

IN THE COURT OF APPEAL (CIVIL DIVISION)

Case Numbers: B4/2019/0679 & B4/2019/0680

ON APPEAL FROM THE COURT OF PROTECTION

Cobb J

Neutral Citation Number: [2019] EWCOP 3

BETWEEN:

B (by her litigation friend, the Official Solicitor)

-and-

A LOCAL AUTHORITY

ORDER

BEFORE the Master of the Rolls, Lady Justice King and Lord Justice Leggatt

UPON hearing Mr Karim QC and Ms Gardner of Counsel for B, and Mr Lock QC and Mr Garlick of Counsel for the Local Authority

AND UPON the handing down on 11 June 2019 of a judgment

IT IS ORDERED THAT:

1. B's appeal is dismissed.
2. The Local Authority's appeal against the Order of Cobb J of 12 March 2019 that B has capacity to make her own decisions in relation to her residence is allowed.
3. The question as to whether B has the capacity to make her own decisions in relation to her place of residence shall be remitted to Cobb J for a further decision in light of the Court's judgment.
4. Subject to paragraph 5 below, B shall pay the Local Authority's costs of the appeal and the cross appeal.
5. Pursuant to section 26 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, the Court assesses that the amount which it is reasonable for B to pay is nothing.

6. Any application made by the Local Authority for a hearing to determine, pursuant to Regulations 10 and 16 of the Civil Legal Aid (Costs) Regulations 2013, the amount of the costs, if any, payable to the Local Authority by the Lord Chancellor shall be remitted to be heard by a costs judge.
7. Any application for permission to appeal shall be submitted by way of written submissions on or before 25 June 2019.

Dated **11 June 2019**