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STATUTORY INSTRUMENTS

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**2017 No. 1035**

**The Court of Protection Rules 2017**

**PART 14**

**ADMISSIONS, EVIDENCE AND DEPOSITIONS**

*Section 49 reports*

**Reports under section 49 of the Act**

**14.24.**—(1) This rule applies where the court requires a report to be made to it under section 49 of the Act.

(2) It is the duty of the person who is required to make the report to help the court on the matters within that person's expertise.

(3) Unless the court directs otherwise, the person making the report must—

- (a) contact or seek to interview such persons as the person making the report thinks appropriate or as the court directs;
- (b) to the extent that it is practicable and appropriate to do so, ascertain what P's wishes and feelings are, and the beliefs and values that would be likely to influence P if P had the capacity to make a decision in relation to the matters to which the application relates;
- (c) describe P's circumstances; and
- (d) address such other matters as are required in a practice direction or as the court may direct.

(4) The court will send a copy of the report to the parties and to such persons as the court may direct.

(5) Subject to paragraphs (6) and (7), the person who is required to make the report may examine and take copies of any documents in the court records.

(6) The court may direct that the right to inspect documents under this rule does not apply in relation to such documents, or descriptions of documents, as the court may specify.

(7) The court may direct that any information is to be provided to the maker of the report on an edited basis.

**Written questions to person making a report under section 49**

**14.25.**—(1) Where a report is made under section 49 the court may, on the application of any party, permit written questions relevant to the issues before the court to be put to the person by whom the report was made.

(2) The questions sought to be put to the maker of the report shall be submitted to the court, and the court may put them to the maker of the report with such amendments (if any) as it thinks fit and the maker of the report shall give replies in writing to the questions so put.

(3) The court shall send a copy of the replies given by the maker of the report under this rule to the parties and to such other persons as the court may direct.