
STATUTORY INSTRUMENTS

2007 No. 1744

The Court of Protection Rules 2007

PART 2

THE OVERRIDING OBJECTIVE

The overriding objective

3.—(1) These Rules have the overriding objective of enabling the court to deal with a case justly, having regard to the principles contained in the Act.

(2) The court will seek to give effect to the overriding objective when it—

- (a) exercises any power under these Rules; or
- (b) interprets any rule or practice direction.

(3) Dealing with a case justly includes, so far as is practicable—

- (a) ensuring that it is dealt with expeditiously and fairly;
- (b) ensuring that P's interests and position are properly considered;
- (c) dealing with the case in ways which are proportionate to the nature, importance and complexity of the issues;
- (d) ensuring that the parties are on an equal footing;
- (e) saving expense; and
- (f) allotting to it an appropriate share of the court's resources, while taking account of the need to allot resources to other cases.

The duty of the parties

4. The parties are required to help the court to further the overriding objective.

Court's duty to manage cases

5.—(1) The court will further the overriding objective by actively managing cases.

(2) Active case management includes—

- (a) encouraging the parties to co-operate with each other in the conduct of the proceedings;
- (b) identifying at an early stage—
 - (i) the issues; and
 - (ii) who should be a party to the proceedings;
- (c) deciding promptly—
 - (i) which issues need a full investigation and hearing and which do not; and
 - (ii) the procedure to be followed in the case;
- (d) deciding the order in which issues are to be resolved;

- (e) encouraging the parties to use an alternative dispute resolution procedure if the court considers that appropriate;
- (f) fixing timetables or otherwise controlling the progress of the case;
- (g) considering whether the likely benefits of taking a particular step justify the cost of taking it;
- (h) dealing with as many aspects of the case as the court can on the same occasion;
- (i) dealing with the case without the parties needing to attend at court;
- (j) making use of technology; and
- (k) giving directions to ensure that the case proceeds quickly and efficiently.