

SCHEDULES

SCHEDULE 5

Property and affairs: supplementary provisions

*Preservation of interests in property disposed
of on behalf of person lacking capacity*

9.—(1) Sub-paragraph (2) applies if the court has ordered or directed the expenditure of money—

- (a) for carrying out permanent improvements on any of P's property; or
- (b) otherwise for the permanent benefit of any of P's property.

(2) The court may order that—

- (a) the whole of the money expended or to be expended, or
- (b) any part of it,

is to be a charge on the property either without interest or with interest at a specified rate.

(3) An order under sub-paragraph (2) may provide for excluding or restricting the operation of paragraph 8(1) to (3).

(4) A charge under sub-paragraph (2) may be made in favour of such person as may be just and, in particular, where the money charged is paid out of P's general estate, may be made in favour of a person as trustee for P.

(5) No charge under sub-paragraph (2) may confer any right of sale or foreclosure during P's lifetime.