
STATUTORY INSTRUMENTS

2011 No. 1734

The Court Funds Rules 2011

PART 1

Preliminary, interpretation and general provisions

Interpretation

3.—(1) Expressions used in these Rules that are also used in the Civil Procedure Rules 1998⁽¹⁾ shall have the same meaning as they have in those Rules.

(2) In these Rules:

“Accountant General” means the Accountant General of the Senior Courts or a person appointed under rule 5;

“Authenticated” means authenticated with a stamp issued by the Accountant General;

“Child” means a person under 18;

“Common investment fund” means a fund established by a scheme made under section 42 of the Administration of Justice Act 1982;

“Court” means any court listed in rule 2(b);

“CPR” means the Civil Procedure Rules 1998;

“Deposit schedule” means a schedule to an order directing that a fund be deposited in court;

“Deputy” means a person who makes decisions on behalf of a person who lacks capacity and who has been:

(a) appointed by a court under section 16(2)(b) of the Mental Capacity Act 2005⁽²⁾; or

(b) deemed to be so appointed by virtue of paragraph 1 of schedule 5 to that Act;

“Foreign currency” means currency other than sterling;

“Fund” means money (including foreign currency), securities or effects;

“Fund in court” means a fund deposited in court in accordance with Part 2 of these Rules;

“Investment manager” means a person appointed by a deputy to make decisions as to the investment of a fund in court on behalf of a person who lacks capacity;

“Order” means an order or direction made under the seal of a court;

“Payment schedule” means a schedule to an order directing a payment from, or a dealing with, a fund in court;

“Person who lacks capacity” means a person who:

(a) immediately before 1st October 2007 was a patient within the meaning of Part VII of the Mental Health Act 1983⁽³⁾; or

⁽¹⁾ S.I. 1998/3132.

⁽²⁾ 2005 c.9.

⁽³⁾ 1983 c.20.

- (b) a court has found lacks capacity within the meaning of the Mental Capacity Act 2005 in relation to a fund in court held or to be held on that person's behalf; and

“Written request” means a request made on a form approved by the Accountant General to:

- (a) deposit funds in court;
- (b) deal with a fund in court; or
- (c) receive payment from a fund in court.

(3) In these Rules, where two or more deputies are appointed in relation to a person who lacks capacity:

- (a) the word “deputy” refers to those deputies acting jointly if and to the extent that joint action is required by the terms of their appointment; and
- (b) any rule permitting the Accountant General to refuse to:
 - (i) follow a direction given by a deputy; or
 - (ii) undertake any other act at the request of a deputy,

includes a power to refuse to do so on the ground that, while the terms of appointment require the deputies to act jointly, the direction or request was not jointly made.