

Court of Protection: Guidance notes on completing form COP20B Certificate of service non-service notification/non-notification

Please read the following notes before completing form COP20B

You must complete form COP20B to tell the court when you:

- serve a copy of an application form;
- serve a copy of an appellant's notice;
- serve a copy of a respondent's notice
- serve a copy of a certificate of suitability of a litigation friend;
- provide notice that you have issued an application or;
- serve a copy of any other document, as directed by the court.

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

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 Service notification form at the same time as you serve or notify.

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

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.
- **Accredited legal representative** – a person appointed by the court from a panel of legally qualified representatives to represent the person to whom the application/appeal relates in the proceedings when it is not possible or necessary to appoint a litigation friend.

- **Applicant** – the person applying to the court for a court order.
- **Appellant** – the person who is appealing against a decision made in court.
- **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)

You must serve or notify the following:

- anyone named as a respondent to be served with your application in section 5.1 of the COP1 Application form;
- anyone named to be notified in section 5.2 of the COP1 Application form;
- anyone named in section 2.5 of the COP35 Appellant's notice;
- the appellant if you are issuing a COP36 Respondent's notice
- the person who is to be served on behalf of the child or protected party and every other person who is a party to the proceedings if you are serving a COP22 Certificate of suitability of litigation friend; or
- any other person or 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.

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.

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.

What you need to do next

When you have completed the COP20B 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 COP20B, please check the www.gov.uk/court-of-protection