

SCHEDULE 2

CONDUCT AND PROCEDURE IN RELATION TO APPEALS AND APPLICATIONS

PART IV

APPLICATION TO A COMMISSIONER FOR LEAVE TO APPEAL

Application to a Commissioner for leave to appeal to an appropriate appeal court

35.—(1) For the purposes of making an application for leave to appeal where—

- (a) a debtor is unable for the time being to act; and
- (b) no receiver has been appointed by the Court of Protection with power to claim or receive benefit on his behalf or as regards the application of these regulations in Scotland, his estate is not being administered by any tutor, curator, guardian or other judicial factor acting or appointed in terms of law,

the Secretary of State may, upon written application made to him by a person who, if a natural person, is over the age of 18, appoint that person to exercise, on behalf of the person who is unable to act, any right to which that person may be entitled.

(2) Where the Secretary of State has made an appointment under sub-paragraph (1)—

- (a) he may at any time revoke it;
- (b) the person appointed may resign his office after having given one month's notice in writing to the Secretary of State of his intention to do so;
- (c) any such appointment shall terminate when the Secretary of State is notified that a receiver has been appointed by the Court of Protection or, as regards the application of these Regulations in Scotland, any such appointment shall terminate when the Secretary of State is notified that such a person as is mentioned in sub-paragraph (1)(b) of this paragraph has been appointed to administer the offender's estate.

36. Paragraph 30 shall apply to an application for leave to appeal as it applies to the proceedings therein set out.