

PRACTICE DIRECTION 7A – NOTIFYING P

This practice direction supplements Part 7 of the Court of Protection Rules 2017

General

1. Part 7 sets out the procedure to be followed where P is to be given notice of any matter or document, or provided with any document.¹ Where P becomes a party, Part 7 does not apply (except for rule 7.3) and service is to be effected in accordance with Part 6 or as directed by the court.²

When P must be notified

2. P must be notified of the things specified in rules 7.3 to 7.7, unless the court directs otherwise. P must, therefore, be notified—

- (a) that an application form has been issued by the court or withdrawn;³
- (b) that an appellant's notice has been issued by the court or withdrawn;⁴
- (c) that the court has made a decision relating to him or her (other than a case management decision);⁵
- (d) of a direction under rule 1.2 and of the appointment of a litigation friend, accredited legal representative, or representative on his or her behalf;⁶ and
- (e) of any other matter as the court may direct.⁷

When P may be notified of an application notice

3. The applicant is not required to, but may notify P of an application notice that is issued in accordance with Part 10. This should be done if the applicant considers it appropriate to do so, and must be done if the court makes a direction to that effect.

4. Where P is to be notified of an application notice, unless the court directs otherwise, the person notifying P must explain to P—

- (a) who the applicant is;
- (b) what the application is about;
- (c) what will happen if the court makes the order or direction that has been applied for; and

¹ Rule 7.1.

² Rule 7.1(2)

³ Rule 7.4

⁴ Rule 7.5

⁵ Rule 7.6

⁶ Rule 7.3

⁷ Rule 7.7

(d) that P may seek advice and assistance in relation to any matter of which P is notified.

5. The person effecting notification must provide P with the information referred to in paragraph 4 in the manner set out in rule 7.8, and must comply with rules 7.9 and 7.10.

How and of what P is to be notified

6. Rule 7.8 sets out the manner in which P is to be notified, and rules 7.3 to 7.7 set out the matters of which P is to be notified. Rule 7.9 provides that P must be provided with a COP5 form for acknowledging notification. P must also be provided with a COP14 form which explains the matter for which notification is being provided.

Certificates of notification and non-notification

7. Rule 7.10 requires the person notifying P to file a certificate within 7 days of providing notification. Where a person fails to notify P (or is unable to do so), the person must file a certificate of non-notification.⁸ Certificates of notification, or non-notification (as appropriate), must be filed using forms COP20A and COP20B.

Dispensing with notification

8. The person required to notify P may apply to the court for an order either—

- (a) dispensing with the requirement to notify P; or
- (b) requiring some other person to effect the notification,⁹

using a COP9 application notice in accordance with Part 10.

9. Such an application would be appropriate where, for example, P is in a permanent vegetative state or a minimally conscious state; or where notification by the applicant is likely to cause significant and disproportionate distress to P.

⁸ Rule 6.9

⁹ Rule 7.11