
STATUTORY INSTRUMENTS

1994 No. 3047

The Court of Protection (Enduring Powers of Attorney) Rules 1994

**PART I
PRELIMINARY**

Citation and Commencement

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

Application

2. Subject to the provisions of these Rules, the Court of Protection Rules 1994⁽¹⁾ shall apply to proceedings under the Enduring Powers of Attorney Act 1985⁽²⁾.

Interpretation

- 3.—(1)** In these Rules, unless the context otherwise requires—
- expressions used in the Supreme Court Act 1981⁽³⁾ shall have the same meaning as they have in that Act;
 - “the Act” means the Enduring Powers of Attorney Act 1985;
 - “the 1983 Act” means the Mental Health Act 1983;
 - “the 1994 Rules” means the Court of Protection Rules 1994;
 - “applicant ” includes an objector;
 - “application” includes an objection;
 - “the court” means the Court of Protection;
 - “direction” means a direction or authority given under the seal of the Public Trustee;
 - “enduring power of attorney” shall be construed in accordance with section 2 of the 1985 Act;
 - “entered” means entered in the register of enduring powers of attorney kept by the Public Trust office;
 - “filed” means filed in the Public Trust office;
 - “judge” means the Lord Chancellor or a judge nominated under section 93(1) of the 1983 Act;
 - “Master” means the Master of the Court of Protection;

(1) S.I. 1994/
(2) 1985 c. 29
(3) 1981 c. 54

“nominated officer” means an officer of the court nominated under section 93(4) of the 1983 Act;

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

“receiver” means a receiver appointed under section 99(1) of the 1983 Act;

“relative” means one of the persons referred to as relatives and entitled to receive notice under the provisions of paragraphs 1 and 2 of Schedule 1 to the Act;

“seal” means an official seal of the court or the Public Trustee as appropriate and “sealed” shall be construed accordingly.

(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 alone means the form so designated in Schedule 1 to these Rules or a form to the same effect with such variations as the circumstances may require and the court may approve and in both cases shall include a Welsh translation of the form.

Exercise of court’s functions

4. Where any discretion, power or other function is (in whatever words) expressed by these Rules to be exercisable by the court then, subject to the provisions of the Act, that discretion, power or other 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 1983 Act, by a nominated officer.

Computation of time

5.—(1) Where a period of time fixed by the Act or by these Rules or by a judgment, order or direction for doing any act expires on a day on which the Public Trust Office is closed and for that reason the act cannot be done on that day, the act shall be done 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 three days or less, any day on which the Public Trust office is closed shall not be included in the computation of that period.