
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 21 E+W

CHILDREN AND PROTECTED PARTIES

[^{F1}How a person becomes a litigation friend without a court order E+W

21.5.—(1) If the court has not appointed a litigation friend, a person who wishes to act as a litigation friend must follow the procedure set out in this rule.

(2) A deputy appointed by the Court of Protection under the 2005 Act with power to conduct proceedings on the protected party's behalf must file an official copy^(GL) of the order of the Court of Protection which confers his power to act either—

- (a) where the deputy is to act as a litigation friend for a claimant, at the time the claim is made; or
- (b) where the deputy is to act as a litigation friend for a defendant, at the time when he first takes a step in the proceedings on behalf of the defendant.

(3) Any other person must file a certificate of suitability stating that he satisfies the conditions specified in rule 21.4(3) either—

- (a) where the person is to act as a litigation friend for a claimant, at the time when the claim is made; or
- (b) where the person is to act as a litigation friend for a defendant, at the time when he first takes a step in the proceedings on behalf of the defendant.

(4) The litigation friend must—

- (a) serve the certificate of suitability on every person on whom, in accordance with rule [^{F2}6.13] (service on a parent, guardian etc.), the claim form should be served; and
- (b) file a certificate of service when [^{F3}filing] the certificate of suitability.

([^{F4}Rules 6.17 and 6.29 set] out the details to be contained in a certificate of service.)]

Textual Amendments

- F1** Pt. 21 substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rule 1, [Sch. 2](#)
- F2** Word in rule 21.5(4)(a) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), [15\(b\)\(i\)](#)
- F3** Word in rule 21.5(4)(b) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), [15\(b\)\(ii\)](#)
- F4** Word in rule 21.5 substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), [15\(e\)](#)

Status:

Point in time view as at 01/10/2008. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 21.5.