
STATUTORY INSTRUMENTS

2015 No. 548

The Court of Protection (Amendment) Rules 2015

Amendments to the Court of Protection Rules 2007

58. For rule 172, substitute—

“Permission to appeal – other cases

172.—(1) Subject to rules 171B and 172A, an appeal against a decision of the court may not be made without permission.

(2) An application for permission to appeal may be made to—

(a) the first instance judge; or

(b) another judge who satisfies the relevant condition in paragraph (4) or (5).

(3) Where an application for permission is refused by the first instance judge, a further application for permission may be made to a judge who satisfies the relevant condition in paragraph (4) or (5).

(4) Where the decision sought to be appealed is a decision of a Tier 1 Judge, permission may also be granted or refused by—

(a) a Tier 2 Judge; or

(b) a Tier 3 Judge.

(5) Where the decision sought to be appealed is a decision of a Tier 2 Judge, permission may also be granted or refused by a Tier 3 Judge.

(6) Subject to paragraph (7) and except where another rule or a practice direction provides otherwise, where a judge who satisfies the relevant condition in paragraph (4) or (5), without a hearing, refuses permission to appeal against the decision of the first instance judge, the person seeking permission may request the decision to be reconsidered at a hearing.

(7) Where a Tier 3 Judge or the Senior Judge refuses permission to appeal without a hearing and considers that the application is totally without merit, that judge may order that the person seeking permission may not request the decision to be reconsidered at a hearing.

(8) Subject to paragraph (6), no appeal shall lie against—

(a) the granting or refusal of permission under this rule; or

(b) an order allowing an extension of time for appealing from an order.

Appeal against an order for committal to prison

172A. Permission is not required to appeal against an order for committal to prison.”