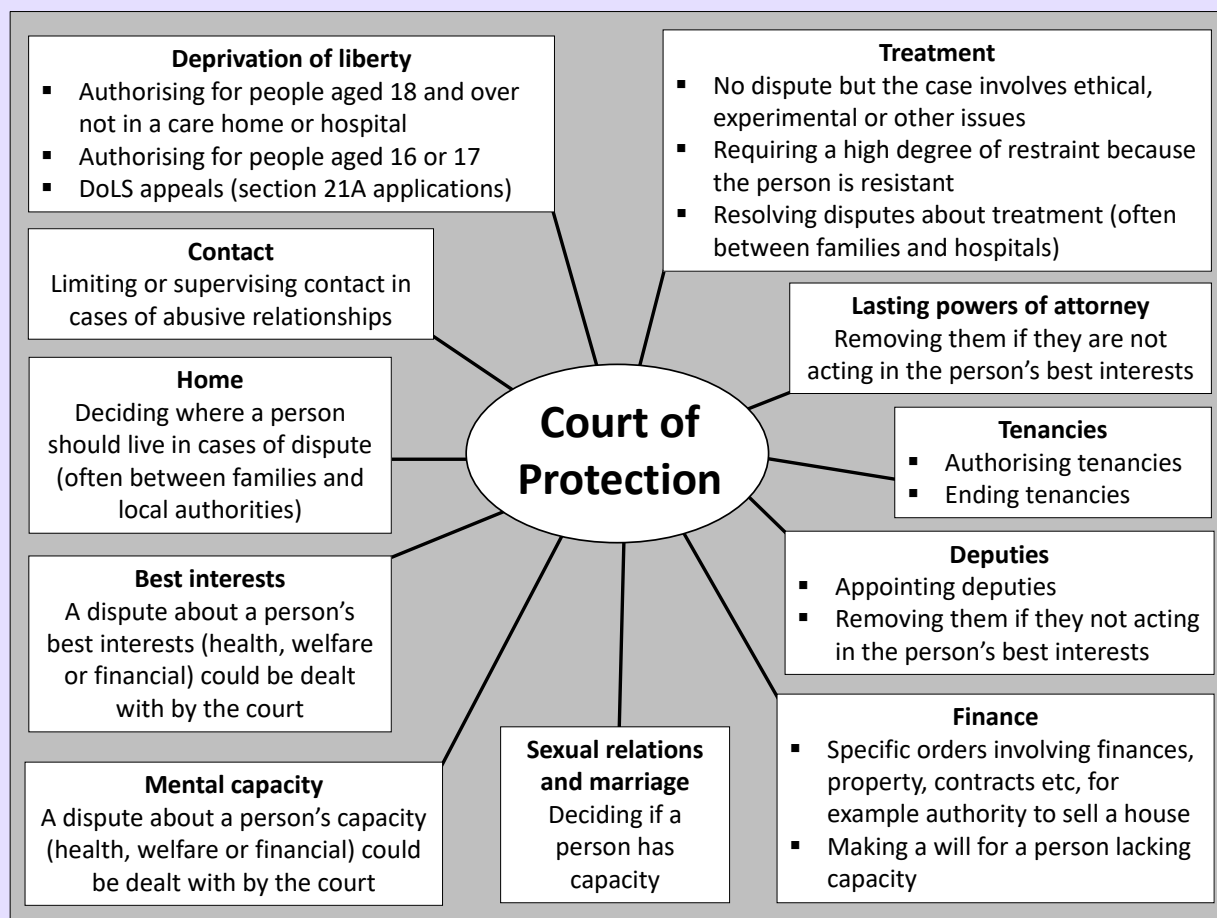


COURT OF PROTECTION

The Court of Protection rules on all matters related to the Mental Capacity Act. It can make judgments on healthcare, social care and finances in relation to people who lack mental capacity. Its scope and influence has grown considerably since it was created, reflecting the wide scope of the Act itself. Many of its judgments are referenced in this book.



Law and Code of Practice

The statutory powers of the court are contained in sections 15-18 and 45-49 of the Act. Detailed legal guidance on the practical operation of the court is contained in the *The Court of Protection Rules 2017*. The Rules (as they are known) allow for further *Practice Directions*, to be issued which provide information on the court's procedures, for example the methods available to enforce judgments or orders. Practice directions are made by the President of the Court of Protection and approved by the Minister of State for Justice and Civil Liberties. The most recent version of the Practice Directions were released in December 2017 (www.judiciary.gov.uk/publications/court-of-protection-practice-directions). In relation to the authority of Practice Directions the Court of Appeal (*Director of Legal Aid Casework & Ors v Briggs [2017] EWCA Civ 1169*) has stated:

'Insofar as the Code and the Practice Direction appear to be inconsistent the one with the other, it is the Code which must therefore take precedence.'

Chapter 8 of the Code of Practice provides further guidance on the Court of Protection.

This is not a substitute for the Act or case law. Nothing in it is intended to be, or should be, relied upon as legal advice.

It can be photocopied for local use. It can also be downloaded from: www.bookswise.org.uk.

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