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STATUTORY INSTRUMENTS

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**2017 No. 1035**

**The Court of Protection Rules 2017**

**PART 4**

**HEARINGS**

*Private hearings*

**General rule – hearing to be held in private**

- 4.1.**—(1) The general rule is that a hearing is to be held in private.
- (2) A private hearing is a hearing which only the following persons are entitled to attend—
- (a) the parties;
  - (b) P (whether or not a party);
  - (c) any person acting in the proceedings as a litigation friend or rule 1.2 representative;
  - (d) any legal representative of a person specified in any of sub-paragraphs (a) or (b); and
  - (e) any court officer.
- (3) In relation to a private hearing, the court may make an order—
- (a) authorising any person, or class of persons, to attend the hearing or a part of it; or
  - (b) excluding any person, or class of persons, from attending the hearing or a part of it.
- (4) The general rule in paragraph (1) does not apply to a hearing for a committal order or writ of sequestration (in respect of which rule 21.27 makes provision).

**Court's general power to authorise publication of information about proceedings**

- 4.2.**—(1) For the purposes of the law relating to contempt of court, information relating to proceedings held in private (whether or not contained in a document filed with the court) may be communicated in accordance with paragraph (2) or (3).
- (2) The court may make an order authorising—
- (a) the publication or communication of such information or material relating to the proceedings as it may specify; or
  - (b) the publication of the text or a summary of the whole or part of a judgment or order made by the court.
- (3) Subject to any direction of the court, information referred to in paragraph (1) may be communicated in accordance with Practice Direction 4A.
- (4) Where the court makes an order under paragraph (2) it may do so on such terms as it thinks fit, and in particular may—
- (a) impose restrictions on the publication of the identity of—
    - (i) any party;

- (ii) P (whether or not a party);
- (iii) any witness; or
- (iv) any other person;
- (b) prohibit the publication of any information that may lead to any such person being identified;
- (c) prohibit the further publication of any information relating to the proceedings from such date as the court may specify; or
- (d) impose such other restrictions on the publication of information relating to the proceedings as the court may specify.
- (5) The court may on its own initiative or upon request authorise communication—
  - (a) for the purposes set out in Practice Direction 4A; or
  - (b) for such other purposes as it considers appropriate,of information held by it.