

## Order Appointing Joint or Joint and Several Deputies for Property and Affairs

L2.001

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COURT OF PROTECTION [Case No]  
MENTAL CAPACITY ACT 2005

In the matter of

[P]

### ORDER APPOINTING JOINT [AND SEVERAL]<sup>1</sup> DEPUTIES FOR PROPERTY AND AFFAIRS

made by [Judge / Authorised Officer]

at Thomas More Building, Royal Courts of Justice, Strand, London,  
WC2A 2LL

on [Date]

UPON the court being satisfied that [P] lacks capacity to make various decisions for himself in relation to a matter or matters concerning his property and affairs, and that the purpose for which this order is needed cannot be as effectively achieved in a way that is less restrictive of his rights and freedom of action.

IT IS ORDERED that:

#### 1. Appointment of deputy

- (a) [First Deputy's Name and Address] and [Second Deputy's Name and Address] are appointed [as joint deputies]<sup>2</sup> / [jointly and severally as deputies]<sup>3</sup> ("the deputies") to make decisions on behalf of [P] that he is unable to make for himself in relation to his property and affairs, subject to any conditions or restrictions set out in this order.
- (b) The appointment will last until further order.
- (c) The deputies must [jointly and severally]<sup>4</sup> apply the principles set out in section 1 of the Mental Capacity Act 2005 ("the Act") and have regard to the guidance in the Code of Practice to the Act.

#### 2. Authority of deputy

- (a) The court confers general authority on the deputies to take possession or control of the property and affairs of [P] and to exercise the same powers of management and investment, including [selling

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- and*] letting property, as he has as beneficial owner, subject to the terms and conditions set out in this order.
- (b) The deputies cannot purchase any freehold or leasehold property on [P]'s behalf without obtaining further authority from the court.
  - (c) [*The deputies must not sell, lease or charge any freehold or leasehold property in which P has a beneficial interest without obtaining further authority from the court.*]<sup>5</sup>
  - (d) If the deputies consider it in [P]'s best interests to do so they may appoint an investment manager, who is regulated and authorised to undertake investment business, to manage his assets on a discretionary basis under the standard terms and conditions applicable to such service from time-to-time, and to permit the investments to be held in the name of the investment manager nominee company.
  - (e) The deputies may make provision for the needs of anyone who is related to or connected with [P] if he provided for, or might be expected to provide for, that person's needs by doing whatever he did, or might reasonably be expected to do, to meet those needs.
  - (f) The deputies may (without obtaining any further authority from the court) dispose of [P]'s money or property by way of gift to any charity to which he made, or might have been expected to make, such gifts, and, on customary occasions, to persons who are related to or connected with him, provided that the value of each such gift is not unreasonable having regard to all the circumstances and, in particular, the size of his estate.
  - [(g) *On [P]'s behalf the deputies may take such steps as may be necessary to obtain (either alone or with a co-administrator) a grant of representation to the estate of [Name of Deceased] and to use the share to which [P] is entitled for his benefit.*]<sup>6</sup>
  - (h) For the purpose of giving effect to any decision the deputies may execute or sign any necessary deeds or documents.

### Notes:

- <sup>1</sup> Include where appointment is joint and several.
- <sup>2</sup> Include where appointment is to be joint.
- <sup>3</sup> Include where appointment is to be joint and several.
- <sup>4</sup> Include where appointment is to be joint and several.
- <sup>5</sup> Include where deputies are not to have power to sell or lease P's property.
- <sup>6</sup> Include where P has an entitlement to a grant of representation to the estate of a deceased person.

### 3. Reports

- (a) The deputies are [*jointly*]<sup>1</sup> required to keep statements, vouchers, receipts and other financial records.

- (b) The deputies must [*jointly*]<sup>2</sup> submit a report to the Public Guardian as and when required.

**Notes:**

<sup>1</sup> Include where appointment is to be joint and several.

<sup>2</sup> Include where appointment is to be joint and several.

#### 4. Costs and expenses

The deputies are entitled to be reimbursed for reasonable expenses incurred provided they are in proportion to the size of [P]'s estate and the functions performed by them<sup>1</sup>.

OR

The deputies are authorised to pay [*Name of Solicitor*]'s fixed costs for this application, or, where the amount exceeds the fixed costs allowed, they are authorised to agree the costs for making this application and to pay them from funds belonging to [P]. In default of agreement, or if the deputies or the solicitors would prefer the costs to be assessed, this order is to be treated as authority to the Senior Courts Costs Office to carry out a detailed assessment on the standard basis<sup>2</sup>.

OR

Any professional deputy is entitled to receive fixed costs in relation to this application, and to receive fixed costs for the general management of [P]'s affairs. If the deputy would prefer the costs to be assessed, this order is to be treated as authority to the Senior Courts Costs Office to carry out a detailed assessment on the standard basis<sup>3</sup>.

**Notes:**

<sup>1</sup> This clause relates to Lay Deputies only.

<sup>2</sup> This clause relates to Lay Deputies where a professional has submitted the application.

<sup>3</sup> This clause relates to Professional Deputies only.

#### 5. Security

- (a) The deputies are [*jointly*]<sup>1</sup> required forthwith to obtain and maintain security in the sum of £[*Security Amount*] in accordance with the standard requirements as to the giving of security.
- (b) The deputies must ensure that the level of security ordered by the court is in place before discharging any of the functions conferred by this order.

**Notes:**

<sup>1</sup> Include where appointment is to be joint and several.

#### 6. Right to apply for reconsideration of order

Any person who is affected by this order may apply to the court within 21 days of the order being served for reconsideration.