
STATUTORY INSTRUMENTS

1994 No. 3046

THE COURT OF PROTECTION RULES 1994

PART XIII

SECURITY

Receiver to give security

58.—(1) Where an order is made appointing a person other than the Public Trustee or the Official Solicitor as receiver for a patient—

- (a) the person appointed shall, unless the court otherwise directs, give such security for the due performance of his duties as the court may approve and shall give it before acting as receiver unless the court allows it to be given subsequently; and
- (b) the order shall not be entered until the person appointed has given to the satisfaction of the court any security required to be given by him before acting.

(2) The court or the Public Trustee may from time to time vary or dispense with any security required.

Manner of giving security

59. Subject to any directions of the court or the Public Trustee, security may be given in any of the following ways or partly in one of those ways and partly in another—

- (a) by a bond approved by the court and given by the person giving security and also by—
 - (i) an insurance company, group of underwriters or bank approved by the Public Trustee; or
 - (ii) with the approval of the Public Trustee, two personal sureties; or
- (b) by lodging in court a sufficient sum of money or sufficient stock; or
- (c) in such other manner as the Public Trustee may approve.

Lodgment of security

60. Any security given by lodgment of money or stock shall be dealt with in accordance with the terms of the direction filed when the lodgment was made.

Discharge of security where new security given

61. Where a receiver is authorised or directed to give new security, and—

- (a) the new security has been completed, and
 - (b) he has paid or secured to the satisfaction of the Public Trustee any balance due from him,
- the former security shall, unless the Public Trustee otherwise directs, be discharged.

Maintenance of security by bond

62. Every person who has given security by a bond shall, whenever his accounts are passed or the Public Trustee so directs, satisfy the Public Trustee—

- (a) that any premiums payable in respect of the bond have been duly paid, or
- (b) if the bond was given by personal sureties, that each surety is living and within the jurisdiction and has neither been adjudicated bankrupt nor compounded with his creditors,

and, if the Public Trustee is not so satisfied, he may require new security to be given or may give such other directions as he thinks fit.