

Urgent Applications in the Court of Protection

Second Edition

Her Honour Nazreen Pearce

District Judge Sue Jackson
Nominated Judge of the Court of Protection

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PREFACE

The authors have been pleased to note that the first edition of this title was so well received; hence this updated second edition. New, is the tracking of the unfolding of the Mental Capacity Act 2005, as this new jurisdiction has become embedded in our legal system, and analysis of case law which has underpinned its interpretation.

Good practice is essential in all court proceedings. The Civil Procedure Rules 1998 led the way for reform of procedure and practice across all jurisdictions. The Court of Protection Rules 2007, based on the Civil Procedure Rules, provide simple clearly defined procedures from the start to the finish of the various applications which the court may be called upon to deal with. Each Part of the Rules is supplemented by a Practice Direction, which amplifies the provisions of the rules.

Although the rules are simple to follow and the forms are prescribed for applications made in the Court of Protection, for those who are inexperienced or unfamiliar with the law which applies to this jurisdiction it can still be a maze.

The aim of this book is both to provide professionals who practice in this field and those who are called upon to advise, assist and support 'P', including family and friends, with a step-by-step guide through the law, procedure and remedies in relation to those issues that are likely to arise frequently and which may require immediate action.

We have worked together, bringing our experience from other jurisdictions alongside the publishing team at Jordans, with a view to providing a user-friendly, concise and comprehensive handbook which is accessible to all and to which they may turn to find answers. Precedents and draft orders are provided to give helpful guidance.

The authors wish to express their thanks to the nominated judges and the staff at the Court of Protection.

We also extend our appreciation and thanks to Greg Woodgate for his efforts in paving the way for us to publish this book; to Tracy Robinson for working through the Christmas and New Year break, for her patience, endurance and efficiency in dealing with the amendments we made to the original draft and

the proofs often at short notice; to Helen Pettet, marketing executive, for her efforts in marketing this edition, preparing the cover and marketing leaflets; and to Kate Hather, publishing manager, who kept us on track to ensure that we met the deadlines.

We have attempted, where possible, to illustrate the applications and orders by reference to short stories. The characters and factual circumstances relied on are purely fictional. Any apparent similarities to any real person is coincidental.

The law is stated as at 1 February 2014.

Nazreen Pearce
Sue Jackson
1 February 2014