
STATUTORY INSTRUMENTS

2021 No. 1178

The Payment and Electronic Money Institution
Insolvency (England and Wales) Rules 2021

PART 10

Court procedure and practice

CHAPTER 8

People who lack capacity to manage their affairs etc.

Application of Chapter 8

218.—(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 unable to manage and administer that person's own property and affairs by reason of:

- (a) lacking capacity within the meaning of the Mental Capacity Act 2005(1),
- (b) suffering from a physical affliction, or
- (c) disability.

(2) Such a person is referred to in this Chapter as “the incapacitated person”.

Appointment of another person to act

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

(2) An appointment made under paragraph (1) 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 person who appears to the court to be a suitable person to make the application, or
- (c) the administrator.

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

Witness statement in support of application

220. An application under rule 219(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

221. Any notice served on, or sent to, a person appointed under rule 219 has the same effect as if it had been served on, or given to, the incapacitated person.