

Certificate of failure or refusal of witness to attend before an examiner

For office use only

Case no.

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

Please read first

- If you required a deposition and the person ordered to attend before the examiner failed to attend or refused to be sworn, answer a question or produce a document, then you need to complete this certificate and file it with the court.
- You need to arrange for the examiner to complete and sign section 1 of this certificate.
- You may apply to the court for a further order in respect of the witness after this certificate has been filed.
- Please continue on a separate sheet of paper if you need more space to answer a question. Write the case number, your name, the name of the person to whom the application relates, and the number of the question you are answering on each separate sheet.
- If you need help completing this form please check the website, www.justice.gov.uk or www.direct.gov.uk, for further guidance or information, or contact Court Enquiry Service on 0300 456 4600 or email courtofprotectionenquiries@hmcts.gsi.gov.uk
- Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor.

Section 1 - Failure or refusal of witness to attend before an examiner

This section is to be completed and signed by the examiner

1.1 What is the name of the witness?

1.2 What was the date of the order directing the examination?

D	D	M	M	Y	Y	Y	Y
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1.3 On what day and at what time was the examination due to take place?

D	D	M	M	Y	Y	Y	Y
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Time

1.4 Where was the examination due to take place?

1.5 The above named witness:

failed to attend the examination

refused to be sworn for the purpose of the examination

refused to answer the following lawful question(s) at the examination (please specify)

refused to produce the following document(s) at the examination (please specify)

1.6 Please provide any comments as to the conduct of the deponent or of any person attending the examination.

Signed

Position or office held

Name

Date

Section 2 - Your details (party requiring the deposition)

This section is to be completed and signed by the party requiring the deposition

2.1 Mr. Mrs. Miss Ms. Other _____

First name

Middle name(s)

Last name

2.2 Address
(including
postcode)

Telephone no.

2.3 What is your role in these proceedings?

Applicant (the person who filed the COP1 application form)

Respondent

Other (please provide details)

Section 3 – Signature

Signed

*(Applicant)(Respondent)(’s litigation friend)(’s solicitor)

Name

Date

Name
of firm

Position or
office held

* Please delete the options in brackets that do not apply.

Please return the completed certificate to:

Court of Protection,
PO Box 70185, First Avenue
House, 42-49 High Holborn,
London WC1A 9JA
DX 160013 Kingsway 7