COP 21B 12.10

Court of Protection: Guidance notes on completing form COP20B

Please read the following notes before completing form COP20B

Form COP20B must be completed when you have served/notified those people mentioned in the application/appeal form that an application/appeal has been issued/withdrawn or any other matter as the court directs.

You must provide the person being served/notified with a COP15 notice which includes details of why the notification/service is being given to him/her. **Please read this note in conjunction with guidance note COP15A.**

The court requires that persons who have an interest in the application/appeal must either be **notified** by giving them form COP15 or **served by** giving them a copy of the issued application and supporting evidence.

Where the person is served or notified that an application form or appellant's notice has been issued, you **must** provide them with a COP5 acknowledgement of notification form.

You **must** complete and return the COP20B to the court **within seven days of service or notification taking place.**

In the case of non-service or non-notification, the COP20B **must** be returned to the court within **seven days of the latest date on which notification or service should have been made.**

Failure to answer any of the sections on form COP20B may result in consideration of the application/appeal being delayed.

Completing form COP20B

1. Details of the person who provided service/notification (Section 1)

Definitions:

- **Agent –** a person carrying out the notification on another's behalf, e.g. nursing home proprietor.
- **Applicant –** the person applying to the court for a court order.
- **Appellant –** the person who is appealing against a decision made in court.
- **Final order –** the court order that brings the application to an end, e.g. the order appointing a deputy.
- **Litigation friend –** a person acting in legal proceedings on behalf of a person who lacks capacity (or on behalf of a child).
- **Respondent –** a party to the proceedings (other than the Applicant or Appellant).
- **Other –** a person not covered by any of the above categories, e.g. a neighbour.

2. Persons served or notified (Sections 2 and 3)

Service/notification must be made on those people listed on Sections 4.1 and 4.2 of the Application form COP1; Section 2.6 of the Appellant's notice COP35; or other persons as the court may direct.

The date of service/notification depends on the method of delivery used:

- First class post (or other service for next-day delivery): date of posting.
- Personal: date of personal service
- Document exchange: Date when the document was left at the document exchange.
- Delivery of document to permitted address: Date when document was delivered to the permitted address.
- Fax: Date of transmission.
- Other electronic means: Date of transmission and the means used.
- Alternative method permitted by the court: If the court has permitted an alternative method of delivery it will specify the date or other details to be stated on the certificate of service.

You must confirm the method of service/notification by completing the relevant tick box.

3. Non-service/Non-notification (Section 4)

Where the applicant/appellant or his/her agent is unable to serve a document or to provide notification, he/she must provide details of the person(s) not served or notified and state the reason(s) why service/notification could not be made.

4. Statement of truth (Section 5)

The certificate provided to the court must include a signed and dated statement by the applicant/appellant or his/her appointed agents.

Disclaimer

Your attention is drawn to the provisions of Part 7 of the Court of Protection Rules 2007, Practice Direction 6A and Practice Directions 9B and 9C. Copies of the Practice Directions can be found on HMCS website, details below.

Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor or your local Citizens Advice Bureau. 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 COP20B, please check the website www.hmcourts-service.gov.uk For additional guidance or information please contact our Court Enquiry Service on 0300 456 4600 or courtofprotectionenquiries@hmcourts-service.gsi.gov.uk

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