

## **PRACTICE DIRECTION – DEALING WITH APPLICATIONS**

*This practice direction supplements Part 12 of the Court of Protection Rules 2007*

### **PRACTICE DIRECTION A – COURT’S JURISDICTION TO BE EXERCISED BY CERTAIN JUDGES**

#### **General**

1. Rule 86 allows a practice direction to specify that certain categories of case must be dealt with by a specific judge or a specific class of judges.

#### **Cases to be heard by the President or the President’s nominee**

2. Where an application is made to the court in relation to:  
the lawfulness of withholding or withdrawing artificial nutrition and hydration from a person in a permanent vegetative state, or a minimally conscious state; or  
a case involving an ethical dilemma in an untested area,  
the proceedings (including permission, the giving of any directions, and any hearing) must be conducted by the President of the Court of Protection or by another judge nominated by the President.

#### **Cases concerning serious medical treatment or declarations of incompatibility pursuant to section 4 of the Human Rights Act 1998**

3. (a) Where an application is made to the court in relation to serious medical treatment (other than that outlined in paragraph 2), the proceedings must be conducted by a tier 3 judge;
- (b) Where an application is made to the court pursuant to rule 83, in which a declaration of incompatibility pursuant to section 4 of the Human Rights Act 1998 is sought, the proceedings (including permission, the giving of any directions, and any hearing) must be conducted by a judge of the court who has been nominated as such by virtue of section 46(2)(a) to (c) of the Act (i.e. the President of the Family Division, the Chancellor or a puisne judge of the High Court).

### **Court's general discretion as to allocation**

4. The Senior Judge or his nominee may determine whether a matter is one to which this practice direction applies.
5. The judge to whom a matter is allocated in accordance with this practice direction may determine that the matter is one which may properly be heard by a judge of the court other than one nominated by virtue of section 46(2)(a) to (c) of the Act; and he may reallocate the matter accordingly.

### **Applications relating to serious medical treatment**

6. Applications which relate to serious medical treatment should also be conducted in accordance with practice direction E accompanying Part 9 of the Rules.