



Fines and Recoveries Act 1833

1833 CHAPTER 74 3 and 4 Will 4

- 33 †In cases of lunacy, the Lord Chancellor or Lord Keeper or Lords Commissioner, or other persons intrusted with lunatics, or in cases of treason or felony, &c. the Court of Chancery to be the protector.**

Provided always, that if any person, protector of a settlement, [^{F1} lacks capacity (within the meaning of the Mental Capacity Act 2005) to manage his property and affairs, the Court of Protection is to take his place as protector of the settlement while he lacks capacity]; . . . ^{F2}; or if in any case where there shall be subsisting under a settlement an estate prior to an estate tail under the same settlement, and such prior estate shall be sufficient to qualify the owner thereof to be protector of the settlement, and there shall happen at any time to be no protector of the settlement as to the lands in which the prior estate shall be subsisting, the said Court of Chancery shall, while there shall be no such protector, and the prior estate shall be subsisting, be the protector of the settlement as to such lands.

Textual Amendments

- F1** Words in s. 33 substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\), s. 68\(1\), Sch. 6 para. 1\(2\)](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897, art. 2\(1\)\(d\)](#)
- F2** Word repealed by [Criminal Law Act 1967 \(c. 58\), Sch. 3 Pt. I](#)

Modifications etc. (not altering text)

- C1** A dagger appended to a marginal note means that it is no longer accurate

Changes to legislation:

There are currently no known outstanding effects for the Fines and Recoveries Act 1833, Section 33.