
STATUTORY INSTRUMENTS

2001 No. 824

The Court of Protection Rules 2001

PART XII

SECURITY

Receiver to give security

56.—(1) Where an order is made appointing a person other than an officer of the court 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 may from time to time vary or dispense with any security required.

Manner of giving security

57. Subject to any directions of the court, security may be given in any one 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, a group of underwriters or a bank approved by the court; or
 - (ii) with the approval of the court, two personal sureties; or
- (b) in such other manner as the court may approve.

Lodgement of security

58. 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

59. 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 court any balance due from him,
- the former security shall, unless the court otherwise directs, be discharged.

Maintenance of security by bond

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

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- (a) that any premiums payable in respect of the bond have been duly paid;
 - (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 court is not so satisfied, it may require new security to be given or may give such other directions as it thinks fit.