
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 24

MISCELLANEOUS

Order or directions requiring a person to give security for discharge of functions

24.3.—(1) This rule applies where the court makes an order or gives a direction—

- (a) conferring functions on any person (whether as deputy or otherwise); and
- (b) requiring that person to give security for the discharge of those functions.

(2) The person on whom functions are conferred must give the security before undertaking to discharge those functions, unless the court permits the security to be given subsequently.

(3) Paragraphs (4) to (6) apply where the security is required to be given before any action can be taken.

(4) Subject to paragraph (5), the security must be given in accordance with the requirements of regulation 33(2)(a) of the Public Guardian Regulations (which makes provision about the giving of security by means of a bond that is endorsed by an authorised insurance company or an authorised deposit-taker).

(5) The court may impose such other requirements in relation to the giving of the security as it considers appropriate (whether in addition to, or instead of, those specified in paragraph (4)).

(6) In specifying the date from which the order or directions referred to in paragraph (1) are to take effect, the court will have regard to the need to postpone that date for such reasonable period as would enable the Public Guardian to be satisfied that—

- (a) if paragraph (4) applies, the requirements of regulation 34 of the Public Guardian Regulations have been met in relation to the security; and
- (b) any other requirements imposed by the court under paragraph (5) have been met.

(7) “The Public Guardian Regulations” means the Lasting Power of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007(1).