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STATUTORY INSTRUMENTS

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**2017 No. 1035**

**The Court of Protection Rules 2017**

**PART 24**

**MISCELLANEOUS**

**Objections to registration of an enduring power of attorney – request for directions**

- 24.4.**—(1) This rule applies in any case where—
- (a) the Public Guardian (having received a notice of objection to the registration of an instrument creating an enduring power of attorney) is prevented by paragraph 13(5) of Schedule 4 to the Act from registering the instrument except in accordance with the court’s directions; and
  - (b) on or before the relevant day, no application for the court to give such directions has been made under Part 9 (how to start proceedings).
- (2) In paragraph (1)(b) the relevant day is the later of—
- (a) the final day of the period specified in paragraph 13(4) of Schedule 4 to the Act; or
  - (b) the final day of the period of 14 days beginning with the date on which the Public Guardian receives the notice of objection.
- (3) The Public Guardian may seek the court’s directions about registering the instrument, by filing a request in accordance with the relevant practice direction.
- (4) As soon as practicable and in any event within 21 days of the date on which the request was made, the court shall notify—
- (a) the person (or persons) who gave the notice of objection; and
  - (b) the attorney or, if more than one, each of them.
- (5) As soon as practicable and in any event within 21 days of the date on which the request is filed, the Public Guardian must notify the donor of the power that the request has been so filed.
- (6) The notice under paragraph (4) must—
- (a) state that the Public Guardian has requested the court’s directions about registration;
  - (b) state that the court will give directions in response to the request unless an application under Part 9 is made to it before the end of the period of 21 days commencing with the date on which the notice is issued; and
  - (c) set out the steps required to make such an application.
- (7) “Notice of objection” means a notice of objection which is made in accordance with paragraph 13(4) of Schedule 4 to the Act.