
STATUTORY INSTRUMENTS

2007 No. 2617

The Court Funds (Amendment No 2) Rules 2007

Amendments to the Court Funds Rules 1987

5. Rule 6 is amended as follows—

- (a) at the end of the heading, add “or other authority to lodge”;
- (b) at the beginning of paragraph (1), add “Subject to paragraph (1A),”;
- (c) in paragraph 1(i), omit the words “or in the Court of Protection”; and
- (d) after paragraph (1), insert—

“(1A) Paragraph (1) does not apply to proceedings in the Court of Protection.

(1B) Where, in proceedings in the Court of Protection, a person (“Person A”) seeks to lodge funds in court on behalf of a person who lacks capacity (“Person B”), the Accountant General must not make such lodgment until he has received one of the following documents—

- (i) a lodgment schedule;
- (ii) where a deputy has not been appointed in relation to Person B, and the funds are required to be lodged by Person A by court order, a copy of that order;
- (iii) where, prior to 1st October 2007, Person A had been appointed as Person B’s receiver under Part VII of the Mental Health Act 1983 (as that part was in force immediately prior to that date), a copy of the order of the Court of Protection by which Person A was so appointed; or
- (iv) a copy of the order of the Court of Protection appointing Person A as Person B’s deputy.”.