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STATUTORY INSTRUMENTS

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**2017 No. 1035**

**The Court of Protection Rules 2017**

**PART 4**

**HEARINGS**

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*Private hearings*

**General rule – hearing to be held in private**

- 4.1.**—(1) The general rule is that a hearing is to be held in private.
- (2) A private hearing is a hearing which only the following persons are entitled to attend—
- (a) the parties;
  - (b) P (whether or not a party);
  - (c) any person acting in the proceedings as a litigation friend or rule 1.2 representative;
  - (d) any legal representative of a person specified in any of sub-paragraphs (a) or (b); and
  - (e) any court officer.
- (3) In relation to a private hearing, the court may make an order—
- (a) authorising any person, or class of persons, to attend the hearing or a part of it; or
  - (b) excluding any person, or class of persons, from attending the hearing or a part of it.
- (4) The general rule in paragraph (1) does not apply to a hearing for a committal order or writ of sequestration (in respect of which rule 21.27 makes provision).

### **Court's general power to authorise publication of information about proceedings**

**4.2.**—(1) For the purposes of the law relating to contempt of court, information relating to proceedings held in private (whether or not contained in a document filed with the court) may be communicated in accordance with paragraph (2) or (3).

(2) The court may make an order authorising—

- (a) the publication or communication of such information or material relating to the proceedings as it may specify; or
- (b) the publication of the text or a summary of the whole or part of a judgment or order made by the court.

(3) Subject to any direction of the court, information referred to in paragraph (1) may be communicated in accordance with Practice Direction 4A.

(4) Where the court makes an order under paragraph (2) it may do so on such terms as it thinks fit, and in particular may—

- (a) impose restrictions on the publication of the identity of—
  - (i) any party;
  - (ii) P (whether or not a party);
  - (iii) any witness; or
  - (iv) any other person;
- (b) prohibit the publication of any information that may lead to any such person being identified;
- (c) prohibit the further publication of any information relating to the proceedings from such date as the court may specify; or
- (d) impose such other restrictions on the publication of information relating to the proceedings as the court may specify.

(5) The court may on its own initiative or upon request authorise communication—

- (a) for the purposes set out in Practice Direction 4A; or
- (b) for such other purposes as it considers appropriate,

of information held by it.

### *Power to order a public hearing*

### **Court's power to order that a hearing be held in public**

**4.3.**—(1) The court may make an order—

- (a) for a hearing to be held in public;
- (b) for a part of a hearing to be held in public; or
- (c) excluding any person, or class of persons, from attending a public hearing or a part of it.

(2) Where the court makes an order under paragraph (1), it may in the same order or by a subsequent order—

- (a) impose restrictions on the publication of the identity of—
  - (i) any party;
  - (ii) P (whether or not a party);
  - (iii) any witness; or

- (iv) any other person;
  - (b) prohibit the publication of any information that may lead to any such person being identified;
  - (c) prohibit the further publication of any information relating to the proceedings from such date as the court may specify; or
  - (d) impose such other restrictions on the publication of information relating to the proceedings as the court may specify.
- (3) A practice direction may provide for circumstances in which the court will ordinarily make an order under paragraph (1), and for the terms of the order under paragraph (2) which the court will ordinarily make in such circumstances.

### *Supplementary*

#### **Supplementary provisions relating to public or private hearings**

- 4.4.**—(1) Subject to provision in a practice direction made under rule 4.3(3), an order under rule 4.1, 4.2 or 4.3 may be made—
- (a) only where it appears to the court that there is good reason for making the order;
  - (b) at any time; and
  - (c) either on the court’s own initiative or on an application made by any person in accordance with Part 10.
- (2) A practice direction may make further provision in connection with—
- (a) private hearings;
  - (b) public hearings; or
  - (c) the publication of information about any proceedings.