

PRACTICE DIRECTION – GENERAL PROVISIONS

This practice direction supplements Part 4 of the Court of Protection Rules 2007

PRACTICE DIRECTION A – COURT DOCUMENTS

Signature of documents by mechanical means

1. Where, under rule 10(2), a replica signature is printed electronically or by other mechanical means on any document, the name of the person whose signature is printed must also be printed so that the person may be identified.

Form of documents

2. Documents drafted by a legal representative should bear his signature and if they are drafted by a legal representative as a member or employee of a firm, they should state the capacity in which he is signing, and the name of the firm by which he is employed.
3. Every document prepared by a party for filing or use at the court must:
 - (a) unless the nature of the document renders it impracticable, be on A4 paper of durable quality having a margin not less than 3.5 centimetres wide;
 - (b) be fully legible and should normally be typed;
 - (c) where possible be bound securely in a manner which would not hamper filing;
 - (d) have the pages numbered consecutively;
 - (e) be divided into numbered paragraphs; and
 - (f) have all numbers, including dates, expressed as figures.
4. A document which is a copy produced by a colour photostat machine or other similar device may be filed at the court office provided that the coloured date seal of the court is not reproduced on the copy.

Documents for filing at court

5. The date on which a document was filed at court must be recorded on the document. This may be done with a seal or a receipt stamp.

6. Particulars of the date of delivery at a court office of any document for filing and the title of the proceedings in which the document is filed shall be entered in court records, on the court file, or on a computer kept in the court office for that purpose. Except where a document has been delivered at the court office through the post, the time of delivery should also be recorded.

Filing by facsimile

7. In relation to the filing of documents by facsimile ("fax"):
 - (a) subject to subparagraphs (h) and (i), a party may file a document at court by sending it by fax;
 - (b) where a party files a document by fax, he must not send a hard copy in addition;
 - (c) a party filing a document by fax should be aware that the document is not filed at court until it is delivered by the court's fax machine, regardless of the time that is shown to have been transmitted from the party's machine;
 - (d) the time of delivery of the faxed document will be recorded on it in accordance with paragraph 6;
 - (e) it remains the responsibility of the party to ensure that the document is delivered to the court in time;
 - (f) if a fax is delivered after 4pm, it will be treated as filed on the next day the court office is open;
 - (g) if a fax relates to a hearing, the date and time of the hearing should be prominently displayed;
 - (h) fax should not be used to send letters or documents of a routine or non-urgent nature;
 - (i) fax should not be used, except in an unavoidable emergency, to deliver:
 - (i) a document which attracts a fee;
 - (ii) a document relating to a hearing less than 2 hours ahead of that hearing; or
 - (iii) skeleton arguments;
 - (j) where paragraph 7(i)(i) applies, the fax should give an explanation for the emergency and include an undertaking that the fee or money has been dispatched that day by post or will be paid at the court office counter the following business day; and

- (k) where the court has several fax machines, each allocated to an individual section, fax messages should only be sent to the machine of the section for which the message is intended.

Editing information from court documents

8. An application made pursuant to rule 19 for an order that a specified part of a document is to be edited must be made in accordance with the Part 10 procedure, using a COP9 application notice.
9. The person making the application must provide the court with a draft copy of the document which is sought to be edited, with the part or parts which are sought to be deleted clearly marked.

Copies

10. Unless:
 - (a) a rule or practice direction provides otherwise; or
 - (b) the court directs otherwise,when a document is to be filed at the court, the person filing the document must provide the original and one copy of the document.