

2023 – 2024: a year in 10 cases

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Alex Ruck Keene KC (Hon)

Barrister, 39 Essex Chambers

Professor of Practice King's College London

Visiting Professor, Geller Institute of Ageing and Memory, University of West London

Visiting Senior Lecturer, Institute of Psychiatry, Psychology and Neuroscience, King's College London

Research Affiliate, Essex Autonomy Project, University of Essex

alex.ruckkeene@39essex.com

@capacitylaw

The appellate courts

- No Supreme Court decisions
- Court of Appeal:
 - *Hemachandran & Anor v Thirumalesh & Anor* [2024] EWCA Civ 896
 - Belief and the MCA
 - *Re A (Covert Medication: Residence)* [2024] EWCA Civ 572
 - Covert medication, truth telling, and the role of the Court of Protection

Capacity

- *Re ZZ (Capacity)* [2024] EWCOP 21
 - Decision-specificity and coherence
 - Sexual relations
- *Re DY (Capacity)* [2024] EWCOP 4
 - Cross-checking
 - The potential for the situation to change

Best interests

- *Rotherham and Doncaster and South Humber NHS Foundation Trust v NR*
[2024] EWCOP 17
 - Wishes and feelings as determinative?
- *AA (Withdrawal of Life-Sustaining Treatment: No Best Interests Decision)*
[2024] EWCOP 39
 - Clinical appropriateness, best interests and the role of the court

Deprivation of liberty

- *Re PQ (Court Authorised DOL: Representation During Review Period)*
[2024] EWCOP 41 (T3)
 - The consequences of non-implementation of LPS
- *Re HC* [2024] EWCOP 24
 - Consent to ‘willing’ confinement?

Property and affairs

- *TA v The Public Guardian* [2023] EWCOP 63
 - The need for certificate providers to engage their brain
- *Irwin Mitchell Trust Corporation v PW* [2024] EWCOP 16
 - Guarding against conflicts of interest

And a bonus case

- *Pindo Mulla v Spain* [2024] ECHR 753
 - Strasbourg balances Articles 2 and 8, and the role of capacity

More resources

- [39 Essex Chambers | Mental Capacity Law | 39 Essex Chambers | Barristers' Chambers](#)
- [Mental Health & Justice | \(mhj.org.uk\)](#)
- [Mental Capacity Law and Policy](#)
- [MCA Directory | SCIE](#)
- [Mental Health Law Online](#)

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