
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 3

MANAGING THE CASE

Directions

3.7.—(1) The court may—

- (a) give directions in writing; or
- (b) set a date for a directions hearing; and
- (c) do anything else that may be set out in a practice direction.

(2) When giving directions, the court may do any of the following—

- (a) require a report under section 49 of the Act and give directions as to any such report;
- (b) give directions as to any requirements contained in these Rules or a practice direction for the giving of notification to any person or for that person to do anything in response to a notification;
- (c) if the court considers that any other person or persons should be a party to the proceedings, give directions joining them as a party;
- (d) if the court considers that any party to the proceedings should not be a party, give directions for that person's removal as a party;
- (e) give directions for the management of the case and set a timetable for the steps to be taken between the giving of directions and the hearing;
- (f) subject to rule 3.8, give directions as to the type of judge who is to hear the case;
- (g) give directions as to whether the proceedings or any part of them are to be heard in public, or as to whether any particular person should be permitted to attend the hearing, or as to whether any publication of the proceedings is to be permitted;
- (h) give directions as to the disclosure of documents, service of witness statements and any expert evidence;
- (i) give directions as to the attendance of witnesses and as to whether, and the extent to which, cross-examination will be permitted at any hearing; and
- (j) give such other directions as the court may think fit.

(3) The court may give directions at any time—

- (a) on its own initiative; or
- (b) on the application of a party.

(4) Subject to paragraphs (5) and (6) and unless these Rules or a practice direction provide otherwise or the court directs otherwise, the time specified by a rule or by the court for a person to do any act may be varied by the written agreement of the parties.

(5) A party must apply to the court if that party wishes to vary—

- (a) the date the court has fixed for the final hearing; or
- (b) the period within which the final hearing is to take place.

(6) The time specified by a rule or practice direction or by the court may not be varied by the parties if the variation would make it necessary to vary the date the court has fixed for any hearing or the period within which the final hearing is to take place.

(Participation of P in proceedings is addressed in rule 1.2 (participation of P) and Part 17 (litigation friends and rule 1.2 representatives).)

Changes to legislation:

There are currently no known outstanding effects for the The Court of Protection Rules 2017, Section 3.