

APPROVED FOR PUBLICATION



IN THE COURT OF PROTECTION
IN THE MATTER OF THE INHERENT JURISDICTION

Case No: 10370284

[2017] EWCOP 4

21 March 2017

Before:

THE HONOURABLE MR JUSTICE PETER JACKSON

IN THE MATTER OF
MRS ANN CLARKE

JUDGMENT

Mr Justice Peter Jackson:

1. In October 2016, I directed that the Official Solicitor should continue his *Harbin v Masterman* inquiry into Mrs Clarke's affairs: *Clarke, Re* [2016] EWCOP 46. He has now provided a further report to the court. This has not been disclosed to the parties and, given Mr Michael Clarke's invariable habit of publicising his mother's private affairs, I shall not direct that it is disclosed. I have considered its contents and taken account of the views of Mrs Angela Wild and Mr Kevin Clarke. The views of Mr Michael Clarke are sufficiently known.
2. In my judgement, the appropriate course is to make no order in relation to the application now before the court, bringing these proceedings to an end. In doing so, I leave open the possibility that future applications may have to be made. At all events, the making of no order does not in any way signify approval of the arrangements under which Mrs Ann Clarke is living, which will remain a matter of concern to members of her family other than Mr Michael Clarke.





IN THE COURT OF PROTECTION
AND IN THE HIGH COURT OF JUSTICE

Case No. 10370284

IN THE MATTER OF THE MENTAL CAPACITY ACT 2005
AND IN THE MATTER OF THE INHERENT JURISDICTION

Before Mr Justice Peter Jackson

IN THE MATTER OF
ANN CLARKE

Order of 21 March 2017

Upon the Court further considering the application dated 21 March 2016 by Ms Wilde and Mr Kevin Clarke;

And upon the Court of Protection and the High Court having made orders on 22 February, 15 March, 11 April, 9 May 2016 and 11 October 2016;

And upon the Official Solicitor having filed a further *Harbin v Masterman* report;

And upon the Court remaining of the view that the High Court has jurisdiction in relation to the application concerning Mrs Clarke's welfare, whether or not the Court of Protection has such jurisdiction, and that the Court of Protection has jurisdiction in relation to Mrs Clarke's Blackpool property;

IT IS ORDERED THAT

1. There be no order on the application of 21 March 2016.
2. No order for costs, save that the costs of the Official Solicitor shall be borne by Mrs Ann Clarke.

Order dated 21 March 2017

