

MENTAL INCAPACITY — THE COURT OF PROTECTION

Inside this issue:

- [Court of Protection](#)
- [Deputy's duties](#)
- [Mental Capacity Act 2005](#)

Where a person is unable to create a Lasting Power of Attorney due to the fact that they are no longer able to understand the nature and implications of a legal document, an application may be made to the Court of Protection for the appointment of a Deputy. The Deputy appointed by the Court will then have the necessary powers to act on behalf of the person concerned. The Court will issue an Order setting out the extent of the Deputy's powers. The powers may relate to financial matters or personal welfare issues. The powers granted will depend upon the needs of the person concerned.

We can advise you on all aspects of Court of Protection applications and prepare the necessary application papers on your behalf.

Duties and Responsibilities of a Deputy

A Deputy must act in the best interest of the person they act for and only make decisions authorised by the Court. The Court will supervise Deputies in all matters relating to the management of finances and investigate complaints about Deputies if necessary.

Contacts

For further information, please contact your usual Leeds Day contact or

St Neots Office
01480 474661

Huntingdon Office
01480 454301

St Ives Office
01480 464600

Email: wills@leedsday.co.uk

For a full list of our offices and people please visit

www.leedsday.co.uk

The information contained in this note is correct to the best of our knowledge at the time of publication. It is intended as a general guide only and should not be taken as specific advice.

© Leedsday 2008.