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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**

*Responding to an application*

**Responding to an application**

**9.12.**—(1) A person who is served with or notified of an application form and who wishes to take part in proceedings must file an acknowledgment of service or notification in accordance with this rule.

(2) The acknowledgment of service or notification must be filed not more than 14 days after the application form was served or notification of the application was given.

(3) The court must serve the acknowledgment of service or notification on the applicant and on any other person who has filed such an acknowledgment.

(4) The acknowledgment of service or notification must—

- (a) state whether the person acknowledging service or notification consents to the application;
- (b) state whether that person opposes the application and, if so, set out the grounds for doing so;
- (c) state whether that person seeks a different order from that set out in the application form and, if so, set out what that order is;
- (d) provide an address for service, which must be within the jurisdiction of the court;; and
- (e) be signed by that person or that person's legal representative.

(5) Subject to rules 15.2 and 15.5 (restriction on filing an expert's report and court's power to restrict expert evidence), unless the court directs otherwise, where a person who has been served in accordance with rule 9.6, 9.7 or 9.8 opposes the application or seeks a different order, that person must within 28 days of such service file a witness statement containing any evidence upon which that person intends to rely.

(6) In addition to complying with the other requirements of this rule, an acknowledgment of notification filed by a person notified of the application in accordance with rule 9.7(5), 9.8(5), 9.9 or 9.10 must—

- (a) indicate whether the person wishes to be joined as a party to the proceedings; and
- (b) state the person's interest in the proceedings.

(7) Subject to rules 15.2 and 15.5 (restriction on filing an expert's report and court's power to restrict expert evidence), unless the court directs otherwise, where a person has been notified in accordance with rule 9.7(5), 9.8(5), 9.9 or 9.10, that person must within 28 days of such notification file a witness statement containing any evidence of that person's interest in the proceedings and, if

that person opposes the application or seeks a different order, any evidence upon which that person intends to rely.

(8) The court must consider whether to join a person mentioned in paragraph (6) as a party to the proceedings and, if it decides to do so, must make an order to that effect.

(9) Where a person who is notified in accordance with rule 9.7(5), 9.8(5), 9.9 or 9.10 complies with the requirements of this rule, that person need not comply with the requirements of rule 9.15 (application to be joined as a party).

(10) A practice direction may make provision about responding to applications.