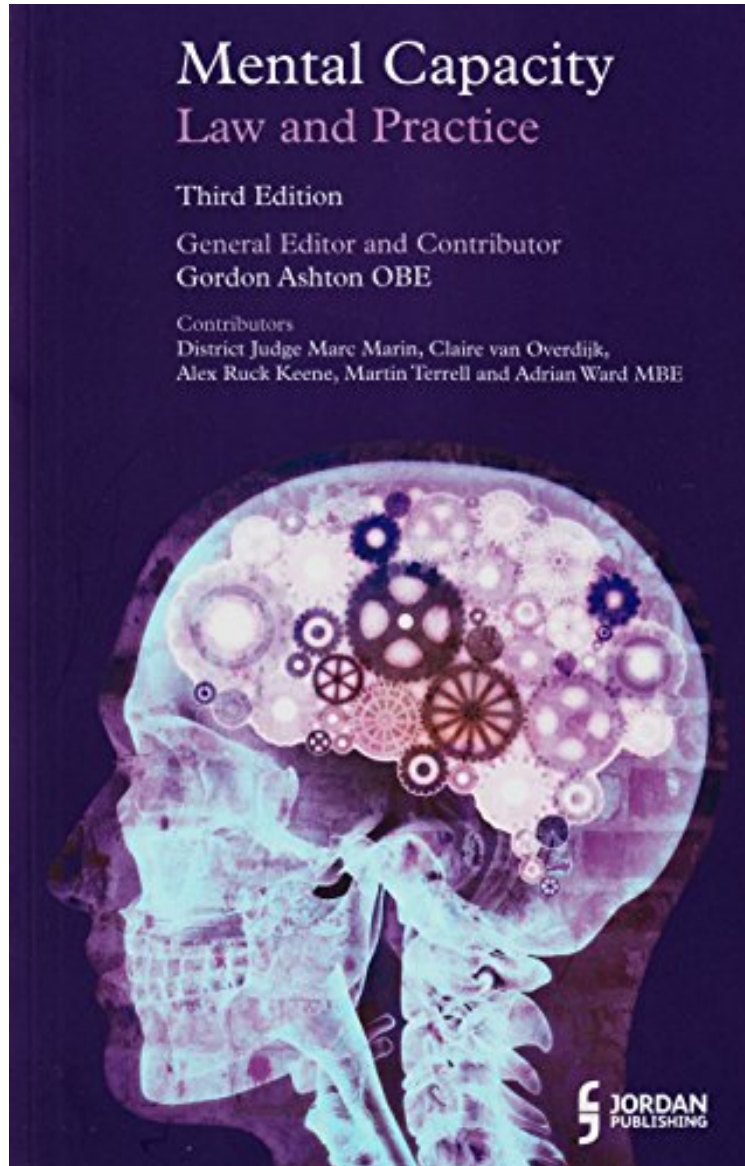


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Mental Capacity: Law and Practice (Third Edition)

*Gordon Ashton, Marc Marin, Claire van Overdijk, Alex Ruck Keene, Martin Terrell, MBE, Adrian D Ward
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MBE and Elizabeth Taylor of Richmond Green Chambers Now in a new third edition from Jordan Publishing, this book has become the definitive work in an area of law which because of its complexity and sensitivity, demands careful, concerned and precise analysis. To this end, the book does indeed deliver authoritative advice and guidance to often perplexed and pressured practitioners. The spirit of the book is illuminated quite touchingly in the introductory comments by its general editor Gordon Ashton covering the Mental Capacity Act 2005. We must never forget the fact, he says, that it is for the benefit of that person, not the lawyers that this valuable jurisdiction and the Court of Protection exist. It is sobering to recall that in the ten years since the first edition of this book was published, the problems of diminished mental capacity have, with an aging population, markedly increased. As Ashton has remarked in the preface to that first edition, the legal rights of individuals who lack the capacity to pursue them must be addressed but this can only be done in the context of support and care provisions, which become the ultimate responsibility of the state. Clearly, the burdens of responsibility on those who are involved professionally in this field are heavy indeed. Helpfully, the analysis, commentary and practice advice in this edition of some 1,000 pages, is augmented by the final 400 page section containing in three appendices, the text of the Mental Capacity Act 2005 (as amended) and the supplementary Codes of Practice. The book also includes the numerous and important changes that have taken place quite recently. Ashtons team of experienced contributors covers the latest developments in legislation, procedure and case law in painstaking detail. Deprivation of liberty safeguards are examined, together with the judicial Re X procedure and the UN Convention on the Rights of Persons with Disabilities. Note also, the new chapter on other jurisdictions a vital addition if you need advice on cross-border matters, especially those pertaining to habitual residence and enforcement. A substantial segment of this chapter is devoted to Scots law and the Scottish courts, as well as related issues in Ireland and Northern Ireland; Scotland in particular, being a country in which frequent inward and outward mobility is the norm. These discussions will of course, be of special interest to private and international lawyers. Another notable feature of this book is its ease of use. Paragraphs are numbered throughout, the footnoting is meticulous and theres an index and detailed table of contents which makes important subject matter easier to look up. The abundant research resources include tables of cases, statutes, statutory instruments and European materials. With its lucid and compassionate approach to this difficult area of law, this is a distinguished and certainly up-to-date work of reference. Chancery practitioners, non-contentious lawyers and family practitioners, as well as local authorities and healthcare professionals will certainly consider it to be an absolutely essential purchase. The publication date is cited as at July 2015.

This third edition has been comprehensively revised by a team of experienced contributors to provide coverage of all the latest developments in UK legislation, procedure, and case law. The book includes an examination of the deprivation of liberty safeguards in the UK, the judicial Re X procedure, a new chapter on international matters, and consideration of the UN Convention on the Rights of Persons with Disabilities. Mental Capacity: Law and Practice provides an authoritative commentary, highlighting areas of potential difficulty and offering practical guidance on the challenges that legislation poses. It includes the text of the UK's Mental Capacity Act 2005 (as amended) and the supplementary Codes of Practice. Contents include: background * the mental capacity jurisdiction * lasting powers of attorney * powers of the court * welfare and health care: advance decisions and research * deprivation of liberty safeguards * international matters * court practice and procedure * the public guardian and supporting services * the margins of the MCA: the inherent jurisdiction, the overlap with judicial review, and the court of protection and the ECHR. [Subject: Health Law]