

Application form

Full name of person to whom the application relates
(this is the name of the person who lacks, or is alleged to lack, capacity)

| For office use only |
|---------------------|
| Case no. |
| Application no. |
| Date received |
| Date issued |

Your application will not be complete unless all the relevant forms and annexes, including where appropriate COP3 (and COP4), are submitted together with a fee or remission request (Please see COP1 guidance). Please submit the COP1 application form in duplicate.

This form is **not to be used** in respect of applications concerning deprivation of liberty (DoL) under section 21A of the Mental Capacity Act 2005 (the Act) relating to a standard or urgent authorisation under Schedule A1 or the streamlined application under section 4A(3) and 16(2)(a) of the Act. For those applications please visit our website at www.gov.uk/court-of-protection



Section 1 – Type of application

1.1 What type of application do you intend to make?

| Deputy, proposed deputy or other: | Tick | Enclose Annex/Form: |
|---|--------------------------|----------------------------|
| Appointment of deputy for property and affairs | <input type="checkbox"/> | COP1A |
| Property and affairs (where deputy not required) | <input type="checkbox"/> | COP1A |
| Appointment of deputy for personal welfare | <input type="checkbox"/> | COP1B |
| Personal welfare order (where deputy not required) | <input type="checkbox"/> | COP1B |
| Application relating to a statutory will, codicil, gift(s), deed of variation or other settlement of property | <input type="checkbox"/> | COP1C |
| Application relating to the appointment or discharge of a trustee | <input type="checkbox"/> | COP1D and COP12 |
| Application by existing deputy | <input type="checkbox"/> | COP1E |
| Other applications | <input type="checkbox"/> | COP24 |
| Enduring Powers of Attorney (EPA) or Lasting Powers of Attorney (LPA): | Tick | Enclose Annex/Form: |
| Question of validity or operation of an EPA/LPA | <input type="checkbox"/> | COP1F |
| Application relating to a statutory will, codicil, gift(s), deed of variation or other settlement of property | <input type="checkbox"/> | COP1C |
| Application relating to the appointment or discharge of a trustee | <input type="checkbox"/> | COP1D and COP12 |
| Application by existing attorney | <input type="checkbox"/> | COP1E |
| Other applications | <input type="checkbox"/> | COP24 |

- 1.2 Do you require permission to make the application? Yes, **you must complete section 6**
 No
- 1.3 Do you require **urgent** interim order/directions? Yes, complete the box below
 No

Please state the order/directions sought and reasons for the urgency – You can attach draft interim order/directions

Section 2 – Your details (the applicant(s))

2.1 First applicant Mr. Mrs. Miss Ms. Other _____

Full name

Address

Phone

Email

Your relationship to the person to whom this application relates (eg Mother, Father, Brother)

Second applicant Mr. Mrs. Miss Ms. Other _____

Full name

Address

Phone

Email

Your relationship to the person to whom this application relates (eg Mother, Father, Brother)

(If more than 2 applicants, please continue on a separate sheet)

2.2 In what capacity are you making the application?

Proposed deputy/deputy

I am the person to whom this application relates

Attorney

Other (give details)

2.3 Please state **one** address that official documentation should be sent to at this stage (please note unless stated below the documentation will be sent to Applicant 1's address)

Applicant 1's address

Applicant 2's address

Solicitors address (if a solicitor is representing you, please give details below)

Other address (if you do not have a solicitor but have an alternative address you would like documentation to be sent to, please give details below)

Contact or
Solicitors name

Address

Phone

Email

DX no.

Section 3 – The person to whom this application relates

3.1 Mr. Mrs. Miss Ms. Other _____

First name(s)

Last name

Address

Phone

Date of birth

Male

Female

3.2 What type of accommodation is the person to whom the application relates living in?

(eg. Own home, rented, care home)

Date moved

Temporary Permanent

3.3 Is the person to whom the application relates:

Married or in a civil partnership

Date of marriage/civil partnership

Divorced or their civil partnership has dissolved

Date of divorce/dissolution

Widowed or a surviving civil partner

Date of death of spouse/civil partner

In a relationship with a person who is not a spouse or civil partner, but living together as if they were

Single

Separated

3.4 Please identify any previous Court of Protection proceedings in respect of the person to whom the application relates

Ref no.

Date of proceedings

Section 4 – Your application

4.1 What order are you asking the court to make?

Section 5 – People to be served with/notified of this application

5.1 Please give details of all respondents who are to be served with this application

| Full name including title | Relationship | Full address including postcode |
|---------------------------|--------------|---------------------------------|
| | | |
| | | |
| | | |
| | | |

5.2 Please give details of all persons who are to be notified of this application

| Full name including title | Relationship | Full address including postcode |
|---------------------------|--------------|---------------------------------|
| | | |
| | | |
| | | |
| | | |

Section 6 - Permission

If you do not require permission, go to section 7

6.1 What are you seeking permission for?

to make an application to start proceedings?

6.2 What are your reasons for making the application?

6.3 How would the order you have set out in Section 8.1 of the COP1B (Supporting information for personal welfare applications) benefit the person to whom the application relates? Is there any other way this benefit could be achieved?

Section 7 – Attending court hearings

7.1 If the court requires you to attend a hearing do you need any special assistance or facilities?

Yes

No

If Yes, please say what your requirements are. If necessary, court staff may contact you about your requirements.

Section 8 – Statement of truth

The statement of truth is to be signed by you, your solicitor or your litigation friend.

*(I believe) (The applicant(s) believe(s)) that the facts stated in this form and its annexes are true.

First applicant

Second applicant

Signed

Signed

*Applicant('s litigation friend)('s solicitor)

*Applicant('s litigation friend)('s solicitor)

Name

Name

Date

Date

**Name
of firm**

**Name
of firm**

**Position or
office held**

**Position or
office held**

* Please delete the options in brackets that do not apply.

If there are more than two applicants, please continue on a separate sheet.

COP1 Notes

Guidance notes on completing form COP1 Application Form

Please read the following notes before completing form COP1

If you wish to start proceedings in the Court of Protection, you must complete form COP1 and the relevant annex and file it with the court. Refer to Section 1 of the form and the table at the end of these notes to decide what forms you need to complete.

If your application relates to: deprivation of liberty under sections 4A(3) or 21A of the Mental Capacity Act 2005; an objection to the registration of a lasting power of attorney; or the registration of an enduring power of attorney, you need to complete a different application form. Refer to the website www.gov.uk/court-of-protection for more information.

If your application is made in the course of existing proceedings, i.e. you have already made an application; you need to complete a different form: COP9 Application notice for applications within proceedings.

If you are appealing a Court of Protection decision, you need to complete form COP35 Appellant's notice.

You must pay a fee when you make an application. Refer to the leaflet COP44 Court of Protection – Fees for details.

You may need to pay for any legal costs or expenses you incur in connection with your application. In some situations you may be allowed to be reimbursed from the funds of the person to whom the application relates. If the court considers that you have acted unreasonably, it can order you to pay the costs of other parties.

Completing form COP1

Type of application (Section 1)

Please indicate what type of application you intend to make by ticking the relevant box. If you need to make more than one application, for example to appoint a deputy, and appoint or discharge a trustee; you must submit separate applications.

The court cannot accept your application unless you send all the relevant forms with your application. Refer to the table at the end of these notes to decide what other forms you need to complete.

Your application (Section 4)

You need to state what order or declaration you are asking the court to make. In each case the court needs to decide whether the person to whom the application relates is capable of making a decision in relation to the matter to which your application relates.

Please provide specific details about what you want the court to do. For example, you may be asking the court to appoint a deputy, or you may want the court to order that the person to whom the application relates moves to a particular residence, or that a particular investment is made. In each of the examples you would need to explain why the appointment of a deputy is required, or provide the particular details of the residence or investment.

You should also explain to the court why the order or declaration you are seeking will benefit the person to whom the application relates. If you are asking the court to appoint a deputy, please explain why you think this is necessary and why the court should not make the decision on behalf of the person to whom the application relates.

Respondents (Section 5.1)

You must provide the details of any person who you reasonably believe has an interest which means they ought to be heard by the court in relation to the application. Respondents have the opportunity to be joined as parties to the proceedings if they wish to participate in the hearing.

Once the court has issued your application form, you must serve respondents with copies of all documents relating to your application, in order to allow them the opportunity to support or oppose your application.

Other people to be notified (section 5.2)

You must provide the details of other people who are likely to have an interest in being notified of your application. You must notify these people when the court has issued your application form. They have the opportunity to apply to the court to be joined as parties to the proceedings if they wish to participate.

You should seek to identify at least three people to be notified of your application. If you have not

already named the following close family members as respondents, they should be notified in descending order as appropriate to the circumstances of the person to whom the application relates:

- a) spouse or civil partner
- b) person who is not a spouse or a civil partner but who has been living with the person to whom the application relates as if they were
- c) parent or guardian
- d) child
- e) brother or sister
- f) grandparent or grandchild
- g) aunt or uncle
- h) niece or nephew
- i) step-parent
- j) half-brother or half-sister

Where you think that a person listed in one of the categories ought to be notified, and there are other people in that category (e.g. the person has four siblings) you should provide the details of all of the people falling within that category – unless there is good reason not to do so

You do not need to provide the details for a close family member who has little or no involvement with the person to whom the application relates, or if there is another good reason why they should not be notified.

In some cases, the person to whom the application relates may be closer to people who are not relatives and if so, it will be appropriate to provide their details instead of close family members.

For further guidance on who is to be notified of an application, see practice direction 9B.

Permission (Section 6)

In some cases you will need the court's permission to make an application. You must complete section 6 of this form if you need the court's permission.

- a) You do not need the court's permission if the application:
 - is made by a person who lacks or is alleged to lack capacity (or, if the person is under 18 years, by anyone with parental responsibility);
 - is made by the Official Solicitor, the Public Guardian, or a court appointed deputy;

- concerns the property and affairs of the person to whom the application relates;
- concerns a lasting power of attorney or an enduring power of attorney;
- relates to an application concerning deprivation of liberty under sections 4A(3) or 21A of the Mental Capacity Act 2005; or
- is about an existing court order and is made by a person named in that order.

b) You do need the court's permission for all other applications.

Where part of the application concerns a matter that requires permission, and part of it does not, you need the court's permission only for that part of it which requires permission.

Attending court hearings (Section 7)

If you need special assistance or special facilities for a disability or impairment, please set out your requirements in full. It is important that you make the court aware of your needs to avoid causing any delays.

The court staff will need to know, for example, whether you want documents to be supplied in an alternative format, such as Braille or large print. They will also need to know about any specific requirements should there be a hearing, such as wheelchair access, a hearing loop or a sign language interpreter.

If the person to whom the application relates is a child, you must provide the details of the any person with parental responsibility for the child, so they can be served with your application. If there is no person with parental responsibility, you should name an adult who lives with or cares for the child.

What you need to do next

When you have completed this form, you will need to consider what other forms you need to complete.

The forms to be completed will be different depending on the type of application. Refer to the table at the end of these notes to help you decide what forms to complete.

Forms to be completed

| Type of application | Forms to be completed | Where to obtain further guidance |
|--|---|--|
| Your application relates to property and affairs | <ul style="list-style-type: none"> • COP3 Assessment of capacity • COP1A Annex A: Supporting information for property and affairs applications <p>If you are applying to be appointed as a deputy for property and affairs then you must also complete:</p> <ul style="list-style-type: none"> • COP4 Deputy's declaration | <ul style="list-style-type: none"> • Practice direction 9A the application form • COP42 Making an application to the Court of Protection • COP GN1 Applications for the appointment of a deputy for property and affairs |
| Your application relates to personal welfare | <ul style="list-style-type: none"> • COP3 Assessment of capacity • COP1B Annex B: Supporting information for personal welfare applications <p>If you are applying to be appointed as a deputy for personal welfare then you must also complete:</p> <ul style="list-style-type: none"> • COP4 Deputy's declaration | <ul style="list-style-type: none"> • Practice direction 8A Permission • Practice direction 9A the application form • COP42 Making an application to the Court of Protection • COP GN4 Making a personal welfare application to the Court of Protection |
| Your application relates to a statutory will, codicil, gift(s), deed of variation or settlement of property | <ul style="list-style-type: none"> • COP3 Assessment of capacity • COP1C Annex C: Supporting information for applications relating to a statutory will, codicil, gift(s), deed of variation or settlement of property • COP12 Special undertaking by trustees | <ul style="list-style-type: none"> • Practice direction 9A the application form • Practice direction 9F Applications relating to statutory wills, codicils, settlements and other dealings with P's property • COP42 Making an application to the Court of Protection • COP GN8 Applications for statutory wills, codicils, settlements and other dealings with P's property |
| Your application relates to the appointment or discharge of trustees | <ul style="list-style-type: none"> • COP1D Annex D: Supporting information for applications to appoint or discharge a trustee • COP12 Special undertaking by trustees | <ul style="list-style-type: none"> • Practice direction 9A the application form • Practice direction 9G Applications to appoint or discharge a trustee • COP42 Making an application to the Court of Protection • COP GN2 Guidance on the sale of jointly owned property |
| Your application relates to an existing deputy order or a registered enduring or lasting power of attorney | <ul style="list-style-type: none"> • COP1E Annex E: Supporting information for an application by an existing deputy or attorney • COP24 Witness statement (if required) | <ul style="list-style-type: none"> • Practice direction 9D Applications by currently appointed deputies, attorneys and donees in relation to P's property and affairs • COP GN3 Applications by existing deputies |
| Your application relates to the operation and validity of an enduring power of attorney or a lasting power of attorney | <ul style="list-style-type: none"> • COP1F Annex F: Supporting information for applications relating to the operation and validity of an enduring power of attorney or a lasting power of attorney • COP24 Witness statement (if required) | <ul style="list-style-type: none"> • Practice direction 9A the application form • COP42 Making an application to the Court of Protection |

Other documents to be filed

You may need to file other documents with your application. The annex to the application form, or practice direction may set out additional information or material required, but you should also file the following documents, if applicable:

- the order appointing a deputy, where the application relates to or is made by a deputy;
- a copy of any lasting or enduring power of attorney;
- the order appointing a litigation friend, where the application is made by, or where the application relates to the appointment of a litigation friend;
- the order of the Court of Protection, where the application relates to the order;
- the order of another court, where the application relates to the order;
- any written evidence on which you intend to rely (in accordance with the relevant practice direction) using the COP24 witness statement form; and
- any other documents you refer to in the application form.

The court requires 2 copies of this form, COP1 Application form and one copy of every other form or document. You should keep copies of each form and document for your own records.

When you have completed all the forms you should take, or send them to the Court of Protection, along with any fee. For details on where to send your application check the website: www.gov.uk/court-of-protection.

What happens next

If you need permission to apply

If your application relates to personal welfare and you need permission to apply, the court will consider your application for permission as soon as practicable after your application form has been issued, and will notify you whether permission is granted, refused, or whether a date has been fixed to consider permission separately.

If permission is granted and the court has received the correct completed forms, you will need to serve a copy on each respondent and notify the person to whom the application relates and the other people you have named in section 5 of this form.

If you do not need permission to apply

If the court has received the correct completed forms, the court will issue your application form and legal proceedings will start. The court will notify you when your application form has been issued and will return a sealed copy of the application form. You will need to serve a copy on each respondent and notify the person to whom the application relates and the other people you have named in section 5 of this form.

Disclaimer

Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor or your local Citizens Advice Bureau. Information in this guidance is believed to be correct at the time of publication; however we do not accept any liability for any error it may contain.

If you need further help with your application, please check the website: www.gov.uk/court-of-protection.

SAMPLE