
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 17

LITIGATION FRIENDS AND RULE 1.2 REPRESENTATIVES

SECTION 1 – LITIGATION FRIENDS

Court's power to prevent a person from acting as a litigation friend or to bring an end to an appointment of a person as a litigation friend or to appoint another one

17.5.—(1) The court may either on its own initiative or on the application of any person—

- (a) direct that a person may not act as a litigation friend;
- (b) bring to an end a litigation friend's appointment; or
- (c) appoint a new litigation friend in place of an existing one.

(2) If an application for an order under paragraph (1) is based on the conduct of the litigation friend, it must be supported by evidence.

(3) The court may not appoint a litigation friend under this rule unless it is satisfied that the person to be appointed satisfies the conditions in rule 17.1(1).

(4) The appointment of a litigation friend continues until brought to an end by court order.

(Rule 13.1 (procedure for disputing the court's jurisdiction) applies if P has capacity in relation to the matter or matters to which the application relates.)