
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make various amendments to the Court of Protection (Enduring Powers of Attorney) Rules 2001 (“the 2001 Rules”).

(1) A new paragraph (4A) is inserted into Rule 26 to provide that in any case where there is a readily ascertainable pecuniary consideration (including those where the value of the readily ascertainable pecuniary consideration is below £10,000.00) then that value shall be set out in the application (rule 2(b)).

(2) A new paragraph (4B) is inserted into Rule 26 to enable the court to direct that a fee paid under item 4 of Schedule 2 which has been incorrectly assessed on making the application shall be adjusted (rule 2(b)).

(3) Rule 26 is amended to provide that a fee, or in a “special case” a standard fee, is payable upon the making of the application for the direction to approve the transaction. Rule 26 is also amended to introduce a new transaction fee for a “special case” payable upon the court fixing a date for a hearing under rule 10 (rule 2 (c)).

(4) Fees previously payable under the 2001 Rules are changed as follows (rule 3(2) and (3))—

Fee	Old figure	New figure
Registration fee	£220.00	£120.00
Passing of accounts fee	£110.00	£100.00.

(5) For “special cases” flat fees are introduced and are payable for transactions where the pecuniary consideration is up to and including £10,000.00. This fee is set at £100.00. The fee payable for “special cases” for transactions where the pecuniary consideration is greater than £10,000.00 is £360.00. The new fee (the additional fee) introduced in relation to “special cases” and payable upon the court fixing a date for a hearing (referred to above) is set at £500.00 (rule 3(5)).

(6) Rule 4 provides a transitional provision for fees payable in a special case under rule 26(5), and provides that where an application for an order, direction or authorisation is received before 1st April 2005 the previous fee structure shall apply. This is because in the higher value transactions the fees payable could be up to £1,500.00 as opposed to a maximum under the new structure of £860.00.