

143. Lunatics

- (1) Where it appears to the court that any debtor or creditor or other person who may be affected by any proceeding under the Ordinance or rules is a lunatic not so found by inquisition (hereinafter called *the lunatic*), the court may appoint such person as it may think fit to appear for, represent or act for and in the name of the lunatic, either generally or in and for the purpose of any particular application or proceeding or the exercise of any particular rights or powers which under the Ordinance and rules the lunatic might have exercised if he had been of sound mind. The appointment may be made by the court either on an application made as hereinafter mentioned or, if the court thinks fit so to do, without any previous application.
- (2) An application to the court to make an appointment under this rule may be made by any person who has been duly appointed by the court to manage the affairs or property of or to represent the lunatic, or by any relative or friend of the lunatic who may appear to the court to be a proper person to make the application, or by the Official Receiver.
- (3) The application may be made ex parte and without notice, but in any case in which the court thinks it desirable the court may require such notice of the application as it thinks necessary to be given to the Official Receiver or trustee (if any) or to the petitioning creditor or to the person alleged to be a lunatic, or to any other person, and for that purpose may adjourn the hearing of the application.
- (4) Where the application is made by some person other than the Official Receiver, it shall be supported by an affidavit of a medical practitioner as to the physical and mental condition of the lunatic. Where the application is made by the Official Receiver, it may be supported by a report of the Official Receiver, the contents of which shall be received as prima facie evidence of the facts therein stated.
- (5) When a person has been appointed under this rule, any notice under the Ordinance and rules served on or given to such person shall have the same effect as if the notice had been served on or given to the lunatic.