

Monday 15 April 2024

PARANOID DELUSION, UNDUE INFLUENCE, AND PREDATORY MARRIAGE: LANGLEY v QIN

■ James McKean

SUMMARY

Judgment has now been handed down in *Langley v Qin*, a dispute over the will of Robert Harrington who, at the age of 93, married his carer, Ms Qin, then aged 54.

The case has attracted national media attention:

<https://www.thetimes.co.uk/article/ex-butcher-94-left-1m-estate-to-predatory-wife-39-years-younger-25r85g8pf>

<https://www.telegraph.co.uk/news/2024/02/13/daughter-millionaire-will-carer-marriage-court/>

<https://www.mirror.co.uk/news/uk-news/legal-battle-over-millionaire-butchers-32117442>

James McKean, instructed by Andrew Bishop and Caoimhe Turner of Rothley Law, appeared for Jill Langley, Mr Harrington's daughter.

The Claimant succeeded in setting aside Mr Harrington's will for want of testamentary capacity, want of knowledge and approval, and undue influence. Mrs Langley also obtained her costs of the claim from Ms Qin on the indemnity basis.

Litigation will surely continue in light of the revelations at trial that Ms Qin, who remains a beneficiary of the estate on intestacy, may have received over £230,000 from Mr Harrington's bank accounts in the months before – and days after – his death.

Testamentary capacity

The Court followed *Clitheroe v Bond* [2021] EWHC 1102 (Ch). It accepted the medical evidence of Dr Hugh Series that Mr Harrington suffered from a paranoid delusional disorder. The Court found that Mr Harrington held a number of fixed, false beliefs, including that he had been estranged from Mrs Langley for many years, that Mrs Langley had stolen his horses, and that he had been a senior officer in the army.

Knowledge and approval

The Court found a '*significant element of impropriety*' in respect of Ms Qin's access to Mr Harrington's bank accounts, including a subsequent attempt to hide those transfers from HMRC. This excited the suspicions of the Court. The Court did not find that Mr Harrington had read the draft will given to him and could not rely on attendance notes in the absence of oral evidence from the solicitors who drafted the will.

Undue influence

In one of the first undue influence cases to follow the Court of Appeal's decision in *Rea v Rea* [2024] EWCA Civ 169, it was found that Ms Qin came to control Mr Harrington's finances and exercised a '*guiding hand*' in '*shopping around*' local solicitors and will writers until a firm could be found that was prepared to make a will for Mr Harrington.

The Court held:

'It would have taken very little, from early 2019, to build upon [Mr Harrington's] stated views about his estrangement (which I find were delusional) and put these into effect for her financial benefit.'

Predatory marriage

While at first blush a victory for Mrs Langley, this case is yet another reminder of the Court's powerlessness in the face of predatory marriage (a marriage engineered by a party to inherit the estate of an older and / or more vulnerable spouse).

The Court cannot set aside a predatory marriage after death (see *Re Roberts* [1978] 1 WLR 653). As a result, Mr Harrington's marriage to Ms Qin endures, despite the Court's findings about his health and Ms Qin's conduct. Ms Qin stands to inherit, under the laws of intestacy, the fixed net sum (£270,000 in this case) and half of the remainder of Mr Harrington's estate.

For more detail on predatory marriage, see Andrew Bishop and James McKean's article in the New Law Journal: <https://www.newlawjournal.co.uk/content/the-predatory-marriage-trap> and *Lattimer v Karamanoli* [2023] EWHC 1524 (Ch), a deathbed marriage case in which they appeared last year.

SPEAKER



JAMES MCKEAN

 James.McKean@NewSquareChambers.co.uk

 newsquarechambers.co.uk/barrister/james-mckean/

 linkedin.com/in/james-mckean-60a60752/