
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 10

APPLICATIONS WITHIN PROCEEDINGS

Types of applications for which the Part 10 procedure may be used

- 10.1.**—(1) The Part 10 procedure is the procedure set out in this Part.
- (2) The Part 10 procedure may be used if the application is made by any person—
- (a) in the course of existing proceedings; or
 - (b) as provided for in a rule or practice direction.
- (3) The court may grant an interim remedy before an application form has been issued only if—
- (a) the matter is urgent; or
 - (b) it is otherwise necessary to do so in the interests of justice.
- (4) An application made during the course of existing proceedings includes an application made during appeal proceedings.
- (5) Where the application seeks solely to withdraw an existing application—
- (a) the applicant must file a written request for permission setting out succinctly the reasons for the request;
 - (b) the request must be in an application notice;
 - (c) the court may permit an application to be made orally at a hearing or in such alternative written form as it thinks fit.
- (6) Where the court deals with a written request under paragraph (5) without a hearing, rule 13.4 applies to any order so made.

(Rule 13.2 requires the court's permission to withdraw proceedings.)