

Application form

Full name of person to whom the application relates
(this is the name of the person who lacks, or is alleged to lack, capacity)

--

For office use only

Date received

Case no.

Date issued

SEAL

Please read first

- If you wish to apply to start proceedings in the Court of Protection you must complete this form and file it with the court.
- If your application is made in the course of existing proceedings then you need to complete a different form – the COP9 application notice for applications within proceedings.
- If you are appealing a Court of Protection decision then you need to complete the COP35 appellant's notice.
- You must pay a fee when you file an application. Please refer to the fees leaflet for details.
- You may need to pay for any costs you incur during proceedings. If the court considers that you have acted unreasonably you can be ordered to pay the costs incurred by other parties.
- Please continue on a separate sheet of paper if you need more space to answer a question. Write your name, the name and date of birth of the person to whom the application relates, and number of the question you are answering on each separate sheet.
- There are additional guidance notes at the end of this form.
- If you need help completing this form please check the website, www.justice.gov.uk or www.direct.gov.uk, for further guidance or information, or contact Court Enquiry Service on 0300 456 4600 or courtofprotectionenquiries@hmcts.gsi.gov.uk
- Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor.

Section 1 - Your details (the applicant)

1.1 Your details ☐ Mr. ☐ Mrs. ☐ Miss ☐ Ms. ☐ Other _____

First name

Middle name(s)

Last name

1.2 Address
(including
postcode)

Telephone no.

Daytime	
Evening	
Mobile	

E-mail address

1.3 Is a solicitor representing you?

☐ Yes

☐ No

If Yes, please give the solicitor's details.

Name

Address
(including
postcode)

Telephone no.

Fax no.

DX no.

E-mail address

1.4 Which address should official documentation be sent to?

☐ Your address

☐ Solicitor's address

☐ Other address (please provide details)

1.5 Are you the person to whom this application relates? ☐ Yes ☐ No

If No, what is your relationship or connection to the person to whom the application relates?

1.6 If you are applying in a representative capacity, please state what that capacity is.

Section 2 - The person to whom this application relates

2.1 ☐ Mr. ☐ Mrs. ☐ Miss ☐ Ms. ☐ Other _____

First name

Middle name(s)

Last name

2.2 Address
(including
postcode)

Telephone no.

Daytime	
Evening	
Mobile	

E-mail address

2.3 Date of birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

☐ Male

☐ Female

Section 3 - Permission to apply

3.1 Do you need the court's permission to make this application? (See note 1)

☐ Yes

☐ No

If Yes, you also need to complete a COP2 permission form.

Section 4 - People to be served with/notified of this application

4.1 Please give details of all respondents. (See note 2)

Full name including title	Full address including postcode	Connection to the person to whom the application relates

4.2 Please give details of other people whom you will be notifying. (See note 3)

Full name including title	Full address including postcode	Connection to the person to whom the application relates

Section 5 - Order you are asking the court to make

5.1 Please state the matter you want the court to decide? **(See note 4)**

5.2 Please state the order you are asking the court to make? **(See note 5)**

5.3 How would the order benefit the person to whom the application relates? **(See note 6)**

- 5.4 Are you aware of any previous application(s) to the Court of Protection regarding the person to whom this application relates? ☐ Yes ☐ No

If Yes, please give as much of the following information as you can. If there has been more than one previous application please attach the information about other previous applications on a separate sheet of paper.

The name of the applicant

The date of the order

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Case number

Please attach a copy of the order(s), if available.

☐ Copy attached ☐ Not available

Section 6 - Attending court hearings

- 6.1 If the court requires you to attend a hearing do you need any special assistance or facilities? (**See note 7**) ☐ Yes ☐ No

If Yes, please say what your requirements are. If necessary, court staff may contact you about your requirements.

Section 7 - Statement of truth

The statement of truth is to be signed by you, your solicitor or your litigation friend.

*(I believe) (The applicant believes) that the facts stated in this application form and its annex(es) are true.

Signed

*Applicant('s litigation friend)('s solicitor)

Name

Date

**Name
of firm**

**Position or
office held**

* Please delete the options in brackets that do not apply.

Now read note 8 about what you need to do next.

Guidance notes

Note 1

Permission to apply

In some cases you will need the court's permission to make an application.

a) You **do not** need the court's permission if the application:

- is made by a person who lacks or is alleged to lack capacity (or, if the person is under 18 years, by anyone with parental responsibility);
- is made by the Official Solicitor, the Public Guardian, or a court appointed deputy;
- concerns a lasting power of attorney or an enduring power of attorney; or
- is about an existing court order and is made by a person named in that order.

b) You **may not** need the court's permission if the application concerns the property and affairs of the person to whom the application relates.

In most cases you will not need permission. There are some exceptions – you **do** need permission where:

- your application relates to the exercise of the jurisdiction of the court under section 54(2) of the Trustee Act 1925, and you are not:
 - a person who has made an application for the appointment of a deputy;
 - a continuing trustee; or
 - any other person who, according to the practice of the Chancery Division, would have been entitled to make the application if it has been made in the High Court.
- your application is under section 36(9) of the Trustee Act 1925 for leave to appoint a new trustee in place of the person to whom the application relates, and you are not
 - a co-trustee; or
 - another person with the power to appoint a new trustee.

- your application is seeking the exercise of the court's jurisdiction under section 18(1)(b) (where this relates to the making a gift of the property of the person to whom the application relates), (h) or (i) of the Mental Capacity Act 2005 (the Act), and you are not:
 - a person who has made an application for the appointment of a deputy;
 - a person who, under any known will of the person to whom the application relates or under their intestacy, may become entitled to any property or any interest in it;
 - a person who is an attorney appointed under an enduring power of attorney which has been registered in accordance with the Act or the regulations referred to in Schedule 4 to the Act;
 - a person who is a donee of a lasting power of attorney which has been registered in accordance with the Act; or
 - a person for whom the person to whom the application relates might be expected to provide if they had capacity to do so.
- your application is under section 20 of the Trusts of Land and Appointment of Trustees Act 1996, and you are not a beneficiary under the trust or if there is more than one, by both or all of them.

c) You **do** need the court's permission for all other applications.

Where part of the application concerns a matter that requires permission, and part of it does not, you need the court's permission only for that part of it which requires permission.

Note 2

Respondents

You must provide the details of any person who you reasonably believe has an interest which means they ought to be heard by the court in relation to the application. Respondents have the opportunity to be joined as parties to the proceedings if they wish to participate in the hearing.

You must serve respondents with copies of all documents relating to your application when the court has issued your application form, in order to allow them the opportunity to support or oppose your application.

Note 3**Other people to be notified**

You must provide the details of other people who are likely to have an interest in being notified of your application. You must notify these people when the court has issued your application form. They have the opportunity to apply to the court to be joined as parties to the proceedings if they wish to participate.

You should seek to identify at least three people to be notified of your application. If you have not already named the following close family members as respondents, they should be notified in descending order as appropriate to the circumstances of the person to whom the application relates':

- a) spouse or civil partner
- b) person who is not a spouse or a civil partner but who has been living with the person to whom the application relates as if they were
- c) parent or guardian
- d) child
- e) brother or sister
- f) grandparent or grandchild
- g) aunt or uncle
- h) niece or nephew
- i) step-parent
- j) half-brother or half-sister

Where you think that a person listed in one of the categories ought to be notified, and there are other people in that category (e.g. the person has four siblings) you should provide the details of all of the people falling within that category – unless there is good reason not to do so.

You do not need to provide the details for a close family member who has little or no involvement with the person to whom the application relates, or if there is another good reason why they should not be notified.

In some cases, the person to whom the application relates may be closer to people who are not relatives and if so, it will be appropriate to provide their details instead of close family members.

In addition to the above list, you should also provide the details (if applicable) of:

- any person with parental responsibility, if the person to whom the application relates is under 18;
- any legal or natural person who is likely to be affected by the outcome of the application (e.g. a local authority or primary care trust);
- any person who has the authority to act as an attorney or deputy in relation to the matter to which the application relates;
- any other person you consider to have an interest in being notified (e.g. a close friend who provides care on an informal basis).

Note 4**Matter you want the court to decide**

In each case, the court needs to decide whether or not the person to whom the application relates is capable of making a decision about the matter to which the application relates. You therefore need to state the matter you are asking the court to decide (i.e. the matter that you feel the person to whom the application relates cannot decide for himself or herself).

For example, if your application relates to personal welfare you may want the court to decide if the person to whom the application relates is capable of deciding where they live. If your application relates to property and financial affairs, you may want the court to decide whether the person is able to make decisions about the management of their investments.

Note 5**Order you are asking the court to make**

You need to state the order you are asking the court to make. Please be specific about what you are asking the court to do.

For example, you may want the court to order that the person to whom the application relates moves to a particular residence, or that a particular investment is made. In each of the examples you would need to provide the particular details of the residence or investment.

Note 6**Benefit to the person to whom the application relates**

You need to explain how the order you are asking for will benefit the person to whom the application relates. If you are asking the court to appoint a deputy, please explain why you think this is necessary and why the court should not make the decision on behalf of the person to whom the application relates.

Note 7**Attending court hearings**

If you need special assistance or special facilities for a disability or impairment, please set out your requirements in full. It is important that you make the court aware of your needs to avoid causing any delays.

The court staff will need to know, for example, whether you want documents to be supplied in an alternative format, such as Braille or large print. They will also need to know about any specific requirements should there be a hearing, such as wheelchair access, a hearing loop or a sign language interpreter.

Note 8**What you need to do next**

When you have completed this application form you need to consider which other forms you need to complete. If you are in doubt please contact customer services.

Type of application	Forms to be completed
<p>You need permission and Your application relates to property and affairs</p>	<p>You must complete the following forms now:</p> <ul style="list-style-type: none"> • COP2 Permission form • COP3 Assessment of capacity <p>You must complete the following form, but you can choose to do it now, or wait until permission is granted:</p> <ul style="list-style-type: none"> • COP1A Supporting information for property and affairs applications <p>If you are applying to be appointed as a deputy, then you must complete the following form, but you can choose to do it now or wait until permission is granted:</p> <ul style="list-style-type: none"> • COP4 Deputy's declaration
<p>You need permission and Your application relates to personal welfare</p>	<p>You must complete the following forms now:</p> <ul style="list-style-type: none"> • COP2 Permission form • COP3 Assessment of capacity <p>You must complete the following form, but you can choose to do it now, or wait until permission is granted:</p> <ul style="list-style-type: none"> • COP1B Supporting information for personal welfare applications <p>If you are applying to be appointed as a deputy then you must complete the following form, but you can choose to do it now or wait until permission is granted:</p> <ul style="list-style-type: none"> • COP4 Deputy's declaration
<p>You need permission and Your application relates to property and affairs and personal welfare</p>	<p>You must complete the following forms now:</p> <ul style="list-style-type: none"> • COP2 Permission form • COP3 Assessment of capacity <p>You must complete the following forms, but you can choose to do it now, or wait until permission is granted:</p> <ul style="list-style-type: none"> • COP1A Supporting information for property and affairs applications • COP1B Supporting information for personal welfare applications <p>If you are applying to be appointed as a deputy then you must complete the following form, but you can choose to do it now or wait until permission is granted:</p> <ul style="list-style-type: none"> • COP4 Deputy's declaration

Type of application	Forms to be completed
<p>You do not need permission and Your application relates to property and affairs</p>	<p>You must complete the following forms now:</p> <ul style="list-style-type: none"> • COP3 Assessment of capacity • COP1A Supporting information for property and affairs applications <p>If you are applying to be appointed as a deputy then you must also complete the following form now:</p> <ul style="list-style-type: none"> • COP4 Deputy's declaration
<p>You do not need permission and Your application relates to personal welfare</p>	<p>You must complete the following forms now:</p> <ul style="list-style-type: none"> • COP3 Assessment of capacity • COP1B Supporting information for personal welfare applications <p>If you are applying to be appointed as a deputy then you must also complete the following form now:</p> <ul style="list-style-type: none"> • COP4 Deputy's declaration
<p>You do not need permission and Your application relates to property and affairs and personal welfare</p>	<p>You must complete the following forms now:</p> <ul style="list-style-type: none"> • COP3 Assessment of capacity • COP1A Supporting information for property and affairs applications • COP1B Supporting information for personal welfare applications <p>If you are applying to be appointed as a deputy then you must also complete the following form now:</p> <ul style="list-style-type: none"> • COP4 Deputy's declaration

If you are unable to provide the COP3 assessment of capacity form

If you are unable to provide the COP3 assessment of capacity (for example, because the person to whom the application relates refuses to undergo an assessment) then you need to complete and file a COP24 witness statement with the application form explaining:

- why you are not able to provide an assessment of capacity;
- what attempts (if any) you have made to obtain an assessment of capacity; and
- why you know or believe that the person to whom the application relates lacks capacity to make a decision in relation to the matter you want the court to decide.

Other documents to be filed

The following documents must also be filed with the application form, if applicable:

- if permission has already been granted, a copy of the court order granting permission;
- the order appointing a deputy, where the application relates to or is made by a deputy;
- the order appointing a litigation friend, where the application is made by, or where the application relates to the appointment of a litigation friend;
- the order of the Court of Protection, where the application relates to the order;
- the order of another court, where the application relates to the order;
- any written evidence on which you intend to rely (in accordance with the relevant practice direction) using the COP24 witness statement form;
- any other documents you refer to in the application form; and
- any other information and material as may be set out in a practice direction that supplements the Court of Protection Rules 2007.

The court requires two copies (i.e. the original plus one copy) of each form and document you file.

Please return the original completed forms, documents and copies to:

Court of Protection
The Royal Courts of Justice
Thomas More Building
Strand
London WC2A 2LL

Note 9

What happens next?

If you need permission to apply

The court will notify you when permission is granted, refused or if a date has been fixed for a hearing of the application for permission.

If permission is granted then you will need to file any other forms you need to complete, if you have chosen not to file these with the permission form.

If permission is granted and the court has received the correct completed forms, the court will issue your application form and legal proceedings will start. The court will notify you when your application form has been issued and will return a sealed copy of the application form. You will need to serve a copy on each respondent and notify the person to whom the application relates and the other people you have named in section 4.2 of this form.

If you do not need permission to apply

When the court has received the correct completed forms, it will issue your application form and legal proceedings will start. The court will notify you when your application form has been issued and will return a sealed copy of the application form. You will need to serve a copy on each respondent and notify the person to whom the application relates and the other people you have named in section 4.2 of this form.