
STATUTORY INSTRUMENTS

2015 No. 548 (L. 6)

MENTAL CAPACITY, ENGLAND AND WALES

The Court of Protection (Amendment) Rules 2015

Made - - - - 4th March 2015

Laid before Parliament 9th March 2015

Coming into force in accordance with rule 2

THE COURT OF PROTECTION (AMENDMENT) RULES 2015

1. Citation, commencement and interpretation
2. These Rules come into force as follows—
3. In these Rules, a reference to a Part or rule...
4. Amendments to the Court of Protection Rules 2007
5. After rule 3, insert— Participation of P (1) The court shall in each case, on its own...
6. For rule 4 substitute— The duty of the parties (1) The parties are required to help the court to...
7. In rule 5(2)— (a) at the end of sub-paragraph (j),...
8. In rule 6— (a) after the definition of “the Act”...
9. For rule 9 substitute— Application of Civil Procedure Rules and...
10. In rule 10(1), omit sub-paragraph (a).
11. In rule 11— (a) in paragraph (1)(a), for “a permission...
12. After rule 11 insert— Position statement not required to be...
13. In rule 12— (a) for “a permission form, application form...
14. Omit rule 25(7).
15. In rule 33— (a) in paragraph (1), for “other person...
16. For rule 39 substitute— Scope and interpretation (1) This rule and rules 39A to 39H make provision...
17. In rule 40— (a) in paragraph (2), for “If” substitute...
18. After rule 41 insert— Notifying P of appointment of a...
19. In rule 44— (a) in paragraph (1), for “a final...
20. In rule 46— (a) in paragraph (1)—
21. For rule 48 substitute— Certificate of notification (1) The person effecting notification must, within 7 days beginning...
22. For rule 51, substitute— Where the court’s permission is not...
23. Omit rule 52.
24. Omit rule 53(1).

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25. For rule 54, substitute— Application for permission Where permission is required, the applicant must apply for permission...
26. Omit rules 55 to 58.
27. In rule 59— (a) for “will” substitute “must”; and
28. At the end of rule 60, insert— (Rule 89 deals...
29. Omit rule 61(3).
30. In rule 64, omit sub-paragraph (b).
31. For rule 65, substitute— What the court will do when...
32. In rule 66, for “21” substitute “14”.
33. In rule 67(3), for “21” substitute “14”.
34. In rule 68(3), for “21” substitute “14”.
35. In rule 70(1), for “21” substitute “14”.
36. In rule 72— (a) in paragraph (2), for “21” substitute...
37. In rule 77, after paragraph (4) insert—
38. After rule 81, insert— Security for costs (1) A respondent to any application may apply for security...
39. In rule 84— (a) after paragraph (1), insert—
40. In rule 85— (a) in paragraph (2), omit sub-paragraphs (c)...
41. For rule 86, substitute— Court’s jurisdiction in certain kinds of...
42. In rule 87, in paragraph (3)— (a) omit “and” at...
43. After rule 87, insert— Permission required to withdraw proceedings (1) Proceedings may only be withdrawn with the permission of...
44. At the end of rule 88, insert— (Rule 3A deals...
45. In rule 89— (a) for paragraph (6), substitute—
46. In rule 91— (a) in paragraph (1), for the words...
47. In rule 95— (a) omit “and” at the end of...
48. In rule 120— (a) in paragraph (1), omit “permission form...
49. For Part 17, substitute the new Part 17 in the...
50. In rule 155— (a) for paragraph (1), substitute—
51. In rule 159, in paragraph (2)— (a) omit “and” at...
52. For rule 160, substitute— Rules about costs in the Civil...
53. In rule 166— (a) in paragraph (1)—
54. For rule 169, substitute— Scope of this Part This Part applies to an appeal against any decision of...
55. In rule 170, in paragraph (1)— (a) for the full...
56. In rule 171, after paragraph (2) insert—
57. After rule 171, insert— Destination of appeals (1) An appeal from a decision of a judge of...
58. For rule 172, substitute— Permission to appeal – other cases...
59. In rule 173, after paragraph (2), insert—
60. For rule 174, substitute— Power to treat application for permission...
61. In rule 175, in paragraph (1), for “the appeal judge”...
62. In rule 176— (a) in paragraph (1)(a), for “the appeal...
63. Omit rule 177(1).
64. Omit rules 180 to 182.
65. In rule 184— (a) in the heading, omit “and RSC...
66. Transitional provision
Signature

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Explanatory Note