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STATUTORY INSTRUMENTS

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**2013 No. 3208**

**The Postal Administration Rules 2013**

**PART 11**

**COURT PROCEDURE AND PRACTICE**

**CHAPTER 6**

*Persons who Lack Capacity to Manage their Affairs*

**Introductory**

**124.**—(1) The Rules in this Chapter apply where in postal administration proceedings it appears to the court that a person affected by the proceedings is one who lacks capacity within the meaning of the Mental Capacity Act 2005(1) to manage and administer their property and affairs either—

- (a) by reason of lacking capacity within the meaning of the Mental Capacity Act 2005, or
- (b) due to physical affliction or disability.

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

**Appointment of another person to act**

**125.**—(1) The court may appoint such person as it thinks just 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 their 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 postal administrator.

(4) Application under paragraph (3) of this Rule may be made without notice to any other party; 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.

**Witness statement in support of application**

**126.** An application under Rule 125(3) must be supported by a witness statement made by a registered medical practitioner as to the mental or physical condition of the incapacitated person.

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(1) 2005 c.9.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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### **Service of notices following appointment**

**127.** Any notice served on, or sent to, a person appointed under Rule 125 has the same effect as if it had been served on, or given to, the incapacitated person.