
STATUTORY INSTRUMENTS

2011 No. 1301

The Investment Bank Special Administration
(England and Wales) Rules 2011

PART 9

Court procedure and practice

CHAPTER 8

People who lack capacity to manage their affairs etc.

Application of Chapter 8

256.—(1) The rules in this Chapter apply where in a special administration it appears to the court that a person affected by the proceedings is someone who lacks capacity to manage and administer their property and affairs either—

- (a) by reason of lacking capacity within the meaning of the Mental Capacity Act 2005(1); or
 - (b) due to a physical affliction or disability.
- (2) The person concerned is referred to in this Chapter as “the incapacitated person”.

Appointment of another person to act

257.—(1) The court may appoint such person as it thinks just to appear for, represent or act for the incapacitated person.

(2) The appointment may be made either generally or for the purpose of any particular application or proceeding, or for the exercise of particular rights or powers which the incapacitated person might have exercised but for that person’s incapacity.

- (3) The court may make the appointment either of its own motion or on application by—
- (a) a person who has been appointed by a court in the United Kingdom or elsewhere to manage the affairs of, or to represent, the incapacitated person;
 - (b) any relative or friend of the incapacitated person who appears to the court to be a proper person to make the application; or
 - (c) the administrator.

(4) Application under paragraph (3) may be made without notice to any other party; but the court may require such notice of the application as it thinks necessary to be given to the person alleged to be incapacitated, or any other person, and may adjourn the hearing of the application to enable the notice to be given.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Witness statement in support of application

258. An application under rule 257(3) must be supported by a witness statement made by a registered medical practitioner as to the mental or physical condition of the incapacitated person.

Service of notices following appointment

259. Any notice served on, or sent to, a person appointed under rule 257 has the same effect as if it had been served on, or given to, the incapacitated person.