
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 17

LITIGATION FRIENDS AND RULE 1.2 REPRESENTATIVES

SECTION 1 – LITIGATION FRIENDS

Litigation friend without a court order

17.3.—(1) This rule does not apply—

- (a) in relation to P;
- (b) where the court has appointed a person under rule 17.4 or 17.5; or
- (c) where the Official Solicitor is to act as a litigation friend.

(2) A deputy with the power to conduct legal proceedings in the name of a protected party or on the protected party's behalf is entitled to be a litigation friend of the protected party in any proceedings to which the deputy's power relates.

(3) If no-one has been appointed by the court or, in the case of a protected party, there is no deputy with the power to conduct proceedings, a person who wishes to act as a litigation friend must—

- (a) file a certificate of suitability stating that they satisfy the conditions in rule 17.1(1); and
- (b) serve the certificate of suitability on—
 - (i) the person on whom an application form is to be served in accordance with rule 6.4 (service on children and protected parties); and
 - (ii) every other person who is a party to the proceedings.

(4) If the person referred to in paragraph (2) wishes to act as a litigation friend for the protected party, that person must file and serve on the persons mentioned in paragraph (3)(b) a copy of the court order which appointed that person.