# 1952 No. 1737

## The Exchange of Securities (No. 2) Rules, 1952

*Made* - - - - *24th September*, 1952
*Coming into Operation* *30th September*, 1952

The Lords Commissioners of Her Majesty's Treasury, in pursuance of the powers conferred on them by subsection (2) of section two of the National Loans Act, 1939(**a**), and of all other powers enabling them in that behalf, hereby make the following Rules:—

*Definitions*

**1.** In these Rules the following expressions have the meanings hereby assigned to them respectively, that is to say—

"new securities" means 3½ per cent. Defence Bonds (Conversion Issue) offered to holders of 3 per cent. Defence Bonds (Third Issue) in the terms of the notice dated the 30th day of September, 1952;

"old securities" means any securities which under the terms of that notice may be exchanged for new securities;

"appropriate authority" means, in relation to an acceptance of the offer of exchange, the person with whom the acceptance is required by these Rules to be lodged;

"the committee" includes, in relation to a holder, a person authorised under section one of the Lunacy Act, 1908(**b**), to exercise in relation to the holder any of the powers of a committee, and a person appointed under section one hundred and thirty-two of the Lunacy Act, 1890(**c**), by a judge of county courts to realise the property of the holder, and, in the application of these Rules to Scotland, means a curator bonis, guardian or tutor;

"holder" means the holder of any old securities.

*Persons to whom acceptances are to be made*

**2.** Acceptances of the offer of exchange of securities of the descriptions specified in the first column of the following table shall be lodged with the persons respectively specified in the second column of that table:—

| *Description of holding* | *Person with whom acceptance form is to be lodged* |
|---|---|
| Bonds registered in a part of the Post Office Register kept by the trustees of a trustee savings bank. | The trustees of the savings bank in question. |
| Bonds registered in any other part of the Post Office Register. | The Postmaster-General. |

*Manner of making acceptance*

**3.**—(1) An acceptance of the offer of exchange of Bonds—

(*a*) shall be made on a form to be supplied for the purpose by the appropriate authority or a form to the like effect;

(*b*) shall give particulars of the amount of the holding to which the acceptance relates and of the full name, address and description, of every person in whose name the holding is entered in the Post Office Register;

(a) 2 & 3 Geo. 6. c. 117. (b) 8 Edw. 7. c. 47. (c) 53 & 54 Vict. c. 5.

(*c*) shall be accompanied by the Bond Book relating to the holding;

(*d*) shall be signed by every person accepting the offer:

Provided that, in the case of an acceptance made by a corporation, the form shall be sealed with the common seal of the corporation, or, in the case of a corporation not having a common seal, shall be executed in manner provided in paragraph (2) of Regulation 7 of the Government Stock Regulations, 1918(**a**).

(2) An acceptance may be sent by post.

*Persons by whom acceptances may be made in special cases*

**4.**—(1) In the case specified in the first column of the following table, being cases in which the holder is the sole holder or the last surviving holder on a joint account, acceptance may be made by the persons respectively specified in the second column of that table:—

| *Case* | *Person by whom acceptance may be made* |
|---|---|
| 1. Where the holder is an infant who has not attained the age of seven years. | 1. The holder's parent or other guardian. |
| 2. Where the holder is an infant who has attained the age of seven years. | 2. The holder. |
| 3. Where the holder is of unsound mind. | 3. The holder's committee. |
| 4. Where the holder is under any disability other than those specified in the cases aforesaid. | 4. Any person entitled in law to administer the holder's property. |

(2) Where a holder is under any of the disabilities mentioned in the first column of the last foregoing table and the holding is held jointly by him and one or more other holders, acceptance may (without prejudice to the provisions of the next following Rule in a case in which that Rule applies) be made by the other holder or holders together with any person who, under the foregoing provisions of this Rule, would be entitled to make the acceptance if the first-mentioned holder had been the sole holder or the last surviving holder on a joint account.

(3) In a case in which Bonds are registered in the name of a deceased person who was a sole holder or the last surviving holder on a joint account, an acceptance may be made by his personal representative or representatives, or if there are more than two personal representatives, a majority of them.

*Acceptances in case of joint accounts*

**5.** Where a holding is held jointly by more than two holders, whether or not the holders are trustees within the meaning of section four of the National Loans Act, 1939, an acceptance in respect of the holding may be made by a majority of the holders.

*Evidence as to facts on which validity of acceptance depends*

**6.**—(1) The appropriate authority may accept, as evidence of any fact on which the validity of an acceptance depends, a statutory declaration of that fact made by not less than two competent persons.

(**a**) S.R. & O. 1918/482; Rev. XV, p. 335; 1918 II, p. 1.

(2) Nothing in this Rule shall be taken as imposing any obligation upon the appropriate authority to require proof by such statutory declaration as aforesaid of any fact whereof they have other evidence which they are entitled to accept and act upon.

*Application to new securities of trust, powers, etc., affecting old securities*

**7.**—(1) Where any old securities are exchanged for new securities, the new securities, and the interest thereon, shall be subject to the same trusts, charges, rights and restraints, as affect the old securities exchanged and the interest thereon respectively, and all powers of attorney, requests as to interest, and other documents relating to the old securities exchanged and the interest thereon, or either of them, shall apply to the new securities and the interest thereon respectively.

(2) In any Act passed or instrument executed before the day following the 30th day of September, nineteen hundred and fifty-two, references to any old securities may, if the securities are exchanged for new securities, be construed as references to the new securities received in exchange therefor, and in the case of any testamentary instrument executed before that day, any disposition which would have operated as a specific bequest of any old securities shall, if they are exchanged for new securities, be construed as a specific bequest of the new securities.

*Protection for the Savings Banks, etc.*

**8.**—(1) The Postmaster-General and the trustees and officers of trustee savings banks may act on any evidence authorised by these Rules and are hereby indemnified for so doing.

(2) Nothing in these Rules shall affect the Postmaster-General or any trustee or officer of a trustee savings bank with notice of any trust.

*Short title and interpretation*

**9.**—(1) These Rules may be cited as the Exchange of Securities (No. 2) Rules, 1952.

(2) The Interpretation Act, 1889(**a**), applies for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of Parliament.

**10.** These Rules shall come into force on the thirtieth day of September, 1952.

Dated this 24th day of September, 1952.

*Herbert Butcher,*
*Edward Heath,*
Two of the Lords Commissioners of Her Majesty's Treasury.

## EXPLANATORY NOTE

(*This Note does not form part of the Rules, but is intended to indicate their general purport.*)

These Rules prescribe the procedure with respect to acceptances of the offer of exchange of 3 per cent. Defence Bonds (Third issue) into 3½ per cent. Defence Bonds (Conversion Issue).

(a) 52 & 53 Vict. c. 63.