
STATUTORY INSTRUMENTS

1994 No. 3046

THE COURT OF PROTECTION RULES 1994

PART XVI

CUSTODY AND DISPOSAL OF FUNDS AND OTHER PROPERTY

Statement of property retained or deposited

74. Where under a direction of the court or the Public Trustee any furniture or effects of a patient are allowed to remain in the possession of, or deposited with, any person, that person shall, unless the court or the Public Trustee otherwise directs, sign and file an inventory of the furniture or effects and an undertaking not to part with them during the patient's lifetime except on a direction under seal.

Stock in name of patient or receiver

75.—(1) Where any stock—

- (a) is standing in the name of a patient beneficially entitled to it; or
- (b) is standing in the name of a receiver in trust for a patient, or as part of his property, and the receiver dies intestate or himself becomes incapable by reason of mental disorder of acting as receiver, or is out of the jurisdiction of the court, or it is uncertain whether he is still alive, or he neglects or refuses to transfer the stock or to receive and pay over the dividends as the court directs,

the court may order some proper person to transfer the stock into the name of the receiver or, as the case may be, a new receiver for the patient or into court or otherwise deal with it as the court may direct and also to receive and pay over the dividends thereof as the court may direct.

(2) Where an order is made under paragraph (1) above or under section 100 of the Act directing stock to be transferred into court, the person required to effect the transfer shall be—

- (a) in the case of stock standing in the stock register kept by the Bank of England or any other bank or by the Crown Agents for Overseas Governments and Administrations, some proper officer of the bank or the Crown Agents;
- (b) in any other case, some proper officer of the company or other body whose stock is to be transferred,

and that person shall, if so ordered, receive any sum accrued due before the transfer by way of dividend, bonus or periodical payment in respect of the stock and pay it into court to the general account of the patient or to a separate account or otherwise deal with it as the court may direct.

Disposal of property on patient's recovery or death

76.—(1) On the recovery of a patient the court may order any money, securities or other property belonging to the patient, or forming part of his estate, or remaining under the control of, or held under the directions of the court, to be transferred to the person who appears to be entitled to it.

(2) On the death of a patient the Public Trustee may direct any money, securities or other property belonging to the patient, or forming part of his estate, or remaining under the control of, or held under the direction of the Public Trustee, to be transferred to the person who appears to be entitled to it.

(3) If no grant of representation has been taken out to the estate of a deceased patient and it appears to the Public Trustee that the assets of the estate, after deduction of debts and funeral expenses, do not exceed £5,000 in value, he may, if he thinks fit, provide for payment of the funeral expenses out of any funds in court standing to the credit of the deceased and order that any such funds, or the balance of them, or any other property of the patient remaining under the control, or held under the directions, of the Public Trustee, be paid, transferred, delivered or released either to the personal representative of the deceased when constituted or to the person who appears to be entitled to apply for a grant of representation to his estate.

(4) The Public Trustee may at any time, pending notification to him of the grant of representation to the estate of a patient, direct that any money or securities which belonged to the patient when he died and were not already in court shall be transferred into court.