
STATUTORY INSTRUMENTS

2023 No. 712

**The Relevant Licensee Nuclear Company
Administration (England and Wales) Rules 2023**

PART 11

Court Procedure and Practice

CHAPTER 5

Persons who Lack Capacity to Manage their Affairs

Introduction

124.—(1) The rules in this Chapter apply where it appears to the court in relevant licensee nuclear company administration proceedings 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

125.—(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 a particular application or proceeding, or for the exercise of particular rights or powers which the incapacitated person might have exercised but for the incapacitated 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;
- (c) the nuclear administrator.

(4) An application under paragraph (3) may be made without notice to any other party.

(5) The court may require such notice of the application as it thinks necessary to be delivered 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 delivered.

(1) 2005 c. 9.

Status: This is the original version (as it was originally made).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

126. An application under rule 125(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

127. Any notice served on, or sent to, a person appointed under rule 125 has the same effect as if it had been served on, or sent to, the incapacitated person.