

Guidance notes on completing form COP5

Acknowledgment of service/notification

Please read the following notes before completing form COP5

You have been served with or notified of proceedings in the Court of Protection as you may have an interest in this application.

You should only complete the form if you oppose the application; wish to seek a different order or direction; or wish to make representations for the court to consider before it makes a decision.

You do not need to do anything if you consent to the application and do not wish to participate in the court proceedings.

Please note: You may need to pay for any costs you incur during proceedings. If the court considers that you have acted unreasonably it may order you to pay the costs incurred by other parties.

People who have an interest:

- A. If you are **the person to whom this application/appeal relates** the application is about your finances and/or personal welfare. You should have been given a form COP14 explaining the decision the court has been asked to make. This form should have been given to you in person. If you wish to participate, you must complete form COP5 and request that you are joined as a party to the proceedings. The court may decide to appoint a person to act on your behalf as your 'litigation friend'. You must complete all sections in COP5.
- B. If you are a **respondent**, you will have been served with a copy of the application and any relevant papers in support. By completing and filing COP5 with the court, you will be made a party to the proceedings. You must complete Sections 1, 3, 4 and 5 of COP5.
- C. If you have been notified as a **person with an interest in the application**, and wish to participate, you must complete COP5 and request that you are joined as a party to the proceedings. The court will then consider this and make a decision. The applicant should have given you a COP15 notice, which explains the order the court has been asked to make. You must complete all sections in COP5.

Action required to participate:

You have **14 days** from the day you were given notice or served to complete form COP5 and file it with the court.

Completing form COP5

Failure to answer any of the relevant sections on form COP5 may result in you not being joined as a party. Refer to practice direction 9C for further guidance.

Your details (Section 1)

If you are legally represented, please provide your solicitors full contact details at section 1.3

Please indicate at section 1.4 to which address official documentation should be sent.

Please indicate at section 1.5 your role in these proceedings.

Application to be joined as a party (Section 2)

If you wish to participate in the proceedings and apply to be joined as a party answer sections 2.1 and 2.2.

You will need to explain your interest in the proceedings and why you wish to be joined as a party. This should include your connection to the person to whom the application relates, how long you have known them and any information that explains why you have an interest in the proceedings.

You will also need to provide written evidence of your interest in the proceedings on the COP24 Witness statement form available from the website www.gov.uk/court-of-protection. You can send your evidence with your acknowledgment, or if you intend to send it separately you must send it to the court within 28 days of the date you were given notice on form COP14 or COP15.

Responding to the application or seeking a different order/direction (Section 3)

Consenting to the application:

You can use this form to let the court know about anything you consider relevant to the application, even if you do not oppose the application.

Opposing the application:

If you oppose the application you must explain your reasons for doing so at section 3.2. The evidence on which you intend to rely must be provided on COP24 Witness statement form, available from www.gov.uk/court-of-protection. You can send your evidence with your acknowledgment, or if you intend to send it separately you must send it to the court within 28 days of the date you were served with a copy of the application.

Seeking a different order:

If you propose that a different order should be made you must explain your reasons for doing so at section 3.2. You should also explain how this different order would benefit the person to whom the application relates. The evidence on which you intend to rely must be filed with your COP5 form, by completing COP24 Witness statement form, available from www.gov.uk/court-of-protection. You can send your evidence with your acknowledgment, or if you intend to send it separately you must send it to the court within 28 days of the date you were served with a copy of the application.

Seeking directions:

If you are seeking guidance/instructions from the court as to the case management of the application, including the filing of evidence, please explain what directions you seek at section 3.2.

Attending court hearings (Section 4)

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 any 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.

Signature (Section 5)

The certificate provided to the court must be signed and dated by the applicant or their appointed agents.

What you need to do next

When you have completed the form you should take, or send it to the Court of Protection. For details on where to send the form check the website: www.gov.uk/court-of-protection

Disclaimer

Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor or your local Citizens Advice. Information in this guidance is believed to be correct at the time of publication; however we do not accept any liability for any error it may contain.

If you need further help completing form COP5, please check the website www.gov.uk/court-of-protection