STATUTORY INSTRUMENTS

1968 No. 995

BORROWING AND SECURITIES

The Savings Certificates (Amendment) No. 2 Regulations 1968

Made - - - -	*24th June* 1968
Laid before Parliament	*28th June* 1968
Coming into Operation	*1st July* 1968

The Treasury, in exercise of the powers conferred upon them by section 12 of the National Debt Act 1958(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1. The Savings Certificates Regulations 1933(b), as amended(c), shall be further amended as follows:—

(*a*) in Regulation 6(2) thereof by substituting for the words "sections 78, 79 and 81 of the Bills of Exchange Act 1882" the words "sections 78, 79, 80 and 81 of the Bills of Exchange Act 1882", and by substituting for the words "section 4 of the Cheques Act 1957 (which provides for the protection of collecting bankers)" the words "section 3 (Unendorsed cheques as evidence of payment) and section 4 (Protection of bankers collecting payment of cheques, etc.) of the Cheques Act 1957"; and

(*b*) by substituting for Regulation 6(3) thereof the following paragraphs:

"(3) a repayment warrant, being 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 Treasury and to the Postmaster General 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 holder of the certificate to which the warrant relates or on the part of the payee or the person so authorised.

(3A) Except where the Postmaster General otherwise directs, no repayment warrant shall be paid until the certificate in respect of which the repayment is to be made has been delivered to the Postmaster General."; and

(*c*) by substituting for Regulation 27(1) thereof the following paragraphs:

"(1) If any dispute arises between the Postmaster General and—

(*a*) the holder of any certificate, or

(a) 7 & 8 Eliz. 2. c. 6 (b) S.R. & O. 1933/1149 (Rev. XV, p. 309: 1933, p. 1406).
(c) The relevant amending instruments are S.R. & O. 1937/785 (1937, p. 1723) and S.I. 1957/1734 (1957 I, p. 1450).

(*b*) a person who is or claims to be the personal representative or next of kin or creditor of a holder, or the trustee in bankruptcy or the assignee of a holder who is bankrupt or insolvent, or

(*c*) a person who claims to be entitled to any certificate,

the matter in dispute shall be referred in writing to the Chief Registrar of Friendly Societies.".

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

3. These Regulations may be cited as the Savings Certificates (Amendment) No. 2 Regulations 1968, and shall come into operation on 1st July 1968.

B. K. O'Malley,
Joseph Harper,
Two of the Lords Commissioners of Her Majesty's Treasury.

24th June 1968.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend in three respects the provisions of the Savings Certificates Regulations 1933 (as amended). Two amendments relate to crossed warrants issued by the Postmaster General under the Savings Certificates Regulations 1933. First, these Regulations remove the requirement that such warrants must be receipted by or on behalf of the payee. Second, they apply to those warrants the provisions of section 80 of the Bills of Exchange Act 1882 (which provides for the protection of a banker who, in good faith and without negligence pays a crossed warrant drawn on him), and of section 3 of the Cheques Act 1957 (which provides that an unendorsed cheque which appears to have been paid by the banker on whom it is drawn is evidence of receipts by the payee). The third amendment redefines the jurisdiction of the Chief Registrar of Friendly Societies to settle disputes under the Savings Certificates Regulations 1933, by making clear the types of interest in a Savings Certificate which give the Chief Registrar jurisdiction if a dispute arises between the person interested and the Postmaster General.

(a) 1889 c. 63.