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STATUTORY INSTRUMENTS

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**2017 No. 1035**

The Court of Protection Rules 2017

PART 9

HOW TO START AND RESPOND TO  
PROCEEDINGS, AND PARTIES TO PROCEEDINGS

*Initial steps*

**General**

**9.1.**—(1) Applications to the court to start proceedings must be made in accordance with this Part and, as applicable, Part 8 and the relevant practice directions.

(2) The appropriate forms must be used in the cases to which they apply, with such variations as the case requires, but not so as to omit any information or guidance which any form gives to the intended recipient.

**When proceedings are started**

**9.2.**—(1) The general rule is that proceedings are started when the court issues an application form at the request of the applicant.

(2) An application form is issued on the date entered on the application form by the court.

**Contents of the application form**

**9.3.** The application form must—

- (a) state the matter which the applicant wants the court to decide;
- (b) state the order which the applicant is seeking;
- (c) name—
  - (i) the applicant;
  - (ii) P;
  - (iii) as a respondent, any person (other than P) whom the applicant reasonably believes to have an interest which means that that person ought to be heard in relation to the application (as opposed to being notified of it in accordance with rule 9.10);
  - (iv) any person whom the applicant intends to notify in accordance with rule 9.10; and
- (d) if the applicant is applying in a representative capacity, state what that capacity is.

**Documents to be filed with the application form**

**9.4.** Where an applicant files the application form with the court, the applicant must also file—

- (a) in accordance with the relevant practice direction, any evidence on which the applicant intends to rely;
- (b) an assessment of capacity form, where this is required by the relevant practice direction;
- (c) any other documents referred to in the application form; and
- (d) such other information and material as may be set out in a practice direction.

**What the court will do when an application form is filed**

**9.5.** As soon as practicable after an application form is filed the court must issue it and do anything else that may be set out in a practice direction.