
STATUTORY INSTRUMENTS

2005 No. 2483

The Energy Administration Rules 2005

PART 11

COURT PROCEDURE AND PRACTICE

CHAPTER 6

Persons incapable of managing their affairs

Introductory

123.—(1) The Rules in this Chapter apply where in energy administration proceedings it appears to the court that a person affected by the proceedings is one who is incapable of managing and administering his property and affairs either—

- (a) by reason of mental disorder within the meaning of the Mental Health Act 1983(1); or
- (b) due to physical affliction or disability.

(2) The person concerned is referred to as “the incapacitated person”.

Commencement Information

II Rule 123 in force at 1.10.2005, see [rule 1](#)

Appointment of another person to act

124.—(1) The court may appoint such person as it thinks fit to appear for, represent or act for the incapacitated person.

(2) The appointment may be made either generally or for the purpose of any particular application or proceeding, or for the exercise of particular rights or powers which the incapacitated person might have exercised but for his incapacity.

(3) The court may make the appointment either of its own motion or on application by—

- (a) a person who has been appointed by a court in the United Kingdom or elsewhere to manage the affairs of, or to represent, the incapacitated person, or
- (b) any relative or friend of the incapacitated person who appears to the court to be a proper person to make the application, or
- (c) the energy administrator.

(4) Application under paragraph (3) may be made *ex parte*; but the court may require such notice of the application as it thinks necessary to be given to the person alleged to be incapacitated, or any other person, and may adjourn the hearing of the application to enable the notice to be given.

(1) 1983 c. 20.

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Commencement Information

I2 Rule 124 in force at 1.10.2005, see [rule 1](#)

Affidavit in support of application

125. An application under Rule 124(3) shall be supported by an affidavit of a registered medical practitioner as to the mental or physical condition of the incapacitated person.

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Commencement Information

I3 Rule 125 in force at 1.10.2005, see [rule 1](#)

Services of notices following appointment

126. Any notice served on, or sent to, a person appointed under Rule 124 has the same effect as if it had been served on, or given to, the incapacitated person.

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Commencement Information

I4 Rule 126 in force at 1.10.2005, see [rule 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Energy Administration Rules 2005, CHAPTER 6.