
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 20

APPEALS

Determination of appeals

20.14.—(1) An appeal shall be limited to a review of the decision of the first instance judge unless—

- (a) a practice direction makes different provision for a particular category of appeal; or
- (b) the appeal judge considers that in the circumstances of the appeal it would be in the interests of justice to hold a re-hearing.

(2) Unless the appeal judge orders otherwise, the appeal judge shall not receive—

- (a) oral evidence; or
- (b) evidence that was not before the first instance judge.

(3) The appeal judge shall allow an appeal where the decision of the first instance judge was—

- (a) wrong; or
- (b) unjust, because of a serious procedural or other irregularity in the proceedings before the first instance judge.

(4) The appeal judge may draw any inference of fact that the appeal judge considers justified on the evidence.

(5) At the hearing of the appeal, a party may not rely on a matter not contained in the appellant's or respondent's notice unless the appeal judge gives permission.