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STATUTORY INSTRUMENTS

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**2001 No. 824**

**The Court of Protection Rules 2001**

**PART I**

**PRELIMINARY**

**Title and Commencement**

1. These Rules may be cited as the Court of Protection Rules 2001 and shall come into force on 1st April 2001.

**Interpretation**

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

“the Act” means the Mental Health Act 1983;

“attended hearing” means a hearing where one or more of the parties to the proceedings have been invited to attend the court for the determination of the application;

“court” means the Court of Protection;

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

“entered” means entered in the books of the court;

“filed” mean filed in the court office;

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

“hearing” means an attended or unattended hearing;

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

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

“medical certificate” means a certificate by a registered medical practitioner that a patient is incapable, by reason of mental disorder, of managing and administering his property and affairs;

“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 and “sealed” shall be construed accordingly;

“stock” includes shares in 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) In these Rules—

- (a) any reference to a numbered rule is a reference to the rule of these Rules so numbered in these Rules;
- (b) any reference in a rule to a numbered paragraph is a reference to the paragraph so numbered in the rule in which the reference occurs;
- (c) a form referred to by letter alone 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 all cases shall include a Welsh translation of the form.

### **Exercise of the court’s functions**

3. Where any function (in whatever words) is 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 an act expires on a day on which the court office for doing that act 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 as mentioned in paragraph (1) is less than six days, any day on which the court office is closed shall not be included in that computation.

### **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 proceedings upon such terms as the court thinks fit and notwithstanding, in the case of an extension, that the time so limited has expired.