



Chadwick Lawrence

Yorkshire's Legal People

Court of Protection

What is the Court of Protection?

The Court of Protection is a Court that deals with decisions or actions taken under the Mental Capacity Act 2005. These usually concern an individual's finances, property, health and care in situations where that individual does not have the mental capacity to do so.

When is an application to the Court of Protection necessary?

An application to the Court is required if someone does not have a valid Power of Attorney and no longer has the mental capacity to now put one in place. The Court has powers to appoint a deputy to deal with an individual's finances and to make decisions surrounding that person's health and care. Family members are usually appointed as deputies, but a professional can also be appointed.

Even if a Power of Attorney is in place, some decisions (such as making gifts) are not automatically authorised by the Power and an application to the Court of Protection will be required to obtain consent.

How can I apply to the Court of Protection?

A number of forms must be completed and submitted to the Court. The application is accompanied by a mental capacity certificate which confirms that the individual is unable to make their own decisions. If the application is approved, the Court will then issue an order which gives the deputies permission to deal with the matters to which the application relates.

How can we help?

Our experienced Private Client team can assist with your Court of Protection matter, which may include advice on the duties of a deputy and the preparation and submission of the application to the Court on your behalf.