



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](https://www.mentalcapacitylawandpolicy.com), 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

Community Care and Mental Health

Alex is heavily involved in the development of mental health policy. He spent 2018 as legal adviser to the independent Review of the Mental Health Act 1983, whose report can be found [here](#). Alex's instructions in the mental health field include, in addition to those noted below, (unreported) cases concerning remote assessment during the pandemic. Alex also co-leads the Mental Health, Ethics and Law MSc course at King's College London, and was a senior researcher on the [Mental Health and Justice](#) project which ran from 2017-2022.

Cases of Note:

- ***R (Worcestershire County Council) v Secretary of State for Health and Social Care* [2023] UKSC 31** – The meaning of 'ordinary residence' in the context of s.117 MHA 1983
- ***Sessay v (1) South London & Maudsley NHS (2) Met Police* [2012] 2 WLR 1071** - The case in which the Divisional Court had to consider for the first time the powers under which incapacitated patients can be required to remain upon hospital premises pending their admission under the MHA 1983
- ***TTM (By His Litigation Friend TM) (Claimant) v (1) Hackney London Borough Council (3) East London NHS Foundation Trust (Defendants) & Secretary of State for Health (Interested Party)* [2011] 1 WLR 2873** - In this case, the Court of Appeal determined authoritatively the scope of Articles 5(1) and 5(5) European Convention on Human Rights in the context of admission for treatment under the MHA 1983.
- ***Munjaz v United Kingdom* [2012] ECHR 1704** - The European Court of Human Rights gave guidance both as to the operation of Articles 5 and 8 ECHR in the context of detained patients facing seclusion.

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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