



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 2

#### THE COURT OF PROTECTION AND THE PUBLIC GUARDIAN

##### *Practice and procedure*

#### **51 Court of Protection Rules**

[<sup>F1</sup>(1) Rules of court with respect to the practice and procedure of the court (to be called “Court of Protection Rules”) may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005.]

<sup>F1</sup>(2) Court of Protection Rules may, in particular, make provision—

- (a) as to the manner and form in which proceedings are to be commenced;
- (b) as to the persons entitled to be notified of, and be made parties to, the proceedings;
- (c) for the allocation, in such circumstances as may be specified, of any specified description of proceedings to a specified judge or to specified descriptions of judges;
- (d) for the exercise of the jurisdiction of the court, in such circumstances as may be specified, by its officers or other staff;
- (e) for enabling the court to appoint a suitable person (who may, with his consent, be the Official Solicitor) to act in the name of, or on behalf of, or to represent the person to whom the proceedings relate;
- (f) for enabling an application to the court to be disposed of without a hearing;
- (g) for enabling the court to proceed with, or with any part of, a hearing in the absence of the person to whom the proceedings relate;
- (h) for enabling or requiring the proceedings or any part of them to be conducted in private and for enabling the court to determine who is to be admitted when the court sits in private and to exclude specified persons when it sits in public;

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*Status: Point in time view as at 01/10/2007. This version of this provision has been superseded.*

*Changes to legislation: Mental Capacity Act 2005, Section 51 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (i) as to what may be received as evidence (whether or not admissible apart from the rules) and the manner in which it is to be presented;
  - (j) for the enforcement of orders made and directions given in the proceedings.
- (3) Court of Protection Rules may, instead of providing for any matter, refer to provision made or to be made about that matter by directions.
- (4) Court of Protection Rules may make different provision for different areas.

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#### **Textual Amendments**

- F1** S. 51(1) substituted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), arts. 1, 2, [Sch. 1 para. 34](#)

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**Changes to legislation:**

Mental Capacity Act 2005, Section 51 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.