

## **Maria A Clarke**

### **Personal information**

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### **Clerking information**

Clerk Kiera Johnston  
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### **Qualifications**

B.A. (Open): LL.B (Glasgow): LL.M (Edinburgh) (General Commercial Subjects).

### **Areas of Practice**

Family Law: All aspects including Divorce, Financial Provision; Parental Rights; Adoption;  
Children's Referrals (including allegations of baby shaking/fractured bones; sexual abuse etc);

### **Significant Cases**

*M v McClafferty* 2008 Fam LR 21 (Inner House)

(Children's Hearing; Children (Scotland) Act s 52 (2) (c) Finding re Grounds of referral established;  
Lack of parental care likely to cause unnecessary suffering etc; Proper test to be applied)

*Dundee City Council v GK* 2006 SC 32 (Inner House)

(Freeing for Adoption: Human Rights; Constitutional Law)

*SK v KH* 2006 SC 129

(Nullity of marriage; Sham marriage)

*S v S* 2006 SLT 471

(Marriage by Cohabitation and Repute)

*Dundee City Council v M* 2004 SLT 640 (Inner House)

(Adoption; Parents not invited to Adoption Panel Meetings; Infringement of ECHR Art 6 and Art 8 rights)

*Cordiner v Cordiner* 2003 Fam LR 39

(Divorce: Financial Provision: Unequal Division/Special circumstances; shareholding in private company)

*Grampian Regional Council v R* 2000 SLT 116 (Inner House)

(Adoption: Extent of Findings in fact)

*Brixey v Lynas* 1997 SC (HL) 1

(Parent and child; Best interests of child; advantage to very young child of being with mother)

*McD v McD* 1996 SC 468 (Inner House)

(Parent and child: Allegations of sexual abuse by father; access; best interests of child)

*D v Grampian Regional Council* 1995 SC (HL) 1

(Application for parental rights following freeing for adoption: Landmark case: led to enactment of s 11(3) and (4) of the Children (Scotland) Act 1995)

*Woodcock v Woodcock* 1990 SC 267 (Inner House) (N.B. incorrectly noted in Report as *Clark QC*)

(Conflict of laws; parent and child; custody; registration of order for delivery made in High Court of England; Family Law Act 1986 secs 27 and 29; welfare of child; protective jurisdiction of Court of Session; Natural justice)

### **Part Time Posts/Committees**

Chair of Social Security Tribunals 1991-2000

### **Current**

Sits as a Legal Assessor for the Nursing Midwifery Council

## **THEMIS ADOVCATES**

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