



Alexander Ruck Keene KC (Hon)

Year of call: 2002 | Silk: 2022

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"Incredibly well-respected." Chambers and Partners 2024

Alex Ruck Keene KC (Hon) is an experienced barrister, writer and educator. His practice is focused on mental capacity, mental health and healthcare law. He also writes extensively, editing and contributing to leading textbooks and (amongst many other publications) the 39 Essex Chambers Mental Capacity Law Report, the 'bible' for solicitors (and others) working in the area. He is the creator of the website [Mental Capacity Law and Policy](#), providing resources and expert commentary on some of the most difficult mental capacity issues.

Alex complements his practice with a deep interest in research and education. He is a Visiting Professor at the Dickson Poon School of Law, King's College London, a Visiting Professor at the Geller Institute of Ageing and Memory, University of West London, a Visiting Senior Lecturer at the Institute of Psychiatry, Psychology and Neuroscience, King's College London and a Research Affiliate at the Essex Autonomy Project, University of Essex. In addition to his academic positions, he lectures widely on the Mental Capacity Act 2005 and the Mental Health Act 1983 and trains judges, social workers, doctors, nurses and other professionals who have cause to work with them.

Alex now spends much of his time on policy matters. He is currently a consultant on the Law Commission's Disabled Children Social Care project, having previously a consultant to their Mental Capacity and Deprivation of Liberty Project. Throughout 2018, he was the legal adviser to the Independent Review of the Mental Health Act 1983. He was a specialist adviser to the Joint Committee on Human Rights for their 2020 inquiry into the human rights implications of the Government's response to COVID-19 and specialist adviser into their 2021-2022 inquiry into human rights in the care setting. He sits on the Court of Protection Rules Committee, and is also a member of the International Family Law Committee, with a specific brief to raise the profile of cross-border capacity issues. He also sits – uniquely – on both the Mental Health and Disability Committee of the Law Society of England and Wales and on the Mental Health and Disability Sub-Committee of the Law Society of Scotland.

In March 2022, Alex was made an honorary KC, reflecting his contributions to mental capacity and mental health law outside the court room.

Areas of expertise

Court of Protection and Medical Treatment

Community Care and Mental Health

Healthcare

Court of Protection and Medical Treatment

"knows everything about Court of Protection." Chambers and Partners 2024

Alex has been recognised for several years as one of the leading experts in the Mental Capacity Act 2005. He is instructed in cases by individuals, NHS bodies, local authorities, as well as foreign governments. He is one of the very few practitioners who has experience of appearing/advising upon all aspects of the Court of Protection's jurisdiction. Because Alex's work straddles policy, academia and practice, he tends now to be instructed in cases raising novel points of law or policy, frequently at appellate level.

Cases of Note:

- ***R (Maguire) v His Majesty's Senior Coroner for Blackpool & Fylde & Anor* [2023] UKSC 20** – the application of Article 2 ECHR in the context of those subject to the Deprivation of Liberty Safeguards
- ***Re JB* [2021] UKSC 52** - The first case in which the Supreme Court considered the approach to capacity, in the context of sexual relations.
- ***Re D* [2019] UKSC 42** - The case in which the Supreme Court determined the meaning of deprivation of liberty for 16 and 17 year olds with impaired capacity.
- ***An NHS Trust v Y* [2018] UKSC 46** - The case in which the Supreme Court confirmed that there is no obligation to seek Court of Protection approval before withdrawing life-sustaining treatment where there is agreement as to what is in the person's best interests.
- ***N v ACGG* [2017] UKSC 22** - The case in which the Supreme Court definitively determined how best interests decision-making interacts with public law decision-making.
- ***R(LF) v HM Senior Coroner for Inner South London* [2017] EWCA Civ 31** - The case determining the meaning of the concept of deprivation of liberty in the intensive care setting.
- ***Aintree University Hospitals NHS Trust v James* [2013] UKSC 67** - The first case in which the Supreme Court considered the MCA 2005, in the context of delivery of treatment at the end of life.
- ***The Health Service Executive of Ireland v Moorgate* [2020] EWCOP 12** - An example of the international cases Alex does, in which Mr Justice Hayden 'stress-tested' the relative protections of Schedule 3 to the Mental Capacity Act 2005 and domestic legislation relating to compulsory mental health treatment. Alex also co-wrote on [The International Protection of Adults](#) (OUP, 2015), the first book to examine the cross-border protection of the property and persons of adults with impaired capacity.

Recommendations

Alex has been recognised for several years as one of the leading experts on the Mental Capacity Act 2005, ranked as a 'star individual' by Chambers and Partners and a Tier 1 Silk by Legal 500. Prior to his appointment, he was also ranked as a tier 1 junior for Community Care and Court of Protection in The Legal 500.

- *"Alex's brain is the size of the universe, he is the most exceptional source of wisdom."* Chambers and Partners 2023
- *"A true expert full of passion for the rule of law, fairness and equality. Has a very easy manner and ability to clearly explain complicated areas of law with clarity and ease."* The Legal 500 2021
- *"He has excellent attention to detail and he's creative in how he approaches cases, good to work with and very responsive"* Chambers and Partners 2021
- *"An impressive barrister and the font of all knowledge on Court of Protection work."* Chambers and Partners 2019

Memberships

- Court of Protection Bar Association (Committee member)
- Society of Trust and Estate Practitioners
- Court of Protection Practitioners Association
- Mental Health Lawyers Association
- Administrative Law Bar Association
- European Law Institute

Qualifications

Education

- Modern History BA (Hons) First Class, Oxford University, 1998
- MA International Relations, Johns Hopkins School of International Studies, 2000
- Postgraduate Diploma in Law, Distinction, College of Law, 2001
- Bar Vocational Course, Very Competent, Inns of Court School of Law 2002

Scholarships and Prizes

- Lord Bowen and Lord Mansfield Scholar, Lincoln's Inn.

Additional Information

Alex's expertise in the field of mental capacity law has been recognised by Parliamentary bodies in England and further afield: in November 2013, Alex gave oral evidence to House of Lords Select Committee considering the operation of the MCA 2005 as part of a panel of legal experts addressing the functioning of the MCA 2005 and the Court of Protection. He also gave evidence to the ad hoc committee of the Northern Ireland Assembly convened to consider the Mental Capacity Bill there introduced in 2015. At the request of Gerard Quinn, UN Special Rapporteur on the Rights of Persons with Disabilities, he also co-wrote a report in 2021 on the compatibility of the 2000 Hague Convention on the International Protection of Adults with the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD), available [here](#).

Appointments

- Visiting Fellow at the Institute of Advanced Legal Studies for academic year 2013-4
- Mental Health and Disability Committee, Law Society of England and Wales: 2014 to date
- Mental Health and Disability Sub-Committee, Law Society of Scotland: 2015 to date
- Wellcome Research Fellow, King's College London: 2017-2022
- Visiting Lecturer, King's College London: 2017-2020
- Research Affiliate, Essex Autonomy Project, University of Essex: 2017
- Visiting Senior Lecturer at the Institute of Psychiatry, Psychology and Neuroscience at King's College London: 2019
- Visiting Professor, King's College London: 2020

Languages

- French (conversational)

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