
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 9

**HOW TO START AND RESPOND TO
PROCEEDINGS, AND PARTIES TO PROCEEDINGS**

The parties to the proceedings

Parties to the proceedings

- 9.13.**—(1) Unless the court directs otherwise, the parties to any proceedings are—
- (a) the applicant; and
 - (b) any person who is named as a respondent in the application form and who files an acknowledgment of service in respect of the application form.
- (2) The court may order a person to be joined as a party if it considers that it is desirable to do so for the purpose of dealing with the application.
- (3) The court may at any time direct that any person who is a party to the proceedings is to be removed as a party.
- (4) Unless the court orders otherwise, P shall not be named as a respondent to any proceedings.
- (5) A party to the proceedings is bound by any order or direction of the court made in the course of those proceedings.

Persons to be bound as if parties

- 9.14.**—(1) The persons mentioned in paragraph (2) shall be bound by any order made or directions given by the court in the same way that a party to the proceedings is so bound.
- (2) The persons referred to in paragraph (1) are—
- (a) P; and
 - (b) any person who has been served with or notified of an application form in accordance with these Rules.

Application to be joined as a party

- 9.15.**—(1) Any person with sufficient interest may apply to the court to be joined as a party to the proceedings.
- (2) An application to be joined as a party must be made by filing an application notice in accordance with Part 10, which must—
- (a) state the full name and address of the person seeking to be joined as a party to the proceedings;

- (b) state that person's interest in the proceedings;
 - (c) state whether that person consents to the application;
 - (d) state whether that person opposes the application and, if so, set out the grounds for doing so;
 - (e) state whether that person proposes that an order different from that set out in the application form should be made and, if so, set out what that order is;
 - (f) provide an address for service, which must be within the jurisdiction of the court; and
 - (g) be signed by that person or that person's legal representative.
- (3) Subject to rules 15.2 and 15.5 (restriction on filing an expert's report and court's power to restrict expert evidence), a person's application to be joined must be accompanied by—
- (a) a witness statement containing evidence of that person's interest in the proceedings and, if that person proposes that an order different from that set out in the application form should be made, the evidence on which that person intends to rely; and
 - (b) a sufficient number of copies of the application notice to enable service of the application on every other party to the proceedings.
- (4) The court must serve the application notice and any accompanying documents on all parties to the proceedings.
- (5) The court must consider whether to join a person applying under this rule as a party to the proceedings and, if it decides to do so, must make an order to that effect.

Application for removal as a party to proceedings

9.16. A person who wishes to be removed as a party to the proceedings must apply to the court for an order to that effect in accordance with Part 10.