



Victoria Butler-Cole KC

Year of call: 2005 | Silk: 2019

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“A truly outstanding advocate.” Chambers and Partners 2022

Victoria specialises in health and social care. Her work includes public law, community care, Court of Protection, medical treatment disputes involving babies and children, inquests, human rights claims, and regulatory appeals. She is the co-founder with Alex Ruck Keene of the 39 Essex Mental Capacity Report, and is recognised as one of the leading barristers in this field, having appearing in many of the leading cases. She is presently Vice-Chair of the Court of Protection Bar Association. Victoria has a particular interest in ethics and is a member of the Nuffield Council on Bioethics and a member of the advisory group to the UK Pandemic Ethics Accelerator. She sits as a recorder on the Western Circuit.

Areas of expertise

Court of Protection - Welfare

Court of Protection – Property and Financial Affairs

Medical Treatment Cases

Administrative and Public

Community care and mental health

Inquests

Regulatory and disciplinary

Mediators

Court of Protection - Welfare

Victoria regularly represents family members, local authorities, health authorities and the Official Solicitor in the Court of Protection and is an editor of the 39 Essex Mental Capacity report. She has extensive experience in every area of the court’s welfare jurisdiction, including disputes about care, residence, physical restraint, sexual relations, forced marriage, deprivation of liberty, and contact.

Cases of note:

- *Re C* [2021] EWCA Civ 1527 - Appeal concerning access to sex workers by people with mental disorders
- *A Local Authority v JB* [2021] UKSC 52 - Represented the Centre for Women’s Justice

intervening in this appeal concerning the test for capacity to engage in sexual relations

- ***DP v Hillingdon LBC* [2020] All ER 118** - Successful appeal concerning Article 5 and the role of s.48 MCA
- ***Re D* [2019] UKSC 42** - Represented the Equality and Human Rights Commission intervening in this appeal concerning deprivation of liberty and 16-17 year olds
- ***Re Lawson, Mottram and Hopton* [2019] EWCOP 22** - Test case on the appointment of a welfare deputy
- ***Re B (capacity: social media)* [2019] EWCOP 3** - Test case on capacity to decide to use the internet and social media

Recommendations

Victoria is recommended for Court of Protection, administrative and public law, community Care, civil liberties and human rights, and disciplinary and regulatory law.

"She is a go-to Court of Protection barrister – she knows the law like the back of her hand." Chambers and Partners 2022

"Victoria is a completely unflappable barrister; she can cut through the nonsense, and she is brilliant with clients." Chambers and Partners 2022

"She makes the difficult stuff look easy." Chambers and Partners 2022

"She strikes the right balance between humanity and academic ability." Chambers and Partners 2021

"Not only is she an excellent advocate with an excellent knowledge of the law she is also a very worthy opponent who fights for her clients." The Legal 500 2021

"A fantastic advocate." The Legal 500 2021

Memberships

- JUSTICE
- Association of Disciplinary and Regulatory Lawyers
- Inquest Lawyers Group
- Court of Protection Bar Association (Vice-Chair)

Qualifications

- MA Medical Law and Ethics, King's College London
- MA Philosophy, University of Cambridge
- BVC, BPP Law School
- CPE, City University

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