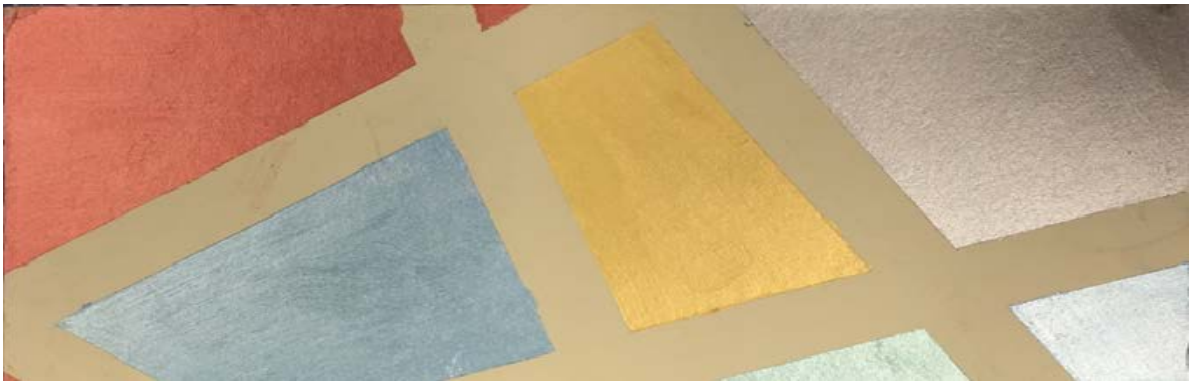
MENTAL CAPACITY REPORT:
PRACTICE AND PROCEDURE
March 2024 | Issue 138



Welcome to the March 2024 Mental Capacity Report. Highlights this month include:

(1) In the Health, Welfare and Deprivation of Liberty Report: sexual and contraceptive complexities and an important light shed on DoLS from Northern Ireland;

(2) In the Property and Affairs Report: the obligations on the LPA certificate provider, telling P their damages award, and dispensing with notification in statutory will cases;

(3) In the Practice and Procedure Report: when it is necessary to go to court in serious medical treatment cases, and a Scottish cross-border problem;

(4) In the (new) Mental Health Matters Report: medical evidence, mental disorder and deprivation of liberty, and the approach to propensity evidence;

(5) In the Wider Context Report: when not to try CPR, developments in the context of assisted dying / assisted suicide and with Martha's Rule, and news from Ireland;

(6) In the Scotland Report: a Scottish take on the *Cheshire West* anniversary and a tribute to Karen Kirk.

You can find our past issues, our case summaries, and more on our dedicated sub-site here, where you can also sign up to the Mental Capacity Report.

Finally, we should note March 2024 contains three ten year anniversaries. One is national – indeed international – significance: the decision in *Cheshire West*; one is of national significance: the House of Lords Select Committee post-legislative scrutiny report on the MCA 20025; and the third is of personal significance to Alex: the launch of his website.

Editors
Alex Ruck Keene KC (Hon)
Victoria Butler-Cole KC
Neil Allen
Nicola Kohn
Katie Scott
Arianna Kelly
Nyasha Weinberg
Simon Edwards (P&A)

Scottish Contributors
Adrian Ward
Jill Stavert

The picture at the top, "*Colourful*," is by Geoffrey Files, a young autistic man. We are very grateful to him and his family for permission to use his artwork.

Contents

Revised help with Court of Protection fees process

A revised COP44A Help with fees application, and COP44B guidance notes have been published and are to be used with effect from Monday 12th February 2024. There will be a transition period between Monday 12th February 2024 until Thursday 29th February 2024 where old paper or digital applications will be accepted, however any applications received whether digitally or in paper form received by the Court from Friday 1st March onwards will be rejected, and returned to the sender for the new version of the form to be completed.

Under the updated scheme, there are quite a few changes to how applications are processed by courts and tribunals, learning from the court's experience of dealing with these applications over the years. These changes are needed to ensure timely, accurate decisions and these will be followed nationally. Some of the key changes are:

- Applications must be submitted to the court or tribunal within 28 days of an online Help with Fees reference code being generated or, for paper applications, within 28 days of the application being signed.
- Where the application is either not submitted within this timescale, completed incorrectly, has key information missing, or if the deadline to provide requested evidence is missed, it will be rejected and a fresh application will be required within the relevant time limits. You must therefore ensure you read the contents of the form and guidance carefully before completing your application and that accurate and up to date information is provided. This will help to reduce delays and time taken to process your application.
- If you are a legal representative or litigation friend and you believe your client is eligible for Help with Fees, you should ensure the application is completed fully to reduce the need for any further queries.
- Applicants retain the right to appeal the court's decisions based on the information they provided on the application which they believe makes them eligible for Help with Fees support. If you need to provide new

information to the court or tribunal, this will require a new application.

When do you need to go to court in the serious medical treatment context?

GUP v EUP and UCLH NHS Foundation Trust [2024] EWCOP 3 (Hayden J)

Medical treatment – treatment withdrawal

Summary

In *GUP v EUP and UCLH NHS Foundation Trust* [2024] EWCOP 3, Hayden J was concerned with a situation of a woman in her late 80s who had sustained a serious stroke. In the period following November 2023, Hayden J identified that there had been:

> 6. […] *increasing divergence between the growing hope of the family for some meaningful recovery and the view of the clinicians that comfort and dignity ought to be the focus of EUP's care, at what they assess to be the end of her life. Whilst these two perspectives of EUP's medical needs have diverged, I am concerned that the treatment she has received reflects a convergence between the two. In other words, the treatment plan has an air of compromise about it, a negotiation between the family and the medical team. There may, sometimes, be a place for that, but not if the person at the centre of it becomes marginalised. P (the protected party) must always be afforded care, which is identifiably in her own best interests. The family's views are relevant only insofar as they provide a conduit for P's own wishes and feelings. Families, however loving and well-meaning gain no dominion over their dying and incapacitous relatives. The family's role, which is crucial, is to promote and not subvert P's autonomy.*

From mid-November 2023, it had become impossible to provide her with nutrition, but the Trust had continued to provide her with hydration, which appeared to be a compromise reflecting the position above; a matter which troubled Hayden J considerably.

With the benefit of two external second opinions, the Trust reached the view that it was clinically inappropriate to continue to provide artificial nutrition. As Hayden J identified (at paragraph 48), GUP (EUP's son), and his family:

> *were never fully on board with that plan. It is certainly the case that there was a broadly co-operative relationship with GUP but I think it was equally clear that he had not accepted the medical consensus. The same applies to his sister, HUP [w]ho has expressed strenuous resistance to the hospital's plans at this hearing. GUP has told me that the hospital had indicated to him that they were to make an application to court to seek endorsement of their approach. I do not think this is in dispute. However, on 16th January 2024, the Trust confirmed to the family that they had been advised by their lawyers that it was not necessary for them to issue an application. The likely reasoning behind this is that the Trust considered that there was no ethical route to provide nutrition to EUP. The family disagreed and saw this as passivity, with profound consequences. They perceived an important decision having been taken, even though the decision was to take no action. They considered that the Court ought to be able to review that decision making process and identify its own evaluation of where EUP's best interests lay. I agree with the family. A decision not to provide nutrition is every bit as serious as a decision to withdraw nutrition. Where there is conflict, these cases must be resolved by the court.*

In his concluding remarks, Hayden J referred to the Serious Medical Treatment guidance he had issued in January 2020 thus:

> *50. Ms Dolan submits that the practice guidance, which I issued in January 2020, then as Vice President of the Court of Protection, indicates that the Trust, in circumstances such as these, should bring the case to court promptly. Whilst that document is expressly stated to be by way of guidance only, it is rarely departed from in cases of this gravity. Had the Trust followed it, and at an earlier stage, it would have greatly alleviated the stress to the family. Ms Dolan goes further in her written submissions but I do not. Neither can I imagine that the lawyers advising this Trust were unfamiliar with the guidance. It has been widely promulgated, see also* [2020] EWCOP 2. *Where there is conflict in these serious medical treatment cases, it is in everybody's best interests, but most importantly P's, to bring an application to court. That will be most efficiently achieved where it is driven by the Trust's application. There are many and obvious reasons why it is also to the Trust's advantage to have their treatment plans, in cases such as this, scrutinised by the court.*

Comment

We note and share, Hayden J's concern about the situation where, for the sake of compromise, the Trust found itself providing treatment for which there was no clinical rationale. From our experiences both of cases, and of sitting on clinical ethics committees, such situations are not uncommon, both in relation to incapacitated adults, and in relation to neonates. His observations are, or should be, a helpful reminder that the focus must always be kept on the interests of the patient, not (as understandable as this can be) on the interests of others.

We have significantly greater reservations about the observations about the bringing of the application.

We fully appreciate that it is not always necessarily easy to distinguish between a dispute about clinical appropriateness (including, as a subset, futility) and a dispute about whether a treatment that is in principle appropriate is nonetheless not in the best interests of the person. But we suggest that a situation where – as here – the Trust had obtained independent second opinions from two doctors is a one where that dividing line has been properly tested.

We also fully appreciate that there may well be situations in which it is prudent for a treating body to bring an application to court to get confirmation that it is acting lawfully so as (for instance) to forestall arguments after the event before an inquest. We say 'court' here, because we remain very doubtful that the Court of Protection is the correct forum for seeking a declaration of lawfulness in respect of a determination that a course of treatment is not clinically appropriate – rather, we suggest that the correct forum is the King's Bench Division under Part 8 of the CPR, not least so as to avoid the slide into best interests language / analysis that (on one view) took place in *Re EUP*. We also have squarely in mind the Court of Appeal decision in *AVS v A NHS Foundation Trust & Anor* [2011] EWCA Civ 7, which made clear that disputes about best interests where the treatment option is not on the table should not be entertained by the Court of Protection – in strong terms:

> *38.* […] *A declaration of the kind sought* [i.e. that treatment was in the person's best interests] *will not force the respondent hospital to provide treatment against their clinicians' clinical judgment. To use a declaration of the court to twist the arm of some other clinician, as yet unidentified, to carry out these procedures or to put pressure upon the Secretary of State to*

> *provide a hospital where these procedures may be undertaken is an abuse of the process of the court and should not be tolerated.*
>
> *39. Like the President, I have also reached the conclusion that the continuation of this litigation by permitting a lengthy hearing to be urgently arranged for numerous busy medical practitioners to be cross-examined truly would be "doomed to failure". If there are clinicians out there prepared to treat the patient then the patient will be discharged into their care and there would be no need for court intervention. If there is no-one available to undertake the necessary operation the question of whether or not it would be in the patient's best interests for that to happen is wholly academic and the process should be called to a halt here and now.*

We have very considerable sympathy with the proposition that it should be the treating medical body which has responsibility for bringing applications where there is in fact a best interests decision to be made. It is undoubtedly likely to be more efficient (as Hayden J identified) in most cases. And we would also be the first to say that it is very unfortunate that the (welcome) expansion of non-means-tested legal aid to parents in serious medical treatment cases involving children was not expanded to those potentially involved in such cases in respect of incapacitated adults.

However, we suggest that it is important to recognise the limits of the points set out above. To start with, and with due diffidence, given that Hayden J was making observations about Practice Guidance he himself issued, we note that the Practice Guidance does not, in fact, address the situation that was in play here. The Practice Guidance was specifically concerned with situations where there is a dispute about the best interests of the person. This is clear from paragraph 6, which explains how, normally, s.5 MCA 2005 will provide the basis upon which treatment is provided / stopped / withheld. Section 5 expressly applies where the person carrying out the act reasonably believes that they are acting in the best interests of the individual lacking the relevant decision-making capacity. Paragraph 7 of the Practice Guidance then goes on to identify that paragraphs 8-13 "set out the circumstances in which section 5 either will not or may not provide a defence. If section 5 does not provide a defence, then an application to the Court of Protection will be required." Paragraphs 8 and 9, which appear to have grounded the submission to Hayden J noted at paragraph 50, are therefore concerned with disputes about capacity or best interests, not about clinical appropriateness. If treating clinicians are not willing to offer a particular treatment on the grounds of clinical appropriateness, that does not become a best interests decision just by virtue of the fact that the patient lacks capacity to make their own medical treatment decisions.

We further suggest that it is going too far to propose that[1] that Article 2 ECHR requires an application to court in every situation where a medical body is contemplating withholding or withdrawing treatment or has decided to do so. If this was the case, then every decision by a clinical body to withhold a life-saving cancer drug on the basis that the person does not fit the strict cost / benefit criteria would need to be taken by that body to court if the person (or someone on their behalf) does not agree. Or, to focus squarely in on clinical appropriateness, what about a decision not to provide clinically assisted nutrition and hydration in late stage dementia, in circumstances where NICE guidance NG97

[1] As is done on this blog.

specifically states "[d]*o not routinely use enteral feeding in people living with severe dementia, unless indicated for a potentially reversible comorbidity?*"[2] We suggest that a difference of opinion with family / others close to the person about the provision of CANH in such a situation cannot itself give rise to an obligation on the part of the treating body to take the case to court.

When to bring an application to court (and who should bring it) will be likely to remain an issue that is regularly revisited. It was considered in this webinar held in Chambers on 27 February 2024 and in this blog post by Tor and Alex.[3]

But we do suggest that it is very important that an urban myth is not allowed to develop (in the same way that it did about CANH withdrawal cases following *Bland*, not dispelled until 2018 in *NHS Trust v Y*) about what the law actually requires.

Not shutting the door improperly

VT v NHS Cambridgeshire And Peterborough Integrated Care Board & Cambridgeshire County Council [2024] EWHC 294 (Fam)[4] (Arbuthnot J)

CoP jurisdiction and powers

Summary

Arbuthnot J considered an appeal brought on behalf of VT by her litigation friend, the Official Solicitor, against a decision by a Circuit Judge ('the CJ') sitting in the Court of Protection, to conclude proceedings.

The background to this case had started in spring 2023. VT was 78 years old and had a historic diagnosis of schizophrenia but had previously always lived in her own home. She had been hospitalised for reasons which are not set out in the judgment, and Cambridgeshire County Council had made an application to authorise VT's move from hospital to a residential care home. 'VT was not represented at the initial hearing on 28th April 2023 or when a COP9 application was made on 10th May 2023 to change the discharge location.' [2] VT moved to the care home on 2 June 2023, and her deprivation of liberty was authorised by a standard authorisation on 16 June 2023. However, the Court of Protection proceedings continued, and VT was expressing a wish to return home.

The application was case managed, giving consideration to what arrangements would be required to facilitate VT's return home. The judgment notes:

- A s.49 report was to be filed by 29 September;
- The order of 12 July contained a recital "which said that the parties' shared aim, in principle, was to return VT home, with

[2] Recommendation 1.10.8. Their decision aid on enteral feeding in advanced dementia explains that: "[s]*tudies have looked at the possible benefits from tube feeding for people living with severe dementia. These studies found no good evidence that people who had tube feeding lived any longer than people who did not. There was also no good evidence that tube feeding made any difference to people's weight or improved how well-nourished they were."*

[3] And *X NHS Foundation Trust v RH* [2024] EWCOP 150 makes clear the problems caused if applications are brought in a 'frenzied' manner, especially if they are flagged as being urgent when, in fact, they are not.

[4] We are unclear why this case has a Family citation, when it is clearly a Court of Protection case. Alex in particular can hear strongly the voice of Sir James Munby asking whether "*it* [is] *too much to hope that, ten years after the Court of Protection came into being, this simple truth* [that the Court of Protection is not part of the High Court] *might be more widely understood and more generally given effect to*" (*Re D* [2017] EWCA Civ 1695).

or without a package of care" paragraph 4);

- On 17 July, the court appointed an interim property and affairs deputy for VT;
- On 7 September 2023, the ICB was joined as a party as VT had been granted funding through the ICB as commissioner for services. It is not clear from the judgment whether this was NHS Continuing Healthcare, NHS-funded nursing care or s.117 aftercare, though it appears that the ICB became the primary funder of VT's care. The ICB was ordered to provide a witness statement setting out the services it would be willing to fund to facilitate VT's return home. It was also to provide details of any other residential options including a care home;
- The matter was listed for a one-hour directions hearing on 2 October 2023.

The CJ dismissed the application following submissions at the 2 October 2023 hearing after the ICB asked the court to determine the application summarily (a position that had only been announced to the other parties during pre-hearing discussions one hour prior to the hearing). The s.49 report had not been filed by the time of this hearing, but it was said that VT's presentation had deteriorated (there does not appear to have been evidence filed about this). VT and the local authority sought for the court to make further directions "*for further evidence about [VT]'s current presentation and an exploration of the care that could be given to her on a return home. Those representing VT and CCC contended that this would enable a fair best interests decision to be made*" (paragraph 9). Conversely, the ICB invited the court to conclude the proceedings that day. The ICB said it was increasingly of the view that a return home would be clinically unsafe for VT and on that basis it was not prepared to commission a package of care at home. The Official Solicitor and local authority opposed this and said that a contested hearing was required to consider VT's best interests. The interim deputy stated that VT had private resources which might be able to fund private care at home but that they did not have the expertise or knowledge to put a package in place in a very short period of time. The deputy had provided a statement where she said it would take nine days for the property to be made suitable for VT.

After hearing submissions, the Circuit Judge made final decisions that VT lacked capacity to make decisions as to her residence and care, and to manage her property affairs. The judge additionally determined that the best interests requirement of the standard authorisation was met. The judge gave a judgment which stated that VT lacked capacity on the evidence and said that there was no point in waiting for the section 49 report as it would not add very much to the picture which was "fairly clear" from other evidence. The CJ additionally found that it was not in CJ's best interests to go home, and "all a further witness statement would do was to confirm what the Judge was being told in Court in submissions. The CJ did not see any purpose in prolonging the proceedings" (paragraph 15). The judge found that "*VT was in declining physical health and she would need a full-time care package. There was a real risk VT would decline help and then she would deteriorate rapidly and that would not be in her best interests. It was not the ICB's job to put together a package of care and the professionals would be put to too much trouble*" (paragraph 16).

The Official Solicitor appealed this decision. By the time the matter was heard by Arbuthnot J on1 November, VT had stabilised. The initial thoughts that she was in a rapid terminal decline

were misplaced. By 28 November, however, VT's health had 'declined substantially.'

Arbuthnot J note that "[t]*his was the second case in a short period*[5] *where I had allowed an appeal against final decisions made by a CJ at a case management hearing when the parties had expected only a procedural hearing*." As a result, Arbuthnot J solicited principles and some suggestions for guidance from the parties.

After rehearsing the overriding objective and duty of the court to 'actively manage cases,' Arbuthnot J noted that while there was no express power for summary judgment, the Court of Protection may (under COPR 2.5) apply the Civil Procedure Rules or Family Procedure Rules to fill any lacunae. Arbuthnot J also surveyed Court of Protection case law regarding case management, including *KD & Anor v London Borough of Havering* [2009] EW Misc 7, *N v ACCG & Ors* [2017] UKSC 22, and *CB v Medway Council & Anor (Appeal)* [2019] EWCOP 5. Arbuthnot J also considered the European Court of Human Rights decision of *Sýkora v The Czech Republic,* 22 November 2012, on the issue of the quality of evidence required to determine capacity.

Arbuthnot J set out her conclusions following this survey of rules and authorities:

> *34. It plainly is possible for the Court of Protection to:*
>
> *a. decide matters of its own motion;*
>
> *b. decide which issues need a full investigation and hearing and which do not;*
>
> *c. exclude any issue from consideration; and*
>
> *d. determine a case summarily of its own motion.*
>
> *35. In any cases where such powers are contemplated, at a stage where the determination would dispose of the case, two matters will need to be given careful consideration:*
>
> *a. Whether the court has sufficient information to make the determination (per Hayden J "curtailing, restricting or depriving any adult of such a fundamental freedom will always require cogent evidence and proper enquiry" paragraph 33 CB supra); and*
>
> *b. Whether the determination can be reached in a procedurally fair manner.*
>
> *36. Deciding whether the evidence has reached a point at which the court can make a determination is a case management decision. Whether the evidence has reached that threshold will, necessarily, depend on the facts of each case.*
>
> *37. The requirements of procedural fairness are not set in stone; the requirements are informed by context. Notice to the parties is an element of procedural fairness. Whether such notice is required, and how much notice is needed, will depend on the context. Procedural fairness in this case, however, would seem to require more than one hour's notice that final decisions might be made.*
>
> *38. If an early final hearing is contemplated by the Court then an approach might be to include a recital to that effect in an earlier order. In some cases, notice that a final determination*

[5] The first one does not appear to have been reported.

is contemplated might alter the evidence which is put before the court. In other cases, I accept that the provision of notice might have no impact on the preparation of the case.

39. Active case management of course allows the Court to consider whether a final order could be made at a case management stage and to consider what needs a full investigation and what does not. The Court must take a proportionate approach to the issues.

40. In allowing VT's appeal, I determined that the CJ [Circuit Judge] reached a decision which was not properly open to them. The section 49 report was not available and it was not appropriate for the CJ to make a decision on capacity when the CJ could only say that it was "fairly clear" from other evidence that VT lacked it. The decision as to best interests was contested properly by those acting on behalf of VT and CCC and was taken without permitting adequate exploration of the reasons why alternative options were not open to VT.

41. In short, in this case, the CJ reached decisions which, in principle, were possible, but which were not sustainable on the material before the court. VT's interests were not properly considered. In the circumstances, it was not appropriate to reach such an important decision for VT based on submissions. The effect of the decisions taken were to deprive VT of a fundamental freedom. The decisions were taken without the cogent evidence required and in a procedurally unfair manner.

Comment

The facts of this case are striking, and there is a strong implication from this judgment that VT's return home may have been quite plausible. She had both private funds and an entitlement to support from the ICB, as well as a deputy stating that her home could be rapidly made ready for her. She had only recently left her home, and the view of the local authority (which appeared to have the longer experience of working with her) appeared to believe that a return home was plausible. A s.49 report was pending. It was quite thus a striking decision to determine this matter summarily without expert evidence on capacity which had been considered necessary only a few months prior, and what appeared to be no concrete evidence either on VT's current presentation or the care which could be made available to her in her home.

The case is of interest for its articulation of how and under what circumstances judges of the Court of Protection should permit further exploration, and when it may be appropriate to take final decisions on the information available. As set out above, there are very limited authorities in the Court of Protection which explicitly consider these issues, and often, in our experience, a lack of agreement between parties as to when it is appropriate for matters to be determined on the evidence available. While *VT* does not set hard and fast rules for when an application may be summarily determined, it sets out a helpful road map for parties and courts who are considering whether further directions for evidence serve any useful purpose. It also provides a useful reminder of the importance of having clarity as between parties and the court as to what decisions may or may not be taken at a 'directions' hearing.

Scottish guardianship orders, deprivation of liberty and Article 5 ECHR: a serious cross-border concern

Aberdeenshire Council v SF (No 2) [2024] EWCOP 10 (Poole J)

Article 5 – deprivation of liberty

Summary

In this case, Poole J took the very unusual step of declining to recognise and enforce a foreign order under Schedule 3 to the MCA 2005. It was particularly unusual because the order in question was not 'foreign' in a conventional sense, but emanated from Scotland, in the form of a guardianship order made in June 2021 in favour of SF's mother and father (but now only relevant in respect of SF's mother as her father had died).

SF's case had been before the court before, Poole J having determined in 2023 that she was habitually resident in Scotland, notwithstanding that she had been living in England and Wales for a number of years, first as a patient detained in hospital under the Mental Health Act 1983 and then, since 2022, in a supported living placement in the community. As Poole J noted at paragraph 2:

> *It is agreed, as is clear from the evidence, that SF is not free either to move from her current residence, or to come and go from it. She is subject to physical restraint at times and lives behind doors that may be locked to restrict her movement. She is under the continuous supervision and control of carers. The objective circumstances meet the "acid test" for the deprivation of her liberty set out in the judgment of Lady Hale in Cheshire West v P [2011] UKSC 19. The arrangements that amount to continuous supervision and control are imputable to the state. SF herself is unable, by reason of her mental incapacity, to consent to the arrangements that amount to a deprivation of her liberty. However, the SGO* [Scottish Guardianship Order] *gives power to SF's mother to authorise the arrangements and to consent to the same. If the SGO is recognised in this jurisdiction then SF's deprivation of liberty will have been authorised to date and will continue to be authorised so long as the SGO remains in force. If not, then in the absence of authorisation, her deprivation of liberty will have been unlawful and will continue to be unlawful until either it ceases or lawful authorisation is given.*

Poole J was referred to *K v Argyll and Bute Council* [2021] SAC (Civ) 21, in which the Sheriff Appeal Court determined that orders appointing a guardian (the equivalent in Scotland of a deputy) can include the power for the guardian to authorise the deprivation of the incapacitous adult's liberty. He proceeded on the basis that the Adults with Incapacity Act 2000 (1) allowed a guardianship order to confer on the guardian the power to authorise or consent to the deprivation of the incapacitous adult's liberty; and (2) that the guardianship order in question did confer such powers.

After some procedural juggling, the application was before the court made by the relevant Scottish local authority seeking recognition and enforcement of the SGO. The other parties did not seek to challenge the process of making guardianship orders in Scotland was systemically defective; Poole J also reminded himself at paragraph 18 that "[w]*hilst I need to consider some of the factual circumstances concerning the making of the SGO, I remind myself that I must conduct a "limited review" as advised by Baker J*". This "limited review," outlined in *Re PA, PB and PC* [2015] EWCOP 38 is required in cases where the order being put before the Court of Protection for recognition and enforcement gives rise to a deprivation of liberty of the adult, and requires "*the court being satisfied that (1) the Winterwerp criteria are met and (2) that the individual's right to challenge the detention under article 5.4 is effective (i e that they have a right to take proceedings to challenge the detention and the right to regular reviews thereafter)*."

Poole J also focused on paragraph 19(3) of Schedule 3 to the MCA 2005, which gives the court a discretion to refuse recognition of a protective measure if the case in which it was made was not urgent, the adult was not given an opportunity to be heard, and that omission was a breach of natural justice. All three of these have to be met.

Poole J was clear that the case in which the SGO was made in June 2021 was not urgent:

> *21.* […] *The application had been made more than three months before the protective measure was granted. There was ample time to have afforded SF an opportunity to be heard. Urgency may explain or excuse the failure to provide an adult with the opportunity to be heard, but there was no such urgency in the present case.*

As regards the other two conditions, Poole J noted that:

> *22.* […] *It is relevant to consideration of those conditions that the protective measure was for seven years, was likely to cover the transfer of SF from hospital detention into the community, and that it included provisions for her physical restraint. These factors point to the importance of protecting SF's fundamental Convention rights in this particular case. It is also relevant that at the time when the SGO was made, SF was detained as a patient in a psychiatric unit and was already the subject of a guardianship order that permitted the authorisation of the deprivation of her liberty. The European jurisprudence such as MS v Croatia (No. 2) (above) raises an expectation that an adult in SF's position in June 2021 ought to be heard or, if their condition does not allow for that, ought to have representation.*
>
> […]
>
> *25. As a matter of fact SF was not heard by the Sheriff: she was not notified of the proceedings and did not attend the hearing. There was no direct or indirect evidence of her wishes, feelings, or views. She did not have legal or other representation. There was no person acting as her guardian or similar. There is no evidence that SF was provided with the opportunity to secure representation or to give her wishes, feelings, or views to the court. The s37 certificate did not relate to guardianship or personal welfare. Even if one accepts that Marcin Ostrowski intended to certify that discussions about capacity in relation to personal welfare could be harmful to SF, he did not advise that it would pose a risk to SF to ask her for her views about where she should live, her care, her freedom to come and go, the use of restraint, or whether she was content for her parents to make decisions on her behalf.*
>
> […]
>
> *28. There can be little doubt that SF was not in fact heard in relation to the protective measure (the SGO), but the relevant question is whether she had an opportunity to be heard. An adult may be unable or unwilling to take up the opportunity to be heard, but the requirement is that the opportunity is afforded to them. If they cannot express a view themselves, or could not do so to the court, then steps might be taken, as envisaged by COPR r1.2, and under AISA by means of appointing a safeguarder or advocate, to allow their voice to be heard. An adult who has a guardian, an advocate, and/or legal representation, as was*

the case in PA, PB and PC (above), will clearly have had an opportunity to be heard. SF did not have any such assistance. As COPR r1.2(e) indicates, there may be other means of securing the adult an opportunity to be heard, but in the present case there is no evidence that any attempts were made to ask SF her views about residence, care, freedom of movement, restraint, or decision-making about her life.

*29. In my judgment therefore, no opportunity was provided to SF to be heard in the case in which the protective measure was made. Furthermore, having regard to the wide powers granted to the guardians, including authorisation of the deprivation of SF's liberty, and the application of those powers to any future community placement, and given the duration of the order (proposed to be indefinite and made for seven years), the failure to give SF an opportunity to be heard did amount to a breach of natural justice. I am sure that all those involved sought to protect SF's best interests and that SF's parents were properly assessed as being suitable guardians. I do not doubt that SF lacked capacity at that time to make decisions about her personal welfare. However, there was no opportunity for her wishes, feelings, and views to be communicated to the court and no provision made for her interests to be represented. There were no safeguards for the protection of her Art 5(1) rights. **Natural justice required that in a case where SF's liberty was being put into the hands of others for a period of seven years, she should have had an opportunity to be heard and/or an opportunity to be represented. SF's access to the court should not have been dependent on her taking the initiative. Effective access should have been secured for her. As it is, there were no measures taken to ensure that her Art 5(1) rights were upheld*** (emphasis added)

Poole J was struck by the contrast with the cases where orders had been put forward for recognition and enforcement from Ireland, providing for representation and continuing judicial oversight, noting (carefully) at paragraph 30: *"*[t]*his not an observation that the system for authorising deprivation of liberty under a guardianship order in Scotland is defective in any way, but only a comparison of the particular facts of the reported cases that came from Ireland, and the case before me*."

Aware of the high bar that should be met before finding that the processes of a court in another jurisdiction breached natural justice, Poole J accepted the submissions made on behalf of the Official Solicitor and the English local authority that SF was not given an opportunity to be heard and the omission amounted to a breach of natural justice, which engaged his discretion to refuse recognition of the order.

Before deciding whether to exercise that discretion, Poole J then also considered recognition of the protective measure would be manifestly contrary to public policy (19(4)(a)) or would be inconsistent with a mandatory provision of the law of England and Wales (19(4)(b)). He looked first at the Human Rights Act 1998, making it unlawful for a public authority to act in a way which is incompatible with a Convention right. A public authority includes a court or tribunal. He noted that:

> *32.* […] *Article 5(4) of the Convention provides that "Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his*

release ordered if the detention is not lawful." In Winterwerp (above) it was confirmed that this provision requires "review of lawfulness to be available at reasonable intervals" [55]. In the present case the SGO was made for seven years. There is no mechanism within the SGO for reviews within that period. Although SF now has the Official Solicitor acting on her behalf within these proceedings, that provision has been triggered first by the application by Sunderland City Council and now by the application by Aberdeenshire Council for recognition of the SGO. Neither were a party to the SGO application. If SF had a right to apply for a review of the guardianship order, there was no mechanism provided to give effect to that right. As a person of "unsound mind" steps should have been taken to secure the effective exercise of her art 5(4) rights but no provisions were made. In the absence of any representation for SF or any scheduled review, it was likely that the guardianship order would remain in place, without review, for seven years. This was so even when it was known at the time when the SGO was made that SF was considered fit for discharge from her hospital detention. Significant changes in her living conditions were anticipated but no review was provided for when those changes took place. The period of seven years is far longer than the maximum one year period in the MCA 2005 for the authorisation of a deprivation of liberty pursuant to Sch A1, para 29(1). The standard term of guardianship under the Scottish system is three years.

33. It is not for me, a judge in the jurisdiction of England and Wales, to lay down a maximum period for a Scottish Guardianship Order. In any event, what is a reasonable period would depend on the circumstances of the case. But, in this case, given the considerable powers the guardians were being granted, the likely change in living arrangements, and SF's vulnerabilities and her inability to trigger a review herself, and the absence of any representation to do so on her behalf, seven years without ensuring an effective review of the guardianship order was manifestly beyond a period that could be considered to be reasonable.

In consequence, therefore,

34. In my judgement, recognition of the SGO would be contrary to a mandatory provision of the law of England and Wales in that it would breach Art 5(4) of the ECHR and therefore be unlawful under the HRA 1998 s6. By the same reasoning, the absence of any opportunity for SF to be heard in the proceedings in which the SGO was made, was contrary to Art 5(1)(e) ECHR and therefore would have been unlawful under HRA 1998 s6.

35. Not only would recognition be contrary to mandatory provisions of the law of England and Wales, but those breaches of law would relate to fundamental human rights, not only under Art 5, but also under Arts 6 and 8. I have already found that the failure to provide SF with an opportunity to be heard was a breach of natural justice. In the premises, and on the same grounds, it appears to me that it must follow that it would be contrary to public policy to recognise the SGO and that therefore MCA 2005 Sch 3 para. 19(4)(b) is established.

36. The Official Solicitor submits, and I agree, that it is difficult to contemplate a scenario in which the Court of Protection determines that either of the grounds in sub-paragraphs 19(3)

> *or 19(4) were made out, and goes on to recognise the order anyway. Here, I have found that the SGO was made in breach of natural justice and that recognition of it would be manifestly contrary to public policy. Whilst respecting the importance of comity and recognising the differences in the legal framework and jurisprudence as between Scotland, and England and Wales, the failure to uphold SF's fundamental human rights in this particular case means that I should exercise my discretion to refuse recognition of the SGO made in June 2021.*

Poole J reminded himself that Parliament had authorised a system of recognition and enforcement of foreign orders, and that it was not his role to refuse recognition purely on the grounds that certain procedures or substantive provisions in Scotland were different from those in England and Wales. However:

> *37. As noted, no party sought to challenge the Scottish guardianship system itself. However, on the particular facts of this case, important aspects of the SGO and the procedure under which it was made were contrary to SF's fundamental human rights such that recognition should be refused. Schedule 3 provides an opportunity for the courts of this jurisdiction to carry out a limited review of protective measures made in another jurisdiction. It is not a "rubber stamp" exercise, as this case demonstrates.*

Comment

Whilst of no little interest for those in England and Wales, especially as a reminder that the Court of Protection will not simply rubber stamp foreign protective measures, this judgment is of particular significance for those concerned with the law in Scotland (and Jill gives her own observations in the Scottish section of the report). Whilst Poole J was at pains to say that he was not seeking to pass comment on the guardianship system in Scotland more broadly, the detailed scrutiny that he undertook of the circumstances under which the order was granted in SF's case is one that shines a light on a system which is largely unreported. It is to be hoped – and expected – that Scottish Government will read it with care as they respond to the Scottish Mental Health Law Review.

Short note: transparency and the ending of proceedings

Re VS (Deceased) [2024] EWCOP 6 concerns the aftermath of proceedings in the Court of Protection in respect of Vincent Stephens. He was a party to those proceedings, acting through a litigation friend, the Official Solicitor. The general rule in Court of Protection proceedings is that hearings are conducted in private, as set out in Rule 4.1 of the 2017 Rules. However the "ordinary" approach, as set out in Rule 4.3 and Practice Direction 4C, is that hearings are held in public but subject to an order which imposes restrictions on the publication of information which identifies or may lead to the identification of the protected person (and others) or their whereabouts. This order is commonly referred to as the 'transparency order.' Such an order was made in this matter, more or less in the standard terms provided in the Practice Direction, by Her Honour Judge Owens on 30 January 2023, expressed to have effect until further order of the Court. The last order in the substantive proceedings about Mr Stephens was made on 16th June 2023. That order was made at a hearing and at the end of it, no party raised any issue about the transparency order – as is entirely usual in Court of Protection hearings. Mr Stephens died on 18th June 2023.

Professor Carolyn Stephens then sought discharge of the transparency order. That application was supported by Professor Celia Kitzinger, joined by HHJ Hilder for the purposes of the application as intervenor. The application was opposed by Dr Sorensen, who was a respondent in the substantive proceedings. Professor Stephens was the only child of Vincent Stephens; after her mother/his wife died, Mr Stephens formed another companionship; Dr Sorensen was the daughter of that companion, who had herself now died.

Granting the application, HHJ Hilder found (at paragraph 21) that:

> *the scales come down very heavily in favour of discharge of the transparency order. Mr Stephens himself is no longer in need of its protection. The family of his marriage actively wish to be able to discuss their experiences, including in court. It is not the role of the Court of Protection, still less within its practical ability, to control the accuracy and fairness of reporting. In any event, that is not the meaning of freedom of speech. The answer to any concerns of 'balance' in reporting is probably more openness, not less - that Dr Sorensen too should be free to discuss her experiences.*

Such coverage is now to be found here, although the underlying judgment in the proceedings does not appear to have been published.

HHJ Hilder noted, finally, at paragraph 24:

> *Finally, although it is not within the scope of this decision, it may be helpful to note that the Rules Committee is currently considering the terms of the standard transparency order template. One focus of its concerns is the expressed duration of the transparency order when it is made. Had the transparency order in this matter been expressed to have effect "until final order", it would have ceased to have effect on 16th June 2023 – Professor Stephens would not have had to make this application; Dr Sorensen would not have had the opportunity to argue against it in circumstances where she is aware of the applicants' intentions to publicise. Had the order been expressed to have effect "until the death of VS", it would have ceased on 18th June 2023, and the same could be said. The time between the making of the discharge application in September and today's hearing is partly explained by an earlier listing being vacated because the respondent was not available to make submissions. Restriction of freedom of speech is always a serious matter but there has been no argument made to me today of any real prejudice caused by the time allowed to facilitate argument against the application.*

How to address continuing contempt

The seemingly endless contempt saga of Liubov MacPherson continues, the most recent judgment being delivered on 22 January 2024: *Sunderland City Council v MacPherson* [2024] EWCOP 8.

Ms MacPherson's daughter is a protected person who was until very recently the subject of Court of Protection proceedings which lasted for five or six years. Those proceedings have recently concluded. Her daughter was diagnosed and is treated for paranoid, treatment-resistant schizophrenia, which causes her, amongst other problems, to have delusions about being persecuted by others. Ms MacPherson believes that her daughter is indeed being persecuted by others, namely healthcare and other professionals and the courts. She describes all healthcare professionals who have dealings with daughter to be corrupt and that they are part of a conspiracy to torture daughter. In addition, she believes that the Court

of Protection and the Court of Appeal are also corrupt. She believes that her daughter is being poisoned with medication that she does not need. She is convinced that a wrong turn was taken with her daughter's treatment some time ago. These beliefs are, the court had repeatedly found, deeply entrenched. Indeed, today once more she has demonstrated that. She is convinced that the mission that she must accomplish is to reveal this supposed conspiracy and corruption. She has tried to do so throughout the Court of Protection proceedings, including when seeking to appeal decisions of the Court. She has made multiple complaints to regulators, professional bodies who govern medical and legal professionals, the Court of Protection, and the police. She has brought, multiple appeals against decisions of the Court of Protection, all of which have been dismissed with permission to appeal refused, most certified as totally without merit.

Poole J had determined that it was in the daughter's best interests to have face-to-face contact with her mother. However, Ms MacPherson has refused to give her daughter the opportunity to see her on the grounds that she will not visit her daughter unless or until changes which she believes are necessary are made to her medication regime. Those changes would be contrary to professional medical opinion, and contrary to her daughter's best interests.

In January 2023, Poole J found Ms MacPherson to be in contempt of court for having breached previous injunctive orders not to post and, having posted, to take down material from the internet. She was found on her admissions to have been in breach of the previous court orders. Those breaches also interfered with her daughter's right to a private and family life. These posts clearly identified her daughter. Indeed, they included recordings of her daughter, usually in conversation with the defendant during contact times between them. Her daughter does not have capacity to consent to the defendant using the recordings as she did so. Breaches of injunctions amounting to contempt of court were admitted by Ms MacPherson on the application for her committal on that occasion. The sentence imposed was one of 28 days' imprisonment concurrent for each established breach, suspended for 12 months. That suspension was effective until 15 January 2024 - *Sunderland City Council v Lioubov MacPherson* [2023] EWCOP 3. Ms MacPherson's appeal against the order was unsuccessful - *Lioubov MacPherson v Sunderland City Council* [2023] EWCA Civ 574.

Further injunctions, supported by a penal notice, were made against Ms MacPherson in June 2023, requiring her not to record her daughter, by video or audio for any purpose or in any way; b) record, whether by video, audio or photographing, staff from the placement, where she was cared for, or any other health or social care staff concerned with her daughter; c) in any way publicise these proceedings or any evidence filed in the proceedings, including by way of posting on social media, YouTube or any internet platform or website, including private or public sites; d) cause to be publicised on any social media, video or streaming service including YouTube, any video or recording of her daughter recorded at any date.

An application was made to commit Ms MacPherson to prison for breaches of these injunctions – committed during the currency of the suspended sentence passed in January 2023. Attempts to bring Ms MacPherson to court were unsuccessful, and she indicated that she was claiming political asylum in France. The court ultimately proceeded in her absence and, having found the breaches proved, determined that the appropriate sentence of imprisonment is

one of three months for the contempts of court committed in September 2023. Additionally, the 28 day sentence of imprisonment that was passed and suspended on 16 January 2023 was now imposed as an immediate sentence which shall run consecutively to that three-month period of imprisonment. Poole J noted that:

> *41. The defendant is in France. I have to take into account that, realistically, she would have to return to England for any warrant of committal to be executed. I note that I issued a warrant for her arrest on 7 December 2023, and she has not returned to this country in the meantime, and clearly has no present intention of doing so. Therefore, for her to commence any sentence of imprisonment would require her to return to this country, in effect.*
>
> *42. The Court has no desire to pass a sentence of imprisonment on the defendant, not least because in some sense that is exactly what she is provoking the Court to do. She wants to highlight her complaints about the treatment of her daughter. She has, for example, I understand, tweeted about the hearing today, no doubt to try and draw attention to herself and her allegations of conspiracy, corruption, and the torture of her daughter. In many ways, by bringing this committal application, the Local Authority has helped the defendant draw attention to her own position and campaign. On the other hand, the Local Authority is seeking as best as it can to protect FP, the protected party in the Court of Protection proceedings.*
>
> *43. However, very importantly, a purpose of sentencing is to uphold the authority of the Court and discourage others from flagrantly breaching court orders. The law applies equally to all, even to those who believe, contrary to all the evidence, that they are conducting a justified campaign. The defendant has openly and intentionally defied the court in a brazen manner. I cannot allow the defendant to treat herself as beyond the law.*

Short note: reaching too quickly for intermediaries?

In *West Northamptonshire Council v KA & Ors* [2024] EWHC 79 (Fam), Lieven J made observations about intermediaries in family proceedings which might be thought to be applicable before the Court of Protection. Lieven J noted that the following principles could be drawn from the decision of the Court of Appeal in the criminal case of *R v Thomas (Dean)* [2020] EWCA Crim 117:

a. *It will be "exceptionally rare" for an order for an intermediary to be appointed for a whole trial. Intermediaries are not to be appointed on a "just in case" basis. Thomas [36]. This is notable because in the family justice system it appears to be common for intermediaries to be appointed for the whole trial. However, it is clear from this passage that a judge appointing an intermediary should consider very carefully whether a whole trial order is justified, and not make such an order simply because they are asked to do so.*

b. *The judge must give careful consideration not merely to the circumstances of the individual but also to the facts and issues in the case, Thomas [36];*

c. *Intermediaries should only be appointed if there are "compelling" reasons to do so, Thomas [37]. An intermediary should not be appointed simply because the*

process "would be improved"; R v Cox [2012] EWCA Crim 549 at [29];

d. *In determining whether to appoint an intermediary the Judge must have regard to whether there are other adaptations which will sufficiently meet the need to ensure that the defendant can effectively participate in the trial, Thomas [37];*

e. *The application must be considered carefully and with sensitivity, but the recommendation by an expert for an intermediary is not determinative. The decision is always one for the judge, Thomas [38];*

f. *If every effort has been made to identify an intermediary but none has been found, it would be unusual (indeed it is suggested very unusual) for a case to be adjourned because of the lack of an intermediary, Cox [30];*

g. *At [21] in Cox the Court of Appeal set out some steps that can be taken to assist the individual to ensure effective participation where no intermediary is appointed. These include having breaks in the evidence, and importantly ensuring that "evidence is adduced in very shortly phrased questions" and witnesses are asked to give their "answers in short sentences". This was emphasised by the Court of Appeal in R v Rashid (Yahya) [2017] 1 WLR 2449.*

At paragraph 46 Lieven J noted that

46. All these points are directly applicable to the Family Court. Counsel submitted that there was a need for intermediaries because relevant parties often did not understand the proceedings and the language that was being used. However, the first and normal approach to this difficulty is for the judge and the lawyers to ensure that simple language is used and breaks taken to ensure that litigants understand what is happening. All advocates in cases involving vulnerable parties or witnesses should be familiar with the Advocates Gateway and the advice on how to help vulnerable parties understand and participate in the proceedings. I am reminded of the words of Hallett LJ in R v Lubemba [2014] EWCA Crim 2064 at [45] "Advocates must adapt to the witness, not the other way round". A critical aspect of this is for cross-examination to be in short focused questions without long and complicated preambles and the use of complex language. Equally, it is for the lawyers to explain the process to their clients outside court, in language that they are likely to understand.

47. Finally, it is the role of the judge to consider whether the appointment of an intermediary is justified. It may often be the case that all the parties support the appointment, because it will make the hearing easier, but that is not the test the judge needs to apply.

Editors and Contributors

Alex Ruck Keene KC (Hon): alex.ruckkeene@39essex.com
Alex has been in cases involving the MCA 2005 at all levels up to and including the Supreme Court. He also writes extensively, has numerous academic affiliations, including as Visiting Professor at King's College London, and created the website www.mentalcapacitylawandpolicy.org.uk. To view full CV click here.

Victoria Butler-Cole KC: vb@39essex.com
Victoria regularly appears in the Court of Protection, instructed by the Official Solicitor, family members, and statutory bodies, in welfare, financial and medical cases. She is Vice-Chair of the Court of Protection Bar Association and a member of the Nuffield Council on Bioethics. To view full CV click here.

Neil Allen: neil.allen@39essex.com
Neil has particular interests in ECHR/CRPD human rights, mental health and incapacity law and mainly practises in the Court of Protection and Upper Tribunal. Also a Senior Lecturer at Manchester University and Clinical Lead of its Legal Advice Centre, he teaches students in these fields, and trains health, social care and legal professionals. When time permits, Neil publishes in academic books and journals and created the website www.lpslaw.co.uk. To view full CV click here.

Arianna Kelly: Arianna.kelly@39essex.com
Arianna practices in mental capacity, community care, mental health law and inquests. Arianna acts in a range of Court of Protection matters including welfare, property and affairs, serious medical treatment and in inherent jurisdiction matters. Arianna works extensively in the field of community care. She is a contributor to Court of Protection Practice (LexisNexis). To view a full CV, click here.

Nicola Kohn: nicola.kohn@39essex.com
Nicola appears regularly in the Court of Protection in health and welfare matters. She is frequently instructed by the Official Solicitor as well as by local authorities, CCGs and care homes. She is a contributor to the 5th edition of the *Assessment of Mental Capacity: A Practical Guide for Doctors and Lawyers* (BMA/Law Society 2022). To view full CV click here.

Katie Scott: katie.scott@39essex.com
Katie advises and represents clients in all things health related, from personal injury and clinical negligence, to community care, mental health and healthcare regulation. The main focus of her practice however is in the Court of Protection where she has a particular interest in the health and welfare of incapacitated adults. She is also a qualified mediator, mediating legal and community disputes. To view full CV click here.

Nyasha Weinberg: Nyasha.Weinberg@39essex.com

Nyasha has a practice across public and private law, has appeared in the Court of Protection and has a particular interest in health and human rights issues. To view a full CV, click here

Simon Edwards: simon.edwards@39essex.com

Simon has wide experience of private client work raising capacity issues, including *Day v Harris & Ors* [2013] 3 WLR 1560, centred on the question whether Sir Malcolm Arnold had given manuscripts of his compositions to his children when in a desperate state or later when he was a patient of the Court of Protection. He has also acted in many cases where deputies or attorneys have misused P's assets. To view full CV click here.

Adrian Ward: adrian@adward.co.uk

Adrian is a recognised national and international expert in adult incapacity law. He has been continuously involved in law reform processes. His books include the current standard Scottish texts on the subject. His awards include an MBE for services to the mentally handicapped in Scotland; honorary membership of the Law Society of Scotland; national awards for legal journalism, legal charitable work and legal scholarship; and the lifetime achievement award at the 2014 Scottish Legal Awards.

Jill Stavert: j.stavert@napier.ac.uk

Jill Stavert is Professor of Law, Director of the Centre for Mental Health and Capacity Law and Director of Research, The Business School, Edinburgh Napier University. Jill is also a member of the Law Society for Scotland's Mental Health and Disability Sub-Committee. She has undertaken work for the Mental Welfare Commission for Scotland (including its 2015 updated guidance on Deprivation of Liberty). To view full CV click here.

Conferences

Members of the Court of Protection team regularly present at seminars and webinars arranged both by Chambers and by others.

Alex is also doing a regular series of 'shedinars,' including capacity fundamentals and 'in conversation with' those who can bring light to bear upon capacity in practice. They can be found on his website.

Adrian will be speaking at the following open events: the Royal Faculty of Procurators of Glasgow Private Client Conference (14 March, details here), the World Congress of Adult Support and Care in Buenos Aires (August 27-30, 2024, details here) and the European Law Institute Annual Conference in Dublin (10 October, details here).

Peter Edwards Law has announced its spring training schedule, here, including an introduction – MCA and Deprivation of Liberty, and introduction to using Court of Protection including s. 21A Appeals, and a Court of Protection / MCA Masterclass - Legal Update.

Advertising conferences and training events

If you would like your conference or training event to be included in this section in a subsequent issue, please contact one of the editors. Save for those conferences or training events that are run by non-profit bodies, we would invite a donation of £200 to be made to the dementia charity My Life Films in return for postings for English and Welsh events. For Scottish events, we are inviting donations to Alzheimer Scotland Action on Dementia.

Our next edition will be out in April. Please email us with any judgments or other news items which you think should be included. If you do not wish to receive this Report in the future please contact: marketing@39essex.com.

Sheraton Doyle
Senior Practice Manager
sheraton.doyle@39essex.com

Peter Campbell
Senior Practice Manager
peter.campbell@39essex.com

Chambers UK Bar
Court of Protection: Health & Welfare
Leading Set

The Legal 500 UK
Court of Protection and Community Care
Top Tier Set

clerks@39essex.com • DX: London/Chancery Lane 298 • 39essex.com

LONDON
81 Chancery Lane,
London WC2A 1DD
Tel: +44 (0)20 7832 1111
Fax: +44 (0)20 7353 3978

MANCHESTER
82 King Street,
Manchester M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE
Maxwell Chambers,
#02-16 32, Maxwell Road
Singapore 069115
Tel: +(65) 6634 1336

KUALA LUMPUR
#02-9, Bangunan Sulaiman,
Jalan Sultan Hishamuddin
50000 Kuala Lumpur,
Malaysia: +(60)32 271 1085