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## STATUTORY INSTRUMENTS

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# 2017 No. 1035

## The Court of Protection Rules 2017

### PART 7 **E+W**

#### NOTIFYING P

##### *General requirement to notify P*

#### **General** **E+W**

**7.1.**—(1) Subject to paragraphs (2) and (3), the rules in this Part apply where P is to be given notice of any matter or document, or is to be provided with any document, either under the Rules or in accordance with an order or direction of the court.

(2) Subject to rule 7.3, if P becomes a party, the rules in this Part do not apply and service is to be effected in accordance with Part 6 or as directed by the court.

(3) In any case the court may, either on its own initiative or on application, direct that P must not be notified of any matter or document, or provided with any document, whether in accordance with this Part or at all.

(4) Subject to paragraph (5), where P is a child—

- (a) if the person to be notified under this rule is a person with parental responsibility for the child within the meaning of the Children Act 1989 <sup>M1</sup> or, if there is no such person, a person with whom the child resides or in whose care the child is;
- (b) all references to “P” in this Part, except that in paragraph (2), are to be read as referring to the person notified in accordance with sub-paragraph (a).

(5) Paragraph (4) does not apply, and there is no requirement to notify P, where the person referred to in paragraph (4)(a) has already been served or notified of the relevant matter in accordance with another rule or practice direction.

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#### **Marginal Citations**

**M1** 1989 c. 41.

#### **Who is to notify P** **E+W**

**7.2.**—(1) Where P is to be notified under this Part, notification must be effected by—

- (a) the applicant;
- (b) the appellant (where the matter relates to an appeal);
- (c) an agent duly appointed by the applicant or the appellant; or
- (d) such other person as the court may direct.

(2) The person within paragraph (1) is referred to in this Part as “the person effecting notification”.

**Notifying P of appointment of a litigation friend, etc. E+W**

**7.3.** P must be notified—

- (a) where a direction has been made under rule 1.2; and
- (b) of the appointment of a litigation friend, accredited legal representative or representative on P's behalf.

**Changes to legislation:**

There are currently no known outstanding effects for the The Court of Protection Rules 2017,  
Cross Heading: General requirement to notify P.