

Annex C: Supporting information for statutory will, codicil, gift(s), deed of variation or settlement of property

For office use only
Case no. (if known)
Date received

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

Please note: This annex must be submitted with COP1

Section 1 - Your details (the applicant)

1.1 (a) Applicant 1

Mr. Mrs. Miss Ms. Other _____

First name(s)

Last name

(b) Applicant 2

Mr. Mrs. Miss Ms. Other _____

First name(s)

Last name

1.2 I attach

- a copy of the order appointing a deputy
- an office copy or certified copy of the registered enduring power of attorney or lasting power of attorney for property and financial affairs
- written consent of my co-deputy or co-attorney
- details confirming I have notified my co-deputy or co-attorney about this application

Section 2 - Your application

2.1 Please state the order you are asking the court to make:

Section 3 - Statutory Wills or Codicils

3.1 You must provide the following information to support your application:

- A medical report on the current testamentary capacity of the person to whom this application relates
- COP24 Witness statement setting out evidence in support of your application and confirmation that the person to whom the application relates is domiciled in England and Wales
- COP1A or a summary schedule of assets and their value, annual income and expenditure of the person to whom this application relates
- Copy of all previous and existing wills and codicils
- Draft proposed will or codicil
- Consent to act by proposed Executor(s)
- Details of the family of the person to whom this application relates with full names and dates of birth, where known (preferably in the style of a family tree)

Section 4 - Gift(s), deeds of variation or settlements of property

4.1 You must provide the following information to support your application:

- A COP3 report or other relevant statement upon capacity
- Up-to-date report of medical condition of the person to whom this application relates, life expectancy, likelihood of required increased expenditure in the foreseeable future
- COP24 Witness statement setting out evidence in support of your application, including where appropriate
 - (a) the needs of the person to whom this application relates both current and future estimates and general circumstances
 - (b) details of any capital gains tax, inheritance tax or income tax which may be chargeable in respect of the subject matter of the application
 - (c) an explanation of the effect, if any, that the proposed changes will have on the circumstance of the person to whom the application relates; preferably in the form of a 'before and after' schedule of assets and income.
 - (d) A statement of whether any land would be affected by the proposed settlement and if so, details of its location and title number, if applicable.
- COP1A or a summary schedule of assets and their value, annual income and expenditure of the person to whom this application relates
- Copy of current will and any codicil
- Copy of existing settlement of property if any
- Draft of proposed deed, deed of variation or trust (if applicable)
- Details of the family of the person to whom this application relates with full names and dates of birth, where known (preferably in the style of a family tree)

Section 5 - Statement of truth

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

*(I believe) The applicant(s) believe(s) that the facts stated in this annex are true.

Applicant (1)

Signed

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

Name

Date

**Name
of firm**

**Position or
office held**

Applicant (2)

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.

If there are more than two applicants, please continue on a separate sheet.

COP1C Notes

Guidance notes on completing form COP1C Annex C: Supporting information for statutory will, codicil, gift(s), deed of variation or settlement of property

Please read the following notes before completing form COP1C

You must complete and file this form if your application relates to a statutory will, codicil, gift, deed of variation, or other settlement of property.

The following must be named in your COP1 as respondents to be served with your application as set out in paragraph 9 of practice direction 9E:

- Any beneficiary under an existing will or codicil who is likely to be materially or adversely affected by the application
- Any beneficiary under a proposed will or codicil who is likely to be materially or adversely affected by the application
- Any prospective beneficiary under any intestacy of the person to whom this application relates

Completing form COP1C

Please ensure that you provide all relevant information to support your application. Refer to practice direction 9E for further guidance.

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 the number of the question you are answering.

What you need to do next

When you have completed this form, you will need to consider what other forms and documents you need to complete. Refer to the guidance notes on form COP1 for information on what forms to complete and what you need to do next.

When you have completed all the forms you should take, or send them to the Court of Protection, along with any fee. For details on where to send your application 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 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 with your application, please check the website www.gov.uk/court-of-protection