordance with paragraph (1)(b) above, and a cheque or authority to transfer (or both) shall accompany the application to open the account.

(3) The Director of Savings shall not accept a first deposit to a treasurer's account by cheque unless the cheque appears from its face to be drawn on an account which-

(a) stands in the name of the relevant organisation, or

(b) otherwise relates to that organisation.

(4) In this regulation, references to a cheque include any other instrument which appears to the Director of Savings-

(a) to be capable of collection in the manner of a cheque, and

(b) to differ, in legal character, from a cheque only in respects which he considers immaterial (either generally or having regard to any particular circumstances in which a deposit is sought to be made by such an instrument),

and paragraph (3) above shall not apply where the Director of Savings is satisfied that the fund from which any such instrument will be paid is owned or under the control of the relevant organisation.

### **Withdrawals from treasurer's accounts**

29G.-(1) In the case of a treasurer's account, every notice of withdrawal under regulation 29(1) above shall (subject to paragraph (2) below) be given, and every application for withdrawal in accordance with regulation 29(2) above shall be made,-

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(a) by sending or delivering to the Director of Savings at the principal office of the National Savings Bank an application for withdrawal in the approved form signed by the authorised signatories; or

(b) if payment is to be made to the home bank account, by the authorised telephone procedure.

(2) Where payment is not to be made to the home bank account, notice of withdrawal under regulation 29(1) may be given by the authorised telephone procedure, but

(a) the withdrawal shall not be made unless written confirmation in the form of an application for withdrawal in the approved form, signed by the authorised signatories, is received at the principal office of the National Savings Bank within 30 days of the day on which the notice was given by telephone, and

(b) a warrant shall not be issued or, where payment by electronic transfer had been requested, the process mentioned in regulation 29H(3) below shall not be initiated, before such written confirmation is received.

(3) In this regulation, 'home bank account' means one bank account held in the British Islands and specified for the purposes of this Regulation-

(a) in the application to open the relevant treasurer's account, or

(b) in writing in the approved form signed by the authorised signatories in relation to the relevant treasurer's account:

Provided that the Director of Savings may decline to accept or act on any such specification if it appears to him that the specified account does not stand in the name of the organisation in the name of which the relevant treasurer's account is held, or in a name (or with a title) which reasonably suggests that it relates to that organisation.

(4) A specification under paragraph (3) above may be cancelled or amended from time to time in writing in the approved form signed by the authorised signatories.

### **Payment on withdrawals from treasurer's accounts**

29H.-(1) An application for withdrawal from a treasurer's account shall request that payment be made (or that payment be made on the expiration of the relevant notice period required by these Regulations, as the case may be)-

(a) by electronic transfer, to such account as may be specified in the application, being an account to which payment is capable of being made by that means, or

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(b) by a crossed warrant payable only through a bank drawn in favour of the organisation in the name of which the account is held or of a person named in the application, subject to paragraph (2) below.

(2) The proviso to regulation 21(1) above shall apply to paragraph (1)(b) above, and the discretion conferred thereby may be exercised so as to make different provision in the case of treasurer's accounts from that (if any) made in other cases, or so as to make provision which does not apply in the case of treasurer's accounts.

(3) A request for payment by electronic transfer shall be treated as implying authority to the Director of Savings to initiate, in accordance with that system, the process by which payment will thereby be made (or, where the withdrawal is to be made on notice under regulation 29(1) above, to do so on such day as would be expected, in the normal course, to result in payment being made on the day on which the notice expires).

(4) Where the process by which a payment is to be made is initiated in accordance with paragraph (3) above, any determination of the authority to make that payment shall not deprive any person of a good discharge under these Regulations where such payment is made in the normal course as a result of such initiation, but where the Director of Savings becomes aware of any such determination, he shall take such reasonable steps as may be available to him to prevent such payment being made.

(5) Where payment is requested to be made by electronic transfer and is initiated in accordance with paragraph (3) above,-

(a) receipt of the payment by the banker or other person with whom the specified account is kept shall be equivalent to receipt thereof by a person entitled to obtain repayment of deposits from the relevant treasurer's account; and

(b) subject to regulation 52 below, the Director of Savings shall not be liable for any delay in the completion of the payment by electronic transfer, or any other failure in the operation of that system, which is outside his direct control.

(6) A request for payment by crossed warrant shall be treated as implying an authority to the Director of Savings to issue a warrant for the amount to be withdrawn and to pay it in accordance with the terms of the warrant.

(7) The posting of a letter containing a warrant issued under this regulation addressed in accordance with instructions contained in the application by which its issue was requested shall, as regards the liability of the Director of Savings, be equivalent to the delivery of the warrant to the person to whom the letter was addressed.

(8) Regulation 21(5) above shall apply to a warrant issued under this regulation, and regulation 21(10) above shall apply to withdrawals from a treasurer's account.

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(9) The death of any person who signed the application for withdrawal (or made the application by the authorised telephone procedure) shall not of itself determine the authority mentioned in paragraphs (3) and (6) above.

### **Power of Director of Savings to require closure of treasurer's accounts**

29I.-(1) Without prejudice to regulation 47 below, if at any time it appears to the Director of Savings that the organisation in the name of which a treasurer's account is held would not be eligible, in accordance with regulation 29A(2), (3) and (4) above, to open such an account at that time, he may decline to accept any further deposits for the credit of that account and may notify the authorised signatories of the relevant organisation that he requires the account to be closed.

(2) Where the Director of Savings has notified any person in accordance with paragraph (1) above, and the deposits (and any interest thereon) standing to the credit of the relevant account are not withdrawn in accordance with these Regulations within such time as the Director of Savings thinks reasonable in all the circumstances, he may proceed to repay such deposits (and interest)-

(a) by electronic transfer to the home bank account (if any) specified in accordance with regulation 29G(3) and (4) above, or

(b) to the proper officer of the relevant organisation in such manner as the Director of Savings may think fit.

(3) Where, pursuant to paragraph (2) above, the Director of Savings initiates the process by which payment will be made by electronic transfer-

(a) receipt of the payment by the banker or other person with whom the home bank account is kept shall be equivalent to receipt thereof by a person entitled to obtain repayment of deposits from the relevant treasurer's account; and

(b) subject to regulation 52 below, the Director of Savings shall not be liable for any delay in the completion of the payment by electronic transfer or any other failure in the operation of that system, which is outside his direct control.

(4) Where, pursuant to paragraph (2) above, the Director of Savings thinks fit to make payment by issuing a warrant, regulations 21(5) and 29H(7) above shall apply to any warrant issued for that purpose.

### **Statements in respect of treasurer's accounts**

29J.-(1) A deposit book shall not be issued in respect of a treasurer's account, but statements shall be issued in respect of every such account in accordance with this regulation.

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(2) A statement shall be issued monthly to show the deposits and withdrawals made and particulars of any interest calculated and added in accordance with regulation 42(2) below, during the preceding calendar month, and the balance resulting therefrom, provided that no such statement shall be issued if no such transactions occurred during the relevant month.

(3) On request, a statement shall be issued annually showing, as at such single date within the relevant year as is specified in the request, the balance of the account and the amount of interest that has accrued thereto but which has not been added to the principal in accordance with regulation 42(2) below.

(4) A request under paragraph (3) above may be withdrawn, or the specified date amended from time to time, in the same manner as that in which such a request may be made.

(5) A request under paragraph (3) shall be made-

(a) by the authorised telephone procedure, or

(b) in writing in the approved form delivered to the principal office of the National Savings Bank and signed by the authorised signatories.

(6) A statement issued under this regulation shall be sent by post to the address furnished for that purpose in the application to open the account concerned, as amended from time to time in writing in the approved form signed by the authorised signatories and delivered to the principal office of the National Savings Bank.

### **Authorised telephone procedure in respect of treasurer's accounts**

29K.-(1) Where, in respect of a treasurer's account, these Regulations authorise an application to be made or other thing done, by use of the authorised telephone procedure, that application may be made or thing done in accordance with, and subject to the conditions set out in, this regulation, and the making of any such application or the doing of any such thing is referred to in this regulation as the giving of a telephone instruction.

(2) The authorised telephone procedure shall be available in respect of an account only where-

(a) the proper officer of the organisation in the name of which the account is held so requested in the application to open the account, or

(b) the authorised signatories have so requested in writing in the approved form signed by them and delivered to the principal office of the National Savings Bank, and nominated thereby not more than 2 persons who are thereby authorised to give telephone instructions (and each such person is referred to in this regulation as a 'duly nominated person').

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(3) A nomination under paragraph (2) above may be withdrawn, or a new nomination made (subject to there being no more than 2 duly nominated persons at any time), in writing in the approved form signed by the authorised signatories and delivered to the principal office of the National Savings Bank.

(4) Every duly nominated person shall communicate to the Director of Savings, in the approved manner,-

(a) a password of his own choice, being any combination of letters, or letters and numbers, of such length and character as the Director of Savings may approve as suitable for use as a password for the purposes of this regulation; and

(b) such additional information of a personal nature relating to the nominated person as may be agreed between him and the Director of Savings to be used for the purpose of verifying his identity.

and the Director of Savings shall arrange for such password and information to be recorded in such manner as he may think reasonably secure having regard to the purposes for which they are to be used under these Regulations.

(5) Any password or additional information communicated in accordance with paragraph (4) above or this paragraph, may be changed by the relevant duly nominated person in the approved manner (subject to such approval or agreement as is mentioned in paragraph (4) above), and particulars thereof shall be recorded as mentioned in paragraph (4) above.

(6) Telephone instructions shall be given by calling, otherwise than at the expense of the Director of Savings, an approved number and, on connection, the instructions shall be elicited in the approved manner by a person acting on behalf of the Director of Savings.

(7) The Director of Savings shall make arrangements reasonably calculated (having regard to anticipated demand) to enable telephone instructions to be given on such days and between such hours as he may approve, but (subject to regulation 52 below) shall not be liable for any loss or damage arising from the failure of any person to be (or remain) connected for any reason.

(8) Where any person (referred to in this paragraph as 'the caller') who is or who purports to be a duly nominated person seeks to give telephone instructions in accordance with paragraph (6) above, the Director of Savings shall accept such instruction and proceed according to their tenor if, on the occasion when the instruction is given, the caller correctly provides such particulars of the password and additional information recorded under this regulation as the person taking the call on behalf of the Director of Savings considers, in accordance with guidance given by the Director of Savings, to be sufficient to verify that the caller is a duly nominated person:

Provided that:

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(a) the Director of Savings may, in his discretion, decline to accept such instructions or proceed according to their tenor if, for any reason, he has reasonable cause to suspect that the instruction may not have been given by a duly nominated person notwithstanding that the particulars were correctly given as aforesaid, and in such a case the Director of Savings may take such steps as he considers appropriate to verify the authenticity of the instructions; and

(b) paragraphs (7) and (8) of regulation 29E above shall apply in relation to instructions given by the authorised telephone procedure as they apply to an instruction given by the authorised signatories.

(9) The Director of Savings may make arrangements for an audio recording to be made, in such manner as he thinks fit, of any telephone call in which telephone instructions are likely to be given.

(10) Without prejudice to the admissibility of anything in evidence under any other enactment or rule of law, an audio recording shall be admissible in evidence in any proceedings on a reference made under section 10 of the National Savings Bank Act 1971(a) if there is produced to the adjudicator a certificate purporting to be signed by a civil servant employed in the Department for National Savings and certifying that the recording was made, or is a true copy of a recording that was made, in accordance with paragraph (9) above.

### Deposits to individual savings accounts

29L.—(1) Investment deposits may be made for the credit of an individual savings account opened in accordance with this regulation.

(2) An individual savings account may be opened by a person who is 16 years of age or over and who is -

(a) resident and ordinarily resident in the United Kingdom,

(b) performs duties which by virtue of section 132(4)(a) of the Income and Corporation Taxes Act 1988 are treated as being performed in the United Kingdom, or

(c) though not resident in the United Kingdom, married to a person to whom paragraph (b) applies.

(3) Where a person ceases at any time to fulfil one of the conditions specified in paragraph (2), further deposits shall not be made to that person's account for such time as he fails to fulfil the condition.

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(a) 1971 c. 29; section 10 was amended by the Friendly Societies Act 1992 (c.40), Schedule 21, paragraph 2.

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(4) The minimum deposit to an individual savings account shall be £10 unless the Director of Savings, in any case in which he thinks fit, accepts any lesser amount.

(5) A person shall not be entitled to open more than one individual savings account in any financial year unless he is opening a TESSA only account, in which case one TESSA only account and one mini-account may be opened in the same financial year.

(6) An application to open an individual savings account shall be made in the approved manner and, for the purposes of any such application, the applicant shall deliver to the Director of Savings such documents and other information as he may require.

### **Disapplication of particular regulations to individual savings accounts**

29M.--(1) The following provisions of these Regulations shall not apply to individual savings accounts-

(a) regulations 4 to 6, 8 to 12, 14, 16 to 19, 28 and 29 above;

(b) regulations 31, 32 to 38, 57 and 58 below.

(2) Regulation 21 above shall not apply to individual savings accounts, except as provided by regulation 29P below.

### **Procedure on making deposits to individual savings accounts**

29N. Deposits to an individual savings account shall be made-

(a) by cheque or cash delivered to the principal office of the National Savings Bank or to such other savings bank office as the Director of Savings may determine, accompanied by such completed form as may be approved;

(b) by bank giro credit to an approved bank account, specifying such reference or other particulars as may be approved;

(c) by the transfer of any sum, in accordance with these Regulations, from another account in the National Savings Bank; or

(d) pursuant to instructions given by the authorised telephone procedure.

### **Withdrawals from individual savings accounts**

29O.--(1) An application for withdrawal from an individual savings account shall be made-

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(a) by sending or delivering to the Director of Savings at the principal office of the National Savings Bank an application for withdrawal in the approved form signed by the depositor or other person entitled to sign the application; or

(b) if payment is to be made to the home bank account or by crossed warrant, by the authorised telephone procedure.

(2) In this regulation, “home bank account” means one bank account held in the British Islands in the name of the depositor and specified for the purposes of this Regulation-

(a) in the application to open the relevant individual savings account, or

(b) in writing in the approved form signed by the depositor.

(3) A specification under paragraph (2) may be cancelled or amended from time to time in writing in the approved form signed by the depositor.

### **Payment on withdrawals from individual savings accounts**

29P.--(1) An application for withdrawal of deposits from an individual savings account shall request that payment be made-

(a) by a crossed warrant drawn in favour of the depositor or of the person entitled to make such application, subject to paragraph (2) below; or

(b) by electronic transfer, to such account in the name of the depositor (or of the person entitled to make such application) as may be specified in the application, being an account to which payment is capable of being made by that means.

(2) The Director of Savings may in his discretion-

(a) limit the number of crossed warrants which may be issued to the same applicant in any calendar year; or

(b) refuse to issue a crossed warrant where the sum to be withdrawn is less than a specified amount fixed for this purpose by the Director of Savings.

(3) A request for payment by crossed warrant shall be treated as implying an authority to the Director of Savings to issue a warrant for the amount to be withdrawn and to pay it in accordance with the terms of the warrant.

(4) A request for payment by electronic transfer shall be treated as implying an authority to the Director of Savings to initiate, in accordance with that system, the process by which payment will thereby be made.

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(5) Where the process by which a payment is to be made is initiated in accordance with paragraph (4) above-

(a) any determination of the authority to make that payment shall not deprive any person of a good discharge under these Regulations where such payment is made in the normal course as a result of such initiation;

(b) receipt of the payment by the banker or other person with whom the specified account is kept shall be equivalent to receipt thereof by a person entitled to obtain repayment of deposits from the relevant individual savings account; and

(c) subject to regulation 52 below, the Director of Savings shall not be liable for any delay in the completion of the payment by electronic transfer, or any other failure in the operation of that system, which is outside his direct control.

(6) The death of the person who signed the application for withdrawal (or made the application by the authorised telephone procedure) shall not of itself determine the authority mentioned in paragraphs (3) and (4) above; but if the Director of Savings receives notice that the applicant has died or has determined such authority, he shall (where payment was requested by crossed warrant) not issue the warrant or, if the warrant has already been issued (or where payment was requested by electronic transfer), take such reasonable steps as may be available to him to prevent such payment being made.

(7) Regulation 21(5) above shall apply to a warrant issued under this regulation, and regulation 21(9) and (10) above shall apply to individual savings accounts.

### **Statements in respect of individual savings accounts**

29Q. A deposit book shall not be issued in respect of an individual savings account; but a statement shall be issued annually to show the deposits and withdrawals made and particulars of any interest calculated and added in accordance with regulation 42(2) below, during the preceding year, and the balance resulting therefrom.

### **Authorised telephone procedure in respect of individual savings accounts**

29R.--(1) Where in respect of an individual savings account, these Regulations allow an application to be made or other thing to be done by use of the authorised telephone procedure, that application may be made or thing done in accordance with, and subject to the conditions set out in, this regulation, and the making of any such application or the doing of any such thing is referred to in this regulation as the giving of a telephone instruction.

(2) The authorised telephone procedure shall be available in respect of an individual savings account only where the depositor so requests-

(a) in the application to open the account, or

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(b) in writing in the approved form signed by him and delivered to the principal office of the National Savings Bank,

and who nominates himself as a person authorised to give telephone instructions (referred to in this regulation as a “duly nominated person”).

(3) A nomination under paragraph (2) above may be withdrawn in writing in the approved form signed by the duly nominated person and delivered to the principal office of the National Savings Bank.

(4) Paragraphs (4) to (8)(a), (9) and (10) of regulation 29K above shall apply to the authorised telephone procedure in respect of individual savings accounts.

### **TRANSFER OF DEPOSITS AND ADDITION OF NAMES**

#### **Transfer of deposits**

30.--(1) Subject to the provisions of these Regulations, a depositor may apply to transfer deposits standing in his name into the name of any other depositor or into an account to be opened in the name of any person entitled to make deposits in the National Savings Bank; except where the Director of Savings otherwise directs, an application for transfer shall be in the approved form and shall be accompanied by the deposit book relating to the deposits.

(2) On being satisfied as to the title of the applicant to transfer the deposits, the Director of Savings may effect the desired transfer, and the death of the applicant shall not of itself determine the authority given by the applicant for the transfer to be made; but if the Director of Savings receives notice before the transfer is effected that the applicant has died, the transfer shall not be made.

(3) This Regulation shall, so far as applicable, apply to the transfer of sums from the account of a deceased depositor, and, in particular, the legal personal representative of the depositor, or any person to whom any sum due to the depositor at the time of his death may be paid in accordance with the provisions of these Regulations, may, subject to the provisions of these Regulations, instead of withdrawing any such sum, apply for the transfer thereof into his own name or the name of another person.

#### **Transfer to and from overseas savings banks**

31.--(1) Any application to transfer any sum from the account of a depositor in the National Savings Bank to a government savings bank outside the United Kingdom (being a bank with which the Director of Savings has entered into an arrangement for such transfers) shall be made in the approved form, and shall be accompanied by the deposit book.

(2) Where an application is made to the Director of Savings for the transfer to the National Savings Bank of a sum standing to the credit of a depositor in a government

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savings bank outside the United Kingdom (being a bank with which the Director of Savings has entered into an arrangement for such transfers), and a certificate from the government savings bank certifying that there is a sum due to the depositor in respect of money deposited by him in the said bank is produced, the amount mentioned in the certificate shall be treated

as a deposit made in the name of the applicant, and the applicant shall, if required, make a declaration in the approved form.

### **Addition of names to an account**

32.--(1) Upon the application of a depositor, the Director of Savings may add the names of other persons in the title of the depositor's account.

(2) Every person whose name is added in the title of an account shall make and sign the declaration required upon the making of a first deposit and, if required, furnish an additional specimen of his signature.

## **NOMINATIONS**

### **Power to make nominations**

33.--(1) Subject to the provisions of these Regulations, a depositor, being a person who has attained the age of sixteen years, may before 1st May 1981 nominate any person to receive any sum due to the depositor at his death in respect of his deposits. A nomination made after 30th April 1981 shall be of no effect.

(2) Every nomination shall be made in writing in a form approved by the Director of Savings, and shall be signed by the nominator in the presence of a witness, and the signature of the nominator shall be attested by the witness.

(3) A nomination shall be of no effect unless it is sent to the Director of Savings during the lifetime of the nominator.

(4) The Director of Savings may in his discretion refuse to accept any nomination received by him, and, upon a notification of the refusal of the Director of Savings to accept a nomination being sent to the nominator, the nomination shall be of no effect.

(5) Every nomination accepted by the Director of Savings shall be registered by him and returned to the nominator.

(6) A nomination may be in favour of one person or of several persons (who shall be clearly designated in the nomination), and, where there is more than one nominee, may direct that specific sums shall be paid to one or more of the nominees or that the nominees shall take the money nominated in specified shares, or may give directions to both effects.

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(7) A person who attests the signature of a nominator to a nomination shall not take any benefit thereunder.

34. Repealed.

### **Revocation of nomination**

35.--(1) A nomination shall be revoked--

(a) by the death of the nominee, or, where there is more than one nominee, of all the nominees, in the lifetime of the nominator;

(b) so far as relates to the interest thereunder of any nominee (being one of two or more nominees), by the death of that nominee in the lifetime of the nominator, unless the interest of that nominee is disposed of by the nomination;

(c) by the marriage of the nominator;

(d) by written notice of revocation given in accordance with this Regulation;

(e) by a subsequent nomination duly made in accordance with these Regulations before 1st May 1981 by the same nominator disposing of either the whole or any part of the moneys disposed of by the earlier nomination, but so far only as respects those moneys or that part of those moneys, as the case may be;

but a nomination shall not be revoked by any will or by any other act, event or means whatsoever.

(2) A notice of revocation for the purposes of these Regulations shall be signed by the nominator in the presence of a witness, who shall attest the signature of the nominator, and the notice shall be of no effect unless it is sent to the Director of Savings during the lifetime of the nominator.

(3) Notwithstanding that a nomination has been revoked by the marriage of the nominator, any payment which, before the marriage comes to the knowledge of the Director of Savings, is made by him, being a payment which would have been a lawful payment if the nomination had not been so revoked, shall, subject to the provisions of these Regulations for saving the rights of third parties, be as valid as if the nomination had not been so revoked.

### **Particulars to be furnished by nominator to Director of Savings**

36.--(1) A nominator shall, on making a nomination, furnish to the Director of Savings such particulars of any National Savings Bank account and savings bank annuity or insurance to which the nomination applies as the Director of Savings may require.

(2) A nominator shall, if and whenever a change occurs in relation to any savings bank

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account or annuity or insurance to which the nomination applies, forthwith make such corrections in and additions to the particulars furnished as may be necessary, and shall forthwith forward to the Director of Savings the amended particulars.

(3) Where, by reason of the failure of a nominator to comply with the foregoing requirements of this Regulation, any money payable in respect of any deposits, annuity, or insurance of the nominator at the date of his death is paid to a person other than the nominee or a person claiming through him, that payment shall, subject to the provisions of these Regulations for saving the rights of third parties, be as valid as if the nomination had not been made.

### Payment under nomination

37.--(1) On the death of a nominator, the Director of Savings shall pay to the nominee the amount due to him according to the directions of the nomination:

Provided that--

(a) if, on the death of a nominator, any nominee is under the age of sixteen years, the Director of Savings shall not make any payment to that nominee or transfer the sum nominated to him until he attains that age, but may, if it is shown to the satisfaction of the Director of Savings that it is expedient that the sum due to the nominee or any part thereof should be paid and applied for the maintenance or otherwise for the benefit of the nominee, pay the said sum or that part thereof to any person who satisfies the Director of Savings that he will apply it for such purposes as aforesaid;

(b) if the nominee is a mentally disordered person and there is no receiver, the Director of Savings may pay the sum nominated or any part thereof to any person undertaking to maintain such nominee;

(c) where it appears to the Director of Savings that the estate of the nominator, apart from the sum nominated, is insufficient to meet the funeral expenses or satisfy any claims of creditors of the nominator of which the Director of Savings has notice (including, in a case where the nominator was domiciled in Scotland, claims under the Succession (Scotland) Act 1964<sup>(a)</sup> and in respect of jus relictii, jus relictæ or legitim), he may, if he thinks fit, apply the amount nominated or any part thereof in or towards payment of such funeral expenses, or in or towards satisfaction of the claim of any person in respect of such funeral expenses paid by that person or of the claims of any such creditors.

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(a) 1964 c.41

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(2) Where a nominee dies after the death of the nominator but before any sum has been paid to him as nominee, the provisions of these Regulations shall apply to the nominee and the sum payable to him, as if at the date of his death the deceased nominee were a depositor in the National Savings Bank and the said sum were deposited in his name in a National Savings Bank account. (3) Notwithstanding any rule of law to the contrary, any nominee to whom a payment may be made under this Regulation may sign a receipt therefore if he has attained the age of sixteen years, and the receipt shall be a valid receipt without the signature of any other person.

### **Special provisions relating to existing nominations**

38.--(1) Any nomination made before 1st October 1921 shall, subject to regulation 38A(3) of these Regulations, continue to be governed by Regulations 66 to 79 of the Post Office Savings Bank Regulations 1910(a), but Regulations 34, 35(1)(e), 37(2) and 38A of these Regulations shall apply to any such nomination.

(2) A nomination made before the coming into operation of these Regulations shall, subject to the provisions of these Regulations, be deemed to extend to all sums to which a nominator is entitled at the time of his death in respect of a savings bank annuity or insurance as well as to sums due to him in respect of his deposits, unless the nominator has in the nomination expressly excluded any such sums from the operation of the nomination.

### **Nominations which also apply to stock held in the books of the Bank of England**

38A—(1) This regulation applies to any nomination made before 1<sup>st</sup> October 1921 which, by virtue of article 18 of the National Savings Stock Register (Closure of Register to Gilts) Order 1998, continues to extend to any stock transferred from that register to the books of the Bank of England by article 4 of that Order, and any such nomination is referred to in this regulation as “a relevant nomination”.

(2) In relation to a relevant nomination, regulation 69(2) of the Post Office Savings Bank Regulations 1910 shall have effect in relation to it as if there were substituted the following

“(2) Any such revocation shall be sent by post or otherwise to the Director of Savings or the Bank of England during the lifetime of the depositor”.

(3) Where the Director of Savings or the Bank of England receive a notice of revocation of a relevant nomination, that person shall notify the other and provide a copy of the notice of revocation.

(4) On receipt of a notice of revocation of a relevant nomination or a copy supplied under paragraph (3) above, the Director of Savings or, as the case may be, the Bank shall record the revocation in their records.

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(a) S.R. & O. 1910/569 (1910, P.640).

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(5) Where notification of the death of the nominator of a relevant nomination is received by the Director of Savings or the Bank (otherwise than from the other), the recipient shall notify the other.

(6) Where the Director of Savings or the Bank have retained any original notice of revocation of a relevant nomination, that person shall afford the other such reasonable access to the original as that other may require.

### **DEATH OF DEPOSITOR**

#### **Law applicable on death of depositor**

39. Where, in the event of the death of a depositor, any payment under these Regulations is made in accordance with the law of the place in which the depositor resided at the date of his death, that payment shall, unless notice in writing to the effect that the depositor was at that date domiciled elsewhere was received by the Director of Savings before the payment was made, be deemed for the purposes of these Regulations to have been duly made.

#### **Payment without a grant of representation**

40.--(1) Where the total amount due to a depositor at the time of his death does not exceed £5,000, and 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 so due 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 so due 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 due 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;

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(d) if the deceased was a British subject 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 due;

(e) if the deceased was a seaman of a foreign country, being a country with which a treaty has been made in respect of the payment of moneys due to seamen, to the consular authority of that country;

(f) if the deceased was a foreign subject, not being a seaman to whom the provisions of sub-paragraph (e) above apply, 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 deposits will be duly distributed;

(g) 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) above 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 depositor.

(2) Notwithstanding any rule of law to the contrary, any person to whom a payment may be made under paragraph (1) (b) or (c) above or under the proviso to paragraph (1) above 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 paragraph (2) above, the Director of Savings, in making any payment under paragraph (1)(b) or (1)(c)(iii) above or under the proviso to paragraph (1) above, shall, unless he is of 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.

(5) Nothing in this Regulation shall affect the operation of any nomination duly made under these Regulations.

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### Death duties or inheritance tax chargeable on death of depositor

41.--(1) Where on the death of a depositor the aggregate value of the specified assets (hereinafter defined) exceeds £50,000, the Director of Savings shall, before making any payment or transfer of any of the deposits in the National Savings Bank standing to the credit of such depositor either alone or jointly with any other depositor (not being deposits in respect of which it is shown to the satisfaction of the Director of Savings that the deceased depositor had no interest therein otherwise than as a trustee), require the production of a statement from the Commissioners of Inland Revenue to the effect either that no death duties or inheritance tax, being inheritance tax chargeable on the death of such depositor, are payable in respect of the deposits or that any death duties or inheritance tax, being inheritance tax chargeable on the death of such depositor, so payable have been paid:

Provided that the production of such a statement shall not be required:--

(a) where the payment or transfer is made to or as directed by:--

(i) the deceased depositor's legal personal representative acting under probate or letters of administration granted by any court in the United Kingdom, or

(ii) the Public Trustee, the Official Receiver, or the trustee in bankruptcy of the estate of the deceased depositor; or

(b) where the deceased depositor was at the time of his death domiciled in the Isle of Man or the Channel Islands; or

(c) where the beneficial interest in the deposits in question has passed to the spouse of the deceased depositor in circumstances in which death duties or inheritance tax are not chargeable.

(2) In this Regulation the expression "the specified assets" means the following assets (not being assets in respect of which it is shown to the satisfaction of the Director of Savings that the deceased depositor had no interest therein otherwise than as a trustee):-

(a) the total amount (including interest) which, at the date of the death of the depositor, stands to the credit of all accounts in his name alone, or in his name jointly with any other person, in the National Savings Bank;

(b) the total amount which would have been payable (if repayment had been demanded) at the date of the death of the depositor in respect of all savings certificates recorded in his name alone, or in his name jointly with any other person;

(c) all stock and securities registered in the National Savings Stock Register in the sole name of the depositor, or in his name and the name of any other person as joint holders;

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(d) any amount repayable and any other sum payable in respect of all premium savings bonds recorded in the depositor's name;

(e) the total amount (including any bonus or interest) which would have been repayable (if repayment had been demanded) at the date of the death of the depositor in respect of all savings contracts entered into by him and registered by the Director of Savings under a contractual savings scheme certified by the Treasury in accordance with section 415(2) of the Income and Corporation Taxes Act 1970(a).

(3) For the purpose of this Regulation, the value of the stock and securities referred to in paragraph (2)(c) above shall be--

(a) in the case of stock which is of a description corresponding to stock or securities transferable in the books of the Bank of England, the market value thereof at the date of the death of the depositor; and

(b) in all other cases, the nominal capital amount thereof.

### MISCELLANEOUS

#### Interest on investment deposits

42.--(1) Interest on an investment deposit shall commence--

(a) on the first day of the month next following the day of deposit if the deposit is made before 1st January 1984, and

(b) on the day of deposit in any other case,

and shall cease on the day preceding the day on which the deposit is withdrawn.

(2) Interest on investment deposits shall, in the case of individual savings accounts, be calculated to 5<sup>th</sup> April in every year and, in any other case, shall be calculated to 31st December in every year and in both cases shall be added to and become part of the principal; but interest shall not be calculated-

(a) in the case of a treasurer's account, on any amount less than one penny or some multiple of one penny;

(b) in the case of an individual savings account -

(i) containing less than £1, on any of that amount;

(ii) containing £1 or more, on any amount less than one penny or some multiple of one penny;

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(a) 1970 c.10.

## **The National Savings Bank Regulations 1972**

(c) in any other case, on any amount less than £1 or some multiple of £1.

(2A) For the purposes of this regulation, a deposit made by bank giro credit in accordance with regulation 29F(1) or 29N(b) above shall be deemed to have been made on the day on which the relevant amount is credited to the approved bank account.

(2B) For the purposes of this regulation, a deposit made pursuant to instructions given by the authorised telephone procedure, in accordance with regulation 29N(d) above, shall be deemed to have been made on the day when the instructions are accepted by the Director of Savings.

(3) For the purpose of this Regulation, money deposited by way of investment deposit and withdrawn under and in accordance with these Regulations shall be deemed to have been withdrawn-

(a) where payment was made by warrant, on the earliest day on which that warrant was payable,

(b) where payment by electronic transfer was initiated in accordance with regulation 29H(3), 29I(3) or 29P(4) above, the day on which the payment would, in the normal course, have been received as a result thereof by the banker or other person with whom the receiving account was kept.

### **Interest on ordinary deposits**

43. For the purpose of section 5 of the National Savings Bank Act 1971 (which relates to the calculation of interest on ordinary deposits), and without prejudice to section 7 of that Act (which relates to the withdrawal of deposits), money deposited by way of ordinary deposit and withdrawn under and in accordance with these Regulations shall, where payment is made by warrant, be deemed to have been withdrawn on the date appearing on the warrant, such date to be no earlier than the date on which the warrant is posted.

### **Coupon deposit books**

44. Where a coupon deposit book containing coupon receipts has, before the coming into operation of these Regulations, been issued to a depositor, application may be made at a savings bank office for the deposits represented by the coupon receipts to be repaid or credited to a savings bank account.

### **Persons under disability**

45. If any depositor is a mentally disordered person or is under legal disability for any other reason except his age alone, anything which under these Regulations is required or authorised to be done by or to the depositor shall or may be done by or to the receiver or other person having power in law to administer his estate.

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### **Persons unable to write**

46.--(1) Where any document (including the declaration on opening an account, an application for withdrawal and any authority to receive the amount payable on a warrant) is required by the Director of Savings or by these Regulations to be signed by any person and that person is unable to write, it shall be sufficient for the purposes of these Regulations if the document is marked by that person in the presence of a witness in such manner as the Director of Savings may require.

(2) Where an uncrossed warrant is made payable to a person who is unable to write, he shall, when he presents the warrant for payment, affix his mark to the receipt on the warrant in the presence of a person who is known to the paying officer, and who can identify the person applying for the money as the person named in the warrant.

### **Rectification of mistakes**

47. Where a first or any other deposit is made or received in error, the Director of Savings may return the same and cancel all proceedings taken in respect thereof, or may take such other steps as may be necessary to give effect to the intention of the parties.

### **Notice of trust not receivable by Director of Savings**

48.--(1) Subject to the provisions of these Regulations, no notice of any trust, express, implied, or constructive, shall be receivable by the Director of Savings in respect of any deposit.

(2) The Director of Savings shall not by reason of any description of a depositor as a trustee (whether or not a trust is specified) pursuant to Regulation 5(2) above, or by reason of anything contained in any declaration or any document whatsoever relating to an account, be affected with notice of any trust express, implied or constructive.

### **Powers of attorney**

49.--(1) Where, in pursuance of a power of attorney, the donee of the power makes, or joins in making, an application for the transfer or withdrawal of any deposits standing in the name of the donor of the power, or in the donor's name jointly with that of any other person, the Director of Savings may act on the power of attorney and give effect to the application notwithstanding that it appears from the power of attorney or from any evidence required for the purposes of the power of attorney or from the description of the donor as a trustee pursuant to Regulation 5(2) above or otherwise that the deposits are held on a trust; and in making any transfer or payment in pursuance of any such application the Director of Savings shall not be affected with any notice of the trust.

(2) The fact that in making application for the transfer or withdrawal of any deposits the donee of a power of attorney purports to be acting in the exercise of the power shall, in favour of the Director of Savings, be conclusive evidence that the dealing is authorised by

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the power, unless the Director of Savings has at the time of the dealing notice that it is not so authorised.

### **Exemption from stamp duty**

50. No warrant or other order for the payment of money deposited in the National Savings Bank, and no power of attorney or other document relating solely to the payment or receipt of such money, is liable to or charged with any stamp duty.

### **Indemnity of the Director of Savings and his officers**

51.--(1) The Director of Savings and any person acting under his authority shall not be liable in respect of any payment duly made or act duly done in accordance with the National Savings Bank Act 1971 and the Regulations for the time being made thereunder; and any such payment shall, subject to the provisions of these Regulations for saving the rights of third parties, be deemed to be a valid payment.

(2) Without prejudice to the generality of the preceding paragraph, the Director of Savings shall in no case be responsible for the misapplication of any sum payable on a warrant by any friendly society, charitable society or other society (including any unincorporated body of persons), body corporate, or corporation sole, or by any trustee, director, officer or representative of such a society, body or corporation, or of any government department or public authority, or by the persons mentioned in Regulations 13, 14 and 15 above, or anyone authorised by such persons respectively to receive payment of the sum payable on a warrant.

(3) Where a warrant for any payment in respect of deposits is issued payable to some person who is neither the depositor nor a person otherwise entitled under these Regulations to receive the payment, then, if it is shown that--

(a) the warrant was issued in good faith and without negligence; and

(b) the issue of the warrant to that person is attributable to some act or omission on the part of the depositor or a person so entitled,

the warrant shall, subject to the provisions of these Regulations for saving the rights of third parties, be deemed to have been duly issued to a person so entitled.

### **Saving of rights of third parties**

52. Nothing in these Regulations, or in any Regulations revoked by these Regulations, for the protection of the Director of Savings or the Postmaster General in respect of any payment made or act done shall operate to prevent the recovery by any person or his representatives of any money lawfully due to him from the person to whom that money was paid by or under the direction of the Director of Savings or the Postmaster General or from the representatives of that person, or affect the right which any person or his representatives may have in respect of any deposits against a third party.

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### **Evidence of identity, etc.**

53.--(1) The Director of Savings shall be entitled to require evidence to be given to his satisfaction of the identity of any person, of the title of any person to any deposits, or of the authority of any person to withdraw or transfer any deposits, or to require evidence that anything purporting to be done in pursuance of these Regulations has been duly done, or otherwise with respect to any matters on which the due exercise of his powers or performance of his duties under these Regulations depends, and the Director of Savings may for the purpose of obtaining any such evidence require a statutory declaration to be made by any person.

(2) The Director of Savings may accept as conclusive proof of the death of a depositor any evidence which establishes to his satisfaction the fact that the depositor has not been heard of for a period of seven years or more, and, for the purposes of this paragraph, the expression "depositor" includes any person beneficially interested at any time, whether absolutely or contingently, in the personal estate of a deceased depositor.

### **Receipts to be a good discharge**

54. The receipt of any person for any money paid to him in accordance with an application, authority or nomination made or given in accordance with these Regulations or otherwise as provided thereby shall be a good discharge to the Director of Savings for any money so paid.

### **Application to Scotland**

55. Revoked.

### **Application to Northern Ireland**

56. Revoked.

### **Application to the Isle of Man**

57.--(1) These Regulations shall extend to the Isle of Man.

(2) In the application of these Regulations to the Isle of Man--

(a) any reference to a receiver in relation to a mentally disordered person shall be construed as a reference to the committee of the estate of a person found of unsound mind according to the law of the Isle of Man or to a receiver appointed under section 3 of the Mental Diseases Act 1954 of the Isle of Man, as the case may be;

(b) any reference to the Building Societies Act 1962 or the Building Societies Act 1986 (a) shall be construed as a reference to the Industrial and Building Societies Acts 1892 to 1986 of the Isle of Man;

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(c) any reference to the Treasury Solicitor shall be construed as a reference to the Attorney General of the Isle of Man.

(d) any reference to a society registered under the Industrial and Provident Societies Act 1965<sup>(b)</sup> shall be construed as a reference to an industrial and provident society registered under the Industrial and Building Societies Acts 1892 to 1986 of the Isle of Man.

### Application to the Channel Islands

58.--(1) These Regulations shall extend to the Channel Islands.

(2) In the application of these Regulations to Jersey--

(a) any reference to a mentally disordered person shall be construed as a reference to a person suffering from mental disorder within the meaning of the Mental Health (Jersey) Law 1969;

(b) any reference to a receiver in relation to a mentally disordered person shall be construed as a reference to a curator;

(c) the references in Regulation 21(5) above to sections 3 and 4 of the Cheques Act 1957 shall respectively be construed as references to articles 3 and 4 of the Cheques (Jersey) Law 1957;

(d) any reference to a bankruptcy order shall be construed as a reference to a declaration of "desastre";

(e) any reference to the Official Receiver shall be construed as a reference to Her Majesty's Viscount for Jersey or to an "attourne" appointed in a bankruptcy, as the case may be;

(f) any reference to the Treasury Solicitor shall be construed as a reference to Her Majesty's Receiver General for Jersey;

(g) a nomination made by a depositor domiciled in Jersey of any person to receive any sum due to the depositor at his death shall take effect only as to that portion of his personal estate over which he has power of testamentary disposition according to

the law of Jersey, but any payment made to the nominee without notice of the depositor's incapacity to dispose of the whole or any portion of the estate nominated shall be a valid payment.

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(a) 1986 c.53.

(b) 1965 c.12

## The National Savings Bank Regulations 1972

(3) In the application of these Regulations to Guernsey, Alderney and Sark--

(a) any reference to a mentally disordered person shall be construed as a reference to a person who under any law for the time being in force in any of the Islands of the Bailiwick of Guernsey is a person of unsound mind;

(b) any reference to a receiver in relation to a mentally disordered person shall be construed as a reference to a guardian appointed by the Royal Court of Guernsey, the Court of Alderney or the Court of the Seneschal of Sark, as the case may be;

(c) any reference to the Treasury Solicitor shall be construed as a reference to Her Majesty's Receiver-General;

(d) any reference to a statutory declaration shall be construed, in relation to Guernsey, as a reference to a declaration on oath before the Bailiff, a jurat, the Magistrate or a Notary Public, in relation to Alderney, as a reference to a declaration on oath before the Court of Alderney, and, in relation to Sark, as a reference to a declaration before the Seneschal;

(e) the references in Regulation 21(5) above to section 76, subsections (1), (3), (4) and (5) and, so far as it relates to crossed cheques, subsection (6) of section 77, and sections 78, 79, 80 and 81 of the Bills of Exchange Act 1882 shall be respectively construed as references to section 75, subsections (1), (3), (4) and (5) and, so far as it relates to crossed cheques, subsection (6) of section 76, and sections 77, 78, 79 and 80 of the Bills of Exchange (Guernsey) Law 1958, and the references in the said Regulation 21(5) to sections 3 and 4 of the Cheques Act 1957 shall be respectively construed as references to sections 83 and 84 of the Bills of Exchange (Guernsey) Law 1958;

(f) for Regulation 26 above there shall be substituted the following Regulation:--

"26. Where it is shown to the satisfaction of the Director of Savings that any person who is a sole depositor is insolvent, the Director of Savings may, if he thinks fit, pay the deposits standing in the name of the depositor, or any part thereof, to any person who makes application in that behalf and who satisfies him that he is a proper person to receive payment.";

(g) a nomination by a depositor domiciled in the Bailiwick of Guernsey of any person to receive any sum due to the depositor at his death shall take effect only as to that portion of his personal estate over which he has power of testamentary disposition according to the law of the said Bailiwick, but any payment made to the nominee without notice of the depositor's incapacity to dispose of the whole or any portion of the estate nominated shall be a valid payment.

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### Revocation and savings

59.--(1) The Regulations specified in the Schedule to these Regulations are hereby revoked.

(2) In so far as any application, declaration, payment, transfer or nomination made, approval, authority, direction, notice or receipt given, warrant or document issued, or other thing done, under any Regulations revoked by these Regulations could have been made, given, issued or done under a corresponding provision of these Regulations, it shall not be invalidated by the revocation, but shall have effect as if made, given, issued or done under that corresponding provision.

(3) These Regulations shall not affect the validity of anything done by or in relation to the Postmaster General before 1st October 1969 under the provisions of any Regulations revoked by these Regulations; and anything which at that date was in process of being done under those provisions by or in relation to the Postmaster General may be continued by or in relation to the Director of Savings.

(4) The mention of particular matters in this Regulation shall be without prejudice to the general application of section 38 of the Interpretation Act 1889 as it applies for the interpretation of these Regulations.

Tim Fortescue,  
P.L. Hawkins,  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

17th May 1972

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### SCHEDULE

### Regulation 59(1)

#### Regulations revoked

#### References

The Post Office Savings Bank Regulations 1966.	S.I. 1966/727 (1966 II, p. 1662).
The Post Office Savings Bank Amendment (No.1) Regulations 1968.	S.I. 1968/1064 (1968 II, p. 2868).
The Post Office Savings Bank (Amendment) Regulations 1969.	S.I. 1969/1335 (1969 III, p. 3973).
The Post Office Savings Bank (Amendment) (No.2) Regulations 1969.	S.I. 1969/1758 (1969 III, p. 5550).

### EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations consolidate with minor amendments the Post Office Savings Bank Regulations 1966 as amended.

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<b>REGULATION</b>	<b>AMENDED BY STATUTORY INSTRUMENT</b>
2(1)	1988/1166, 1996/1724, 1999/588, 1999/1611
2A	2003/2895
2B	2003/2895
5	1989/2045
6(4)	1989/2045
8(1A)	1989/2045
8(3)	1984/9
8(4)	1984/9
8(5)	1984/9
9(1)	1989/2045
10(6)	1989/2045
11(5)	1989/2045, 2003/2895
12(3A)	1989/2045
20	1978/1594, 1982/294, 1988/2144, 1992/2892
21(4)	1982/1282
22(1)	1975/2153, 1977/1807, 1980/619, 1982/1762, 1989/25
23	1982/1282
23(4)	1975/2153, 1977/1807, 1980/619
24	1982/1282
26	1986/2001
28(3)	1974/553
28(4)	1974/553
28(5)	1978/1594, 1985/342, 1988/2144, 1992/2892
29	1996/801, 1996/1724, 1999/588, 1999/1611, 2001/858
29(3)	1983/1367
33(1)	1981/484
34	1988/1166
35(1)(e)	1981/484
38	1998/1446
38A	1998/1446
40(1)	1975/1190, 1984/602
41(1)	1978/888, 1982/487, 1993/3130
41(2)(c)	1988/1166
41(3)	1978/888
42(1)	1983/1750
42(2)	1996/1724, 1999/588, 1999/1611
42(3)	1996/1724
43	1991/72
55(c)	1986/2001
56(2)(c)	1986/2001
57(2)	1996/1724
58(2)(d)	1986/2001