



Mental Capacity Act 2005

2005 CHAPTER 9

PART 2

THE COURT OF PROTECTION AND THE PUBLIC GUARDIAN

Practice and procedure

53 Rights of appeal

- (1) Subject to the provisions of this section, an appeal lies to the Court of Appeal from any decision of the court.
- [^{F1}(2) Court of Protection Rules may provide that, where a decision of the court is made by a specified description of person, an appeal from the decision lies to a specified description of judge of the court and not to the Court of Appeal.]
- ^{F2}(3)
- (4) Court of Protection Rules may make provision—
 - (a) that, in such cases as may be specified, an appeal from a decision of the court may not be made without permission;
 - (b) as to the person or persons entitled to grant permission to appeal;
 - (c) as to any requirements to be satisfied before permission is granted;
 - (d) that where a ^{F3}... judge of the court makes a decision on an appeal, no appeal may be made to the Court of Appeal from that decision unless the Court of Appeal considers that—
 - (i) the appeal would raise an important point of principle or practice, or
 - (ii) there is some other compelling reason for the Court of Appeal to hear it;
 - (e) as to any considerations to be taken into account in relation to granting or refusing permission to appeal.

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 53. (See end of Document for details)

Textual Amendments

- F1** S. 53(2) substituted (12.2.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 62(2)**, 95(1)
- F2** S. 53(3) omitted (12.2.2015) by virtue of 2015 [Criminal Justice and Courts Act 2015 \(c. 2\)](#), ss. 62(3), 95(1)
- F3** Word in s. 53(4)(d) omitted (12.2.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 62(4)**, 95(1)

Changes to legislation:

There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 53.