

PRACTICE DIRECTION 13A – PROCEDURE FOR DISPUTING THE COURT'S JURISDICTION

This practice direction supplements Part 13 of the Court of Protection Rules 2017

Disputing the jurisdiction of the court – generally

1. A person who wishes to—
 - (a) dispute the court's jurisdiction to hear an application; or
 - (b) argue that the court should not exercise such jurisdiction as it may have,may apply to the court for an order to that effect.¹
2. Where a person who has been served with or notified of an application form wishes to dispute the court's jurisdiction, that person must state this in the acknowledgment of service or notification (as the case may be), using Form COP5 filed in accordance with rule 9.12.
3. In any other case (with the exception of those cases provided for in paragraphs 4 to 6), a person who wishes to dispute the court's jurisdiction must do so by filing an application notice using Form COP9 in accordance with Part 10.

Disputing the jurisdiction of the court – where P has or regains capacity

4. Where P has or regains capacity in relation to the matter or matters to which the application relates, an application may be made to the court for the proceedings to come to an end.
5. Applications in such circumstances may only be made by the following persons—
 - (a) P;
 - (b) P's litigation friend or rule 1.2 representative; or
 - (c) any other person who is a party to the proceedings.
6. The application must be made by filing an application notice using Form COP9 in accordance with Part 10. The application must be served on all other parties to the proceedings.

¹ Rule 13.1