1962. No. 36 **[C]**

ULSTER SAVINGS CERTIFICATES

REGULATIONS, DATED 13TH MARCH, 1962, MADE BY THE MINISTRY OF FINANCE UNDER THE EXCHEQUER AND FINANCIAL PROVISIONS ACT (NORTHERN IRELAND), 1950.

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The Ministry of Finance in exercise of the powers conferred upon it by sub-section (1) of section fifteen of the Exchequer and Financial Provisions Act (Northern Ireland), 1950(a), and of all other powers enabling it in that behalf hereby makes the following Regulations:—

GENERAL

Short title

1. These Regulations may be cited as the Ulster Savings Certificates Regulations, 1962.

Commencement and revocation

2. These Regulations shall come into operation on the first day of April, 1962, and the Regulations and Directions set out in the First Schedule shall, subject to Regulation 24, be revoked as from that day.

Application

3. Subject to Regulation 24, these Regulations shall apply to all certificates whether issued before or after the first day of April, 1962, and to all money paid on or after that day in respect of such certificates.

(a) 1950. c. 3.

Saving of rights attaching to existing certificates

4. Nothing in these Regulations shall terminate, nullify or prejudice in any way the rights attaching immediately before the first day of April, 1962 to certificates issued before that day.

Interpretation

5. In these Regulations the following expressions shall have the meaning hereby respectively assigned to them, that is to say:—

"the Ministry" means the Ministry of Finance;

"certificate" means a certificate issued, under the name of an Ulster Savings Certificate, by the Ministry or through a duly authorised agent, for the purpose of raising money authorised to be raised by any Act;

"a holder" in relation to a certificate means a person in whose name the certificate is registered;

"amount repayable" in relation to any certificate includes any interest which has accrued due in respect of the certificate as well as the purchase price of the certificate;

"unit certificate" means in relation to certificates of any series a certificate issued on payment of the minimum amount for which a certificate of that series is issued;

"multiple certificate" means a certificate representing any number of unit certificates and entitling the holder to receive the total amount repayable in respect of that number of unit certificates;

"warrant" includes any order, cheque, or other instrument by which payment is effected;

"person of full age" means a person who has attained the age of twenty-one years;

"nominator" means a holder who makes a nomination under Regulation 17;

"nominee" means a person nominated under Regulation 17 to receive at the death of the nominator any amount then due in respect of a certificate held by the nominator;

"person of unsound mind" includes a person who is incapable by reason of mental disorder within the meaning of the Mental Health Act (Northern Ireland), 1961(a) of managing and administering his property and affairs;

"committee" in relation to the estate of a person of unsound mind includes any receiver or other person lawfully appointed to exercise with respect to the estate of such person powers similar to those of a committee;

"friendly society" means a society registered under the Friendly Societies Acts (Northern Ireland), 1896 to 1958 or a registered branch in Northern Ireland of a Society registered under the Friendly Societies Acts, 1896 to 1958.

Issue and Purchase of Certificates

Purchase price of a certificate and amount repayable

6.—(1) The purchase price of a unit certificate and the amount repayable in respect thereof shall be the purchase price and amount repayable as set out in the Second Schedule.

(2) The purchase price of a multiple certificate shall be a sum equal to the total purchase price of the unit certificates which it represents, and the amount repayable in respect of a multiple certificate shall be a sum equal to the total amount repayable in respect of the unit certificates which it represents.

(a) 1961. c. 15.

Form, issue and registration of certificates

7.—(1) Certificates shall be in a form approved by the Ministry and shall be issued by the Ministry direct or through its authorised agents.

(2) An application to purchase a certificate shall be made in such manner as the Ministry may require, and, for the purposes of any such application, the applicant shall furnish such documents and other information in writing as the Ministry may require.

(3) The names of all persons who are for the time being holders of certificates shall be registered at such place and in such manner as the Ministry may determine.

Persons entitled to hold certificates

8.—(1) A certificate may be held—

(*a*) by a person of full age not under any legal disability, or by a person not of full age who has attained the age of seven years and is not otherwise under any legal disability;

(*b*) jointly by any two or more persons entitled under sub-paragraph (*a*) to hold a certificate;

(*c*) by a friendly society;

(*d*) by any charitable body, organisation or fund which the Ministry may in its discretion approve for the purpose.

(2) Subject to the provisions of these Regulations, a certificate may be purchased—

(*a*) on behalf of a person under the age of seven years by any other person; and

(*b*) on behalf of a person of unsound mind by his committee;

and any certificate so purchased shall be registered in the name of the person on whose behalf it is purchased.

(3) Subject to the provisions of these Regulations, a certificate may be either—

(*a*) purchased and held by a trustee or by two or more trustees jointly; or

(*b*) purchased by a person, who is not under any legal disability, as trustee for any person entitled under sub-paragraph (*a*) of paragraph (1) to hold certificates or for any person under the age of seven years; and any certificate purchased under this sub-paragraph shall be registered in the names of the trustee and the beneficiary as joint holders.

Where a certificate is purchased and held by a trustee or trustees under sub-paragraph (*a*), he or they may be described in the records kept by the Ministry as trustee or trustees of a specified trust or as a trustee or trustees without specifying the trust.

(4) Subject to the provisions of these Regulations, a certificate may be purchased and registered in the joint names of a County Court Judge and a Clerk of the Crown and Peace or in the sole name of the Accountant General of the Supreme Court of Judicature of Northern Ireland in trust for a beneficiary.

(5) Where a certificate is purchased on behalf of or in trust for a person under the age of seven years, not being a purchase under sub-paragraph (*a*) of paragraph (3), the Ministry may at any time after that person has attained the age of seven years require a specimen of his signature.

Maximum holdings

9.—(1) Subject to the provisions of these Regulations, the maximum number of unit certificates of each class of certificate described in each paragraph of the Third Schedule, which a person may hold (whether solely or jointly with any other person), shall be the number stated in each paragraph of that Schedule.

(2) In calculating for the purposes of this Regulation the total number of unit certificates a person holds—

(*a*) a multiple certificate shall be taken to be such number of unit certificates as is represented by the multiple certificate;

(*b*) any certificates he holds in his personal capacity shall be treated separately from those he holds either as a trustee or as a beneficiary jointly with a trustee;

(*c*) any certificates he holds as a trustee shall be treated separately from those he holds as a beneficiary jointly with a trustee, and separately in respect of each separate trust fund; and so much of the property in the hands of a trustee shall be treated as a separate trust fund as is held on trusts which (as respects the beneficiaries or their respective interests or the purposes of the trust or as respects the powers of the trustee) are not identical with those on which other property in his hands is held;

(*d*) any certificates to which he becomes entitled either solely or jointly by reason of the death of another person shall be reckoned against him only as respects any further certificates he acquires either solely or jointly otherwise than by reason of the death of any other person.

REPAYMENT OF CERTIFICATES

Application for repayment of certificates

10.—(1) Application for payment of the amount repayable in respect of a certificate shall (subject to the provisions of Regulations 11 to 13) be made by the holder of the certificate in writing in such manner as the Ministry may require.

(2) In the case of a multiple certificate an application may be made for repayment in respect of any number of the unit certificates represented by the multiple certificate.

(3) The holder of a certificate entitled under sub-paragraph (*a*) of paragraph (1) of Regulation 8 to hold a certificate may subject to the requirements and approval of the Ministry authorise any person to receive on his behalf the amount repayable in respect of the certificate and any such authority may be signed or given by a person not of full age and shall be as valid and binding on him in all respects as if being of full age he had signed or given such authority.

Repayment in case of persons under seven years and persons of unsound mind and repayment of moneys invested by a court

11.—(1) Subject to the provisions of this Regulation, no repayment shall be made in respect of a certificate held by a person under the age of seven years.

(2) An application for repayment in respect of a certificate held by a person of unsound mind shall be made by his committee.

(3) Where it is shown to the satisfaction of the Ministry that any holder of a certificate is either a person under the age of seven years or a person of

unsound mind for whose estate no committee has been appointed, the Ministry may if it thinks fit pay the whole or any part of the amount repayable in respect of the certificate to any person who appears to the Ministry to be a person to whom payment can in the circumstances reasonably be made on behalf of the holder, and the receipt of any person to whom payment is made under this paragraph shall be a good discharge to the Ministry for the sum so paid.

(4) In the case of certificates registered in accordance with the provisions of paragraph (4) of Regulation 8 in the joint names of a County Court Judge and a Clerk of the Crown and Peace or in the sole name of the Accountant General of the Supreme Court of Judicature of Northern Ireland, the Ministry shall on application for repayment being made and on production of the relevant Court Orders (if any) pay the amount repayable in respect of the certificates.

Repayment in case of certificates held by persons jointly

12.—(1) Except as hereinafter provided, application for payment of the amount repayable in respect of a certificate held in the names of two or more persons as joint holders shall be made by all those persons, or in the case of the death of one or more of them, by the survivor or survivors.

(2) Where a certificate has been registered in the joint names of a trustee and a beneficiary, and at the time of application for payment the beneficiary has attained the age of seven years and is not under any legal disability otherwise than by reason of his not being a person of full age, the beneficiary may apply jointly with the trustee pursuant to paragraph (1) for payment of the amount repayable in respect of that certificate in like manner as if he were then of full age, or in the event of the death, bankruptcy or unsoundness of mind of the trustee, may apply for payment as if he alone were the holder of the certificate.

(3) Subject to the requirements and approval of the Ministry, the joint holders of a certificate may authorise any person, including one of themselves, to act as their agent for the purpose of receiving on their behalf any amount repayable in respect of the certificate, and in the case of a joint holder, who is not of full age but who has attained the age of seven years, such authority may be signed or given by him and shall be as valid and binding on him in all respects as if being a person of full age he had signed or given such authority.

(4) Where a certificate has been registered in the joint names of a trustee and a beneficiary, and at the time of application for payment the beneficiary has not attained the age of seven years, the Ministry may if it thinks fit pay the whole or any part of the amount repayable in respect of the certificate to the trustee or to any other person who appears to the Ministry to be a person to whom payment can in the circumstances reasonably be made on behalf of the beneficiary, and the receipt of any person to whom payment is made under this paragraph shall be a good discharge to the Ministry for the sum so paid.

(5) Where one of the joint holders of a certificate being a trustee under either sub-paragraph (*a*) or sub-paragraph (*b*) of paragraph (3) of Regulation 8 becomes bankrupt or of unsound mind, application for payment may be made by the other or others without the concurrence of the official assignee or the committee (if any), and the Ministry may if it thinks fit without any such concurrence pay the amount repayable in respect of the certificate in the same manner as if the said trustee were not one of the holders of the certificate.

Repayment to friendly societies and other bodies

13.—(1) Any application for payment of the amount repayable in respect of certificates held by a friendly society or any other body of persons, corporate or not corporate, shall be made by that society or body in the names of the persons specified as the persons authorised to apply for repayment on behalf of the society or body in any direction given to the Ministry from time to time by the society or body in a form approved by the Ministry, or, when no such direction has been given, in the names of such persons as the Ministry shall approve.

(2) Where any amount is repayable to any friendly society or other body of persons, whether corporate or not corporate, the warrant shall be issued in the name of that society or body, but a receipt for the amount may be given by any person purporting to be an agent or officer of that society or body authorised to receive payment.

Repayment warrants

14.—(1) Unless the Ministry otherwise directs, every payment of an amount repayable in respect of a certificate or certificates shall be made by a warrant in such form as the Ministry shall approve; and accordingly every application for payment of any such amount shall be treated as implying an authority to the Ministry to pay that amount in accordance with the terms of a warrant issued by the Ministry; so, however, that the death, unsoundness of mind or bankruptcy of any person who has made application for payment of the amount repayable in respect of the certificate or certificates shall not of itself determine the authority which, by virtue of the foregoing provisions of the Regulation, is to be implied from the application, but if the Ministry receives notice that the applicant has died or has countermanded the authority aforesaid or is incapacitated as aforesaid the Ministry shall not issue the warrant or, if it has already been issued, shall take all reasonable steps to stop payment thereof.

(2) Subject to the provisions of this Regulation, a warrant shall not be paid until the receipt for the amount thereof has been duly signed by the payee and, unless the Ministry otherwise directs, until the certificate or certificates in respect of which the payment is being made shall have been delivered to the Ministry or its agent.

(3) The receipt given on a warrant by the payee shall be a good discharge to the Ministry for the sum specified on the warrant.

(4) For the purpose of determining the amount of interest payable in respect of any certificate, the payment of the amount repayable in respect of that certificate shall be deemed to be effected on the date of issue of the warrant.

(5) The posting of a warrant to any person at the last address furnished by him to the Ministry in relation to any certificate held by him shall, as regards the liability of the Ministry, be equivalent to the delivery of the warrant to that person.

(6) If any act, omission, negligence, acquiescence, or any breach of these Regulations, on the part of a holder of a certificate or of the payee named in a warrant, shall in any manner and to any extent cause, or contribute towards—

(*a*) the theft, loss, destruction, or fraudulent treatment of such holder's certificate or of such warrant, or

(*b*) the forgery or unauthorised making of the payee's signature on the receipt on such warrant,

the payment in good faith of the sum specified in any such warrant or in any warrant issued in respect of such certificate to the person purporting to be the payee shall be a good discharge to the Ministry for all purposes.

(7) The theft, loss or destruction of any certificate or warrant issued by the Ministry in pursuance of these Regulations shall be notified in writing to the Ministry by the holder of the certificate or payee named in the warrant immediately after such theft, loss or destruction occurs, and failure to notify the Ministry accordingly shall be regarded as a breach of these Regulations.

Power to vary repayment procedure

15.—(1) In any case in which the Ministry considers it to be desirable and expedient so to do, the Ministry may in its discretion vary the procedure on repayment and the method of repayment prescribed by these Regulations and may dispense with all or any of the requirements herein contained and may effect payment by means of any such document as the Ministry thinks fit.

(2) The posting of the document mentioned in paragraph (1) to the address given in the application for repayment or otherwise given for the purpose of repayment shall be a good discharge to the Ministry for the sum specified in such document.

TRANSFER OF CERTIFICATES AND ADDITION AND REMOVAL OF NAMES

Transfers and addition and removal of names

16.—(1) A certificate shall not be transferred except on a written application in that behalf made in such manner as the Ministry may require, and every such application must, unless the Ministry otherwise directs, be accompanied by the certificate to which it relates and a fee of one shilling in respect of each proposed transferee:

Provided that no such fee shall be payable where a certificate is transferred by reason of the death of the holder.

(2) On receipt of an application duly made for the transfer of a certificate, the Ministry, if satisfied that the transfer can be made under these Regulations and ought to be made, shall forthwith cause the certificate to be transferred in accordance with the application and the transferee to be registered as the holder thereof.

(3) Where the holder of a certificate of the age of seven years or upwards applies to have the name of any person registered as joint holder of the certificate with him, the Ministry shall if it thinks fit cause the certificate to be registered in accordance with the application, and every such application shall be in such form as the Ministry may require and shall, unless the Ministry otherwise directs, be accompanied by the certificate to which it relates and a fee of one shilling.

(4) Where all the joint holders of a certificate apply to have the name of another person added to the registration, the Ministry shall if it thinks fit cause the certificate to be registered in accordance with the application, provided that the Ministry may if circumstances warrant accept such application signed by one or more of the joint holders only; and every such application shall be in such form as the Ministry may require and shall, unless the Ministry otherwise directs, be accompanied by the certificate to which it relates and a fee of one shilling.

(5) Where all the joint holders of a certificate apply to have the name of one of the joint holders removed from the registration, the Ministry may if it

thinks fit cause the certificate to be registered in accordance with the application, provided that the Ministry may if circumstances warrant accept such application signed by one or more of the joint holders only; and every such application shall be in such form as the Ministry may require and shall, unless the Ministry otherwise directs, be accompanied by the certificate to which it relates and a fee of one shilling.

(6) The Ministry may in its discretion refuse to accept any application made pursuant to this Regulation, but shall, if it so refuses, forthwith send an intimation of its refusal to the person or persons making the application.

NOMINATIONS

Power of holder of certificate to nominate

17.—(1) Subject to the provisions of these Regulations, any person of the age of sixteen years or upwards and not under any legal disability otherwise than by reason of his not being a person of full age, who is the holder of a certificate in his sole name other than a certificate held under sub-paragraph (*a*) of paragraph (3) of Regulation 8, may nominate any one person or any two or more persons to receive at his death the amount then due to him in respect of—

(*a*) all certificates registered in his sole name at his death; or

(*b*) such certificates registered in his sole name at his death as shall be specified in the nomination.

(2) Where there are two or more nominees, the nomination may provide that—

(*a*) the amounts due in respect of different certificates of the nominator shall devolve on different nominees; or

(*b*) the amount due in respect of all the certificates to which the nomination relates shall devolve in specified shares to the nominees.

(3) No nomination shall include any certificates held by the nominator as trustee under sub-paragraph (*a*) of paragraph (3) of Regulation 8.

Form of nomination

18. Every nomination shall be made in writing in such form as the Ministry shall approve 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.

Witness not to benefit under nomination

19. The witness to the signature of a nominator shall not be entitled to take any benefit under the nomination.

Validity, retention and acknowledgment of nomination

20.—(1) A nomination shall be of no effect unless it is sent to the Ministry in the life-time of the nominator.

(2) The Ministry may in its discretion refuse to accept any nomination received by it.

(3) The Ministry shall retain every nomination received by it, and shall, as soon as may be after the receipt of a nomination, send to the nominator either a notification of acceptance of the nomination or, if the Ministry refuses to accept the nomination, a notification of its refusal.

Revocation of nomination

21.—(1) A nomination shall be revoked—

(*a*) by the death of the nominee or where there is more than one nominee by the deaths of all the nominees in the life-time 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 life-time of the nominator;

(*c*) by the marriage of the nominator subsequent to the making of the nomination;

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

(*e*) by a subsequent nomination duly made in accordance with these Regulations by the same nominator disposing of any certificate or certificates included in the previous nomination but only in so far as it relates to such certificate or certificates;

but a nomination shall not be revoked by will or by a nominator's ceasing to be a holder of certificates registered in his sole name or by any events or means other than those specified in this Regulation.

(2) A notice of revocation for the purpose of this Regulation shall be signed by the nominator in the presence of a witness and the signature of the nominator shall be attested by the witness and such notice shall be of no effect unless sent to the Ministry in the life-time of the nominator.

(3) Notwithstanding that a nomination has been revoked by the marriage of the nominator, any repayment which, before the marriage comes to the knowledge of the Ministry, is made by the Ministry in respect of any certificate held by the nominator at his death, being a payment which would have been proper 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.

Protection of Ministry against defective title

22. If any act, omission, negligence or misrepresentation on the part of a nominator shall in any manner and to any extent cause, or contribute towards, the repayment in error of all or any of the certificates held by the nominator at his death to some person other than the nominee or some 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.

Operation of nomination

23.—(1) On the death of any nominator the Ministry shall pay the amount repayable in respect of the certificates which are the subject of the nomination to the nominee or nominees according to the terms of the nomination:

Provided that—

(*a*) if any nominee is under the age of sixteen years, the Ministry shall not make any payment to that nominee until he attains that age, but may, if it is shown to the satisfaction of the Ministry that it is expedient that the said amount or any part thereof should be paid and applied for the maintenance or otherwise for the benefit of the nominee, pay the said amount or part thereof to any person who satisfies the Ministry that he will apply it or cause it to be applied for such purposes aforesaid, and the receipt of such payee shall be a good discharge to the Ministry for the amount so paid;

(*b*) where it appears to the Ministry that the estate of the nominator, apart from the certificates so nominated, is insufficient to satisfy the claim of any creditor of which the Ministry has notice, the Ministry may if it thinks fit apply the amount repayable in respect of the certificates or any part thereof in or towards satisfaction of the claim.

(2) Where a nominee dies after the death of the nominator but before any sum has been paid or the certificate has been transferred to him as nominee, the certificate shall, subject to the provisions of these Regulations, be deemed to have been transferred to the nominee and registered in his name immediately before the date of his death.

(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 therefor if he has attained the age of sixteen years and is not under any legal disability apart from age, and the receipt shall be a valid receipt without the signature of any other person.

Nominations made prior to 1st day of April, 1962.

24. Nothing in these Regulations shall invalidate or prejudice in any way any nomination made before the first day of April, 1962, and any such nomination to the extent to which it would be so invalidated or prejudiced shall be governed by the Ulster Savings Certificates Regulations in force at the time the nomination was made.

PAYMENTS IN CASE OF HOLDER'S DEATH

Payment without a grant of representation

25.—(1) Where, on the death of any holder, the amount repayable in respect of the certificates registered in his sole name does not at the date of his death exceed one hundred pounds and a grant of representation is not produced to the Ministry within such time as it thinks reasonable in the circumstances of the case, the Ministry may if it thinks fit without requiring such grant, pay the amount repayable in respect of those certificates, or any part of that amount—

(*a*) to a person appearing to the Ministry to be entitled to take out probate of the will of the deceased holder or letters of administration to his estate;

(*b*) to any person to whom the amount repayable or any part thereof would, in the opinion of the Ministry, be payable under the will of the deceased holder if the Ministry is satisfied that probate of the will or letters of administration with the will annexed would be granted by the Probate Division of the High Court of Justice in Northern Ireland;

(*c*) to any person who satisfies the Ministry that he is entitled to receive the amount repayable or any part thereof in right of his being—

(i) a person who has borne the cost of the funeral expenses of the deceased holder out of his own resources; or

(ii) a creditor of the deceased holder; or

(iii) a person who has a beneficial interest in the estate of the deceased holder;

(*d*) to the Chief Crown Solicitor for Northern Ireland in a case where the estate of the deceased holder appears to the Ministry to have devolved upon the Crown:

Provided that where a person to whom any sum may be paid under sub-paragraph (*b*) or sub-paragraph (*c*) dies 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 sole holder of the certificates in question.

(2) Notwithstanding any rule of law to the contrary, any person to whom a payment may be made under sub-paragraph (*b*) or sub-paragraph (*c*) of paragraph (1) or under the proviso to that paragraph may sign a receipt therefor if he has attained the age of sixteen years and is not otherwise under any legal disability, 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, the Ministry may in its discretion make the payment to any person who satisfies the Ministry that he will apply it or cause it to be applied for the maintenance or otherwise for the benefit of the first-mentioned person.

(3) Subject to the provisions of the last foregoing paragraph, the Ministry in making any payment under sub-paragraph (*b*) or sub-paragraph (*c*) of paragraph (1) or under the proviso to that paragraph, shall, unless it 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 it is of that opinion, may depart from those rules in such manner and to such extent as it considers just.

(4) Where, on the death of a holder domiciled elsewhere than in Northern Ireland, the amount repayable in respect of the certificates registered in his sole name does not at the date of his death exceed one hundred pounds, the Ministry may if it thinks fit pay the amount repayable in respect of such certificates to such person as is in the opinion of the Ministry entitled to receive the same, and the receipt of such person shall be a good discharge to the Ministry in respect of such amount as aforesaid.

(5) Nothing in this Regulation shall affect the operation of any nomination.

Law applicable on death of holder of certificate

26.—(1) Where any payment is made under these Regulations on the death of a holder of a certificate in accordance with the law of the place where the holder of the certificate resided at his death, that payment shall, unless notice in writing to the effect that the holder was at his death domiciled at some other place has been received by the Ministry before payment has been made, be deemed for the purposes of these Regulations to have been duly made, and for the purposes of this Regulation the Ministry may accept as conclusive proof of the place of residence of a holder at his death such statement or evidence as the Ministry may in its discretion think fit.

(2) For the purposes of this Regulation and Regulation 29 the expression "holder of a certificate" includes any person having a beneficial interest in the personal estate of a deceased holder of a certificate.

Transfer of certificates held by a deceased holder

27. Subject to the provisions of Regulation 16, any person not under sixteen years of age, to whom any sum due on the death of a holder in respect of a certificate might lawfully be paid, may instead of applying for repayment of such sum apply to the Ministry for the transfer of the certificate into his own name or into the name of any other person specified in such application:

Provided always that the certificate shall not be transferred into the name of a legal personal representative as such.

Validity of grant of representation

28. Where any sum repayable in respect of a certificate is paid, or a certificate is transferred, on the authority of a grant of representation extracted in Northern Ireland, such payment or transfer shall, notwithstanding the invalidity of, or any defect in, the grant of representation, be deemed to have been duly made.

Proof of death

29.—(1) The Ministry may require proof to its satisfaction of the death of a holder of a certificate.

(2) The Ministry may accept as conclusive proof of the death of a holder of a certificate any evidence which establishes to its satisfaction that the holder has not been heard of for a period of seven years or more.

(3) Any payment which the Ministry may make under these Regulations in reliance on the evidence received under paragraph (2) shall be a good discharge to the Ministry for the sum paid notwithstanding that the holder of the certificate may in fact be alive at the time of such payment.

Death duties

30. Where, on the death of a holder of a certificate, the total amount repayable at the date of his death in respect of all certificates held by him alone or jointly with any other person exceeds five hundred pounds, the Ministry shall, before making any repayment or transfer of a certificate or before removing the name of the deceased holder from a joint holding, require the production of a statement from the Estate Duty Branch of the Ministry to the effect either that no death duties are payable in respect of such certificates or that the duties so payable have been paid:

Provided that the production of such a statement shall not be required where the repayment is made to the legal personal representatives of the deceased holder or the transfer is made according to their direction.

MISCELLANEOUS

Person under disability

31.—(1) If any holder of a certificate is of unsound mind or is otherwise under legal disability, anything which under these Regulations is required or authorised to be done by or to the holder shall or may be done by or to the committee of, or other persons having power in law to administer, his estate.

(2) Nothing in this Regulation shall affect any other provision of these Regulations relating to persons under the age of twenty-one years.

Payments for which the Ministry is unable to obtain valid discharge

32. Where the Ministry is unable for any reason to obtain a valid discharge for any payment falling to be made to any person in respect of a certificate, it may, unless other provision for dealing with the payment has been made by any enactment, reinvest the amount due either in certificates, which shall be registered in such manner as the Ministry thinks fit, or in such other trustee security as the Ministry directs; and such reinvestment shall be held until payment can be made to the person entitled thereto and shall be a good discharge to the Ministry for the payment due.

Replacement of lost certificates, etc.

33.—(1) If it appears to the Ministry that any document issued in pursuance of these Regulations has been issued in error, or has been lost or destroyed or

tampered with, or is in such a condition as to render it desirable to have it replaced by a new document, the Ministry may, subject to the provisions of this Regulation, either immediately or after such period as the Ministry considers reasonable issue a new document in lieu of the old document to any person who satisfies the Ministry that he is entitled to the possession of the document.

(2) On the issue to any person under this Regulation of a new certificate or certificates the Ministry may charge a fee of one shilling.

(3) The Ministry may attach to the issue under this Regulation of any new document such conditions as to indemnity or otherwise as it thinks fit.

Special provision as to qualifications of witnesses

34. Where any document is required by the Ministry or by these Regulations to be signed by any person in the presence of a witness, the latter shall be of such qualification as the Ministry shall determine.

Special provision as to persons unable to write

35. Where any document is required by the Ministry or by these Regulations to be signed by any person and that person is unable to write, the Ministry may if it thinks fit accept the document if it is duly marked by that person in the presence of a witness in such manner as the Ministry shall approve.

Rectification of mistakes

36.—(1) Any mistake in any document received from the Ministry in pursuance of these Regulations shall, as soon as practicable, be notified in writing to the Ministry by the person receiving the document.

(2) If the Ministry is satisfied that any transaction effected or thing done, or purporting to have been effected or done, has been effected or done in error, the Ministry may cancel the transaction and may take all such steps as are in its opinion necessary to rectify the error, and may for that purpose require the surrender to it of any certificate or other document.

Notice of trust not receivable by the Ministry

37. Subject to the provisions of these Regulations, no notice of any trust, express, implied or constructive, shall be receivable by the Ministry in respect of a certificate.

Provisions as to forfeiture

38.—(1) Subject as hereinafter provided, if any person holds a certificate in contravention of either Regulation 8 or Regulation 9, such certificate shall be liable to be forfeited either as to the whole thereof or to such extent and in such manner as the Ministry may think just in the circumstances of the case:

Provided that if the Ministry is satisfied that such contravention is inadvertent and that in the circumstances forfeiture either in whole or in part would cause hardship to the person concerned, the Ministry may if it thinks fit pay to that person

(*a*) a sum equal to the whole of the purchase price of the certificate liable to forfeiture, and in addition—

(*b*) in the case of a contravention of Regulation 8, such interest as the Ministry may determine, but not exceeding the amount of interest which would have accrued due on the certificate in question at the date of payment had there been no such contravention;

or

(*c*) in the case of a contravention of Regulation 9, interest at such rate as the Ministry may determine, but not exceeding two and a half per cent. per annum, on a sum equal to the whole of the purchase price of the certificate in question computed in such manner as the Ministry may approve.

(2) In any case in which the Ministry shall under this Regulation declare a certificate forfeited either in whole or in part, the Ministry shall send a notice of such forfeiture to the person concerned.

(3) The Ministry may require any certificate, which is or may be affected by this Regulation, to be delivered up to the Ministry for the purpose of being cancelled or altered or dealt with in such manner as the Ministry may think fit.

Power of the Ministry to require evidence of identity, etc.

39. Nothing in these Regulations shall be held to prejudice the right of the Ministry to require evidence to be given to its satisfaction of the identity of any person or of the title of any person to any certificate, document or money; or to require evidence that anything purporting to be had or done in pursuance of these Regulations has been duly had or done, or otherwise with respect to any matters on which the due exercise of the powers of the Ministry or the performance of its duties under these Regulations depends, and the Ministry may, for the purpose of obtaining any such evidence, require a statutory declaration to be made by any person.

Indemnity of the Ministry

40. The Ministry and any person acting under its authority shall not be liable in respect of any payment duly made or act duly done in accordance with these Regulations, and any such payment shall, subject to the provisions of these Regulations for saving the rights of third parties, be deemed to have been a valid payment, and the receipt of the person to whom the money was paid shall be a full discharge to the Ministry for the amount of the payment.

Saving of rights of third parties

41. Nothing in these Regulations for the protection of the Ministry in respect of any act done or any money paid 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 Ministry or from the representatives of that person, or affect the right which any person or his representatives may have against a third party in respect of a certificate.

Saving of rights of joint holders, etc.

42.—(1) Nothing in these Regulations relating to joint holders of certificates shall affect the mutual rights of any joint holders.

(2) Nothing in these Regulations relating to trustees shall as between any trustees or as between any trustees and the beneficiaries under a trust be deemed to authorise the trustees to act otherwise than in accordance with the rules of law applying to the trust and the terms of the instrument (if any) constituting the trust.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 13th day of March, nineteen hundred and sixty-two, in the presence of

(L.S.) *R. F. R. Dunbar,*
Secretary.

FIRST SCHEDULE Regulation 2.

Regulations and Directions Revoked

Ulster Savings Certificates Regulations, 1922 (S.R. & O. 1922 No. 52).
Ulster Savings Certificates Regulations, 1927 (S.R. & O. 1927 No. 6).
Ulster Savings Certificates (Amendment) Regulations, 1931 (S.R. & O. 1931 No. 43).
Ulster Savings Certificates (Amendment) Regulations, 1932 (S.R. & O. 1932 No. 75).
Direction dated 24th August, 1932 (extending currency of First Issue).
Ulster Savings Certificates (Amendment) (No. 2) Regulations, 1933 (S.R. & O. 1933 No. 104).
Direction dated 12th November, 1935 (extending currency of Second Issue).
Direction dated 19th March, 1937 (extending currency of First Issue).
Direction dated 27th July, 1939 (extending currency of Fourth Issue).
Ulster Savings Certificates (Amendment) Regulations, 1939 (S.R. & O. 1939 No. 169).
Ulster Savings Certificates (Price of Issue) Regulations, 1939 (S.R. & O. 1939 No. 170).
Direction dated 26th November, 1941 (extending currency of Second Issue).
Direction dated 26th November, 1941 (extending currency of First Issue).
Ulster Savings Certificates (Supplementary Issue) Regulations, 1943 (S.R. & O. 1943 No. 5).
Direction dated 31st August, 1944 (extending currency of Third Issue).
Ulster Savings Certificates (Sixth Issue) Regulations, 1945 (S.R. & O. 1945 No. 107).
Ulster Savings Certificates (Seventh Issue) Regulations, 1947 (S.R. & O. 1947 No. 46).
Direction dated 2nd August, 1949 (S.R. & O. 1949 No. 126).
Direction dated 8th August, 1949 (S.R. & O. 1949 No. 137).
Direction dated 8th August, 1949 (S.R. & O. 1949 No. 138).
Ulster Savings Certificates (Eighth Issue) Regulations, 1951 (S.R. & O. 1951 No. 13).
Ulster Savings Certificates (Eighth Issue) (Amendment) Regulations, 1952 (S.R. & O. 1952 No. 164).
Ulster Savings Certificates (Eighth Issue) (Amendment) Regulations, 1954 (S.R. & O. 1954 No. 156).
Ulster Savings Certificates (Eighth Issue) (Amendment) Regulations, 1955 (S.R. & O. 1955 No. 168).
Ulster Savings Certificates (Eighth Issue) (Amendment) Regulations, 1956 (S.R. & O. 1956 No. 63).
Ulster Savings Certificates (Ninth Issue) Regulations, 1956 (S.R. & O. 1956 No. 109).
Ulster Savings Certificates (Ninth Issue) (Amendment) Regulations, 1958 (S.R. & O. 1958 No. 52).
Ulster Savings Certificates (Ninth Issue) (Amendment) Regulations, 1960 (S.R. & O. 1960 No. 59).

SECOND SCHEDULE Regulation 6.

Purchase Price of a Unit Certificate and amount repayable in respect thereof

1. The purchase price of a unit certificate shall be fifteen shillings.
2. The amount repayable in respect of a unit certificate shall be as follows:—
   Within one year from the date of purchase fifteen shillings.
   On and after the termination of one year from the date of purchase fifteen shillings and fourpence with a further addition of one penny in respect of each successive completed period of three months occurring during the second year of currency and three half-pence in respect of each successive completed period of three months occurring during the third year of currency and two pence in respect of each successive completed period of three months during the fourth and fifth years of currency and threepence in respect of each successive completed period of three months during the sixth and seventh years of currency and a further addition of sixpence at the end of the seventh year.

THIRD SCHEDULE Regulation 9.

Maximum Number of Unit Certificates a Person may hold

(*a*) Five hundred, in the case of all certificates issued on or before the thirty first day of March, 1947, the price of issue of which was less than one pound per unit certificate (comprising the first five Issues, the National Defence Issue and the Sixth Issue); and

(*b*) Two hundred and fifty, in the case of certificates issued on or before the thirty first day of March, 1947, the price of issue of which was one pound per unit certificate (known as the Supplementary Issue); and

(*c*) One thousand, in the case of certificates issued between the first day of April, 1947 and the thirty first day of January, 1951 (known as the Seventh Issue); and

(*d*) One thousand four hundred, in the case of certificates issued between the first day of February, 1951 and the thirty first day of July, 1956 (known as the Eighth Issue); and

(*e*) One thousand two hundred, in the case of certificates issued on or after the first day of August, 1956 (known as the Ninth Issue).

EXPLANATORY NOTE

(*This Note is not part of these Regulations, but is intended to indicate their general purport.*)

These Regulations consolidate with amendments all existing Regulations affecting Ulster Savings Certificates and are operative from 1st April, 1962. All earlier Regulations are revoked as from that day, but with certain reservations regarding the rights attaching to existing certificates and existing nominations (Regulations 4 and 24). Most of the amendments are of a minor nature and have been introduced to correct or remove anomalies which existed in the old Regulations.

Some amendments have been made in consequence of the provisions of the Trustee Investments Act, 1961, which specifically authorises trustees to invest in Ulster Savings Certificates. The principal changes are:—

(1) Certificates may now be purchased and held by trustees in their own names only (Paragraph (3) of Regulation 8). Previously certificates might be purchased by a trustee on behalf of a named beneficiary and held in the joint names of the trustee and the beneficiary, and this alternative method of holding is still permitted.

(2) A holder is now to be allowed, for the purpose of calculating his maximum permitted holdings, to count the certificates he holds in his personal capacity separately from those he holds as a trustee or as a beneficiary jointly with a trustee, and his holdings in respect of different trust funds separately from each other (Regulation 9).

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As this Order has been classified as local it is not printed at length in this volume. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading NURSES AND MIDWIVES.