

PRACTICE DIRECTION 24C – TRANSITIONAL PROVISIONS

This practice direction supplements Part 24 of the Court of Protection Rules 2017

Introductory

1. In this practice direction—
 - (a) “the Rules” means the Court of Protection Rules 2017;
 - (b) ‘commencement’ means 1 December 2017;
 - (c) “the Previous Rules” means the Court of Protection Rules 2007, as in force immediately before commencement; and
 - (d) “the pilot Practice Directions” means—
 - (i) Practice Direction – Transparency;
 - (ii) Practice Direction – Case Management Pilot; and
 - (iii) Practice Direction – Section 49 Reports Pilot,as those practice directions were in force immediately before commencement.

Applications received after commencement

2. If an application under the Previous Rules or the pilot Practice Directions is received at the court on or after commencement, it will be returned.
3. However, an application made under the Rules using the version of the relevant form which was current immediately before commencement will be accepted until close of business on 12 January 2018, or such later date as the Senior Judge may direct.

Applications received before commencement

4. The general presumption will be that any step in proceedings which were started (in accordance with rule 62 of the Previous Rules) before commencement which is to be taken on or after commencement is to be taken under the Rules.

(Rule 62 of the Previous Rules provides that proceedings are started when the court issues an application form at the request of the applicant.)

5. However, the general presumption is subject to any directions given by the court, which may at any time direct how the Rules are to apply to the proceedings.
6. Any step already taken in the proceedings before commencement in accordance with the Previous Rules or the pilot Practice Directions will remain valid on or after commencement.

Orders made before commencement

7. Where a court order has been made before commencement under the Previous Rules or the pilot Practice Directions, the order must still be complied with on or after commencement.