



Mental Capacity Act 2005

2005 CHAPTER 9

PART 2

THE COURT OF PROTECTION AND THE PUBLIC GUARDIAN

Practice and procedure

53 Rights of appeal

- (1) Subject to the provisions of this section, an appeal lies to the Court of Appeal from any decision of the court.
- (2) Court of Protection Rules may provide that where a decision of the court is made by—
 - (a) a person exercising the jurisdiction of the court by virtue of rules made under section 51(2)(d),
 - (b) a district judge, or
 - (c) a circuit judge,an appeal from that decision lies to a prescribed higher judge of the court and not to the Court of Appeal.
- (3) For the purposes of this section the higher judges of the court are—
 - (a) in relation to a person mentioned in subsection (2)(a), a circuit judge or a district judge;
 - (b) in relation to a person mentioned in subsection (2)(b), a circuit judge;
 - (c) in relation to any person mentioned in subsection (2), one of the judges nominated by virtue of section 46(2)(a) to (c).
- (4) Court of Protection Rules may make provision—
 - (a) that, in such cases as may be specified, an appeal from a decision of the court may not be made without permission;
 - (b) as to the person or persons entitled to grant permission to appeal;
 - (c) as to any requirements to be satisfied before permission is granted;

Status: This is the original version (as it was originally enacted).

- (d) that where a higher judge of the court makes a decision on an appeal, no appeal may be made to the Court of Appeal from that decision unless the Court of Appeal considers that—
 - (i) the appeal would raise an important point of principle or practice, or
 - (ii) there is some other compelling reason for the Court of Appeal to hear it;
- (e) as to any considerations to be taken into account in relation to granting or refusing permission to appeal.