**IN THE COURT OF PROTECTION Case No:**

**SITTING AT**

**IN THE MATTER OF THE MENTAL CAPACITY ACT 2005**

**IN THE MATTER OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**BETWEEN:**

**[INSERT NAME]**

**Applicant**

**and**

1. **[insert P’s name]**

**[(acting by his/her litigation friend, XXX)]**

1. **[insert name]**

**Respondents**

**IMPORTANT WARNING**

**ANY PERSON OR BODY WHO KNOWS OF THIS ORDER AND DOES ANYTHING TO BREACH PARAGRAPHS** [**3 AND/OR 4** *INSERT NUMBERS*] **MAY BE HELD TO BE IN CONTEMPT OR COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.**

**IF YOU ARE SERVED WITH THIS ORDER YOU SHOULD READ IT EXTREMELY CAREFULLY. YOU HAVE THE RIGHT TO ASK THE COURT TO VARY OR DISCHARGE THIS ORDER.**

**BEFORE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ SITTING AT \_\_\_\_\_\_\_ ON \_\_\_\_\_\_\_\_.**

**UPON** the Court determining that in the exceptional circumstances of the current national public health emergency this case is suitable for hearing remotely (‘remote hearing’) by means of [video link]/[Skype]/[telephone]/[other].

**AND UPON** the parties and the court having identified and settled on the following communications platform to be used to conduct remote hearings in this case \_\_\_\_\_\_\_\_\_\_\_\_\_.

**AND UPON** ongoing consideration being given in this case to the means by which any remote hearing or part thereof canbe accessible to the public, with the court’s permission, publications of judgments, making transcripts or recordings of the hearing available for reading or listening at the request of third parties or the press or legal bloggers.

**BY ITS OWN MOTION / BY CONSENT**

**IT IS ORDERED THAT:**

1. All hearings in this matter shall take place in private and by way of remote hearing pursuant to Court of Protection Rules 2017 r 3.1(2)(d) unless the court directs otherwise.
2. The parties and their representatives shall attend all hearings by way of [video link]/[Skype]/[telephone]/[other].
3. It is forbidden for any person to make, or attempt to make—
   * 1. an unauthorised recording, or
     2. an unauthorised transmission,

of an image or sound which is being transmitted through a live video link or transmitted through a live audio link in this case.

1. It is forbidden for any person to make, or attempt to make—
2. an unauthorised recording, or
3. an unauthorised transmission,

of an image of, or sound made by, any person (whether P or another person) while that person is participating in court proceedings through a live video link or a live audio link in this case.

1. [If relevant] The transparency order made on the [insert date] is hereby discharged.
2. Practice Direction 4C is disapplied.
3. On the court list for the next hearing the words “to be heard remotely” will be endorsed next to this case.
4. Accredited members of the press and legal bloggers may seek to attend the remote hearing by putting in a request to this court confirming the email address of the relevant journalist or legal blogger who is to be joined to the platform and the name of their employer (if any). If such permission is granted the disapplications at §§5 and 6 above will require to be revisited at the commencement of any remote hearing attended by the press or a legal blogger.
5. Any other person may apply for permission to attend the remote hearing in the same fashion as an accredited member of the press or legal blogger, also giving an explanation as to why they wish to attend. In such an event §§5 and 6 above will require to be revisited in any order which permits such attendance.
6. No unauthorised person may be present at this hearing. When asked, each legal representative must be able to confirm that no unauthorised person is in attendance or able to listen to the hearing.
7. This matter shall be listed for a remote hearing on \_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_ before \_\_\_\_\_\_\_\_ sitting at \_\_\_\_\_\_\_\_\_\_\_ with a time estimate of \_\_\_\_\_\_\_\_\_.
8. The legal representatives and the parties shall attend the remote hearing or otherwise meet remotely no less than 1 hour before it due to commence to ensure that each advocate has full instructions and issues have been refined by negotiation for a prompt start.
9. The parties shall arrange and attend remotely an Advocates Meeting no less than 48 hours before the hearing listed above.
10. The [applicant / respondent] shall be responsible for arranging with the Judge’s clerk (via \_\_\_\_\_\_\_\_) the necessary facilities to conduct a remote hearing, allowing enough time for any necessary testing to take place. This will include provision to the court of the necessary contact details for the parties and their representatives where these are needed to facilitate the remote hearing.
11. Where the parties reach a consensus as to the form of order for the hearing and all parties confirm the same in writing then:
12. the form of remote hearing may be substituted to take place, in whole or in part, by way of email exchange with the judge.
13. Where this occurs on the day of, or a working day before, the remote the judge must have approved the order prior to cancellation of the arranged platform for the remote hearing.
14. The [applicant /respondent] must confirm the details of the arrangements for the hearing to the other parties by no later than 24 hours prior to the remote hearing taking place.
15. Paragraphs 5, 7 and 8 of Practice Direction 4B is disapplied in this case until further order the following consequential provisions shall apply in respect of the filing of the bundle for the remote hearing:
    1. The applicant shall fie an electronic bundle by email no less than 48 hours before the hearing save for an urgent hearing;
    2. PDF format is to be used;
    3. All documents are to be contained, if possible, within one single PDF file and with pagination;
    4. Electronic bundles should contain only documents and authorities that are **essential** to the remote hearing;
    5. Save for the paragraphs disapplied above and where otherwise varied by this direction the bundle must comply with PD 4B;
    6. All position statements/skeleton arguments should also be separately filed by email in a Microsoft word format.
16. [Further Directions].

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2020