

PRACTICE DIRECTION 3B – LEVELS OF JUDICIARY

This Practice Direction supplements Part 3 of the Court of Protection Rules 2007

General

1.1 Rule 6 makes provision for a practice direction to set out which of the judges who have been nominated to act as a judge of the Court of Protection under section 46 of the Act are to be Tier 2 Judges and Tier 3 Judges.

1.2 A judge who has been nominated to act as a judge of the Court of Protection under section 46 of the Act and who is neither a Tier 2 Judge nor a Tier 3 Judge is a Tier 1 Judge.

1.3 Rule 89 makes provision as to which judges of the Court of Protection may reconsider decisions made by Tier 1 Judges, Tier 2 Judges and Tier 3 Judges.

1.4 Part 20 makes provision as to the destination of appeals from Tier 1 Judges, Tier 2 Judges and Tier 3 Judges.

Tier 2 Judges

2. The following judges are Tier 2 Judges for the purposes of the Court of Protection Rules 2007:

(a) The Senior Judge

(b) a judge who has been nominated to act as a judge of the Court of Protection under section 46 of the Act by virtue of holding one of the following offices:

(i) a circuit judge;

(ii) a recorder

(iii) a judge of the Upper Tribunal, by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,

(iv) a transferred-in judge of the Upper Tribunal (see section 31(2) of the Tribunals, Courts and Enforcement Act 2007),

(v) a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, the Tribunals, Courts and Enforcement Act 2007),

(vi) the Judge Advocate General,

- (vii) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General),
- (viii) the Chamber President, or Deputy Chamber President, of a chamber of the First-tier Tribunal or of a chamber of the Upper Tribunal.

Tier 3 Judges

3. The following judges are Tier 3 Judges for the purposes of the Court of Protection Rules 2007:

- (a) The President
- (b) The Vice-President
- (c) a judge who has been nominated to act as a judge of the Court of Protection under section 46 of the Act by virtue of holding one of the following offices:
 - (i) The President of the Family Division
 - (ii) The Chancellor
 - (iii) The President of the Queen's Bench Division
 - (iv) The Master of the Rolls
 - (v) The Lord Chief Justice
 - (vi) The Senior President of Tribunals
 - (vii) a puisne judge of the High Court
 - (viii) a deputy judge of the High Court
 - (ix) an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court).