
STATUTORY INSTRUMENTS

2017 No. 1035

The Court of Protection Rules 2017

PART 18

CHANGE OF SOLICITOR

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Change of solicitor

- 18.1.**—(1) This rule applies where a party to proceedings—
- (a) for whom a solicitor is acting wants to change solicitor or act in person; or
 - (b) after having conducted the proceedings in person, appoints a solicitor to act on his or her behalf (except where the solicitor is appointed only to act as an advocate for a hearing).
- (2) The party proposing the change must—
- (a) file a notice of the change with the court; and
 - (b) serve the notice of the change on every other party to the proceedings and, if there is one, on the solicitor who will cease to act.
- (3) The notice must state the party's address for service.
- (4) The notice filed at court must state that it has been served as required by paragraph (2)(b).
- (5) Where there is a solicitor who will cease to act, that solicitor will continue to be considered the party's solicitor unless and until—
- (a) the notice is filed and served in accordance with paragraphs (2), (3) and (4); or
 - (b) the court makes an order under rule 18.3 and the order is served in accordance with that rule.

Legally aided persons

- 18.2.**—(1) Where the certificate of any person (“A”) who is a legally aided person is revoked or withdrawn—

- (a) the solicitor who acted for A will cease to be the solicitor acting in the case as soon as the solicitor's retainer is determined under regulation 24 or 41 of the Civil Legal Aid (Procedure) Regulations 2012 ^{M1}; and
 - (b) if A wishes to continue and appoints a solicitor to act on his or her behalf, rule 18.1(2), (3) and (4) will apply as if A had previously conducted the proceedings in person.
- (2) In this rule, “certificate” means a certificate issued under the Civil Legal Aid (Procedure) Regulations 2012.

Marginal Citations

M1 [S.I. 2012/3098](#).

Order that a solicitor has ceased to act

18.3.—(1) A solicitor may apply for an order declaring that he or she has ceased to be the solicitor acting for a party.

- (2) Where an application is made under this rule—
 - (a) the solicitor must serve the application notice on the party for whom the solicitor is acting, unless the court directs otherwise; and
 - (b) the application must be supported by evidence.
- (3) Where the court makes an order that a solicitor has ceased to act, the solicitor must—
 - (a) serve a copy of the order on every other party to the proceedings; and
 - (b) file a certificate of service.

Removal of solicitor who has ceased to act on application of another party

- 18.4.**—(1) Where—
- (a) a solicitor who has acted for a party—
 - (i) has died;
 - (ii) has become bankrupt;
 - (iii) has ceased to practice; or
 - (iv) cannot be found; and
 - (b) the party has not served a notice of change of solicitor or notice of intention to act in person as required by rule 18.1,

any other party may apply for an order declaring that the solicitor has ceased to be the solicitor acting for the other party in the case.

(2) Where an application is made under this rule, the applicant must serve the application on the party to whose solicitor the application relates, unless the court directs otherwise.

- (3) Where the court makes an order under this rule—
 - (a) the court shall give directions about serving a copy of the order on every other party to the proceedings; and
 - (b) where the order is served by a party, that party must file a certificate of service.

Practice direction relating to change of solicitor

18.5. A practice direction may make additional or different provision in relation to change of solicitor.

Changes to legislation:

There are currently no known outstanding effects for the The Court of Protection Rules 2017, PART 18.