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STATUTORY INSTRUMENTS

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**2017 No. 1035**

The Court of Protection Rules 2017

PART 12

HUMAN RIGHTS

**Contents of this Part**

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General	Rule 12.1
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**General**

**12.1.**—(1) A party who seeks to rely upon any provision of or right arising under the Human Rights Act 1998<sup>(1)</sup> (“the 1998 Act”) or who seeks a remedy available under that Act must inform the court in the manner set out in the relevant practice direction specifying—

- (a) the Convention right (within the meaning of the 1998 Act) which it is alleged has been infringed and details of the alleged infringement; and
- (b) the remedy sought and whether this includes a declaration of incompatibility under section 4 of the 1998 Act.

(2) The court may not make a declaration of incompatibility unless 21 days’ notice, or such other period of notice as the court directs, has been given to the Crown.

(3) Where notice has been given to the Crown, a Minister or other person permitted by the 1998 Act shall be joined as a party on filing an application in accordance with rule 9.15 (application to be joined as a party).

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<sup>(1)</sup> 1998 c. 42.