

Regards,
Mike & Ann Clarke
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(in exile under a prison sentence for contempt)

F.A.O.

HOUSE OF LORDS MENTAL CAPACITY ACT COMMITTEE

We wish this submission to be considered before the Committee as evidence of the abuse of the Mental Capacity Act.

1. In 2001 my mother Ann Clarke was placed under the Court of Protection. Please download the pdf version of the 1st General order by Denzil Lush to be submitted .. <http://opg.me/1stgeneralorder20032001.pdf> In this order where we have highlighted crucial evidence that was made by the deputy a/ HUGH JONES and I quote, **“the family should rest assured that my costs will not be eroding the capital settlement agreed for their mothers care and other specific needs.”** & b/ the master of the court DENZIL LUSH and I quote, **“The reasonable fees and expenses of a professional receiver are recoverable from the defendant in the personal injury action as a head of damage. They do not simply fall on the patient’s fund.” Total stolen fees £125,000**
2. An appeal was made against this where 2 specialist Clinical Neuro Psychological Experts confirmed my mother's capacity was indeed intact. I provide an example here where this is one of the 2 clinical examinations that took 4 hours each to complete at great expense; This report by Dr Hana F Al-Ahmar we ask to be downloaded in pdf from here:- <http://opg.me/drhanafalahmar220501%204pages.pdf> & attached as a pdf to this emailed submission, additionally, a recorded telephone call from the very same Doctor explaining my mother should not be under this court that can be listened to here:- <http://opg.me/Dr%20Hana%20220501.mp3> In total two 4 hour examination reports were presented stating the same **she had capacity.**
3. The court sent in their own Special Doctor a Dr Khan whom went on to conduct a so called similar exam that took 40 minutes!! Fortunately we recorded it to his unclinical exam listen to here:- <http://opg.me/DrKhanOPG050901.mp3> **here we suspect the 1st start of the fraud!**
4. My mother at a later stage asked for £600 from her own funds to have that exam forensically examined and was refused the funds from the deputy.
5. In the first year under the deputyship we had more hardship than being on state Benefits, where the award was supposed to make her life easier. Constant complaints drew very little response for the first 2 years until I discovered he had taken in his first years fees a total of £26,377 when the original guide and promise made would be no more than £2000. So to recap, he had taken over £500 per week whilst providing £200 a week for mum to live off. **Here we begin to see the 2nd evidence of fraud.**
6. Mum asked for accounts but they were refused on the grounds he did not need to provide

any as long as he submitted them to be approved by the court of protection which they were. This resulted in an initial fight back by publishing a website about the fraud which in turn brought about a meeting with the deputy and the court representative VIVIAN CREECH to iron out some compromises that HUGH JONES the deputy failed to stick to.

7. In 2008 disillusioned by the UK we emigrated to Spain and requests were made by my mother to have funds released to her as she no longer came under the Jurisdiction of England & Wales. The court/public guardian refused. **The 3rd sight of more fraud**
8. Complaints, several of, were made about the forced living from pound sterling and the devaluing exchange rate losses being incurred that drew nothing in response. The initial exchange rate when moving to Spain in 2008 was 1.5€ to £1 but that devalued to one point of 1€ to £1. Now here I wish to point out some simple mathematics. After several years of being fleeced & plundered by the deputy her cash estate was now at £200,000 or so we are lead to believe but we point out that without overcharging should have left her £300,000 which converted to euros would have materialised €450,000 euros!!!! and what might have been left when she was forced back to England could have been at even more profit.
4th sight of Criminal neglect. Total exchange rate losses £100,000 - £200,000
9. Frustrated completely 2010 another clinical expert Nueropsychological doctor was sought to conduct a further test in which she stated your mother has capacity linked here;
<http://opg.me/CLINICAL%20PSYCHOLOGY%20REPORT%20AC.pdf>
The court and deputy then said you now need reports for specific items on capacity and so yet another was commissioned a year later in 2011 which again showed capacity please down load here ; <http://opg.me/2011%20report%2031%20pages.pdf>
5th evidence of fraud
10. A further application was made to discharge mum from the court but then the court again wanted their own doctor, so how many doctors do we need as this was No 6?? The court doctor agreed she had capacity to make a will one which she had been asking to make for 11 years but they tried to enforce on my mother their will which she refused. Eventually a LIVING WILL was made making her son the executor whilst she was alive if anyone claimed her incapacity further. Judge Jackson accepted this but believed she did not have capacity to decide whether to keep or sell her house!!!
11. Another hearing was made available for submissions about what to do about her house where eventually the Deputy was discharged because there was no money left!! The house was not to be sold but the costs of the hearings totalling £12,000 had to be charged to her property even though she won her case without formal representation where funds for that were obstructed by the deputy. So to recap... his costs and the siblings costs of objecting to the discharge of the deputy had to paid by my mother **6th evidence of fraud**
12. The countless complaints made to various bodies inclusive of the OPG the SRA the PHSO the COP drew in reality just a sea of prevarication stalling and basically nothing. As a result we turned to common law where a commercial lien was issued on the Deputy and his company accusing them of Fraud all notarised & signed and sealed sent by recorded delivery asking for answers to losses. They failed to respond. Action was to start by attaching the lien debt to their properties in which they in turn they sought to get an injunction under harassment laws. JURY court demanded but refused and so the order considered VOID resulting in a temporary injunction. A further permanent injunction was issued in a VOID court. Section 5 of MENCAP was ignored – **7th evidence of more fraud**

13. As I continued my investigations into their property they sought a committal order for contempt of another VOID court leaving me sentenced to 3 months prison and thus my mother & I fled the country into exile because we could not get legal redress for so called PROTECTED PARTIES ie; Me the carer Section 5 of the Mental Capacity Act and my mother as a patient where her capacity keeps rearing its head.
14. We wish it to be noted that this submission is a very very shortened down version of the complete and absolute utter nightmare that we have had to endure that has ruined our lives. Anything further that their committee wish to see can be at www.opposepredatoryguardians.com or www.opg.me or www.courtprotection.me.uk
15. We provide bullet points of the grievances that we have had to suffer over years;

Our overall brief synopsis is,

- Denied legal representation
- Common laws rights dismissed
- What representation offered was deemed no right of audience and thrown out
- Hearsay evidence admitted
- No prosecution witnesses
- Tribunal Admiralty Hearings denied consent but ignored
- Mothers finances stripped of uncapped charges that were promised to be capped in 2001
- Failure to deliver requested detailed accounts and quite the opposite the hiding of them
- Whilst in emigration for 4 years forced to live from pound sterling in a devaluing pound to some £100,000
- During that emigration outside England & Wales jurisdiction - Fraud by false representation
- The prevarication and deliberate obstruction to my mother securing a property exchange abroad, twice.
- The deliberate devaluing of her UK property to try and escalate a quick sale of her home
- The failure to provide to my mother her own funds to use for representation whilst the deputy was paid to represent himself from mums own funds
- The courts own rules and acts laid out ie Mental Capacity act section 5 to protect carers - IGNORED
- After the deputy told my mother his charges are unlikely to exceed £2000 per year he took in year 1 £26,377
- Year 2 £14,000 and then proceeded to hide the fact.
- He paid mum £200 weekly to live off whilst he took £507 weekly still unaccounted
- The overall handling of mums finances to over £1.1 million pounds gone and unaccounted to mum whom...
- Mum has 4 confirmed specialist doctors reports confirming that she HAS capacity!!
- All complaints and investigations came to nothing - WOULD YOU TURN TO COMMON LAW??
- IF A JURY WAS INVOLVED IN ANY OF THE ABOVE - WHO WOULD WIN???
- IS THE CURRENT CORRUPT RULES AND SYSTEM LACED WITH BIAS IN FAVOUR OF ITS OWN AGENTS???

In short the OFFICE of the PUBLIC GUARDIAN and the Court of Protection have facilitated FRAUD against my mother and to try and cover that fraud from being exposed they have used harassment acts in tribunal courts to gain a VOID committal order against the CARER to,

- **STOP**
- **SILENCE**
- **GAG**
- **& PERVERT THE COURSE OF REAL COMMON LAW JUSTICE WITH A JURY**

As a result I can only now say on a self diagnosis I am suffering L.A.S. Legal Abuse Syndrome from what can only be described as pure Mental Health torture at the hands of the;

MENTAL CAPACITY ACT 2005

MR Clarke A. Clarke.

Mike Clarke (son & carer of 17 years) & Ann Clarke (patient **with capacity**)

email mike@rake.net or mike@opg.me
websites: www.opg.me www.opposepredatoryguardians.com

Sent to; Oswin Taylor Committee Assistant to the
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copied to the following

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'patelkk@parliament.uk'; 'shephardg@parliament.uk';
'swinfenr@parliament.uk'; 'turnbergl@parliament.uk'

Please acknowledge receipt of the above and that all linked documents will be printed off and submitted to the hearing, AND as we are still in exile from our Home country that will have to be by email TO... mike@rake.net