
STATUTORY INSTRUMENTS

1994 No. 3046

THE COURT OF PROTECTION RULES 1994

**PART I
PRELIMINARY**

Citation and commencement

1. These Rules may be cited as the Court of Protection Rules 1994 and shall come into force on 22nd December 1994.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires expressions used in the Supreme Court Act 1981(1) shall have the same meaning as they have for the purposes of that Act;

“the Act” means the Mental Health Act 1983;

“court” means the Court of Protection;

“direction” means a direction or authority given under the seal of the Public Trustee;

“entered” means entered in the books of the court or the Public Trust Office as appropriate;

“filed” means filed in the court office or the Public Trust Office as appropriate;

“function” means any power, discretion or function conferred by the Act;

“judge” means the Lord Chancellor or a nominated judge;

“Master” means the Master of the Court of Protection;

“officer” means an officer of the Court of Protection or of the Public Trust Office as appropriate;

“order” includes a certificate, direction or authority of the court under seal;

“patient” includes a person who is alleged to be or who the court has reason to believe may be incapable by reason of mental disorder of managing and administering his property and affairs;

“receiver” means a receiver appointed under section 99(1) of the Act;

“seal” means an official seal of the Court of Protection or the Public Trustee as appropriate and “sealed” shall be construed accordingly;

“stock” includes shares and also any fund, annuity or security transferable in the books kept by any body corporate or unincorporated company or society, or by an instrument of transfer either alone or accompanied by other formalities and includes any dividends paid in respect of them;

“Visitor” means one of the Lord Chancellor’s Visitors.

(2) Where, in these Rules, there is a reference to something which may be done by the court or the Public Trustee, the reference shall be construed as meaning the court or the Public Trustee as appropriate.

(3) In these Rules a form referred to by letter means the form so designated in the Schedule to these Rules or a form to the same effect with such variations as the circumstances may require or the court may approve and in respect of either the form designated in the Schedule or a variation of it, shall include a Welsh translation.

Exercise of court's functions

3. Where any function is (in whatever words) expressed by these Rules to be exercisable by the court then, subject to the provisions of the Act, that function may be exercised—

- (a) by a judge;
- (b) by the Master;
- (c) to the extent to which he is authorised to exercise it under section 94 of the Act, by any nominated officer.

Computation of time

4.—(1) Where a period of time fixed by these Rules or by any order or direction of the court for doing any act expires on a day on which the appropriate office for doing that act is closed and for that reason the act cannot be done on that day, the act shall be in time if done on the next day on which that office is open.

(2) Where the act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.

(3) Where any period of time fixed as mentioned in paragraph (1) is less than six days, any day on which the appropriate office is closed shall not be included in the computation of that period.

Power to vary time

5. The court may extend or abridge the time limited by these Rules or any order or direction of the court for doing any act or taking any proceeding upon such terms as the court thinks fit and notwithstanding, in the case of an extension, that the time so limited has expired.