

46. Documents to be filed

- (1) The originating summons, application forms and supporting affidavits for mental capacity proceedings are to be filed in the Family Justice Courts.
- (2) The Court may reject any document filed if there are errors or if the document does not comply with the Family Justice Rules, these Practice Directions, or any other directions made by the Court.
- (3) Explanatory text in Form 217 in Appendix A to these Practice Directions should be excluded from the originating summons. Also, where a choice is set out in the form (e.g. Deputy / Deputies), the inapplicable choice should be deleted.

50. Relevant persons

- (1) "Relevant persons" are persons who have an involvement in P's life and/or who are likely to have an interest in the application. Often, P's immediate family members, by virtue of their relationship to P, are likely to have an interest in being notified that an application has been made to the Court concerning P.
- (2) 'Relevant persons' for the purposes of Rule [176A and](#) 179 of the Family Justice Rules will therefore often include the following immediate family members:
 - (a) P's spouse;
 - (b) P's children (aged 21 and above);
 - (c) P's parents or guardians; and
 - (d) P's brothers or sisters (aged 21 and above).
- (3) However, the presumption that immediate family members are likely to have an interest in an application concerning P may be rebutted where the plaintiff or applicant is aware of circumstances which reasonably indicate that P's immediate family should not be served. For example, where the family member in question has had little or no involvement in P's life and has shown no inclination to do so, that family member need not be served. In some cases, P may be closer to persons who are not immediate family members and if so, it will be appropriate to effect service on them instead of the immediate family members.
- (4) The plaintiff or applicant should serve the application, the supporting affidavits and the Notice to Relevant Person in Form 222 in Appendix A to these Practice Directions on relevant persons.
- (5) Where the plaintiff or applicant decides that a person listed in one of the categories in sub-paragraph (2) ought to be served, and there are other persons in that category (for example, P has three siblings), the plaintiff or applicant should serve on all persons falling within that category unless there is a good reason not to do so. For example, it may be a good reason not to serve on every person in the category if one or more of them has had little or no involvement in P's life and has shown no inclination to do so.
- (6) Apart from immediate family members, other relevant persons who are likely to have an interest in the application concerning P and who should be served the application, the supporting affidavits and the Notice to Relevant Person in Form 222 in Appendix A to these Practice Directions include:
 - (a) any other relatives or friends who have a close relationship with P;

- (b) any person who has a legal duty to support P;
- (c) any person who will benefit from P's estate; and
- (d) any person who is responsible for P's care.

If there is no such person to the best of the plaintiff's or applicant's knowledge, he is to state this in his supporting affidavit.

- (7) The details of all relevant persons who should be served are to be listed clearly in the supporting affidavit of the plaintiff or applicant. Where service would not be effected on relevant persons who should be served, the reason why this is so must be stated in the supporting affidavit.
- (8) In cases where P has had severe intellectual disability since early childhood and where P's parents are P's sole caregivers and where P is now no longer a minor and P's parents need to be authorised to continue to look after P's affairs, P's parents would normally be the only relevant persons for the purposes of the application but the applicants must provide sufficient information to enable the Court to reach the conclusion that there are no other relevant persons.
- (9) Organisations providing residential accommodation to P
 - (a) If P resides at an organisation providing residential accommodation (regardless of whether it also provides care or treatment to P), the plaintiff or applicant shall serve the application, the supporting affidavits and the Notice to Relevant Person in Form 222 in Appendix A to these Practice Directions on such an organisation as soon as possible and in any event, not more than 2 working days after the application has been filed. For the purposes of the application, the organisation providing residential accommodation to P shall be considered a relevant person. However, the plaintiff or applicant need not obtain the consent of such an organisation to the application.
 - (b) If the organisation providing residential accommodation to P wishes to furnish any relevant information for the Court's consideration and determination of the application in the best interests of P, it shall notify the Court within 8 days after the date on which the organisation is served with the application. If such a notification is submitted, the Court may require and direct for the submission of a report and/or attendance of the maker of the report at the hearing of the application.
 - (c) If an applicant has a strong reason for not serving an affidavit or any other document (other than the originating summons) on the organisation providing residential accommodation to P, the applicant may file a summons to seek dispensation of service of such documents on the organisation in question.

61. Order of Court

- (1) Unless otherwise specified, An Order of Court shall be in Form 32 in Appendix A to these Practice Directions and shall be signed by the Registrar.
- (2) Unless otherwise specified, An Order of Court shall be drawn up and filed in accordance with rule 678 of the Family Justice Rules within 7 days after the date on which the order was made.
- (3) Pursuant to section 24(10) of the Mental Capacity Act (Cap. 177A), the Court may require a deputy to give security to the Public Guardian for the due discharge of his functions.
- (4) An Order of Court made under Rule 176A of the Family Justice Rules shall be in the form made available in IFAMS and will be sent by the Court either by electronic mail or such other means as deemed appropriate by the Court.

61A. Uncontested applications for certain specified matters

- (1) A specified matter application under Rule 176A of the Family Justice Rules shall be made via the IFAMS portal under “Mental Capacity Act Application”.
- (2) The specified matters to which Rule 176A of the Family Justice Rules apply are as follows:-
 - (a) To consent to medical treatment for P;
 - (b) To consent to dental treatment for P.
- (3) A medical report filed by P’s doctor in support of a specified matter application under Rule 176A is to be filed through the IFAMS portal under “Mental Capacity Act Application”. In order to assist the Court, the medical report must be current and shall not be made:-
 - (a) more than 6 months before the date of the application; and
 - (b) more than 3 months after P was last examined by P’s doctor.