
STATUTORY INSTRUMENTS

2015 No. 548

The Court of Protection (Amendment) Rules 2015

Amendments to the Court of Protection Rules 2007

57. After rule 171, insert—

“Destination of appeals

171A.—(1) An appeal from a decision of a judge of the court shall lie to the Court of Appeal in the following cases—

- (a) where it is an appeal from a decision of a Tier 3 Judge; or
- (b) where it is a second appeal.

(2) Subject to paragraph (1) and to any alternative provision made by the relevant practice direction—

- (a) where the first instance judge was a Tier 1 Judge, any appeal shall be heard by a Tier 2 Judge;
- (b) where the first instance judge was a Tier 2 Judge, any appeal shall be heard by a Tier 3 Judge.

(3) No appeal may be made against a decision of a court officer authorised under rule 7A.

(A decision of a court officer authorised under rule 7A can be reconsidered by a judge under rule 89.)

Permission to appeal – appeals to the Court of Appeal

171B.—(1) Subject to rule 172A, an appeal to the Court of Appeal against a decision of a judge of the court may not be made without permission.

(2) Where an appeal to the Court of Appeal is made from a decision of a Tier 3 Judge, permission may be granted by the first instance judge or by the Court of Appeal, unless the appeal is a second appeal.

(3) Where an appeal to the Court of Appeal is a second appeal, permission may only be granted by the Court of Appeal.

(4) No appeal shall lie against—

- (a) the granting or refusal of permission under this rule; or
- (b) an order allowing an extension of time for appealing from an order.

(The procedure for an appeal from a decision of a judge of the court to the Court of Appeal, including requirements for permission, is governed by the Civil Procedure Rules 1998.)”