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STATUTORY INSTRUMENTS

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**2017 No. 1035**

**The Court of Protection Rules 2017**

**PART 9**

**HOW TO START AND RESPOND TO  
PROCEEDINGS, AND PARTIES TO PROCEEDINGS**

*Steps following issue of application form*

**Applications relating to enduring powers of attorney**

**9.8.**—(1) Where the application concerns the powers of the court under paragraphs 2(9), 4(5)(a) and (b), 7(2), 10(c), 13, or 16(2), (3), (4) and (6) of Schedule 4 to the Act, the applicant must serve a copy of the application form, together with copies of any documents filed in accordance with rule 9.4 and a form for acknowledging service—

- (a) unless the applicant is the donor or attorney under the enduring power of attorney (“the power”), on the donor and every attorney under the power;
- (b) if the applicant is the donor, on every attorney under the power; or
- (c) if the applicant is an attorney, on the donor and any other attorney under the power,

but only if the persons mentioned in sub-paragraphs (a) to (c) have not been served or notified under any other rule.

(2) Where the application is solely in respect of an objection to the registration of the power, the requirements of rules 9.6 and 9.10 do not apply to an application made under this rule by—

- (a) an attorney under the power; or
- (b) a person listed in paragraph 6(1) of Schedule 4 to the Act.

(3) The applicant must comply with paragraph (1) as soon as practicable and in any event within 14 days of the date on which the application form was issued.

(4) The applicant must file a certificate of service within 7 days beginning with the date on which the documents were served.

(5) Where the applicant knows or has reasonable grounds to believe that the donor of the power lacks capacity to make a decision in relation to any matter that is the subject of the application, the applicant must notify the donor in accordance with Part 7.