
STATUTORY INSTRUMENTS

2001 No. 824

The Court of Protection Rules 2001

PART IV

SERVICE

Notice of hearing

19.—(1) Except where these rules provide otherwise or the court directs otherwise, the applicant shall give notice of the hearing of an application in accordance with the following provisions of this rule.

(2) Where a receiver has been appointed for a patient he shall, unless he is the applicant, be given notice of the hearing of any application relating to the patient.

(3) Where the application is one to which rules 15 or 17 relate, notice of the hearing of the application shall also be given to every person who would have been required to be served with the application notice if the application had been made to the High Court.

(4) Notice of the hearing of the application shall also be given to such other persons who appear to the court to be interested as the court may specify.

(5) Notice of a hearing shall be given—

- (a) in the case of a first application for the appointment of a receiver, or an application under rule 16, not less than ten clear days and
- (b) in the case of any other application, not less than two clear days before the date fixed for the hearing.

(6) For the purposes of this rule notice of a hearing shall be given to the person concerned in such manner as the court may direct.

Mode of service

20. Except where these rules otherwise provide, any document required by these Rules to be served on any person shall be served by—

- (a) delivering it to him personally;
- (b) sending it to him by first class post or through a document exchange at his last known address; or
- (c) by transmitting it to him at his last known address by fax or other electronic means.

Service on solicitor

21. Where a solicitor acting for the person to be served with any document endorses on the document or a copy of it a statement that he accepts service on behalf of that person, the document shall be deemed to have been duly served on that person and to have been served on the date on which the endorsement was made.

Substituted service

22. Where it appears to the court that it is impracticable for any reason to serve a document in accordance with rule 20, the court may make an order for substituted service of the document by taking such steps as the court may direct to bring it to the notice of the person to be served.

Service on person under a disability

23.—(1) Unless the court otherwise directs, any document required by these Rules to be served on a person who is a minor or patient (in this rule referred to as a person under a disability) shall be served—

- (a) in the case of a minor who is not also a patient, on his parent or guardian or, if he has no parent or guardian, on the person with parental responsibility as defined in section 3 of the Children Act 1989⁽¹⁾;
 - (b) in the case of a patient—
 - (i) on his receiver or, if he has no receiver,
 - (ii) on the person acting in pursuance of an order or direction under rule 8, or, if there is no such person,
 - (iii) on an attorney acting under a registered power of attorney, or, if there is no such attorney,
 - (iv) on the person with whom he resides or in whose care he is;
- and must be served in a manner required by these Rules.

(2) Notwithstanding anything in paragraph (1), the court may order that any document which has been served on the person under a disability or on a person other than a person mentioned in that paragraph shall be deemed to be duly served on the person under a disability.

(3) Nothing in this rule shall apply to an order required by rule 42 to be served on a patient.

Notification of application for appointment of receiver, etc

24.—(1) Where—

- (a) a first application is made for the appointment of a receiver for a patient or for an order authorising a person to do any act or carry out any transaction on behalf of a patient without appointing him receiver, or
- (b) the court proposes to make a short order or direction;

the patient shall be notified in such manner as the court may direct.

(2) Where the patient is a minor, notification under paragraph (1) shall be given to his parent or guardian or, if he has no parent or guardian, to the person with parental responsibility within the meaning of the Children Act 1989.

Notification to next of kin etc. of intention to make application for appointment of receiver

25.—(1) Where an applicant proposes to make an application for the appointment of a receiver or a new receiver, the applicant shall give notice of his intention to—

- (a) all relatives of the patient who have the same or a nearer degree of relationship to the patient than the applicant or proposed receiver; and
- (b) such other persons who appear to the court to be interested as the court may specify;

unless the court directs that such notification shall be dispensed with.

(1) 1989 c. 41.

(2) For the purposes of this rule, notice of the intention to make an application is given if the person concerned is notified, in such manner as the court may direct, of the identities of the patient, the applicant and the proposed receiver and supplied with such additional information as the court may direct.

Certificate of service or notification

26.—(1) If the court so directs, a certificate of service showing where, when, how and by whom service was effected shall be filed as soon as practicable after service of a document has been effected in accordance with these Rules.

(2) The provisions of paragraph (1) shall apply to the giving of notification under rules 24 and 25 as they apply to the service of documents and references in that paragraph to service shall accordingly be construed as including references to notification and the giving of notification respectively.