



Court of Protection: Property and Affairs

Introduction

Welcome to the May issue of the Mental Capacity Law Newsletter family. The newsletters are significantly shorter this month, although we nonetheless have important developments to report upon:

- (1) In the Health, Welfare and Deprivation of Liberty Newsletter, we cover the spectrum from refusing blood transfusions (*Re J*) to looking for sexual partners (*Re TZ (No 2)*);
 - (2) In the Property and Affairs Newsletter, we cover giving to the Mormon Church (*Re P*) and the useful case summarising the principles relating to reconsideration of orders in the context of the revocation of LPAs (*Re MRJ*);
 - (3) In the Practice and Procedure Newsletter, we cover an important case about the Court of Protection's powers where a person has been found in contempt (*A Local Authority v B, F & G*) as well as a decision of the Court of Appeal which is required reading wherever a party to proceedings is deaf or hearing impaired;
 - (4) In the Capacity outside the COP newsletter, we note a range of developments both from within England and Wales and further afield including, importantly, the General Comment on Article 12 of the Convention on the Rights of the Persons with Disabilities (about which much more in the June Newsletter). We also include our first ever book review;
 - (5) Finally, in the Scotland Newsletter, we cover an important case upon powers of attorney, a symposium upon the Assisted Suicide Bill before the Scottish Parliament, and an update on the Scottish *Bournewood* case.
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Tithing to the Mormon Church

A County Council v MS and RS [\[2014\] EWHC B14 \(COP\)](#) (District Judge Eldergill)

Mental capacity – finance

Summary

MS was a Mormon. He was also mentally unwell and his property and affairs were managed by his local authority as his deputy. He wished to tithe 10% of a recent inheritance (amounting to just under £7,000) to the Church of the Latter Day Saints. His mother was extremely concerned as to the prospect of the donation. The local authority very properly brought the matter to the CoP. His then consultant psychiatrist considered that he did not have capacity to make the decision; MS asserted strongly that he did. A special visitor appointed by the CoP reported, and considered that he did have the requisite capacity.

In a detailed and fascinating judgment, District Judge Eldergill had to grapple both with the evidential questions that arose and rather more fundamental philosophical questions as to the interaction between mental illness and religious belief.

The law

As District Judge Eldergill noted, in the majority of cases involving gifts, the statutory test of capacity in the MCA 2005 will differ little (if at all) from the common law approach set out in *Re Beaney* 1 WLR 770, [1978] 2 All ER 595. In that case, it was held that the relevant information included that (1) the person was making a gift; (2) the subject-matter of the gift; (3) the identity of the person to whom the gift was being made; and (4) the

effect of the gift upon the person's estate. As District Judge Eldergill noted (paragraph 68) “[i]n the case of a simple and trivial gift, such as giving a small present to a friend, there is not much to it and very little to grasp in order to make a valid gift. More significant transactions — those where the reasonably foreseeable consequences are more significant for the person concerned — by definition require the capacity to understand and weigh the more significant consequences.”

The medical evidence

The Special Visitor considered (paragraph 74) that:

1. MS had a mental disorder. The “*diagnosis [was] one of a schizoaffective disorder with also an obsessive compulsive disorder;*”
2. He “*ha[d] a long-standing belief system that he is a prophet and that he is next to the trinity in status and powers. The beliefs do not change and have not been affected by treatment with neuroleptic medications;*”
3. He “*ha[d] no insight into his condition and feels he has been abused by psychiatrists who do not understand or accept his true calling;*”
4. He did not have the capacity to litigate;
5. He did not have the capacity to manage his property and affairs;
6. At present, he had the capacity to execute an LPA for property and affairs;
7. As to his capacity to make “To make a gift of ten per cent of his property on the tithes principle to his church”:

“Mr S understands the process of tithing and also the implications for his own finances if he

gives away the £6,900.00 that he believes to be 10% of the original inheritance.

Mr S's desire to give this money to the Mormon Church is part of his religious beliefs but not in my opinion part of his delusional belief system.

I could find no evidence that his wish to do this was part of any 'revelation', command or direct instruction from God.

On balance therefore I am of the opinion that Mr S does have capacity at this time to make a gift on the tithes principle to his church."

MS's current treating psychiatrist agreed with most of the Special Visitor's report. The difference between the two was as to whether MS's desire to give this money to the church was part of his religious beliefs or part of his delusional belief system. MS's treating psychiatrist, Dr M, considered (paragraph 80) that:

"... this issue is, of course, complex and addresses some real sensitivities. However, my opinion is that it would be reasonable for the Court to consider denying Mr S the right to pay this tithe on the inheritance he got some years ago. Mr S's pathology centres around a deep core of religious delusions in the form of a well organised delusional system. The core features of this system are that he believes that he is a messianic, exceptional leadership figure and that God has chosen him personally over all other people to lead the church. He believes he has a special mission from God. His beliefs are out of touch and out of sync with the mainstream of Christianity and also, as far as I understand, are out of sync with the beliefs and practices of his own church and that may be part of the reason why they are reluctant to allow him to become a member of the church. In some ways Mr S seems to have

an ambivalent relationship with the church, on one hand he seems desperate to join and be recognised by his church and on the other hand he finds a special kind of satisfaction in being different, more extreme and at times misunderstood by his church as he feels that this was the lot of all religious illuminated leaders in the past. My opinion is that his beliefs about the tithe are an extension of his delusions and stem directly from them. He again demonstrates his tendency to practice religion in a way that is delusionally motivated based on a concrete black and white understanding of the Bible and is not really a requirement of all of his church members as I understand it."

Impairment of the mind or brain?

District Judge Eldergill noted that it was common ground that MS had "*strong and sincere religious beliefs and values and that what he sees as religious zeal others interpret as beliefs held with delusional intensity*" (paragraph 85). As he continued "[t]he beliefs and actions interpreted by others as evidence of mental illness include his belief that a fellow resident was the devil and his belief that the only people more powerful than him were God, Jesus Christ and the Holy Ghost" (paragraph 86).

District Judge Eldergill continued:

"87. I accept that sometimes it can be difficult to distinguish between a religious delusion and a particular religious belief or practice. There is a risk of pathologizing religious beliefs when listening to content alone. It is important to look at the degree of conviction, the pervasiveness of beliefs, the context of the individual's spiritual history and deviations from conventional religious beliefs and practices when determining whether a religious belief is authentic or delusional.

88. *As a judge I must decide the case on evidence. As MS pointed out himself, he has a problem establishing on evidence that he is a prophet and the first outside the Godhead. The way he put it was that he has a 'Mount Everest of a credibility problem'.*

89. *The balance of the evidence before me is that he has an 'impairment of, or a disturbance in the functioning of, the mind or brain' and that therefore is my finding."*

Effect on decision-making

Notwithstanding the fact that MS suffered from an impairment of, or a disturbance in the functioning of, the mind or brain, District Judge Eldergill went on to hold that he preferred the evidence of the Special Visitor that it could not be demonstrated that MS's desire to give this money to the Mormon Church was part of his delusional belief system. In reaching this conclusion, he placed particular emphasis upon the fact that: "[t]he fact that a person has a grandiose belief with a religious content does not demonstrate that the whole of their religion is delusionally-based and caused by mental illness. It may simply be that the content of their belief-system when they become ill reflects and accentuates pre-existing interests, concerns and pre-occupations, in this case a concern with religious and moral themes" (paragraph 105); that "[t]he fact that relatively few people now tithe is neither here nor there. Nor does it matter whether a person's belief in tithing is a core belief required of members of a particular religion or a deviation and a matter of individual conscience" (paragraph 111); that "[i]t is not sufficient that other people think his proposed tithe is unwise, a misinterpretation of a religious text or is misguided by reference to their own secular beliefs and values" (paragraph 112); and that MS's belief was a matter of faith (paragraph 113).

District Judge Eldergill went on to consider two possible objections to MS's capacity, neither of which were properly articulated or developed by or on behalf of the deputy. The first was that "MS's belief or hope that a tithe may be followed by God's financial bounty demonstrates that his capacity to understand the foreseeable consequences of the tithe, and the weight attached by him to objections that he cannot afford it, is compromised by mental illness" (paragraph 116). He noted that the evidence was ambiguous, but (in a possibly unprecedented piece of judicial decision-making) placed some emphasis upon the fact that the belief or hope was founded upon a correct quotation from a particular passage in the Bible. The evidence was, in District Judge Eldergill's opinion, "insufficient to displace the presumption of capacity. He may hope or have faith that a material reward will follow but his belief in the duty to tithe is not dependent on this" (paragraph 119).

The other possible objection was that MS's "decision-making capacity has been undermined by mental illness in a more general but equally fundamental way: It is the form rather than the content of his thought that has been affected with the result that he is unable to think clearly or straight about the matter. This type of objection is associated with concepts such as concrete thinking, tangentiality of thought, loosening of associations, etc" (paragraph 120).

As District Judge Eldergill noted:

"121. There is a single reference to MS having a concrete black and white understanding of the Bible. However, many religious people take a literal view of their religious texts. There are also references to thought processes that are parenthetical or 'rambling' at times. However, the case was not argued in this way and the deputy's objection is based on the content of

his thought not its form. One can speculate about the sequence of events in 2004 and 2005 but my decision must be based on evidence and it is lacking. Furthermore, Dr T is a very experienced consultant and he has not raised the issue or found MS to lack capacity on such a basis.

122. The issue is finely balanced. In my view the presumption of capacity has not been displaced and the 'invisible weight of the presumption' tilts the scales in his favour."

Best interests

District Judge Eldergill went on to hold that, even had he found that MS lacked capacity, he would have authorised the tithe on his behalf, and his reasoning (although obiter) is so illuminating of the proper approach that should be taken that the relevant passages merit reproduction in full:

"124. Mr S tells me that he prizes his independence and autonomy and wishes to enjoy it more fully. This is important.

125. The law has always sought to show due respect for liberty of conscience and religious belief and the European Convention on Human Rights reinforces this. Even if a person lacks capacity in law to make a religious gift, there remains the need to show respect for genuinely held beliefs and values. Good reasons are required to interfere in matters of conscience and spiritual belief. A person's religion is no less real to them because some of their beliefs may be coloured by illness and their conscience is no less offended when they are not permitted to practise their religion. In MS's case, both his conventional and unconventional religious beliefs are well-established and unlikely to change in time. This is not a situation where ambiguous beliefs are being reinforced or acted on precipitously, or it is likely that he will regret his tithe in the foreseeable future. His religion is now part of

his life and is embedded in his existence. What he wishes is now his will. Even if his choice is founded on a belief that facts exist which do not, it is now his authentic voice and a true expression of his mind and the world within which he moves; and, like everyone, he needs to find peace.

126. The insights of writers such as Sims (the former President of the Royal College of Psychiatrists), Clark, Kroll and Agosin are also very relevant. The content of a delusion often has meaning for the individual and may be an adaptive response, combating purposelessness and hopelessness. Clark has noted that for patients with psychotic disorders, and with schizophrenia in particular, religious beliefs can be a source of meaning, hope, strength, and recovery (See SM Clark and DA Harrison, How to care for patients who have delusions with religious content, Current Psychiatry, Vol. 11, No. 1, 47 at 48, and the authorities cited therein). Many people who experience mental illness identify themselves as religious and use religious activities or beliefs to cope, so that one must take great care before deciding that it is in their best interests to interfere with this expression of where they are in their lives.

127. The size of the gift is significant but one must keep it in proportion, and the proportion is that he retains 90%.

128. The fact that MS wishes to make his tithe to the Church of the Latter Day Saints rather than, say, the Church of England is irrelevant. It is not my function to interfere with people's religious or political preferences and choices but where possible to give expression to their wishes and beliefs."

Litigation capacity

District Judge Eldergill parted company with the psychiatrists and held that MS had capacity to

conduct the litigation. He noted, in particular, that the substantive and procedural issues in this case were not complex and were well understood by MS, and that his belief that he was a prophet did not impinge on his capacity to argue and present his case with regard to the tithe and the other litigation issues. As he noted (paragraph 130) “[MS] *has prepared and presented his case very ably and I cannot identify any point of substance in support of his position that he has not articulated.*”

Other matters

District Judge Eldergill indicated that he did not consider that the evidence before the CoP did not yet support placing the management of all of MS's property back under his own control, but that all the options had not yet been fully explored because the application before him related only to the tithe. He noted, however, that as the Special Visitor had expressed the opinion that MS had capacity to make an LPA, for property and affairs, MS should “*discuss the advantages and disadvantages of this with a solicitor, with a view to making his own protective arrangements and asking the court to endorse these arrangements (see paragraph 12 of Schedule 1 to the Mental Capacity Act 2005). The reasonable costs of obtaining such advice and assistance should be authorised as necessary by his deputy*” (paragraph 133).

District Judge Eldergill concluded the judgment by praising the local authority for bringing the application on MS's behalf and for its respect for his dignity, wishes and feelings.

Comment

It is distinctly cheering to be able to report upon a case in which a judge grapples so acutely with the requirements of the MCA 2005, both in terms

of the assessment of capacity and (albeit obiter) the assessment of best interests. The sensitivity to the need to establish whether or not there was a causative nexus between the impairment of the mind or brain and the functional ability of MS to make the decision in question is, in particular, entirely [PC](#)-compliant (even if the case is not mentioned).

It also worth in our view making a special mention of the fact that this is precisely the sort of case that the local authority should have brought to the CoP rather than purporting to exercise its powers as deputy to (to apply [Neary](#)) stifle a real debate, and the (unnamed) local authority should therefore be commended for so doing. It is worth noting in this regard that all parties had agreed that, in order to keep the costs proportionate, District Judge Eldergill could determine the matter by way of telephone hearings, written evidence and submissions. If the terrible pun can be excused, the case therefore stands as evidence that a CoP application about heaven need not cost the earth.

Reconsideration and revocation

Re MRJ (Reconsideration of an order) [\[2014\] EWHC B15 \(COP\)](#) (Senior Judge Lush)

Lasting Powers of Attorney – Revocation – Practice and Procedure

Summary

This case considers Rule 89 of the Court of Protection Rules 2007 which provides that, where the court makes an order without a hearing, anyone who is affected by it may apply within 21 days for the order to be reconsidered.

The purpose of this rule and the way in which it operates was described by Her Honour Judge Hazel Marshall QC in *Re S & S* [2008] COPLR Con Vol 1074 in the following terms:

“[61] ... Such a reconsideration is not an appeal. The processes in the Court of Protection are intended to give the court wide flexibility to reach a decision quickly, conveniently and cost effectively where it can, whilst preserving a proper opportunity for those affected by its orders to have their views taken into account in full argument if necessary. To that end, on receiving an application, the court can make a decision on the papers, or direct a full hearing, or make any order as to how the application can best be dealt with. This will often lead to a speedy decision made solely on paper which everyone is content to accept, but any party still has the right to ask for a reconsideration.

[62] If this occurs, the court should approach the matter as if making the decision afresh, not on the basis that the question is whether there is a justifiable attack on the first order. The party making the application has not had a proper opportunity to be heard, and should be allowed one without feeling that s/he suffers from the disadvantage of having been placed in the position of an appellant by an order made without full consideration of his points or his views”.

This case concerned MRJ who was born in 1932 and had moderately advanced dementia. The applicants were her daughter (JT) and her grandson (KT). In 2010 MRJ had executed two LPAs – one for property and affairs and the other for health and welfare – appointing JT and KT jointly and severally to be her deputies. The LPA for health and welfare was registered in 2010 but there were technical defects in the LPA for property and financial affairs which meant that it was not registered until September 2013.

Senior Judge Lush had made two orders on the papers in September 2013.

The first order revoked the LPA for health and welfare and directed that the Public Guardian cancel its registration.

The second order:

- (i) suspended the applicants from acting as MRJ’s attorneys under a Lasting Power of Attorney (“LPA”) for property and financial affairs until further order; and
- (ii) appointed the authorised officer of Suffolk County Council as MRJ’s interim deputy with instructions to investigate the applicants’ management of her finances.

The applicants JT and KT applied to the court for the orders to be reconsidered.

Senior Judge Lush set out the legal framework relevant to the suspension of an LPA and the revocation of an LPA as follows:

“37. Section 23(2)(a) of the Mental Capacity Act provides that the Court of Protection may give directions with respect to decisions which the attorney under an LPA has authority to make and which the donor lacks the capacity to make. Pursuant to this provision, the court may direct the attorney to make no decisions at all and thereby suspend his or her authority to act under the LPA.

38. The combined effect of subsections (3)(b) and (4)(b) of section 22 of the Act is that the court may revoke an LPA, if it is satisfied that:

- (a) *the attorney (or, if more than one, any of them) has behaved, or is behaving in a way that contravenes his authority or is not in the donor's best interests; and*

(b) *the donor lacks the capacity to revoke the LPA.*

39. The use of the word 'may' in section 22(4)(b) means that revocation is not mandatory in these circumstances and that the court exercises a discretion when deciding whether or not to revoke an LPA. This discretion is subject to the provisions of the Act and, in particular, sections 1 (the principles) and section 4 (best interests).

40. Section 22(5) of the Act states that, if there is more than one attorney (as in this case), 'the court may under subsection (4)(b) revoke the instrument or the lasting power of attorney so far as it relates to any of them.' The effect of this is that, where attorneys have been appointed to act jointly and severally (as in this case), the court can revoke the appointment of just one of them. Thus, if I were minded to do so, I could revoke the appointment of KT but allow the LPA to remain in force with JT acting as the sole attorney.

41. Article 8 of the European Convention on Human Rights provides that:

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

42. Resolution 1859, which was passed by the Parliamentary Assembly of the Council of Europe on 25 January 2012, refers to protecting human rights and dignity by respecting the previously expressed wishes of patients. It states that there is 'general consensus based on Article 8 of the European Convention on Human Rights on the right to privacy that there can be no intervention affecting a person without his or her consent,' and provides that 'continuing powers of attorney should, in principle ... be fully taken into account when properly validated and registered.'

43. Unless such interference is warranted under Article 8.2, the revocation by the Court of Protection an LPA, which a donor executed when they had capacity and in which they chose a family member to be their attorney, would be a violation of their Article 8.1 right to respect for their private and family life: [Re Harcourt](#) [2013] COPLR 69. The same applies to an order under section 23(2)(a) of the Mental Capacity Act suspending the attorney's authority to act".

Senior Judge Lush accepted the evidence of the social worker for Suffolk County Council which set out that KT had been cynically and systematically misappropriating his grandmother's money. He stated that "*it appeared that KT and JT exploited MRJ's lack of capacity and transferred the money from her Think Money Account largely for their own purposes*" and found that "*KT callously and cynically manipulated this account to his own advantage.*"

Given the above evidence, after satisfying himself that MRJ lacked capacity to revoke the LPA, the judge (i) confirmed his order revoking the LPA for health and welfare and (ii) confirmed the order suspending the authority of JT and KT to act under the LPA for property and financial affairs and (iii) formally revoked the LPA for property

and financial affairs and appointed Suffolk County Council as substantive deputy.

The judge concluded that the revocation of the property and affairs LPA was in MRJ's best interests, was in accordance with the law and was a necessary and proportionate response for the prevention of crime and for the protection of MRJ's right to have her financial affairs managed competently, honestly and for her own benefit.

Comment

Whilst it does not set down any new legal principles, this case provides a useful summary both of the purpose/function of Rule 89 of the Court of Protection Rules 2007 and the legal framework for suspending and/or revoking an LPA. It should be noted that one outcome of a reconsideration of a suspension of an LPA may be that the immediate revocation of the LPA upon the court's fresh consideration of the issue.

Conferences at which editors/contributors are speaking

Hot topics in adult incapacity law

Adrian will be speaking on hot topics in the incapacity field at the Solicitors' Group Wills, Trust & Tax conference in Edinburgh on 7 May 2014. Full details are available [here](#).

Bonnar Accident Law Conference

Adrian is speaking at the Bonnar Accident Law residential conference on 15 and 16 May 2014 on incapacity matters relevant to court practitioners; for details, email [Adrian](#).

Annual private law conference convened by the Royal Faculty of Procurators

Adrian will be speaking at the annual private law conference convened by the Royal Faculty of Procurators in Glasgow on 29 May 2014. Full details are available [here](#).

The Hague Convention on the International Protection of Adults – a quiet revolution?

Alex will be presenting a progress report upon his work on the cross-border protection of adults at a free seminar at the Centre for Medical Law and Ethics at Kings College London Strand Campus (Moot Court Ante Room, Somerset House East Wing) on 27 May from 16:00-17:30. To register, please email [Isra Black](#).

The Deprivation of Liberty Procedures: Safeguards for Whom?

Neil is speaking at the day-long conference arranged on 13 June by Cardiff University Centre for Health and Social Care Law and the Law Society's Mental Health and Disability Committee, to discuss the extent to which the DOL procedures comply with international human rights standards, and whether they offer adequate protection for the rights of service users and their carers. The Conference will focus on the implications of the ruling of the Supreme Court *Cheshire West* as well as the likely impact of the Report of the House of Lords Committee on the Mental Capacity Act. Other speakers include Richard Jones, Phil Fennell,

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Advertising conferences and training events

If you would like your conference or training event to be included in this section in a subsequent issue, please contact one of the editors. Save for those conferences or training events that are run by non-profit bodies, we would invite a donation of £200 to be made to Mind in return for postings for English and Welsh events. For Scottish events, we are inviting donations to Alzheimer Scotland Action on Dementia.

Conferences

Lucy Series, Professor Peter Bartlett, Sophy Miles and Mark Neary. Full details are available [here](#).

Other conferences of interest

Withholding and Withdrawing Treatment from Patients in a Vegetative or Minimally Conscious State

This day-long conference, arranged jointly by the University of York's Chronic Disorders of Consciousness Research Centre and the Court of Protection Practitioners Association, feature Baker J as keynote speaker, reflecting upon the decision in *W v M and Ors* [2011] EWHC 2443 (Fam). There will also be talks from a range of experts covering the ethical, clinical, philosophical, economic, and sociological perspectives of withdrawing treatment from vegetative and minimally conscious patients. For full details, please click [here](#).

BABICM Summer Conference

The British Association of Brain Injury Care Managers is holding its summer conference on 25 and 26 June 2014 at the Hilton Birmingham Metropole. Entitled "Nobody Does It Better! Current Practical Issues in Brain Injury," the conference will examine issues facing brain injury case managers: (1) sex, capacity and the law; (2) what constitutes privileged documentation; and (3) the implications of the judgment in *Loughlin v Singh*. For more details and to register, please click [here](#).

Our next Newsletter will be out in early June. Please email us with any judgments or other news items which you think should be included. If you do not wish to receive this Newsletter in the future please contact marketing@39essex.com.

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Alex is frequently instructed before the Court of Protection by individuals (including on behalf of the Official Solicitor), NHS bodies and local authorities, in matters across the spectrum of the Court's jurisdiction. His extensive writing commitments include co-editing the Court of Protection Law Reports, and contributing to the 'Court of Protection Practice' (Jordans). He also contributed chapters to the second edition of 'Mental Capacity: Law and Practice' (Jordans 2012) and the third edition of 'Assessment of Mental Capacity' (Law Society/BMA 2009). **To view full CV click here.**



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Victoria regularly appears in the Court of Protection, instructed by the Official Solicitor, family members, and statutory bodies, in welfare, financial and medical cases. She previously lectured in Medical Ethics at King's College London and was Assistant Director of the Nuffield Council on Bioethics. Together with Alex, she co-edits the Court of Protection Law Reports for Jordans. She is a contributing editor to Clayton and Tomlinson 'The Law of Human Rights', a contributor to 'Assessment of Mental Capacity' (Law Society/BMA 2009), and a contributor to Heywood and Massey Court of Protection Practice (Sweet and Maxwell). **To view full CV click here.**



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Neil has particular interests in human rights, mental health and incapacity law and mainly practises in the Court of Protection. Also a lecturer at Manchester University, he teaches students in these fields, trains health, social care and legal professionals, and regularly publishes in academic books and journals. Neil is the Deputy Director of the University's Legal Advice Centre and a Trustee for a mental health charity. **To view full CV click here.**



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Anna regularly appears in the Court of Protection in cases concerning welfare issues and property and financial affairs. She acts on behalf of local authorities, family members and the Official Solicitor. Anna also provides training in COP related matters. Anna also practices in the fields of education and employment where she has particular expertise in discrimination/human rights issues. **To view full CV click here.**

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Adrian is a practising Scottish solicitor, a partner of T C Young LLP, who has specialised in and developed adult incapacity law in Scotland over more than three decades. Described in a court judgment as: “*the acknowledged master of this subject, and the person who has done more than any other practitioner in Scotland to advance this area of law,*” he is author of *Adult Incapacity, Adults with Incapacity Legislation* and several other books on the subject. **To view full CV click here.**



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Dr Jill Stavert is Reader in Law within the School of Accounting, Financial Services and Law at Edinburgh Napier University and Director of its Centre for Mental Health and Incapacity Law Rights and Policy. Jill is also a member of the Law Society for Scotland’s Mental Health and Disability Sub-Committee, Alzheimer Scotland’s Human Rights and Public Policy Committee, the South East Scotland Research Ethics Committee 1, and the Scottish Human Rights Commission Research Advisory Group. She has undertaken work for the Mental Welfare Commission for Scotland (including its 2013 updated guidance on Deprivation of Liberty) and is a voluntary legal officer for the Scottish Association for Mental Health. **To view full CV click here.**