



Mental Capacity Act 2005

2005 CHAPTER 9

PART 2

THE COURT OF PROTECTION AND THE PUBLIC GUARDIAN

Practice and procedure

51 Court of Protection Rules

[^{F1}(1) Rules of court with respect to the practice and procedure of the court (to be called “Court of Protection Rules”) may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005.]

^{F1}(2) Court of Protection Rules may, in particular, make provision—

- (a) as to the manner and form in which proceedings are to be commenced;
- (b) as to the persons entitled to be notified of, and be made parties to, the proceedings;
- (c) for the allocation, in such circumstances as may be specified, of any specified description of proceedings to a specified judge or to specified descriptions of judges;
- ^{F2}(d)
- (e) for enabling the court to appoint a suitable person (who may, with his consent, be the Official Solicitor) to act in the name of, or on behalf of, or to represent the person to whom the proceedings relate;
- (f) for enabling an application to the court to be disposed of without a hearing;
- (g) for enabling the court to proceed with, or with any part of, a hearing in the absence of the person to whom the proceedings relate;
- (h) for enabling or requiring the proceedings or any part of them to be conducted in private and for enabling the court to determine who is to be admitted when the court sits in private and to exclude specified persons when it sits in public;
- (i) as to what may be received as evidence (whether or not admissible apart from the rules) and the manner in which it is to be presented;

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 51. (See end of Document for details)

- (j) for the enforcement of orders made and directions given in the proceedings.
- (3) Court of Protection Rules may, instead of providing for any matter, refer to provision made or to be made about that matter by directions.
- (4) Court of Protection Rules may make different provision for different areas.

Textual Amendments

- F1** S. 51(1) substituted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), arts. 1, 2, **Sch. 1 para. 34**
- F2** S. 51(2)(d) omitted (6.4.2020) by virtue of [Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(c. 33\)](#), s. 4(3), **Sch. para. 38** (with savings in S.I. 2020/100, reg. 3); S.I. 2020/24, reg. 3(b)

Changes to legislation:

There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 51.