
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 17

LITIGATION FRIENDS AND RULE 1.2 REPRESENTATIVES

SECTION 2 – RULE 1.2 REPRESENTATIVES

Who may act as a rule 1.2 representative for P

17.9. A person may act as an accredited legal representative, or a representative, for P, if that person can fairly and competently discharge his or her functions on behalf of P.

Rule 1.2 representative by court order

17.10.—(1) The court may make an order appointing a person to act as a representative, or an accredited legal representative, for P.

(2) The court may make an order under paragraph (1)—

- (a) either of its own initiative or on the application of any person; but
- (b) only with the consent of the person to be appointed.

(3) The court may not appoint a representative or an accredited legal representative under this rule unless it is satisfied that the person to be appointed satisfies the conditions in rule 17.9.

(4) The court may at any stage of the proceedings give directions as to the terms of appointment of a representative or an accredited legal representative.

(Rule 1.2 requires the court to consider how P should participate in the proceedings, which may be by way of the appointment of a representative or accredited legal representative under this Part.)

Application by rule 1.2 representative or by P for directions

17.11. A representative, an accredited legal representative or P may, at any time and without giving notice to the other parties, apply to the court for directions relating to the performance, terms of appointment or continuation of the appointment of the representative or accredited legal representative.

Court's power to prevent a person from acting as a rule 1.2 representative or to bring an end to an appointment of a person as a rule 1.2 representative or to appoint another one

17.12.—(1) The court may, either of its own initiative or on the application of any person—

- (a) direct that a person may not act as a representative or accredited legal representative;
 - (b) bring to an end a representative's or accredited legal representative's appointment;
 - (c) appoint a new representative or accredited legal representative in place of an existing one;
- or

- (d) vary the terms of a representative's or accredited legal representative's appointment.
- (2) If an application for an order under paragraph (1) is based on the conduct of the representative or accredited legal representative, it must be supported by evidence.
- (3) The court may not appoint a representative or accredited legal representative under this rule unless it is satisfied that the person to be appointed satisfies the conditions in rule 17.9.
- (4) The appointment of a representative or accredited legal representative continues until brought to an end by court order.
- (5) The court must bring to an end the appointment of a representative or an accredited legal representative if P has capacity to appoint such a representative and does not wish the appointment by the court to continue.

Appointment of rule 1.2 representative by court order – supplementary

17.13. The applicant must serve a copy of an application for an order under rule 17.10 or rule 17.12 on—

- (a) the person on whom an application form is to be served in accordance with rule 6.4 (service on children and protected parties);
- (b) every other person who is a party to the proceedings;
- (c) any person who is the representative, or accredited legal representative, or who is purporting to act as such representative, when the application is made; and
- (d) unless that person is the applicant, the person who it is proposed should be the representative or accredited legal representative,

as soon as practicable and in any event within 14 days of the date on which the application was issued.

Practice direction in relation to rule 1.2 representatives

17.14. A practice direction may make additional or supplementary provision in relation to representatives or accredited legal representatives.

Changes to legislation:

There are currently no known outstanding effects for the The Court of Protection Rules 2017,
SECTION 2 – RULE 1.2 REPRESENTATIVES.