
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 7

NOTIFYING P

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General requirement to notify P

General

7.1.—(1) Subject to paragraphs (2) and (3), the rules in this Part apply where P is to be given notice of any matter or document, or is to be provided with any document, either under the Rules or in accordance with an order or direction of the court.

(2) Subject to rule 7.3, if P becomes a party, the rules in this Part do not apply and service is to be effected in accordance with Part 6 or as directed by the court.

(3) In any case the court may, either on its own initiative or on application, direct that P must not be notified of any matter or document, or provided with any document, whether in accordance with this Part or at all.

- (4) Subject to paragraph (5), where P is a child—
- (a) if the person to be notified under this rule is a person with parental responsibility for the child within the meaning of the Children Act 1989^{M1} or, if there is no such person, a person with whom the child resides or in whose care the child is;
 - (b) all references to “P” in this Part, except that in paragraph (2), are to be read as referring to the person notified in accordance with sub-paragraph (a).
- (5) Paragraph (4) does not apply, and there is no requirement to notify P, where the person referred to in paragraph (4)(a) has already been served or notified of the relevant matter in accordance with another rule or practice direction.

Marginal Citations

M1 1989 c. 41.

Who is to notify P

- 7.2.—(1) Where P is to be notified under this Part, notification must be effected by—
- (a) the applicant;
 - (b) the appellant (where the matter relates to an appeal);
 - (c) an agent duly appointed by the applicant or the appellant; or
 - (d) such other person as the court may direct.
- (2) The person within paragraph (1) is referred to in this Part as “the person effecting notification”.

Notifying P of appointment of a litigation friend, etc.

- 7.3. P must be notified—
- (a) where a direction has been made under rule 1.2; and
 - (b) of the appointment of a litigation friend, accredited legal representative or representative on P's behalf.

Circumstances in which P must be notified

Application form

- 7.4.—(1) P must be notified—
- (a) that an application form has been issued by the court;
 - (b) that an application form has been withdrawn; and
 - (c) of the date on which a hearing is to be held in relation to the matter, where that hearing is for disposing of the application.
- (2) Where P is to be notified that an application form has been issued, the person effecting notification must explain to P—
- (a) who the applicant is;
 - (b) that the application raises the question of whether P lacks capacity in relation to a matter or matters, and what that means;
 - (c) what will happen if the court makes the order or direction that has been applied for; and

- (d) where the application contains a proposal for the appointment of a person to make decisions on P's behalf in relation to the matter to which the application relates, details of who that person is.
- (3) Where P is to be notified that an application form has been withdrawn, the person effecting notification must explain to P—
 - (a) that the application form has been withdrawn; and
 - (b) the consequences of that withdrawal.
- (4) The person effecting notification must also inform P that P may seek advice and assistance in relation to any matter of which P is notified.

Appeals

- 7.5.**—(1) P must be notified—
- (a) that an appellant's notice has been issued by the court;
 - (b) that an appellant's notice has been withdrawn; and
 - (c) of the date on which a hearing is to be held in relation to the matter, where that hearing is for disposing of the appellant's notice.
- (2) Where P is to be notified that an appellant's notice has been issued, the person effecting notification must explain to P—
- (a) who the appellant is;
 - (b) the issues raised by the appeal; and
 - (c) what will happen if the court makes the order or direction that has been applied for.
- (3) Where P is to be notified that an appellant's notice has been withdrawn, the person effecting notification must explain to P—
- (a) that the appellant's notice has been withdrawn; and
 - (b) the consequences of that withdrawal.
- (4) The person effecting notification must also inform P that P may seek advice and assistance in relation to any matter of which P is notified.

Decisions and orders of the court

- 7.6.**—(1) P must be notified of any decision of the court relating to P except for a case management decision.
- (2) Where P is notified in accordance with this rule, the person effecting notification must explain to P the effect of the decision.
- (3) The person effecting notification must also inform P that P may seek advice and assistance in relation to any matter of which P is notified.
- (4) The person effecting notification must also provide P with a copy of any order relating to a decision of which P must be notified in accordance with paragraph (1).

Other matters

- 7.7.**—(1) This rule applies where the court directs that P is to be notified of any other matter.
- (2) The person effecting notification must explain to P such matters as may be directed by the court.
- (3) The person effecting notification must also inform P that P may seek advice and assistance in relation to any matter of which P is notified.

Manner of notification and accompanying documents

Manner of notification

7.8.—(1) Where P is to be notified under this Part, the person effecting notification must provide P with, or arrange for P to be provided with, the information specified in rules 7.3 to 7.7 in a way that is appropriate to P's circumstances (for example, using simple language, visual aids or any other appropriate means).

(2) The information referred to in paragraph (1) must be provided to P personally.

(3) P must be provided with the information mentioned in paragraph (1) as soon as practicable and in any event within 14 days of the date on which—

- (a) the application form or appellant's notice was issued or withdrawn;
- (b) the decision was made;
- (c) the person effecting notification received the notice of hearing from the court and in any event no later than 14 days before the date specified in the notice of the hearing; and
- (d) the order referred to in rule 7.6(4) was served upon the person who is required to effect notification of P under that rule,

as the case may be.

(4) Where the provisions of rule 7.1(4) apply, paragraphs (1) and (2) of this rule do not apply and the person effecting notification may provide information and documents of which P must be notified to the person to be notified under rule 7.1(4), by any method by which service of documents would be permitted under rule 6.3.

Acknowledgment of notification

7.9. Where P is notified that an application form or an appellant's notice has been issued, P must also be provided with a form for acknowledging notification.

Certificate of notification

7.10.—(1) The person effecting notification must, within 7 days beginning with the date on which notification in accordance with this Part was given, file a certificate of notification which certifies—

- (a) the date on which, and how, P was notified; and
- (b) that P was notified in accordance with this Part.

(2) Subject to paragraph (3), the person effecting notification in accordance with this Part must in the certificate required by paragraph (1) describe the steps taken to enable P to understand, and the extent to which P appears to have understood, the information.

(3) Where the provisions of rule 7.1(4) apply, paragraph (2) does not apply.

Dispensing with requirement to notify, etc.

7.11.—(1) The applicant, the appellant or other person directed by the court to effect notification may apply to the court seeking an order—

- (a) dispensing with the requirement to comply with the provisions in this Part; or
- (b) requiring some other person to comply with the provisions in this Part.

(2) An application under this rule must be made in accordance with Part 10.

Changes to legislation:

There are currently no known outstanding effects for the The Court of Protection Rules 2017, PART 7.