
STATUTORY INSTRUMENTS

2007 No. 1744

The Court of Protection Rules 2007

PART 7

NOTIFYING P

General requirement to notify P

General

40.—(1) Subject to paragraphs (2) and (3), the rules in this Part apply where P is to be given notice of any matter or document, or is to be provided with any document, either under the Rules or in accordance with an order or direction of the court.

(2) If P becomes a party, the rules in this Part do not apply and service is to be effected in accordance with Part 6 or as directed by the court.

(3) In any case the court may, either on its own initiative or on application, direct that P must not be notified of any matter or document, or provided with any document, whether in accordance with this Part or at all.

Who is to notify P

41.—(1) Where P is to be notified under this Part, notification must be effected by—

- (a) the applicant;
- (b) the appellant (where the matter relates to an appeal);
- (c) an agent duly appointed by the applicant or the appellant; or
- (d) such other person as the court may direct.

(2) The person within paragraph (1) is referred to in this Part as “the person effecting notification”.

Circumstances in which P must be notified

Application forms

42.—(1) P must be notified—

- (a) that an application form has been issued by the court;
- (b) that an application form has been withdrawn; and
- (c) of the date on which a hearing is to be held in relation to the matter, where that hearing is for disposing of the application.

(2) Where P is to be notified that an application form has been issued, the person effecting notification must explain to P—

- (a) who the applicant is;

- (b) that the application raises the question of whether P lacks capacity in relation to a matter or matters, and what that means;
 - (c) what will happen if the court makes the order or direction that has been applied for; and
 - (d) where the application contains a proposal for the appointment of a person to make decisions on P's behalf in relation to the matter to which the application relates, details of who that person is.
- (3) Where P is to be notified that an application form has been withdrawn, the person effecting notification must explain to P—
- (a) that the application form has been withdrawn; and
 - (b) the consequences of that withdrawal.
- (4) The person effecting notification must also inform P that he may seek advice and assistance in relation to any matter of which he is notified.

Appeals

- 43.—**(1) P must be notified—
- (a) that an appellant's notice has been issued by the court;
 - (b) that an appellant's notice has been withdrawn; and
 - (c) of the date on which a hearing is to be held in relation to the matter, where that hearing is for disposing of the appellant's notice.
- (2) Where P is to be notified that an appellant's notice has been issued, the person effecting notification must explain to P —
- (a) who the appellant is;
 - (b) the issues raised by the appeal; and
 - (c) what will happen if the court makes the order or direction that has been applied for.
- (3) Where P is to be notified that an appellant's notice has been withdrawn, the person effecting notification must explain to P —
- (a) that the appellant's notice has been withdrawn; and
 - (b) the consequences of that withdrawal.
- (4) The person effecting notification must also inform P that he may seek advice and assistance in relation to any matter of which he is notified.

Final orders

- 44.—**(1) P must be notified of a final order of the court.
- (2) Where P is notified in accordance with this rule, the person effecting notification must explain to P the effect of the order.
- (3) The person effecting notification must also inform P that he may seek advice and assistance in relation to any matter of which he is notified.

Other matters

- 45.—**(1) This rule applies where the court directs that P is to be notified of any other matter.
- (2) The person effecting notification must explain to P such matters as may be directed by the court.

(3) The person effecting notification must also inform P that he may seek advice and assistance in relation to any matter of which he is notified.

Manner of notification, and accompanying documents

Manner of notification

46.—(1) Where P is to be notified under this Part, the person effecting notification must provide P with the information specified in rules 42 to 45 in a way that is appropriate to P's circumstances (for example, using simple language, visual aids or any other appropriate means).

(2) The information referred to in paragraph (1) must be provided to P personally.

(3) P must be provided with the information mentioned in paragraph (1) as soon as practicable and in any event within 21 days of the date on which—

- (a) the application form or appellant's notice was issued or withdrawn;
- (b) the order was made; or
- (c) the person effecting notification received the notice of hearing from the court and in any event no later than 14 days before the date specified in the notice of the hearing,

as the case may be.

Acknowledgment of notification

47. When P is notified that an application form or an appellant's notice has been issued, he must also be provided with a form for acknowledging notification.

Certificate of notification

48. The person effecting notification must, within 7 days beginning with the date on which notification in accordance with this Part was given, file a certificate of notification which certifies—

- (a) the date on which P was notified; and
- (b) that he was notified in accordance with this Part.

Dispensing with requirement to notify, etc

49.—(1) The applicant, the appellant or other person directed by the court to effect notification may apply to the court seeking an order —

- (a) dispensing with the requirement to comply with the provisions in this Part; or
- (b) requiring some other person to comply with the provisions in this Part.

(2) An application under this rule must be made in accordance with Part 10.