
STATUTORY INSTRUMENTS

1997 No. 2870

TREASURY SOLICITOR

The Treasury Solicitor (Crown's Nominee) Rules 1997

Made - - - - *3rd December 1997*
Laid before Parliament *4th December 1997*
Coming into force - - *1st January 1998*

The Treasury, in exercise of the powers conferred on them by sections 4 and 5 of the Treasury Solicitor Act 1876(1) and of all other powers enabling them in that behalf, hereby make the following Rules—

Citation, commencement, revocation and saving

1.—(1) These Rules may be cited as the Treasury Solicitor (Crown's Nominee) Rules 1997 and shall come into force on 1st January 1998.

(2) Subject to paragraph (3), the Treasury Solicitor (Crown's Nominee) Rules 1931(2) and the Treasury Solicitor (Crown's Nominee) (Amendment) Rules 1968(3) are hereby revoked.

(3) Rules 3 and 4 of the said Rules of 1931 (which make provision for the preparation and auditing of an abstract account in relation to each year ending on 31st December) shall continue to have effect in relation to the preparation and auditing, after the commencement of these Rules, of an abstract account in relation to the year ending on 31st December 1997.

Interpretation

2. In these Rules, "Treasury Solicitor" means the Treasury Solicitor acting as the Crown's nominee by virtue of any Warrant issued by Her Majesty under Her Royal Sign Manual for the purposes of the collection, holding and application of any monies, securities, and property, real or personal, accruing to Her Majesty as part of the estate of any deceased person, or under any forfeiture, or otherwise by virtue of Her Royal Prerogative.

Crown's Nominee Account

3.—(1) The Crown's Nominee Account shall be maintained by the Treasury Solicitor with the Paymaster General at the Bank of England.

(1) 1876 c. 18; section 5 was amended by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1, Part XII.
(2) S. R. & O. 1931/1097 amended by S.I.1968/1521.
(3) S.I. 1968/1521.

(2) All sums payable by the Treasury Solicitor shall be paid out of the Crown's Nominee Account by authorised orders on the Paymaster General.

(3) In this rule "authorised orders" means orders authorised by persons nominated from time to time for that purpose by the Treasury Solicitor.

Audit and presentation to Parliament

4.—(1) The Treasury Solicitor shall prepare for presentation to Parliament in a form approved by the Treasury—

- (a) an account showing the receipts and expenditure on the Crown's Nominee Account—
 - (i) on or before 31st July 1999, for the fifteen months ending on 31st March 1999; and
 - (ii) on or before 31st July in every subsequent year, for the year ending on 31st March preceding.
- (b) a balance sheet showing the assets and liabilities of the Treasury Solicitor at 31st March of the relevant year.

(2) The account and balance sheet shall show the amounts transferred, in the fifteen months ending on 31st March 1999 and in every subsequent year ending on 31st March preceding, to and from the account of the Crown's share.

(3) The account and balance sheet shall be audited by such person as the Treasury Solicitor shall from time to time with the approval of the Treasury appoint for that purpose.

Unclaimed grants

5. The period fixed for the purposes of section 4(3) of the Treasury Solicitor Act 1876 (period after which unclaimed grants may be paid to the Crown's Nominee Account) shall be three years from the date of grant.

3rd December 1997

Graham Allen
Jim Dowd
Two of the Lords Commissioners of Her
Majesty's Treasury.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules replace and revoke the Treasury Solicitor (Crown's Nominee) Rules 1931. They provide for the account (known as the Crown's Nominee Account) to which section 4 of the Treasury Solicitor Act 1876 requires to be carried all moneys which are received by the Treasury Solicitor (who is the Crown's nominee for this purpose) having accrued to the Crown as part of the estate of any deceased person, or under any forfeiture, or otherwise by virtue of the royal prerogative, or which is money arising from property which has so accrued.

Rule 3 provides for the Crown's Nominee Account to be held with the Paymaster General at the Bank of England. Provision is also made for all sums payable by the Treasury Solicitor (as the Crown's nominee) to be made on that account and for the authority under which such payments may be made.

Rule 4 provides for the preparation and auditing of an annual account of receipts and expenditure and of a balance sheet of assets and liabilities. The accounting year for this purpose is to end on 31st March and, because the accounting years directed by the 1931 Rules end on 31st December, there is a transitional requirement for a fifteen month accounting period to end on 31st March 1999. The account and balance sheet will also show movements on the Crown share account which records balances after estates have been fully administered and the disposal of dissolved company assets, but which do not involve actual receipts or expenditure on the Crown's Nominee Account.

Rule 5 fixes at three years the period after which the subject matter of grants may be paid to the Crown's Nominee Account (or, where not consisting of money, sold and the proceeds so paid) if unclaimed within that period. Such grants may be made from money, securities or property accruing to the Crown in the circumstances described above.