



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 2

#### THE COURT OF PROTECTION AND THE PUBLIC GUARDIAN

##### *Practice and procedure*

### **53 Rights of appeal**

- (1) Subject to the provisions of this section, an appeal lies to the Court of Appeal from any decision of the court.
- (2) Court of Protection Rules may provide that where a decision of the court is made by—
  - (a) a person exercising the jurisdiction of the court by virtue of rules made under section 51(2)(d),
  - (b) a district judge, or
  - (c) a circuit judge,an appeal from that decision lies to a prescribed higher judge of the court and not to the Court of Appeal.
- (3) For the purposes of this section the higher judges of the court are—
  - (a) in relation to a person mentioned in subsection (2)(a), a circuit judge or a district judge;
  - (b) in relation to a person mentioned in subsection (2)(b), a circuit judge;
  - (c) in relation to any person mentioned in subsection (2), one of the judges nominated by virtue of section 46(2)(a) to (c).
- (4) Court of Protection Rules may make provision—
  - (a) that, in such cases as may be specified, an appeal from a decision of the court may not be made without permission;
  - (b) as to the person or persons entitled to grant permission to appeal;
  - (c) as to any requirements to be satisfied before permission is granted;

*Status: Point in time view as at 03/11/2008. This version of this provision has been superseded.*

*Changes to legislation: Mental Capacity Act 2005, Section 53 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (d) that where a higher judge of the court makes a decision on an appeal, no appeal may be made to the Court of Appeal from that decision unless the Court of Appeal considers that—
  - (i) the appeal would raise an important point of principle or practice, or
  - (ii) there is some other compelling reason for the Court of Appeal to hear it;
- (e) as to any considerations to be taken into account in relation to granting or refusing permission to appeal.

**Status:**

Point in time view as at 03/11/2008. This version of this provision has been superseded.

**Changes to legislation:**

Mental Capacity Act 2005, Section 53 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.