



IN THE SUPREME COURT OF THE FALKLAND ISLANDS

COURT OF PROTECTION

CASE NUMBER: SC/CIV/08/26

Date: 20th October 2026

IN THE MATTER OF A.B. (date of birth: REDACTED)

**ORDER
APPOINTING A RECEIVER FOR PROPERTY AND AFFAIRS**

BEFORE HHJ Simmons on 20th October 2026,

UPON THE APPLICATION of Nikki Murphy, Head of Social Services, for a General Order of Receivership in relation to A.B. (hereafter referred to as “the Patient”),

AND UPON the Court hearing submissions of Momtaz Begum, on behalf of the Applicant and the patient’s adult son, C.D. being present in Court,

AND UPON the Court considering a mental capacity assessment dated 10th July 2026,

AND UPON the Court reviewing the medical evidence, including a Medical Certificate dated 1st September 2026 of Dr. Rebecca Edwards, Chief Medical Officer, King Edward VII Memorial Hospital, Stanley, Falkland Islands;

AND UPON the Court being satisfied that the Patient lacks capacity to make various decisions for herself in relation to a matter or matters concerning her affairs and property,

AND UPON the Court noting that the patient currently resides with her son C.D.,

AND UPON the Court being satisfied that this Order and its terms are proportionate and that the purpose of this Order could not be achieved in a way that is less restrictive of the Patient's rights and freedom of action;

AND UPON the Court being satisfied that no security is required from the Receiver on the appointment;

AND UPON the Court noting the following conditions and requirements of the Receiver:

- a. The Receiver shall maintain a current account at the Standard Chartered Bank ('the Current Account') for the purposes of receiving the Patients income.
- b. The Receiver will maintain a second account at the Standard Chartered Bank ('the Savings Account') for the purposes of holding the Patients savings.
- c. Where the balance of the Current Account exceeds the sum of £5,000, any sum above this amount will be transferred to the Savings Account. The Receiver shall not draw on the money held in the Savings Account without the permission of the Court.
- d. In addition to the statutory obligations to provide information, the Receiver shall maintain a set of accounts. The Receiver shall file annual accounts with the Court, the first accounts to be filed on the first anniversary of the making of this Order. The accounts shall include copies of the most recent Accounts held for the Patient.

IT IS ORDERED THAT

2. Nikki Murphy, Head of Social Services, is appointed as Receiver.
3. The Receiver may make decisions on behalf of the Patient that she is unable to make for herself in relation to her property and affairs subject to any conditions or restrictions set out in this Order.
4. The appointment shall last until further order.
5. The Receiver shall have the following authority:
 - a. The court confers general authority on the Receiver to take possession or control of the property and affairs of the Patient and to exercise the same powers of management and investment as she has as beneficial owner, subject to the terms and conditions referred to herein;

- b. The Receiver shall have access to and control over all bank accounts operated by the Patient.
 - c. If the Receiver considers it in the Patient's best interest to do so, the Receiver may appoint an investment manager to manage her assets on a discretionary basis under the standard terms and conditions applicable to such service from time-to-time, and to permit the investments to be held in the name of the investment manager nominee company.
 - d. For the purpose of giving effect to any decision the Receiver may execute or sign any necessary deeds or documents.
6. The Receiver may invest the assets of the Patient if it is considered to be in her best interests to do so. In doing so:
- i. The Receiver must exercise such care and skill as is reasonable in the circumstances when investing the assets of the Patient.
 - ii. The Receiver may make any kind of investment that the person absolutely entitled to those assets could make.
 - iii. This general power of investment includes investment in land and investment in assets outside of the Falkland Islands.
 - iv. In exercising the power of investment, the Receiver must have regard to the standard investment criteria namely the suitability of the investments and the need of diversification in so far as is appropriate to the circumstances of the Patient.
 - v. The Receiver must from time to time review the investments and consider whether having regard to the standard investment criteria they should be varied.
 - vi. Unless the Receiver reasonably concludes that in all the circumstances it is unnecessary or inappropriate to do so before exercising any power of investment the Receiver must obtain and consider advice of a person who the Receiver reasonably believes to be qualified to give it by his or her ability in and practical experience of financial and other matters relating to the proposed investment, about the way in which, having regard to the standard investment criteria, the power should be exercised.

7. The Receiver is required to keep statements, vouchers, receipts and other financial records and must be prepared to provide these to the Court, if directed. Records kept under this paragraph must be available for inspection and production for a period of 3 years.
8. The Receiver must submit accounts in accordance with statutory obligations and, in addition, if so directed by the court.
9. The Receiver shall not be required to provide any security to the Court.
10. Any person who is affected by this Order may apply to the court for reconsideration of the terms of this order within 21 days of this Order being served upon them.
11. There shall be a review of this Order at 10am on 19th October 2027.
12. Liberty to apply.
13. No order for costs.