

IN THE COURT OF PROTECTION

CASE NO: -----

IN THE MATTER OF THE MENTAL CAPACITY ACT 2005

IN THE MATTER OF X [*THE ANONYMISED REFERENCE TO P*]

BEFORE -----

BETWEEN

[*APPLICANT*]

Applicant

and

[*FIRST RESPONDENT*]

First Respondent

[*SECOND RESPONDENT*]

Second Respondent

[*PARTIES IN APPROPRIATELY ANONYMISED FORM*]

IMPORTANT

If any person disobeys the order in paragraph (5) they may be found guilty of contempt of court and may be sent to prison, fined or have their assets seized. They have the right to ask the court to vary or discharge the order.

UPON READING the Court file

AND UPON HEARING -----

AND UPON IT APPEARING TO THE COURT that there should be an attended hearing to which the pilot provided for by *Practice Direction – Transparency Pilot* should apply

IT IS HEREBY ORDERED that:

- (1) This application be set down for an attended hearing on ----- with a time estimate of ----- at which the Court will consider the following issues:
- (a) ---,
 - (b) ---

[DEFINE THE ISSUES]

- (2) Subject to further order of the Court that attended hearing and any further attended hearing of this application is to be in public PROVIDED ALWAYS THAT the court may exclude from the attended hearing any person (other than a party) who refuses a request to sign a document recording their attendance and that they are aware of the terms of this order
- (3) The attended hearing is to be listed as follows:

[SET OUT A DESCRIPTION BY REFERENCE TO THE GENERAL DESCRIPTION LIST]

- (4) Part 3 of Practice Direction 13A to the Court of Protection Rules 2007 (which relates to proceedings held in private) shall continue to apply to these proceedings.
- (5) (A) The following persons (the Persons Bound by this Injunctive Order) are bound by this injunctive order:
- (i) the parties and their representatives,
 - (ii) the witnesses,
 - (iii) all persons who attend all or any part of an attended hearing,
 - (iv) all persons who by any means obtain or are given an account or record of all or any part of an attended hearing or of any order or judgment made or given as a result of an attended hearing,
 - (v) all persons who are provided with or by any means obtain documents and information arising from this application, and
 - (vi) any body, authority or organisation (and their officers, employees, servants and agents) for whom any such person works or is giving evidence.

(B) The material and information (the Information) covered by this injunctive order is:

- (i) any material or information that identifies or is likely to identify that
 - (a) [INITIALS TO IDENTIFY P NOT NAME] and members of [SAME INITIALS TO IDENTIFY P]'s family are respectively the subject (and so a P as defined in the Court of Protection Rules 2007) or

members of the family of a subject of these proceedings, or that

- (b) [*ANONYMISED PERSON*] [--- *ANONYMISED REFERENCE TO ANY OTHER PARTY --*] is a party to these proceedings, or that
- (c) [*ANONYMISED PERSON*] [----- *ANONYMISED PERSON WHOSE IDENTITY SHOULD NOT BE PUBLISHED -----*] (who the Court has so identified to the parties in private) [----- has taken a part in / or been referred to in -----] these proceedings; and

(ii) any material or information that identifies or is likely to identify where any person listed above lives, or is being cared for, or their contact details.

(C) Subject to further order of the Court and save as provided by subparagraph (D) the Persons Bound by this Injunctive Order shall not by any means directly or indirectly:

- (i) publish the Information or any part or parts of it, or
- (ii) cause, enable, assist in or encourage the publication of the Information or any part or parts of it.

(D) Subject to further order of the Court this injunctive order does not prevent the Persons Bound by this Injunctive Order from communicating information relating to these proceedings on the basis that Part 3 of Practice Direction 13A to the Court of Protection Rules 2007 (which relates to proceedings held in private) applies to these proceedings.

- (6) Subject to further order of the Court any transcript of a hearing of and any judgment or order given in these proceedings shall be anonymised so that it shall contain no reference by name or address to the persons or bodies referred to in paragraph (5)(B) and shall refer to them by their descriptions therein but when the person served or provided with any transcript, judgment or order needs to know the identity of any anonymised person that document is to be served on or provided to that person with a copy of this order and a confidential schedule that provides the necessary identification.
- (7) At any time the Court may give such directions as it thinks fit (including directions relating to anonymisation, payment, use, copying, return and the means by which a copy of a document or information may be provided) concerning the provision of information or copies of documents put before the Court and the terms on which they are to be provided to any person who attends an attended hearing (and is not a person to whom the document can be provided under Part 3 of Practice Direction 13A to the Court of Protection Rules 2007).
- (8) A record (the Record) of the Information shall be kept by the Court. The Record shall contain a list of the names separately from the other parts of the Information. The Record or some of it may on request be made available to

anyone who attends or has attended a hearing on such terms as the Court thinks fit.

- (9) Application may be made to the Court by any person who has not been present at an attended hearing (and so become aware of or been able to request the Information) for a direction that they be provided with the Information or some of it on such terms as the Court thinks fit. Any such application must be accompanied by evidence setting out why such a direction is sought.
- (10) The parties and any person affected by this order may apply to the Court for an order (and the Court may of its own motion make an order) that:
 - (i) varies or discharges this order or any part or parts of it, or which
 - (ii) permits the publication of any of the Information on the basis that it is lawfully in the public domain or for such other reason as the Court thinks fit.
- (11) Subject to further order of the Court, any person who would have been entitled under the Legal Services Act 2007 to exercise rights of audience at the attended hearing if this order had not been made and it was held in private (and is not otherwise entitled to exercise such rights), shall be entitled to exercise equivalent rights of audience at that attended hearing and any further attended hearing of this application.

(12) Costs reserved.

Dated:-----