

# Court of Protection

## Deputy's declaration

### COP 4 01.12

<b>For office use only</b>
Date received
Case no.

Full name of person to whom the application relates (this is the name of the person who lacks, or is alleged to lack, capacity)

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### **Please read first**

- If you are applying to be appointed as a deputy then you need to complete this form and file it with the court.
- The court will use the information you provide in the declaration to assess your suitability to be a deputy.
- If you are appointed as a deputy you must have regard to the Mental Capacity Act 2005 Code of Practice. The Code of Practice has information about the duties and responsibilities that you have to take on as a deputy.

- The Code of Practice is available online at [www.justice.gov.uk](http://www.justice.gov.uk). Hardcopies are available from The Stationery Office (TSO), for a fee, by:
  - phoning 0870 600 5522;
  - emailing [customerservices@tso.co.uk](mailto:customerservices@tso.co.uk); or
  - ordering online at [www.tso.shop.co.uk](http://www.tso.shop.co.uk).
- Please continue on a separate sheet of paper if you need more space to answer a question. Write your name, the name and date of birth of person to whom the application relates, and number of the question you are answering on each separate sheet.
- If you need help completing this form please check the website, [www.justice.gov.uk](http://www.justice.gov.uk) or [www.direct.gov.uk](http://www.direct.gov.uk), for further guidance or information, or contact Court Enquiry Service on 0300 456 4600 or email [courtprotectionenquiries@hmcts.gsi.gov.uk](mailto:courtprotectionenquiries@hmcts.gsi.gov.uk).
- Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor.

## Section 1 - Your details (the person applying to be appointed as a deputy)

### 1.1 Your details

<input type="checkbox"/> Mr.	<input type="checkbox"/> Mrs.	<input type="checkbox"/> Miss
<input type="checkbox"/> Ms.	<input type="checkbox"/> Other	<input type="text"/>

First name

Middle name(s)

Last name

1.2 Address (including postcode)

Telephone no.

Daytime	
Evening	
Mobile	

E-mail address

1.3 What is your connection to the person to whom the application relates?

**Details of the person to whom the application relates**

1.4 Full name

Address (including postcode)

Date of birth

## Section 2 - Your personal circumstances

2.1 What is your current occupation?

If you are not in paid employment, please give details of your current circumstances.

2.2 How long have you worked in your current occupation?

Years

Months

2.3 Have you ever been appointed to act as a deputy or attorney for anyone else?

Yes

No

If Yes, please give the name(s) of the person(s) and (if known) the court reference(s).

2.4 Have you ever been convicted of a criminal offence? (Do not include convictions spent under the Rehabilitation of Offenders Act 1974).

Yes       No

If Yes, please provide details of the offence, including the date of conviction.

2.5 Are there any circumstances (personal or otherwise) which would interfere with your ability to carry out the duties of a deputy effectively? (e.g. ill health or business/family commitments).

Yes       No

If Yes, please provide details.

2.6 If you are not appointed as a deputy or become unable to take up an appointment, are you aware of any other person (or officer holder) who might wish to be considered as a deputy?

Yes       No

If Yes, please provide details.

### Section 3 - Your financial circumstances

Please complete this section if you are applying to be appointed as a property and affairs deputy.

3.1 Do you have a personal bank or building society current/deposit account?

Yes       No

3.2 Have you ever been refused credit? (e.g. having a personal loan application refused)

Yes       No

If Yes, please provide details.

3.3 Do you have any outstanding judgment debts?

Yes       No

If Yes, please provide details.

3.4 Have you personally ever been declared bankrupt or the debtor under an Individual Voluntary Arrangement under Part VIII of the Insolvency Act 1986?

Yes       No

If Yes, please provide details.

3.5 Are you currently an undischarged bankrupt or the debtor under an Individual Voluntary Arrangement?

Yes       No

If Yes, please give provide details.

3.6 Has any business that you have been involved with (whether a company, partnership or otherwise) been subject to a recognised insolvency regime (e.g. voluntary arrangement, winding-up, administration, receivership, administrative receivership)?

Yes       No

If Yes, please provide details.

3.7 Have you been the subject of a declaration under section 213 (fraudulent trading) or section 214 (wrongful trading) of the Insolvency Act 1986?

Yes       No

If Yes, please provide details.

3.8 Have you been the subject of a bankruptcy restrictions order under section 281A or Schedule 4A of the Insolvency Act 1986, or a disqualification order under section 1 of the Company Directors (Disqualification) Act 1986?

Yes

No

If Yes, please provide details.

3.9 Are you aware of any matter in which your financial interests may conflict with those of the person to whom the application relates? (e.g. occupation of a property which the person owns, any interest under the terms of their will)

Yes

No

If Yes, please provide details.

## **Section 4 - Your personal undertakings to the person to whom the application relates**

Becoming a deputy means that you have to take on a number of duties and responsibilities and have to act in accordance with certain standards. If you are appointed as a deputy, the court order will set out the exact powers conferred on you.

The main duties and responsibilities you may have to take on are set out below. Please review each one and tick 'Yes' if you give your undertaking to act in accordance with the duty or responsibility. You can use the 'Comments' section to support your undertakings. Please mention if you have a particular professional skill, life experience, public duty or role that you think is relevant.

If you do not give your undertaking and tick 'No', please use the 'Comments' section to explain your reasons. It may be because you do not yet have experience in the particular duty, or think you might not have the skills needed. It will not necessarily prevent your appointment as deputy.

Not all of the undertakings set out below will be relevant to every deputy. If you think this is the case, tick 'No' and explain in the 'Comments' section that the undertaking would be irrelevant to your appointment.

<b>Undertaking</b>	
1. I will have regard to the Mental Capacity Act 2005 Code of Practice and I will apply the principles of the Act when making a decision. In particular I will act in the best interests of the person to whom the application relates and I will only make those decisions that the person cannot make themselves.	
<b>Yes or No</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments</b>	

<b>Undertaking</b>	
2. I will act within the scope of the powers conferred on me by the court as set out in the order of appointment and will apply to the court if I feel additional powers are needed.	
<b>Yes or No</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments</b>	

<b>Undertaking</b>	
3. I will act with due care, skill and diligence, as I would do in making my own decisions and conducting my own affairs. Where I undertake my duties as a deputy in the course of my professional work (if relevant), I will abide by professional rules and standards.	
<b>Yes or No</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments</b>	

<b>Undertaking</b>	
4. I will make decisions on behalf of the person to whom the application relates as required under the court order appointing me. I will not delegate any of my powers as a deputy unless this is expressly permitted in the court order appointing me.	
<b>Yes or No</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments</b>	

<b>Undertaking</b>	
5. I will ensure that my personal interests do not conflict with my duties as a deputy, and I will not use my position for any personal benefit.	
<b>Yes or No</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments</b>	

<b>Undertaking</b>	
6. I will act with honesty and integrity, and will take any decisions made by the person to whom the application relates while they still had capacity, into account when determining their best interests.	
<b>Yes or No</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments</b>	

<b>Undertaking</b>	
7. I will keep the person's financial and personal information confidential (unless there is a good reason that requires me to disclose it).	
<b>Yes or No</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments</b>	

<b>Undertaking</b>	
8. I will comply with any directions of the court or reasonable requests made by the Public Guardian, including requests for reports to be submitted.	
<b>Yes or No</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments</b>	

<b>Undertaking</b>	
9. I will visit the person to whom the application relates as regularly as is appropriate and take an interest in their welfare.	
<b>Yes or No</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments</b>	

<b>Undertaking</b>	
10. I will work with the person to whom the application relates and any carer(s) to achieve the best quality of life for him or her within the funds available.	
<b>Yes or No</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments</b>	

<b>Undertaking</b>	
11. I will co-operate with any representative of the court or the Public Guardian who might wish to meet me or the person to whom the application relates to check that the deputyship arrangements are working.	
<b>Yes or No</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments</b>	

<b>Undertaking</b>	
12. I will immediately inform the court and the Public Guardian if I have any reason to believe that the person to whom the application relates no longer lacks capacity and may be able to manage his or her own affairs.	
<b>Yes or No</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments</b>	

<b>Further undertakings if you are applying to be appointed as a property and affairs deputy</b>	
13. I understand that I may be required to provide security for my actions as deputy. If I am required to purchase insurance, such as a guarantee bond, I undertake to pay premiums promptly from the funds of the person to whom the application relates.	
<b>Yes or No</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments</b>	

**Further undertakings if you are applying to be appointed as a property and affairs deputy**

**14.** I will keep accounts of dealings and transactions taken on behalf of the person to whom the application relates.

**Yes or No**

Yes

No

**Comments**

**Further undertakings if you are applying to be appointed as a property and affairs deputy**

**15.** I will keep the money and property of the person to whom the application relates separate from my own.

**Yes or No**

Yes

No

**Comments**

**Further undertakings if you are applying to be appointed as a property and affairs deputy**

**16.** I will ensure so far as is reasonable that the person to whom the application relates receives all benefits and other income to which they are entitled, that their bills are paid and that a tax return for them is completed annually.

**Yes or No**

Yes

No

**Comments**

**Further undertakings if you are applying to be appointed as a property and affairs deputy**

**17.** I will take reasonable steps to maintain the property of the person to whom the application relates (if applicable), for example arranging for insurance, repairs or improvements. If necessary I will arrange and oversee a sale or letting of property with appropriate legal advice.

**Yes or No**

Yes

No

**Comments**

**Section 5 - Personal statement to the court**

Please state why you wish to be the deputy of the person to whom the application relates.

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## **Section 6 - Statement of truth**

The statement of truth is to be signed by the person applying to be appointed as a deputy.

I believe that the facts stated in this declaration are true.

Signed

Name

Date

**Now read note 8 of the COP1 application form about what you need to do next.**

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