

## DEBRIEF: A Kings Chambers Podcast Factsheet

### EPISODE 18– The Inherent Jurisdiction with His Honour Judge Butler

His Honour Judge Butler is the Court of Protection Regional Lead Judge for the Northern Region. He also sits as a Judge of the Family Court, on Mental Health Review Tribunals and as a deputy High Court Judge (pursuant to section 9 Senior Courts Act 1981). Before his appointment to the bench, His Honour Judge Butler also wrote the Community Care and Local Authority Handbook (Jordans) and Mental Health Tribunals: Law Practice and Procedure (Jordans).

#### Cases Referenced

Backgrounds inherent jurisdiction cases referred to:

**Re SA (Vulnerable Adult with Capacity: Marriage)** [2006] 1 FLR 867  
**DL v A Local Authority [2012]** EWCA Civ 253  
**A NHS Trust v Dr A** [2013] 2442 (COP)  
**NCC v PB and NB** [2014] EWCOP 14  
**HCC v AB** [2018] EWHC 3103 (Fam)

Recent inherent jurisdiction cases referred to:

**Southend on Sea v Meyers** [2019] EWHC 399 (Fam)  
**Redcar & Cleveland Borough Council v PR & Ors** [2019] EWHC 2305 (Fam)  
**Wakefield v DN** [2019] EWHC 2306 (Fam)

Fluctuating capacity cases referred to:

**Wakefield v DN** [2019] EWHC 2306 Fam  
**Guys and St Thomas NHS Foundation Trust & Anor v R** [2020] EWCOP 4

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## Speaker Profiles

### **Eliza Sharron**



*Eliza Sharron specialises in all fields of Court of Protection work, including property and affairs, health and welfare, serious medical treatment, and associated human rights matters. Eliza also specialises in cases that involve safeguarding vulnerable adults within the inherent jurisdiction of the High Court. Eliza regularly acts on behalf of the Official Solicitor for protected parties, as well as acting for local authorities, NHS bodies, Clinical Commissioning Groups and individuals/family members. Eliza undertakes inquest work and judicial review work with a particular interest in cases involving the extent of local authority duties towards young people and their families.*

### **Francesca P. Gardner**



*Francesca P. Gardner is a specialist in all areas of mental capacity and mental health law. Francesca's practice encompasses all areas of Court of Protection work, including welfare disputes, serious medical treatment and property and affairs matters. Francesca receives regular instructions from individuals, the Official Solicitor, local authorities, NHS bodies and care homes. Francesca regularly acts in complex welfare proceedings and has a particular interest and experience in cases involving: cross border placements and disputes (with particular interest in cross border placements from Scotland); children and deprivation of liberty; the international protection of adults (for example, Francesca has recently been instructed to advise on cases involving Japan, Kenya and the United States of America); cases involving both welfare and financial disputes; and safeguarding vulnerable adults within the Inherent Jurisdiction of the High Court.*