STATUTORY INSTRUMENTS

1962 No. 553 (L. 7)

MENTAL HEALTH

The Court of Protection (Amendment) Rules, 1962

Made - - - -	19*th March*, 1962
Laid before Parliament	26*th March*, 1962
Coming into Operation	2*nd April*, 1962

I, David, Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 114 of the Mental Health Act, 1959(**a**), and section 54 of the Trustee Act, 1925(**b**), as amended by the Seventh Schedule to the said Act of 1959, hereby with the consent of the Treasury, so far as is required by subsection (5) of section 112 of the said Act of 1959, make the following Rules:—

1. These Rules may be cited as the Court of Protection (Amendment) Rules, 1962, and shall come into operation on the second day of April, 1962.

2.—(1) The Interpretation Act, 1889(**c**), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(2) In these Rules a Rule referred to by number means the Rule so numbered in the Court of Protection Rules, 1960(**d**).

3. In paragraph (2) of Rule 2 after the definition of "seal" there shall be inserted the following definition:—

"'stock' includes shares and also any fund, annuity or security transferable in the books kept by any body corporate or unincorporated company or society, or by an instrument of transfer either alone or accompanied by other formalities, and 'dividends' shall be construed accordingly."

4. In Rule 14 for the figure "19" there shall be substituted the figure "20".

5. Paragraph (2) of Rule 18, paragraph (2) of Rule 19 and paragraph (2) of Rule 21 shall each be amended by inserting after the words "the applicant" the words "or one of the applicants".

6. Rule 27 shall be amended as follows:—

(1) In paragraph (1) for the words "Subject to the following provisions of this Rule" there shall be substituted the words "Unless the court otherwise directs".

(2) For sub-paragraph (*b*) of paragraph (1) there shall be substituted the following sub-paragraph:—

"(*b*) in the case of a patient, on the Receiver for him or, if there is no Receiver for him, on the person with whom he resides or in whose care he is;".

(3) In paragraph (2) the words "or is to be" shall be omitted.

(4) In paragraph (3) after the word "notice" there shall be inserted the words "or order", and after the figure "28" there shall be inserted the words "or 47".

(a) 7 & 8 Eliz. 2. c. 72.
(b) 15 & 16 Geo. 5. c. 19.
(c) 52 & 53 Vict. c. 63.
(d) S.I. 1960/1146 (1960 II, p. 1935).

7. The following Rule shall be substituted for Rule 91 :—

"*Fees on taxation*

91.—(1) There shall be payable in respect of the taxation of a bill of costs—

(*a*) where the amount allowed does not exceed £5, a fee of five shillings ;

(*b*) where the amount allowed exceeds £5 but does not exceed £100, a fee of one shilling for every £1 or part thereof allowed, and

(*c*) where the amount allowed exceeds £100, a fee of £5 for the first £100 and one shilling for every £2 or part thereof over £100 allowed.

(2) On the withdrawal of a bill of costs which has been lodged for taxation there shall be payable such fee (not exceeding the amount which would have been payable under paragraph (1) of this Rule if the bill had been allowed in full) as appears to the taxing officer to be fair and reasonable."

8. In sub-paragraph (*a*) of paragraph (1) of Rule 92 for the words "for each day or part of a day when he is absent from the court office, £2 0s. 0d." there shall be substituted the words "£1 and, for every half day or part thereof that he is necessarily absent from his office, £2".

9. In Rule 95, for the words "or 89" there shall be substituted the words "89 or 91".

Dated the nineteenth day of March, 1962.

Kilmuir, C.

We concur:

John Peel
Michael Noble } Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(*This Note is not part of the Rules, but is intended to indicate their general purport.*)

These Rules amend the Court of Protection Rules, 1960, so as (1) to provide that where a person to be served with a document is a patient for whom a receiver has been appointed, the document shall be served on the receiver unless the court otherwise orders, (2) to make the fees payable on the taxation of costs and the attendance of an officer as a witness the same as the corresponding fees in the Supreme Court Fees Order, 1961 (S.I. 1961/2307), and (3) to make a number of minor alterations in other provisions.