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STATUTORY INSTRUMENTS

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**2017 No. 1035**

**The Court of Protection Rules 2017**

**PART 21**

**APPLICATIONS AND PROCEEDINGS IN  
RELATION TO CONTEMPT OF COURT**

**SECTION 4 – COMMITTAL FOR INTERFERENCE  
WITH THE DUE ADMINISTRATION OF JUSTICE**

**Scope**

**21.13.**—(1) This Section regulates committal applications in relation to interference with the due administration of justice in connection with proceedings in the Court of Protection, except where the contempt is committed in the face of the court or consists of disobedience to an order of the court or a breach of an undertaking to the court.

(2) A committal application under this Section may not be made without the permission of the court.

(The procedure for applying for permission to make a committal application is set out in rule 21.15.)  
(Rules 21.16(3) and (4) make provision for cases in which both this Section and Section 5 (Committal for making a false statement of truth) may be relevant.)

**Court to which application for permission under this Section is to be made**

**21.14.**—(1) Where contempt of court is committed in connection with any proceedings in the Court of Protection, the application for permission may only be made to a Tier 3 Judge.

(2) Where contempt of court is committed otherwise than in connection with any proceedings, Part 81 of the Civil Procedure Rules 1998 applies.

**Application for permission**

**21.15.**—(1) The application for permission to make a committal application must be made by an application notice under Part 10, and the application notice must include or be accompanied by—

- (a) a detailed statement of the applicant’s grounds for making the committal application; and
- (b) an affidavit setting out the facts and exhibiting all documents relied upon.

(2) The application notice and the documents referred to in paragraph (1) must be served personally on the respondent unless the court otherwise directs.

(3) Within 14 days of service on the respondent of the application notice, the respondent—

- (a) must file and serve an acknowledgment of service; and
- (b) may file and serve evidence.

(4) The court will consider the application for permission at an oral hearing, unless it considers that such a hearing is not appropriate.

(5) If the respondent intends to appear at the oral hearing referred to in paragraph (4), the respondent must give 7 days' notice in writing of such intention to the court and any other party and at the same time provide a written summary of the submissions which the respondent proposes to make.

(6) Where permission to proceed is given, the court may give such directions as it thinks fit.