
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 3

MANAGING THE CASE

Dealing with the application

3.6.—(1) This rule and rule 3.7 are subject to any provision made by a practice direction in respect of the case pathway to which the case is allocated.

(2) As soon as practicable after any application has been issued the court shall consider how to deal with it.

(3) Where permission to start proceedings is required, and whether or not it has been applied for, the court's consideration under paragraph (2) shall include whether to grant or refuse permission without a hearing, or to direct a hearing to consider whether permission should be granted.

(4) The court may deal with an application or any part of an application at a hearing or without a hearing.

(5) In considering whether it is necessary to hold a hearing, the court shall, as appropriate, have regard to—

- (a) the nature of the proceedings and the orders sought;
 - (b) whether the application is opposed by a person who appears to the court to have an interest in matters relating to P's best interests;
 - (c) whether the application involves a substantial dispute of fact;
 - (d) the complexity of the facts and the law;
 - (e) any wider public interest in the proceedings;
 - (f) the circumstances of P and of any party, in particular as to whether their rights would be adequately protected if a hearing were not held;
 - (g) whether the parties agree that the court should dispose of the application without a hearing; and
 - (h) any other matter specified in the relevant practice direction.
- (6) Where the court considers that a hearing is necessary it shall—
- (a) give notice of the hearing date to the parties and to any other person it directs;
 - (b) state what is to be dealt with at the hearing, including whether the matter is to be disposed of at that hearing; and
 - (c) consider whether it is appropriate—
 - (i) for the hearing or any part of it to be in public; and
 - (ii) to make any order under rule 4.1, 4.2 or 4.3.

(Rule 3.9 and Practice Direction 3B make provision about the case pathways.)