
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules set out the practice and procedure to be followed in the Court of Protection. They revoke the Court of Protection Rules 2007 (S.I. 2007/1744) (the 2007 Rules) and the amendments made to them by the Court of Protection (Amendment) Rules of 2009, 2011, 2015 and 2017 (S.I. 2009/582, S.I. 2011/2753, S.I. 2015/548 and S.I. 2017/187) and replace them with a consolidated set of rules arranged in Parts with separately numbered rules within each Part, following the model of the Civil Procedure Rules, Family Procedure Rules and Criminal Procedure Rules.

In addition to consolidating the 2007 Rules as amended, the Rules adopt a different order, which was piloted over 2016-2017 by a practice direction under the 2007 Rules (the *Practice Direction – Case Management Pilot*), and introduce some new rules which were also piloted in that practice direction. The overriding objective, which is to be applied whenever the court exercises its powers under the Rules, or interprets any rule or practice direction, is now set out in Part 1, together with rules about the participation of P and the duties of the court, the parties, legal representatives and unrepresented litigants to further the overriding objective. Part 2 contains interpretation and general provisions which previously formed Part 3 of the 2007 Rules as amended. Part 3 contains the rules about the court's powers of case management which previously formed Part 5 of the 2007 Rules, together with rules about dealing with applications, directions and allocation to judiciary which were previously in Part 12 of the 2007 Rules, and the main new rule piloted in the *Practice Direction – Case Management Pilot* concerning allocation of cases to case management pathways. Part 4 contains the rules about hearings which previously formed Part 13 of the 2007 Rules; Part 5 contains the rules which previously formed Part 4 of the 2007 Rules; Parts 6 to 12 contain the rules which previously formed Parts 6 to 10, 10A and 11 of the 2007 Rules; Part 13 contains various rules previously in Part 12 of the 2007 Rules; and Parts 14 to 20 contain the rules which previously formed Parts 14 to 20 of the 2007 Rules as amended, with some amendments in Part 15 concerning experts which were piloted in the *Practice Direction – Case Management Pilot*.

Part 21 replaces Part 21 of the 2007 Rules, which concerned enforcement including orders for committal, with a new Part modelled on provision in Civil Procedure Rules and Family Procedure Rules. Part 22 replaces Part 22 of the 2007 Rules (which contained transitory and transitional provision which has no application to the new Rules) with a new Part containing provision about civil restraint orders previously contained in rule 203 of the 2007 Rules. Part 23 contains the rules which previously formed Part 24 of the 2007 Rules; and Part 24 contains the rules which previously formed Part 23 of the 2007 Rules, together with rules about general methods of enforcement previously in Part 21 of the 2007 Rules, and provision for citation and commencement of the new Rules, revocation of the previous Rules and transitional provision which previously formed Part 1 (with the moving of those rules to Part 24 enabling the promotion of the overriding objective to Part 1 of the new Rules).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.