

Court of Protection Deputies — new costs rules

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The Office of the Public Guardian has announced that all deputies will, in future, be required to provide estimates of costs in relation to general management work. This is intended however to be an estimate rather than a budget and is not meant to be a cap and it is therefore unclear what would happen if the eventual deputies' costs are more than estimated. The estimate would be required when the annual report is submitted and will also have to accompany any bill submitted for detailed assessment. According to Kain Knight costs lawyers, Costs Judge Haworth (the Judge responsible for the assessment of Court of Protection bills at the Senior Court Costs Office) has stated that the estimate will be useful tool for costs officers to test whether the bills fulfil the tests of proportionality and reasonableness. Costs Judge Haworth further stated that the deputy has to consider the amount of the involvement they expect to have in the protected party's affairs in the forthcoming deputyship year and how much a professional deputy's fees are likely to cost the estate. A deputy should use their professional judgment in all matters relating to a protected party's affairs as if they believe that a change in circumstances (and therefore costs to the estate) is significant, and they should alert the Office of the Public Guardian of such changes to circumstances.

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