STATUTORY INSTRUMENTS

# 2017 No. 1035 (L. 16)

# MENTAL CAPACITY, ENGLAND AND WALES

The Court of Protection Rules 2017

Made	26th October 2017
Laid before Parliament	30th October 2017
Coming into force	1st December 2017

## THE COURT OF PROTECTION RULES 2017

## PART 1

## THE OVERRIDING OBJECTIVE

- 1.1 Overriding objective
- 1.2 Participation of P

### Duties to further the overriding objective

- 1.3 Court's duty to manage cases
- 1.4 The duty of the parties
- 1.5 The duty of legal representatives
- 1.6 The duty of unrepresented litigants

## PART 2

### INTERPRETATION AND GENERAL PROVISIONS

- 2.1 Interpretation
- 2.2 Court officers
- 2.3 Court officers authorisation
- 2.4 Computation of time
- 2.5 Application of the Civil Procedure Rules and Family Procedure Rules
- 2.6 Pilot schemes

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- 3.1 The court's general powers of case management
- 3.2 Case management unrepresented parties
- 3.3 Court's power to dispense with requirement of any rule

**Changes to legislation:** There are currently no known outstanding effects for the The Court of Protection Rules 2017. (See end of Document for details)

- 3.4 Exercise of powers on the court's own initiative
- 3.5 General power of the court to rectify matters where there has been an error of procedure
- 3.6 Dealing with the application
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- 3.8 Court's jurisdiction in certain kinds of cases to be exercised by certain judges
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## HEARINGS

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- 4.1 General rule hearing to be held in private
- 4.2 Court's general power to authorise publication of information about proceedings

#### *Power to order a public hearing*

4.3 Court's power to order that a hearing be held in public

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4.4 Supplementary provisions relating to public or private hearings

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#### COURT DOCUMENTS

- 5.1 Documents used in court proceedings
- 5.2 Documents required to be verified by a statement of truth
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- 5.8 Supply of documents to a party from court records
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## SERVICE OF DOCUMENTS

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- 6.1 Scope
- 6.2 Who is to serve
- 6.3 Methods of service
- 6.4 Service of documents on children and protected parties
- 6.5 Service of documents on P if P becomes a party
- 6.6 Substituted service
- 6.7 Deemed service
- 6.8 Certificate of service
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- 6.10 Power of court to dispense with service

## Service out of the jurisdiction

- 6.11 Scope and interpretation
- 6.12 Service of application form and other documents out of the jurisdiction
- 6.13 Period for acknowledging service or responding to application where application is served out of the jurisdiction
- 6.14 Method of service general provisions
- 6.15 Service in accordance with the Service Regulation
- 6.16 Service through foreign governments, judicial authorities and British Consular authorities
- 6.17 Procedure where service is to be through foreign governments, judicial authorities and British Consular authorities
- 6.18 Translation of application form or other document
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## PART 7

## NOTIFYING P

### General requirement to notify P

- 7.1 General
- 7.2 Who is to notify P
- 7.3 Notifying P of appointment of a litigation friend, etc.

## Circumstances in which P must be notified

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- 7.5 Appeals
- 7.6 Decisions and orders of the court
- 7.7 Other matters

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- 7.8 Manner of notification
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- 7.10 Certificate of notification
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- 8.3 Permission supplementary
- 8.4 Application for permission
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- 8.6 Appeal against a permission decision following a hearing

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- 9.2 When proceedings are started
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- 9.6 Applicant to serve the application form on named respondents
- 9.7 Applications relating to lasting powers of attorney
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9.12 Responding to an application

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**Changes to legislation:** There are currently no known outstanding effects for the The Court of Protection Rules 2017. (See end of Document for details)

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13.3 Participation in hearings

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**Changes to legislation:** There are currently no known outstanding effects for the The Court of Protection Rules 2017. (See end of Document for details)

## PART 17

## LITIGATION FRIENDS AND RULE 1.2 REPRESENTATIVES

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- 17.2 Requirement for a litigation friend
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## INTERNATIONAL PROTECTION OF ADULTS

- 23.1 Applications in connection with Schedule 3 to the Act general
- 23.2 Interpretation
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## MISCELLANEOUS

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- 24.6 Citation and commencement, revocations and transitional provision Signature

SCHEDULE — Revocations

Explanatory Note

## Changes to legislation:

There are currently no known outstanding effects for the The Court of Protection Rules 2017.