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STATUTORY INSTRUMENTS

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**2015 No. 623**

The National Savings Regulations 2015

PART 3

General provisions

CHAPTER 6

Application, revocation and savings

**Application to the Channel Islands**

- 63.**—(1) In the application of these Regulations to Jersey—
- (a) a reference to a person who lacks capacity must be construed as a reference to a person suffering from mental disorder within the meaning of the Mental Health (Jersey) Law 1969(1);
  - (b) a reference to a deputy in relation to a person who lacks capacity must be construed as a reference to a curator;
  - (c) the reference in regulation 58 to sections 3 and 4 of the Cheques Act 1957 must be construed as references to articles 3 and 4 of the Cheques (Jersey) Law 1957(2);
  - (d) a reference to a bankruptcy order must be construed as a reference to a declaration of “desastre”;
  - (e) a reference to the Official Receiver must be construed as a reference to Her Majesty’s Viscount for Jersey or to an “attourne” appointed in a bankruptcy, as the case may be;
  - (f) a reference to the Treasury Solicitor must be construed as a reference to Her Majesty’s Receiver General for Jersey;
  - (g) a reference to a statutory declaration must be construed as a reference to a declaration on oath before the Bailiff, a Jurat, the Magistrate or a notary public;
  - (h) a nomination made by a depositor domiciled in Jersey of any person to receive an amount due to the depositor at death, shall take effect only as to that portion of the personal estate over which that person had power of testamentary disposition according to the law of Jersey, but a payment made to a nominee without notice of the depositor’s incapacity to dispose of the whole or any portion of the estate nominated shall be a valid payment.
- (2) In the application of these Regulations to Guernsey, Alderney and Sark—
- (a) a reference to a person who lacks capacity must be construed as a reference to a person who under any law for the time being in force in any of the Islands of the Bailiwick of Guernsey is a person of unsound mind;

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(1) Law 18 of 1969.  
(2) Law 2 of 1958.

- (b) a reference to a deputy in relation to a person who lacks capacity must be construed as a reference to a guardian appointed by the Royal Court of Guernsey, the Court of Alderney or the Court of the Seneschal of Sark, as the case may be;
- (c) a reference to the Treasury Solicitor must be construed as a reference to Her Majesty's Receiver-General;
- (d) a reference to a statutory declaration must be construed as a reference to a declaration on oath before a notary public or—
  - (i) in Guernsey, before the Bailiff or Deputy Bailiff, a Jurat of the Royal Court or the Magistrate;
  - (ii) in Alderney, before a Jurat of the Court of Alderney;
  - (iii) in Sark, before the Seneschal;
- (e) the reference in regulation 58 to section 76(1), (3), (4) and (5) (so far as it relates to crossed cheques) and sections 77(6) and 78 to 81 of the Bills of Exchange Act 1882 must be construed likewise as references to section 75(1), (3), (4) and (5) and sections 76(6) and 77 to 80 of the Bills of Exchange (Guernsey) Law 1958(3), and the reference to sections 3 and 4 of the Cheques Act 1957 must be construed as a reference to sections 83 and 84 of the Bills of Exchange (Guernsey) Law 1958;
- (f) (i) in relation to deposits, regulation 29 (withdrawals in the case of bankrupt sole depositors) should be read as if there is substituted—

**“29.** Where it appears to the Director of Savings that a sole depositor is insolvent, the Director of Savings may pay the deposits held in the name of the depositor to a person the Director of Savings is satisfied is a proper person to receive payment, on application by that person.”;
- (g) a nomination made by a depositor or holder of stock domiciled in the Bailiwick of Guernsey of any person to receive an amount due to the depositor, or any interest in stock held by the holder, at death, shall take effect only as to that portion of the personal estate over which that person had power of testamentary disposition according to the law of the Bailiwick of Guernsey, but a payment made to a nominee without notice of the depositor's or holder's incapacity to dispose of the whole or any portion of the estate nominated shall be a valid payment.