

APPROVED

[2022] IEHC 500



THE HIGH COURT

2008 No. 8625 P.

BETWEEN

M.K.

(A PERSON OF UNSOUND MIND NOT SO FOUND BY INQUISITION SUING
THROUGH HIS SISTER AND NEXT FRIEND)

PLAINTIFF

AND

D.M.

THE SACRED HEART MISSIONARY EDUCATION TRUST

DEFENDANTS

JUDGMENT of Mr. Justice Garrett Simons delivered on 16 September 2022

INTRODUCTION

1. This matter comes before the High Court by way of an application to approve a proposed settlement of a personal injuries action. The application is made pursuant to Order 22, rule 10 of the Rules of the Superior Courts.
2. The plaintiff lacks capacity to provide instructions in respect of his personal injuries action and, for this reason, the proceedings have been pursued on his behalf by his sister as his “*next friend*”.

NO REDACTION REQUIRED

3. Matters are complicated by the fact that the plaintiff is habitually resident in England and is the subject of court orders made under the mental health legislation in that jurisdiction. In particular, the Court of Protection of England and Wales has appointed a “*deputy*” to make decisions on behalf of the plaintiff that he is unable to make for himself in relation to his property and affairs. Moreover, the plaintiff has, since 2015, been detained involuntarily as a patient in a mental health facility.
4. In deciding whether or not to approve the proposed settlement, this court will seek to avoid making any orders which would conflict with the existing orders made for the protection of the plaintiff in England.

PROCEDURAL HISTORY

5. The plaintiff is 60 years of age. These proceedings were issued by way of a personal injuries summons on 20 October 2008. The case as pleaded is that the plaintiff had been the victim of child sexual abuse while attending a secondary school operated by a religious order (the second named defendant). More specifically, it is alleged that a priest (the first named defendant), who had been teaching at the school, had abused the plaintiff in the course of the years 1974 and 1975.
6. The proceedings had initially named the Minister for Education and Science, Ireland and the Attorney General as additional defendants (“*the State defendants*”). The claim as against the State defendants has not been pursued, however, having regard to the decision of the Supreme Court in *O’Keeffe v. Hickey* [2008] IESC 72, [2009] 2 I.R. 302. A notice of discontinuance was filed on 7 May 2009.

7. The plaintiff has been habitually resident in England since the early 1980s. Prior to the institution of these proceedings, the plaintiff had been deemed by the Court of Protection of England and Wales (“*Court of Protection*”) to lack the capacity to manage his own financial affairs. An order was made on 3 February 2007 appointing the financial services manager of Plymouth County Council as “*receiver*” to manage the financial affairs of the plaintiff. It was a term of the order that the receiver was not authorised to conduct any legal proceedings in the name of or on behalf of the plaintiff unless expressly authorised to do so by further order, directions, or authority of the Court of Protection.
8. It appears that, following on from the commencement of the (UK) Mental Capacity Act 2005 on 1 October 2007, Plymouth County Council now acts as a “*deputy*” for the purposes of the latter legislation, rather than as a “*receiver*”. Relevantly, the deputy is not authorised to pursue legal proceedings on behalf of the plaintiff, unless permitted to do so by a further order.
9. The plaintiff has, since September 2015, been detained involuntarily as a patient at a mental health facility in England. The medical reports which have been exhibited before this court indicate that the plaintiff suffers from Korsakoff’s Syndrome.
10. It seems that the solicitors acting for the plaintiff were unaware, at the time the within proceedings were instituted, that the Court of Protection had determined that the plaintiff was incapable, by reason of mental disorder, of managing and administering his property and affairs, and that court had, accordingly, appointed Plymouth County Council as deputy. Upon learning of this, the solicitors arranged to make an application to the Master of the High Court to amend the title of the proceedings. The Master made an order on 16 March 2010 directing

that the proceedings be carried on and prosecuted under the title of the plaintiff suing through his sister and next friend.

11. The first and second named defendants have mounted a full defence to the proceedings. The grounds upon which the proceedings are being defended are set out in detail in an amended defence delivered on 1 September 2018, following the provision of further particulars on behalf of the plaintiff. These further particulars disclosed that the plaintiff had been the victim of two separate sexual assaults prior to the events the subject-matter of the within proceedings.
12. In brief, the first and second named defendants plead that the personal injuries action is statute-barred; that the religious order is not vicariously liable for the actions allegedly committed by the first named defendant; and that, in assessing damages, regard should be had to the fact that the plaintiff had previously been sexually abused by two other individuals unconnected with the secondary school. It is said that these abusers represent “*concurrent wrongdoers*” for the purposes of the Civil Liability Act 1961 and that the failure to pursue proceedings against them has consequences under Section 35 of that Act. More specifically, it is pleaded that the plaintiff is legally identified with, and deemed to be responsible for, the acts of the other abusers and the sequelae and consequences flowing therefrom, either by virtue of not having sued the said persons (and now been statute-barred against them) or by virtue of having sued the said persons and/or having settled proceedings or claims against them.
13. Following negotiations between the parties to these proceedings, an offer of settlement has been made on behalf of the second named defendant. The terms of settlement have been exhibited as part of the within application. It is expressly

provided that the offer of settlement is made by the second named defendant without any admission of liability on the part of either or both defendants.

14. A sum of €350,000 has been offered in full and final settlement of the proceedings (and of any other claims against the defendants and current or former members of the religious order known as the Missionaries of the Sacred Heart). It is also proposed that the plaintiff would be entitled to recover his legal costs as against the second named defendant (such costs to be adjudicated in default of agreement).
15. The terms of settlement envisage that an application will be made to have the plaintiff admitted to wardship for the purpose of the management of his financial affairs (including management of the settlement sum of €350,000).
16. An application to approve the proposed settlement was made *ex parte* to this court on 26 June 2022. The matter was adjourned until 18 July 2022 to allow further evidence to be put before this court as to the attitude of Plymouth County Council, as the appointed deputy, towards the proposed settlement.
17. The position of Plymouth County Council has been set out in a letter dated 1 July 2022. In brief, the letter confirms that the local authority *qua* deputy is not permitted, under the terms of the extant order of the Court of Protection, to pursue any legal proceedings on behalf of the plaintiff. The local authority does, however, wish for the within proceedings to be continued and confirms that it has been in regular contact with the plaintiff's next friend. The local authority has also confirmed that it has authority to manage any settlement amount on behalf of the plaintiff.

REASONABLENESS OF OFFER OF SETTLEMENT

18. The reasonableness of an offer of settlement is assessed by considering what the likely outcome would be were the claim to proceed to full hearing before a trial judge, and comparing that hypothetical outcome to what would be paid under the offer of settlement. This exercise will require consideration of issues such as whether liability is contested, and the amount of damages which are likely to be recovered were the proceedings to go to trial. If liability is in issue, then the amount of the proposed settlement may be less than the notional “*full*” value of the claim. It may nevertheless be sensible to accept this discounted sum, rather than to allow the case to go to trial and run the risk that liability would be decided in favour of the defendant; in which event no damages would be recovered and costs likely awarded against the next friend.
19. This exercise has to be performed on the basis of far more limited information than would be available to the trial judge. The court must instead draw upon its knowledge of the risks inherent in litigation and attempt to identify potential weaknesses in the claim which may affect the outcome of the proceedings. Counsel on behalf of the vulnerable person will have provided a confidential opinion to the court that candidly sets out the strengths and weaknesses of the case. Ultimately, however, the decision on whether to approve the settlement resides with the court alone.
20. In the present case, there is a strong likelihood that the personal injuries action would be dismissed and costs ordered against the next friend. First, the proceedings would appear to be statute-barred. The child sexual abuse is said to have occurred during the years 1974 and 1975. The plaintiff reached his age of majority in 1981.

21. The limitation period for the bringing of an action in respect of an act of sexual abuse committed against a person at a time when they were a child is extended under Section 48A of the Statute of Limitations Act 1957 (as amended) (“*Statute of Limitations*”). Relevantly, a potential claimant is regarded as being under a “*disability*” for the purposes of the Statute of Limitations where they are suffering from psychological injury, caused by an act of sexual abuse, which is of such significance that his or her will, or his or her ability to make a reasoned decision, to bring an action is substantially impaired.
22. The evidence before the court indicates that, shortly after reaching his age of majority (then fixed at 21 years of age), the plaintiff had expressed an intention to pursue an action for personal injuries in respect of the alleged child sexual abuse. More specifically, the plaintiff is recorded as having stated that he commenced studying for a diploma in legal studies for this very reason. This seems to have happened in the first half of the 1980s, at a time when the plaintiff was in his early twenties.
23. Having regard to this chronology, it would be very difficult to persuade a trial judge that the plaintiff had been labouring under a “*disability*” for the purposes of the Statute of Limitations. It would appear that, in order to comply with the limitation period, any proceedings should have been instituted by the second half of the 1980s. In the event, however, the within proceedings were not instituted until October 2008. It would appear, therefore, that the proceedings are statute-barred.
24. The limitation period is not revived by the fact that the plaintiff *subsequently* came under a different type of “*disability*” for the purposes of the Statute of Limitations as a result of his mental illness. The cause of action had already

accrued (and the limitation period expired) prior to the plaintiff losing capacity: see Section 49 of the Statute of Limitations.

25. Secondly, the plaintiff's side would face significant—possibly insurmountable—difficulties in proving the occurrence of the alleged child sexual abuse. This is because the sole witness, namely the plaintiff, is not competent to provide sworn evidence in the proceedings having regard to his mental illness. Even if the plaintiff were competent, the severity of his mental illness is such that his recollection of the events of some fifty years ago might not be regarded as reliable by a trial judge. As appears from the materials filed, one of the symptoms of Korsakoff's Syndrome is confabulation.
26. In circumstances where the action is likely to fail, the proposed settlement is an excellent one from the plaintiff's perspective. The sum on offer of €350,000 is close to the notional full value of the action in terms of the level of general damages likely to be awarded for child sexual abuse. See, generally, *A.B. v. Health Service Executive (Damages: sexual abuse)* [2022] IEHC 376 (Simons J.). There is no realistic prospect of the plaintiff "beating" the sum of €350,000 were the personal injuries action to go to trial. Rather, the more likely outcome is that the action would be dismissed, with an order of costs against the next friend.

DISCUSSION AND DECISION

27. The discussion which follows describes the law as it currently stands. The legal position will be significantly changed upon the coming into full force and effect of the Assisted Decision-Making (Capacity) Act 2015.

28. There are two routes by which legal proceedings may be pursued on behalf of a person who lacks capacity to manage his or her person or property (“*the vulnerable person*”). First, an application may be made to admit the vulnerable person to wardship pursuant to the Lunacy Regulation (Ireland) Act 1871. In the event that the application is successful, the committee appointed to manage the affairs of the ward may be authorised to pursue legal proceedings on his or her behalf. The role and duties of the committee of a ward have recently been summarised in the judgment delivered in *In the matter of Mr. M. (A Ward of Court)* [2022] IEHC 21 (Hyland J.).
29. Secondly, a suitable person may consent to act as “*next friend*” and to provide instructions for the pursuit of legal proceedings on behalf of the vulnerable person. Typically, the next friend will be a close relative of the vulnerable person, such as a parent or a sibling. This second route is more informal. Whereas the court retains an inherent jurisdiction to determine whether a party is suitable to act as a next friend, and to remove a next friend if unsuitable, an advance application to be appointed as next friend is not necessary in every case. It is open, in principle, for a relative to assist in the institution of legal proceedings in the name of a vulnerable person without the prior approval of the court. Put otherwise, proceedings can be pursued with the assistance of a next friend without there having been any prior assessment by the court as to whether the plaintiff is, indeed, a person of “*unsound mind*”, nor an assessment of the suitability of the next friend. As discussed presently, the position is different where it is proposed to interpose a next friend in extant proceedings which had been instituted on the direct instructions of the vulnerable person.

30. There are a number of important procedural safeguards which attend proceedings taken with the assistance of a next friend. The following two are of special relevance to the present case. First, the next friend is personally liable to meet any order for costs which might be made in favour of the opposing party. See, generally, *C.D. v. B.B.* [2022] IEHC 381 (Egan J.). Secondly, any proposed settlement of the proceedings is subject to the approval of the court pursuant to Order 22, rule 10 of the Rules of the Superior Courts. This represents an important safeguard in that the court is in a position to make an objective assessment of the reasonableness of any offer of settlement. It also represents a constraint on the right, which a litigant otherwise enjoys, to decide for themselves whether to compromise a claim. For this reason, then, the court must be satisfied that the particular plaintiff is indeed a person of “*unsound mind*”.
31. In the present case, the proceedings had initially been instituted in the name of the plaintiff alone, without the assistance of a next friend. It was only when the solicitors acting for the plaintiff became aware of the existence of the earlier order of the Court of Protection appointing a deputy to manage the property and affairs of the plaintiff that steps were taken to appoint a next friend. The approach adopted was to make an application to the Master of the High Court to amend the title of the proceedings. With respect, that application was unsatisfactory in a number of aspects. The notice of motion should have expressly stated that the relief sought was to appoint a next friend to take over pursuit of the proceedings and the application should have been grounded upon an up-to-date medical report which expressly addressed the question of whether the plaintiff had capacity to make informed decisions in respect of the litigation.

32. The application should have been made to a Judge of the High Court rather than to the Master. This is because the practical effect of the application, if granted, would be to *displace* the plaintiff as the person with carriage of the proceedings. This would involve the imposition of a constraint on the *prima facie* entitlement of a litigant to direct the course of extant proceedings, which had been issued on their direct instructions, by transferring control to the next friend. Such a significant and unusual application should have been determined by a Judge. This would have allowed the difficult issues of law presented by the application to be properly teased out. In particular, careful consideration could have been given to whether the pursuit of the proceedings was consistent with the arrangements put in place by the Court of Protection for the benefit of the plaintiff.
33. In the event, the application to amend the title of the proceedings was grounded on a perfunctory affidavit sworn by the plaintiff's solicitor. The affidavit failed to address the attitude of the deputy, who had been appointed by the Court of Protection, to the proceedings. Similarly, the affidavit did not address the attitude of the plaintiff.
34. Given the unsatisfactory nature of the application before the Master, and having regard to the significant deterioration in the plaintiff's mental health in the intervening twelve years, it is appropriate for this court now to make its own assessment of whether the proceedings are properly pursued by his sister as next friend. As noted above, the court has an inherent jurisdiction to supervise proceedings taken with the assistance of a next friend.
35. The first matter to be considered is whether the plaintiff is properly regarded as a person of "*unsound mind*" for the purposes of Order 15 and Order 22 of the

Rules of the Superior Courts. In the case of a person who has been made a ward of court, this issue falls to be determined by reference to the Lunacy Regulation (Ireland) Act 1871, i.e. the test is whether the particular individual is incapable of managing his person or property. See, generally, *In the matter of J.D.* [2022] IEHC 518 (Hyland J.). However, the Rules of the Superior Courts also contemplate that a person may be treated as being of “*unsound mind*”, for the purpose of litigation, notwithstanding that there has not been any formal finding to that effect under the Lunacy Regulation (Ireland) Act 1871.

36. The Rules of the Superior Courts are silent as to the criteria to be applied in assessing whether a vulnerable person, who has not been made a ward of court following an inquisition, is of “*unsound mind*”. It is implicit that the legal test is similar to that governing an inquiry under the Lunacy Regulation (Ireland) Act 1871. Put otherwise, whereas the procedural requirements differ, the substantive test for deciding whether a person is of “*unsound mind*” is the same in both instances.
37. Approaching the matter from first principles, the assessment must be directed to the capacity of the vulnerable person to understand the legal proceedings and to make informed decisions in relation to same. This is because the legal significance of finding that a person is of “*unsound mind*” for the purposes of Order 15 and Order 22 of the Rules of the Superior Courts is confined to the litigation. (The position is different under Order 67). The role of the next friend is confined to assisting in the pursuit of the legal proceedings and does not extend to the personal welfare or financial affairs of the vulnerable person more generally. Accordingly, the assessment should similarly be directed to the legal proceedings.

38. It does not necessarily follow from the fact that a vulnerable person would not have capacity to make informed decisions in respect of the management and investment of a substantial sum offered by way of settlement that they lack capacity to decide on the anterior question of whether the proceedings should be compromised for that amount. The vulnerable person might have sufficient capacity to understand the proceedings, whilst lacking capacity to engage in the type of longer-term strategic decision-making needed to manage and invest a substantial sum sensibly.
39. On the facts of the present case, I am satisfied that the plaintiff lacks capacity to make an informed decision as to whether the personal injuries action should be compromised. The Court of Protection has previously found that the plaintiff is incapable of managing his own financial affairs. Such a finding of fact by a court of a contracting party is generally entitled to recognition under Chapter IV of the Hague Convention of 13 January 2000 on the International Protection of Adults (“*the Convention*”).
40. There is nothing in the materials before this court which would justify it in reaching a different finding than that of the Court of Protection. The materials confirm that the plaintiff is suffering from a serious mental illness, namely Korsakoff’s Syndrome. This diagnosis was first made in 2008. The plaintiff scored 75/100 in an Addenbrooke’s Cognitive Examination III administered in September 2015. The plaintiff is recorded as struggling particularly with memory and attention. The plaintiff scored 18/30 in a Montreal Cognitive Assessment administered in July 2016. Again, the results indicated short-term memory deficits.

41. An Addenbrooke's Cognitive Examination III was administered in February 2022. On this occasion, the plaintiff was unwilling to complete the assessment. The consultant clinical psychologist records that the plaintiff was unable to identify the day, month or year. He also struggled with a basic memory exercise of recalling three specified words and with basic subtraction. The plaintiff was unable to recognise the consultant clinical psychologist notwithstanding that he had previously had therapeutic sessions with her.
42. The plaintiff's mental health has deteriorated significantly in the decade and a half since these proceedings were instituted. Since September 2015, the plaintiff has been detained involuntarily as an inpatient at a mental health facility.
43. Having regard to all of the foregoing, I am satisfied that the plaintiff fulfils the criteria of a person of "*unsound mind*" for the purposes of Order 15 and Order 22, rule 10.
44. It is next necessary to consider whether the pursuit of these proceedings by the next friend is inconsistent with the fact that the plaintiff is under the jurisdiction of the Court of Protection.
45. The pursuit of legal proceedings on the instructions of an individual, *other than* the person or body appointed by a court to protect a vulnerable person and to manage his financial affairs, has the potential, at least, to create a conflict. Certainly, it would appear to be the position in this jurisdiction that the possibility of legal proceedings being pursued in the name of a vulnerable person on the instructions of his next friend ceases once that person has been admitted to wardship. This is because one of the incidents of wardship is that the affairs of the ward are to be managed by an appointed committee under the direction of the President of the High Court and other nominated judges. The rationale for

such an approach has been explained as follows in *Beall v. Smith* (1873) L.R. 9 Ch. App. 85:

“It is not because a committee has been appointed, but because the Crown, by its proper tribunal, has the lunatic and all his affairs under its exclusive care and protection, that the power of any person to commence or to prosecute any proceedings for his protection is taken away. There is no inconvenience or injustice in this. Application can at all times be made to the Court for anything that may require or may be just to be done, and no doubt if any person who has interfered for the protection of a lunatic can satisfy the Court that he has acted *bona fide*, and for the benefit of the lunatic, the Court will reimburse him, as it would recompense any other person who had rendered services to the lunatic. I am satisfied, therefore, that every proceeding and every order taken or made in the suit after the inquisition was irregular and void, as much so as if it had been taken or made after the lunatic’s death. Moreover, any such attempt to deal with a lunatic’s property after the inquisition amounts to a gross contempt of the Court in Lunacy.”

46. Whereas the terminology employed in that judgment to describe a vulnerable person is jarring to the modern ear, the underlying principle would appear to be correct. It would be inconsistent with the wardship jurisdiction for a third party to purport to act unilaterally for the benefit of the vulnerable person by pursuing proceedings in their name. Generally, any proceedings would have to be pursued by the committee of the ward, subject to the sanction of the President of the High Court. This is because the affairs of the ward are under the exclusive protection of the High Court.
47. For the reasons which follow, I have concluded that the exercise by this court of its jurisdiction to approve the proposed settlement does not cut against the orders made by the Court of Protection for the welfare of the plaintiff.
48. The personal injuries action has been pursued at no financial risk to the plaintiff. This is because his sister, as next friend, is personally liable to meet any order for costs which might have been made in favour of the defendants. Whereas a

next friend might, in other cases, be allowed to recoup any costs against the vulnerable person, it is doubtful that this would have been allowed in the present case. A person who chooses to act as a next friend in circumstances where the vulnerable person is under court protection—and where that court has not sanctioned the litigation—does so at their own peril.

49. A decision to approve the settlement will accrue to the benefit of the plaintiff. It will ensure that a significant sum, namely €350,000, will be made available to be expended on the care of the plaintiff and to meet his needs. As explained below, this expenditure will be administered by Plymouth County Council as the deputy appointed by the Court of Protection to manage the plaintiff's affairs.
50. The risk of a potential conflict between the making of orders by this court and the orders already made by the Court of Protection would only arise were this court to sanction the making of an application to take the plaintiff into wardship in this jurisdiction. The legal representatives acting upon the instructions of the next friend had initially proposed to make such an application and had sought the costs of same as part of the proposed settlement. On the adjourned date, however, counsel submitted that it would be open to this court to direct that the settlement sum be paid to Plymouth County Council as the deputy appointed by the Court of Protection.
51. I am satisfied that this is the appropriate order to make. The plaintiff is a person who has been habitually resident in England for more than four decades now. The plaintiff is under the jurisdiction of the Court of Protection and is being cared for and treated by the local authority, at its own expense. There is no necessity, therefore, for the Irish Courts to attempt to replicate the protection, by taking the plaintiff into wardship here. Not only is there no obvious

jurisdictional basis for doing so, but any attempt would result in unnecessary duplication and run the risk of conflicting orders.

52. The provisions of the Assisted Decision-Making (Capacity) Act 2015, which give effect to the Convention on the International Protection of Adults, have not yet been commenced. It is nevertheless appropriate, in exercising the jurisdiction to approve proposed settlements under Order 22, rule 10, to have regard to the fact that the Irish State has ratified the Convention. This reflects the principle of statutory interpretation that the Irish State is presumed to have intended to comply with its international treaty obligations. It also reflects, more generally, the comity of courts. The orders made by the Court of Protection are entitled to respect by this court.
53. Accordingly, I will make an order directing that the settlement sum of €350,000 be paid to Plymouth County Council as the deputy appointed by the Court of Protection.

REPORTING RESTRICTIONS

54. There is a constitutional imperative that justice be administered in public save in such special and limited cases as may be prescribed by law. One such exception is provided for under Section 27 of the Civil Law (Miscellaneous Provisions) Act 2008. This section allows a court to make an order prohibiting the publication or broadcast of any matter relating to proceedings which would, or would be likely to, identify a party to the proceedings as having a (sensitive) medical condition.

55. Such an order may only be made where the court is satisfied that the following conditions are met:
- (a) the relevant person has a medical condition,
 - (b) his or her identification as a person with that medical condition would be likely to cause undue stress to him or her, and
 - (c) the order would not be prejudicial to the interests of justice.
56. Having regard to the medical evidence filed in support of this application, I am satisfied that these criteria are fulfilled in this case. The plaintiff suffers from Korsakoff's Syndrome. It would cause undue stress to the plaintiff were the fact that he suffers from this medical condition to be published or broadcast.
57. Accordingly, I make an order pursuant to Section 27 of the Civil Law (Miscellaneous Provisions) Act 2008. The order precludes the publication or broadcast of any matter relating to the proceedings which would, or would be likely to, identify the plaintiff. The order extends to the publication or broadcast of the identity of the person alleged to have abused the plaintiff, lest disclosure of his name might lead indirectly to the identification of the plaintiff. Accordingly, the identity of the first defendant is not to be disclosed.
58. The imposition of these limited reporting restrictions is not prejudicial to the interests of justice. The underlying principle that justice should be administered in public is respected by the publication of this judgment on the Courts Service's website. Whereas the personal details of the individuals involved have been redacted, the judgment contains a detailed discussion of the application to approve the proposed settlement and the rationale for approving same. The content of this judgment may be reported by the media and reference may be

made to the second named defendant, i.e. The Sacred Heart Missionary Education Trust.

CONCLUSION AND PROPOSED FORM OF ORDER

59. The proposed settlement of the proceedings in the sum of €350,000 is approved pursuant to Order 22, rule 10 of the Rules of the Superior Courts. This sum is to be paid to the Financial Services Manager of Plymouth County Council in their capacity as “*deputy*” appointed by the Court of Protection of England and Wales.
60. As to costs, it is a term of the proposed settlement that the plaintiff is entitled to recover his legal costs as against the second named defendant. The quantum of the legal costs is to be adjudicated, in default of agreement between the parties, by the Office of the Chief Legal Costs Adjudicator under Part 10 of the Legal Services Regulation Act 2015. For the avoidance of any doubt, this costs order does not extend to an application for admission to wardship.
61. These proceedings will be listed, remotely, for final orders on Monday, 10 October 2022 at 11.00 o’clock.

Approved
Gemma Simons