PENSIONS

UNDER SUPERANNUATION ACTS

1958 No. 2195

The Pensions Commutation Payment Regulations, 1958

Made - - - - 16*th December*, 1958
Coming into Operation 21*st January*, 1959

The National Debt Commissioners, in exercise of the powers conferred upon them by section 16 of the Revenue Act, 1903(a), and of all other powers enabling them in that behalf, with the concurrence of the Treasury, hereby make the following Regulations:—

1. Any sum payable by the Commissioners in respect of the commutation of a pension shall be paid by a cheque drawn on the Bank of England.

2. Where a pensioner signs a form of mandate requesting that the sum payable to him in respect of the commutation of his pension shall be paid to a mandatory, the Commissioners will, on receipt of the form, make the payment to the mandatory, and payment to him shall be a good discharge to the Commissioners.

3.—(1) Where the pensioner notifies the Commissioners in writing that he is desirous of having the cheque sent to him or to his mandatory through the post, and gives to the Commissioners an address in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, to which the cheque is to be sent, the Commissioners may in their discretion send the cheque by post to him or his mandatory, as the case may require, and any cheque so sent shall be sent at the pensioner's own risk.

(2) Any cheque which is not sent by post under the last foregoing paragraph shall be delivered to the pensioner or his mandatory on the personal appearance of such pensioner or mandatory at the National Debt Office:

Provided that the Commissioners may deliver the cheque to a representative of the mandatory on the personal appearance of such representative at the National Debt Office, and such delivery shall be equivalent to delivery of the cheque to the mandatory.

(3) Any cheque which, under this Regulation, is sent by post to the pensioner or his mandatory or is delivered to a representative of the mandatory shall be made payable to order and crossed " not negotiable ".

4. The payment in good faith and in the ordinary course of business of any cheque, being a cheque issued under these Regulations, to the person who presents the same and who purports to be the payee or a person claiming through the payee in due course shall be a good discharge to the Commissioners, notwithstanding that the cheque may have been stolen or that any indorsement of the payee or any subsequent indorsement may have been forged or made without authority or that there may be some other defect in the title of the person presenting the same.

(a) 3 Edw. 7. c. 46.

5.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" the Commissioners " means the National Debt Commissioners;

" pensioner ", in relation to any sum payable in respect of the commutation of a pension, means the person to whom that sum is awarded.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

6. The National Debt Office Payment Regulations, 1930(b), are hereby revoked so far as they relate to sums payable in respect of the commutation of pensions and in respect of advances from the Local Loans Fund.

7. These Regulations may be cited as the Pensions Commutation Payment Regulations, 1958, and shall come into operation on the twenty-first day of January, nineteen hundred and fifty-nine.

Dated this sixteenth day of December, nineteen hundred and fifty-eight.

G. D. Kirwan,
On behalf of the National Debt Commissioners.

We concur.

Martin Redmayne,
R. Brooman-White,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations lay down the procedure for payment by the National Debt Commissioners of sums payable in respect of the commutation of pensions.

The Regulations re-enact with amendments those provisions of the National Debt Office Payment Regulations, 1930 (S.R. & O. 1930/37 (Rev. IX, p. 733: 1930, p. 1086)), which relate to pensions commutation payment. The principal changes are:

(*a*) payments are to be made by cheque, instead of by warrant; and

(*b*) provision is made for giving pensioners the right, by signing a form of mandate, to nominate a mandatory to whom payment is to be made.

The National Debt Office Payment Regulations, 1930, so far as they have not been previously revoked, are revoked by these Regulations.

(a) 52 & 53 Vict. c. 63. (b) S.R. & O. 1930/137 (Rev. IX, p. 733: 1930, p. 1086).