

PRACTICE DIRECTION 2B – AUTHORISED COURT OFFICERS

This practice direction supplements Part 2 of the Court of Protection Rules 2017

General

1.1. Rule 2.3 enables a practice direction to specify the circumstances in which an authorised court officer is able to exercise the jurisdiction of the court.

1.2. A court officer is so authorised by the Senior Judge or the President or the Vice-President pursuant to rule 2.3(1).

Applications that may be dealt with by authorised court officers

2.1. Subject to paragraphs 2.2, 3 and 4.2 an authorised court officer may deal with any of the following applications—

- (a) applications to appoint a deputy for property and affairs;
- (b) applications to vary the powers of a deputy appointed for property and affairs under an existing order;
- (c) applications to discharge a deputy for property and affairs and appoint a replacement deputy;
- (d) applications to appoint and discharge a trustee;
- (e) applications to sell or purchase real property on behalf of P;
- (f) applications to vary the security in relation to a deputy for property and affairs;
- (g) applications to discharge the security when the appointment of a deputy for property and affairs comes to an end;
- (h) applications for the release of funds for the maintenance of P, or P's property, or to discharge any debts incurred by P;
- (i) applications to sell or otherwise deal with P's investments;
- (j) applications for authority to apply for a grant of probate or representation for the use and benefit of P;
- (k) applications to let and manage property belonging to P;
- (l) applications for a detailed assessment of costs;
- (m) applications to obtain a copy of P's will;
- (n) applications to inspect or obtain copy documents from the records of the court; and
- (o) applications which relate to one or more of the preceding paragraphs and which a judge has directed should be dealt with by an authorised court officer.

2.2. An authorised court officer may not conduct a hearing and must refer to a judge any application or any question arising in any application which is contentious or which, in the opinion of the officer—

(a) is complex;

(b) requires a hearing; or

(c) for any other reason ought to be considered by a judge.

Case management powers of authorised court officers

3. Authorised court officers may only exercise the following case management powers when dealing with any of the applications listed at paragraph 2.1—

(a) extend or shorten the time for compliance with any rule, practice direction, or court order or direction pursuant to rule 3.1(2)(a) (even if an application for extension is made after the time for compliance has expired);

(b) take any step or give any direction for the purpose of managing the case and furthering the overriding objective pursuant to rule 3.1(2)(n);

(c) make any order they consider appropriate pursuant to rule 3.1(5) even if a party has not sought that order; and

(d) vary or revoke an order pursuant to rule 3.1(6).

Reconsideration of decisions of authorised court officers

4.1. P, any party to the proceedings or any other person affected by an order made by an authorised court officer may apply to the court, pursuant to rule 13.4, to have the order reconsidered by a judge.

4.2. An authorised court officer may not in any circumstances deal with an application for reconsideration of an order made by him or her or made by another authorised court officer.

Appeals against decisions of authorised court officers

5.1. No appeal lies against a decision of an authorised court officer. If P, any party, or any other person affected by an order of an authorised court officer is dissatisfied with a decision made by that officer they should apply for it to be reconsidered by a judge pursuant to rule 13.4 and to paragraph 4 of this practice direction.