
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 10

APPLICATIONS WITHIN PROCEEDINGS

Application notice to be filed

10.2.—(1) Subject to paragraph (5), the applicant must file an application notice to make an application under this Part.

(2) The applicant must, when filing the application notice, file the evidence on which the applicant relies (unless such evidence has already been filed).

(3) The court must issue the application notice and, if there is to be a hearing, give notice of the date on which the matter is to be heard by the court.

(4) Notice under paragraph (3) must be given to—

- (a) the applicant;
- (b) anyone who is named as a respondent in the application notice (if not otherwise a party to the proceedings);
- (c) every party to the proceedings; and
- (d) any other person, as the court may direct.

(5) An applicant may make an application under this Part without filing an application notice if—

- (a) this is permitted by any rule or practice direction; or
- (b) the court dispenses with the requirement for an application notice.

(6) If the applicant makes an application without giving notice, the evidence in support of the application notice must state why notice has not been given.