Mental Capacity Law Newsletter July 2016: Issue 67

Scotland

Introduction

Welcome to the July 2016 Newsletters. Highlights this month include:

(1) In the Health, Welfare and Deprivation of Liberty Newsletter: some light shed on undoing advance decisions to refuse medical treatment;

(2) In the Property and Affairs Newsletter: Senior Judge's last judgment (on dispensing with service) and the latest LPA/deputy statistics;

(3) In the Practice and Procedure Newsletter: different aspects of (and consequences of) reporting restrictions;

(4) In the Capacity outside the COP Newsletter: guidance on s.20 Children Act 1989 'consents' and capacity, powers of attorney and managing telephone subscriber accounts;

(5) In the Scotland Newsletter: an update on practice before the Glasgow Sheriff court, a round-up of relevant case-law, and the review of the Council of Europe's Recommendation CM/Rec(2009)11 *on principles concerning continuing powers of attorney and advance directives for incapacity*.

And remember, you can now find all our past issues, our case summaries, and much more on our dedicated sub-site here. 'One-pagers' of the cases in these Newsletters of most relevance to social work professionals will also shortly appear on the SCIE website.

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Consultation on Scottish Law Commission report: update

The Scottish Government has published a summary of responses to the consultation on the Scottish Law Commission Report on Adults with Incapacity. The responses that gave permission for publication are now available on the Scottish Government website. We will have full coverage of this in the next issue.

Glasgow Sheriff Court – Practice Update

We previously reported on the introduction of the current Glasgow Sheriff Court Practice Rules for applications under the Adults with Incapacity (Scotland) Act 2000 here. Glasgow Sheriff Court have now issued "Practice Update #1 – June 2016". This includes specific requirements, which seem helpful and uncontroversial, about ensuring that the adult's name, address and date of birth is accurately and consistently stated in the application and supporting reports, and that an extract birth certificate should be lodged "in cases of confusion or uncertainty". It seems to have been necessary to remind agents to submit an accurate schedule for intimation. Agents are requested to email it to the AWI Clerk. The designation of any proposed substitute guardian should be included in the schedule for intimation. There are instructions to be followed when re-submitting applications which have been returned for correction. Changes made should be highlighted, and it should be confirmed that they are the only changes. If a renewal application has been returned for correction, the original lodging date will be retained provided that the corrected application is re-submitted within 14 days. That will be particularly helpful in cases where the renewal application is submitted close to expiry of the existing order.

It appears that the court has found it necessary to request that consideration should be given "to whether less extensive financial powers would amount to the least restrictive option" (in terms of section 1(3) of the 2000 Act) where the principal reason for the application is to seek financial powers. One has to deduce that a pattern has emerged of excessive and unnecessary powers being sought in such cases, though it could reasonably be asserted that section 1(3) only excludes the granting of powers either in respect of matters of which an adult is in fact capable, or in respect of matters where some other measure would be less restrictive. One would question whether a power to do something which might never arise, but in respect of which the adult would be incapable if it did arise, would contravene section 1(3): indeed, agents could be criticised for omitting to seek powers which could be required if that then results in an otherwise avoidable application for variation. Moreover, it is not entirely clear what is the court's attitude in relation to applications for plenary powers (in financial matters) in terms of section 64(1)(b) of the 2000 Act.

The Practice Update addresses the thorny question of averments commencing: "The applicant tells me …". These will be rejected by the court. In the particular circumstances of the jurisdiction under the 2000 Act, however, careful and responsible agents will sometimes find it necessary to depart from unqualified averments of fact. In a case where an adult's need for protection under the Act clearly needs to be brought to the court, and it is appropriate for an agent to proceed with such application, the agent may not be in a position to take responsibility for the accuracy of everything that the agent has been told by the applicant, and in what is essentially an inquisitorial jurisdiction it may be appropriate for the agent to put the court on

notice that some matters may require further investigation, particularly where these relate to the suitability of a particular candidate for appointment, or other matters peripheral to the basic point that the adult requires protection. Rather puzzling is the requirement that applications for the appointment of joint guardians should "make it clear whether or not the applicants seek appointment jointly and severally". It does not appear that the court has power to vary the provisions of section 62(6) and (7) regarding joint guardians, which make it clear that joint guardians may exercise their functions individually, but must consult the other joint guardians unless consultation would be impracticable or the joint guardians agree that consultation is not necessary. The provision regarding liability of joint guardians is governed in those same subsections. The requirement of the latest Practice Update in that regard sits oddly with the statutory position.

The Newsletter has received reports of Glasgow Sheriff Court requiring powers sought where an appointment of a substitute guardian is sought to be repeated in relation to the substitute guardian. That is difficult to understand, and appears to fail to take account of the distinction between a guardianship and a guardian. Where a substitution is triggered, the substitute guardian takes over the guardianship as it stands. This does not in fact appear to be a requirement of the Practice Update.

Adrian D Ward

Mental Welfare Commission for Scotland report on emergency mental health detention

In June 2016, the Mental Welfare Commission published a report *Emergency detention certificates without mental health officer consent.* The report is in response to the request of the Scottish Government that the Commission further investigate after its 2014/15 monitoring report indicated a wide range of levels of mental health officer consent for emergency mental health detentions across Scotland.

In the June 2016 report the Commission looks at all emergency detention certificates issued between 1 July 2015 and 31 December 2015. It again found large discrepancies in mental health officer consents for emergency mental health detentions across Scotland with Greater Glasgow and Clyde accounting for some 50% of all certificates issued without such consent.

Part 5 of the Mental Health (Care and Treatment)(Scotland) Act 2003[1] (the 2003 Act) authorises a fully registered medical practitioner to grant a certificate allowing the managers of a hospital to detain someone for up to 72 hours. The medical practitioner must, amongst other things, obtain the consent of a mental health officer wherever practicable.[2]

In terms of Article 5 ECHR (the right to liberty) the European Court of Human Rights Court has held that emergency detention authorised by an administrative authority is compatible with Article 5(4) "provided that it is of short duration and the individual is able to bring judicial proceedings "speedily" to challenge the lawfulness of any such detention including, where appropriate, its lawful justification as an emergency measure"[3]. The ability to bring such

[1] s36.
[2] Mental Health (Care and Treatment)(Scotland) Act 2003, ss 36(3((d) and 36(6).
[3] *Winterwerp v the Netherlands* (1979) 2 EHRR 387, paras 57–61; *X v. the United Kingdom* (1981) ECHR 6, para 58 and *MH v UK* (2013) ECHR 1008, para 77.

proceedings is not, however, available for a person subject to an emergency detention order under the 2003 Act. For this reason, it is imperative that emergency detention certificates are used sparingly – as the Mental Welfare Commission has itself advised[4]- as is the need to ensure that the protective statutory procedures, such as make strenuous efforts to obtain the consent of mental health officers when it is deemed necessary.

Clearly, one of the issues here is the declining numbers of mental health officers across Scotland at the same time as their responsibilities are increasing. This has been mentioned in previous issues of this newsletter (see most recently the March 2016 edition). It should therefore be noted that the Scottish Government chief social worker was also asked to investigate the issue of the shortfall of mental health officers across Scottish local authorities. It should also be noted that the Mental Welfare Commission discussed its findings concerning Greater Glasgow and Clyde Health Board and an improvement plan is attached to the Commission's report.

Jill Stavert

Electronic communications – further possibilities

Sandra McDonald, Public Guardian, has been proactive in modernising communications methods in matters within her responsibilities. Some sheriff courts have also been helpful so far as discretion available under the Summary Applications Etc. Rules permits.

The Public Guardian introduced electronic registration of powers of attorney some time ago. Amendment to the Adults with Incapacity (Scotland) Act 2000 was necessary to achieve this, but that was done by an order under the Electronic Communications Act 2000, rather than primary legislation. Section 19A of the 2000 Act, permitting electronic submission of applications to register continuing and welfare powers of attorney, was inserted by the Adults with Incapacity (Electronic Communications) (Scotland) Order 2008/380. The Public Guardian has confirmed to the Newsletter that her office are working on arrangements to make further use of electronic communication. Where registration of powers of attorney is applied for electronically, the sender (most often a solicitor) has always been able to access a copy of the registered power of attorney electronically, upon receipt of an email from the Office of the Public Guardian confirming registration. However, copies sent in accordance with section 19(5) of the 2000 Act are sent by hard copy. These include the requirement to send a copy to the granter and copies to up to two specified persons. The Public Guardian's proposal will include changes to the electronic system to require provision of email addresses so that copies may be sent electronically.

There is of course great potential for efficiency by use of electronic communications for other purposes under the 2000 Act. That potential extends, for example, to intimations to the Office of the Public Guardian, the Mental Welfare Commission and relevant local authorities. The Newsletter is aware of at least one instance in which a sheriff court helpfully permitted intimation to an individual who was overseas electronically, and confirmation by that individual of receipt of intimation by email, as sufficient intimation. It would however be helpful for such arrangements to be regularised. We shall keep

[4] Mental Welfare Commission for Scotland website: *Emergency Detention*. See also Mental Welfare Commission for Scotland *Deprivation of Liberty (update 2015)*.

readers advised of developments as they come to our notice. As ever, in this and all other matters, we are grateful to readers who send information to us.

Adrian D Ward

Misleading information from Ofcom

As noted in the Capacity outside the Court of Protection Newsletter, Ofcom has published guidance on managing a telephone subscriber account on behalf of someone who needs help with their affairs.

However, the guidance is misleading in a number of respects. First of all, it proclaims that it was "prepared … with assistance from the Office of the Public Guardian." Enquiry has established that only the Public Guardian for England & Wales was consulted. It is of course unhelpful that when the Mental Capacity Act 2005 of England & Wales established a Public Guardian for England & Wales, five years after the Adults with Incapacity (Scotland) Act 2000 had established Scotland's Public Guardian, England & Wales omitted to follow the usual convention of using a differentiated title to avoid confusion. That risk could have been avoided by informal differentiation. Scotland's Public Guardian, though as holder of the senior of the two appointments she does not strictly need to, does normally identify herself as "Public Guardian (Scotland)". It is obviously necessary that the "other" Public Guardian should similarly adopt the designation "Public Guardian (England & Wales)". The failure of that Public Guardian to do so can only be seen as unhelpful, and remarkably blinkered.

The publication from Ofcom itself has a heading "England & Wales" which gives significant information about powers of attorney and other measures, such as deputies, older forms of powers of attorney and benefits appointees. It also, importantly, gives information about third party bill management, information on how an (English & Welsh) lasting power of attorney differs from third party bill management, the evidence required about powers of attorney, and some examples. The brief section on Scotland and Northern Ireland contains none of these features. The implication, accordingly, is that no relevant measures other than continuing or welfare powers of attorney are available in Scotland. There is no mention of all of the other potentially relevant measures under the 2000 Act: guardianship and intervention orders, access to funds and management of residents' finances. There is no mention of availability of third party bill management in the section on Scotland and Northern Ireland, notwithstanding that Ofcom itself requires telecoms providers throughout the UK to offer third party bill management. It refers to "general or ordinary powers of attorney" only to the extent of asserting that they cease to have legal authority if the granter loses mental capacity. Setting aside the inaccurate reference in the Scottish context to "mental capacity", this is plainly wrong. Most general or ordinary powers of attorney by individuals containing powers that would permit management of a telephone subscriber account, and still in force, were granted in the period from 1st January 1991 until Part 2 of the 2000 Act came into force on 2nd April 2001, when such "general or ordinary powers of attorney" automatically continued in force following loss of capacity by virtue of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 section 71.

One can only assume that Ofcom prepared and issued this guidance with only customers in England & Wales in mind, and without troubling to check the accuracy even of the extremely

limited information provided regarding Scotland. One suspects that the even more brief reference to Northern Ireland is open to similar criticisms.

This is but the most recent example of guidance produced (in different spheres) that fails to take into account the different legal frameworks that apply across the three jurisdictions of the United (?) Kingdom.

Adrian D Ward

Risks to home visiting employees in wintry conditions

We reported in the April 2016 Practice and Procedure Newsletter on the case of *Kennedy v Cordia (Services) LLP* [2016] UKSC 6. The case has also been reported at 2016 S.L.T. 209. Our previous report addressed the aspects of this decision of the Supreme Court relevant to the admissibility of expert evidence in civil cases. The case is also relevant to the obligations of employers of employees making home visits as part of their work. Cordia (Services) LLP are a provider of home care services on behalf of Glasgow City Council, and are wholly owned by the council. Cordia were aware of the risk of home carers slipping and falling on snow and ice when travelling to and from clients' houses in winter. There had on average been four such accidents reported to Cordia or to the Council during each year since 2005, and 16 such accidents in the harsh winter of 2010. The Council had carried out risk assessments in 2005 and again in July 2010. The assessment concluded that the risk had been reduced to the lowest level that was reasonably practicable by provision of a hazard awareness booklet and instruction on appropriate footwear; and that no additional controls were required.

The pursuer, Miss Kennedy, was employed by Cordia as a home carer. At about 8.00 p.m. on 18th December 2010 she was required to visit a Mrs Craig, who was elderly, terminally ill and incontinent, at her home, in order to provide her with palliative and personal care. The visit was one of a series carried out by Miss Kennedy during her shift. After a visit to another client, she was driven to Mrs Craig's home by a colleague. There had been snow and ice on the ground for some time. The colleague parked her car close to a sloping public footpath leading to Mrs Craig's house. It was covered in fresh snow overlying ice, and had not been gritted or salted. Miss Kennedy was wearing flat boots with ridged soles. After only a few steps along the footpath she slipped and fell, injuring her wrist. She claimed damages. She was successful at first instance before Lord McEwan on the grounds that her employers were in breach of the Personal Protective Equipment at Work Regulations 1992 (SI 1992/2966) and the Management of Health and Safety at Work Regulations 1999 (SI 1999/3242) in that her employers ought to have provided her with anti-slip attachments to her footwear. Evidence at first instance included an American study which showed a reduction in falls of 90% among elderly people who wore Yaktrax attachments, which provide increased traction in icy conditions. The defenders appealed successfully to an Extra Division of the Inner House. The pursuer then appealed successfully to the Supreme Court, whose decision has been reported as above.

Apart from issues of admissibility of expert evidence (addressed in the April 2016 Newsletter item above), the clear conclusion to be drawn from this decision is that employers have a duty to provide employees with non-slip attachments to their footwear where employees are required to make home visits (or perhaps other visits) in wintry conditions where there could be a risk of slipping on snow or ice. This could apply to

employees such as the pursuer providing care services, but also employees visiting for professional or other reasons. Such employees could include employees of legal firms.

Adrian D Ward

J, Applicant: Application by J, Solicitor, in respect of the adult F

We commented briefly on this case in the April Newsletter. It has now been reported at 2016 S.L.T. (Sh Ct) 119. We shall continue to follow any developments in relation to the issue raised in that case. We would welcome any information as to further cases, which may be unreported, in which the meaning of "claiming an interest" in the Adults with Incapacity (Scotland) Act 2000 has been considered.

Adrian D Ward

M v Fife Council [2016] CSIH 17; 2016 S.L.T. 489

This case was a successful appeal heard by an Extra Division of the Inner House against a decision of Sheriff J H Williamson awarding damages of £45,910 against Fife Council, being fees incurred for a year's education at Butterstone (an independent special educational needs school), after *M* had failed to transition from the school to a mainstream college course after the end of his final academic year. The failure to transition was due to the effects of an autistic spectrum disorder and dyspraxia, in consequence of which (it was accepted) *M* was disabled within the meaning of section 6 of the Equality Act 2010. Because of the failure to transition, Fife Council as education authority was requested to fund his further year's schooling. They refused. *M* averred that this refusal constituted unlawful discrimination against him on the basis of age and disability, contrary to the Equality Act 2010. The costs of the further year's education had been funded by a loan from *M*'s grandfather. The Court of Session held that the defenders had unlawfully discriminated against the pursuer, but substituted an award of £2,500 for the discrimination on the basis that it was not open to the sheriff to award the cost of the school fees incurred. The substituted award was in respect of injured feelings.

Adrian D Ward

Smart's Guardian v Fife Council [2015] CSOH 183; 2016 S.L.T. 384

This case was a petition for judicial review brought by a guardian appointed under the Adults with Incapacity (Scotland) Act 2000 holding powers in relation to the property and financial affairs of an adult who had been awarded £5.1 million damages against the driver of a motor vehicle which had struck him. The petition was brought against the responsible local authority. It was alleged that the local authority had failed to carry out their statutory duty under section 12A of the Social Work (Scotland) Act 1968 in respect of the adult's care in the community. It was held that the petition was not incompetent on the basis that the petitioner had an effective alternative remedy in the form of the respondents' complaints procedure, but the petition failed because the respondents had assessed the needs of the adult on two separate occasions. They had assessed that her needs called for the provision of services in terms of section 12A which were adequately met by her care plan. The respondents had had regard to section 12B of the 1968 Act and had determined that it was not appropriate to make payment in respect of the provision of the service. Section 12B required the respondents, where the person

was assessed as able to pay in full, to pay only "such amount" as they determined to be appropriate.

Adrian D Ward

C v Gordonstoun Schools Ltd [2016] CSIH 32; 2016 S.L.T. 587

This case was an unsuccessful appeal heard by an Extra Division of the Inner House of the Court of Session against a decision of the Additional Support Needs Tribunal for Scotland. M was one of two students found having sexual intercourse on a teacher's desk at Gordonstoun School one evening. Both were expelled. M's mother, *C*, claimed that the school had discriminated against M on grounds of her disability. M had attention deficit hyperactivity disorder ("ADHD"). It was held that the Tribunal had correctly proceeded on the basis that they required to consider the position in respect of M without taking into account the effect of any medication. They were correct to conclude that: "Having considered all of the evidence, it is our view that M cannot be said to have an impairment which substantially and adversely affects her ability to carry out normal day-to-day activities". The Tribunal had concluded that M went about her normal day-to-day activities in an entirely normal fashion. She was able to go on outings without any special considerations, to live in a boarding school setting without any special considerations, and to go on an ocean voyage and apparently do everything required of her on it. The ADHD had affected M's social skills, but the Tribunal was not satisfied that such effects were substantial. Likewise, on causation, the Tribunal had concluded that they were not satisfied that M's actions arose in consequence of her ADHD. The encounter had been planned in advance. She had had positive relationships with suitable boys. M's mother was aware that M had previously had sex with a boy during study leave, and had not suggested that this was in any way attributable to M's ADHD.

Adrian D Ward

Council of Europe seeks views and information on powers of attorney and advance directives

The recent Essex Autonomy Project report *Towards Compliance with CRPD Art.12 in Capacity/Incapacity Legislation across the UK*[5] reinforces the potential of powers of attorney and advance directives to act as instruments of support for the exercise of legal agency in circumstances where decision-specific decision-making capacity is impaired, intermittent or absent. Indeed, this is included as one of the report's recommendations.[6] Moreover, the European Court of Human Rights has also emphasized the importance of respect for legal capacity and seriousness of its denial or limitation in rulings concerning Article 8 ECHR (the right to respect for private and family life).[7]

In October 2015, the European Committee on Legal Co-operation (at the Council of Europe)

[5] Alex Ruck Keene, Adrian Ward and Jill Stavert of this newsletter were all members of the project's core research team.

[6] Recommendation 7 states: 'Existing measures such as powers of attorney and advance directives should be recognised for their potential as instruments of support for the exercise of legal agency in circumstances where decision-specific decision-making capacity is impaired, intermittent or absent. In order to fulfil this potential, however, such measures must be embedded in robust Art. 12.4 safeguards.'

[7] *Shtukarutov v Russia* (44009/05) (2008) ECHR 223, paras 87-89; *X and Y v the Netherlands* (8978/80) (1985) ECHR 4, paras 102 and 109; *Sykora v Czech Republic* (23419/07) (2012) ECHR 1960, paras 101-103.

agreed to conduct a follow-up by member states to Recommendation CM/Rec(2009)11 *on principles concerning continuing powers of attorney and advance directives for incapacity*.

The Council of Europe is reviewing the implementation of the recommendation, and for these purposes is looking to member states to complete a questionnaire (in 'full' or 'short' form) identifying information as to how they have implemented the recommendation is now available. This should include information on the experience of professional advisers who assist individuals, the relevant service providers in personal welfare and health matters, financial institutions etc. (in relation to property and financial matters); other actors (NGOs, universities, etc.). In completing the questionnaire, Member States are encouraged to consult and delegate as they consider appropriate, so that any readers motivated to assist should contact their own Ministry of Justice (or equivalent)

The questionnaire was drafted by our own Adrian Ward who will also be collating the responses. Responses are required no later than 30 September 2016.

A report of the findings, including recommendations for follow-up action, will be presented to the European Committee on Legal Co-operation CDCJ in 2017.

Jill Stavert

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Conferences at which editors/contributors are speaking

4th World Congress on Adult Guardianship

Adrian will be giving a keynote speech at this conference in Erkner, Germany, from 14 to 17 September. For more details, see here.

ESCRC seminar series on safeguarding

Alex is a member of the core research team for an-ESRC funded seminar series entitled 'Safeguarding Adults and Legal Literacy,' investigating the impact of the Care Act. The third (free) seminar in the series will be on 'Safeguarding and devolution – UK perspectives' (22 September). For more details, see here.

Deprivation of Liberty in the Community

Alex will be doing a day-long seminar on deprivation of liberty in the community in central London for Edge Training on 7th October. For more details, and to book, see here.

Taking Stock

Both Neil and Alex will be speaking at the 2016 Annual 'Taking Stock' Conference on 21 October in Manchester, which this year has the theme 'The five guiding principles of the Mental Health Act.' For more details, and to book, see here.

Alzheimer Europe Conference

Adrian will be speaking at the 26th Annual Conference of Alzheimer Europe which takes place in Copenhagen, Denmark from 31 October–2 November 2016, which has the theme Excellence in dementia research and care. For more details, see here.

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.

Chambers Details

Our next Newsletter will be out in early August. 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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THE QUEEN'S AWARDS FOR ENTERPRISE INTERNATIONAL TRADE 2013

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Alex is recommended as a 'star junior' in Chambers & Partners 2016 for his Court of Protection work. He has been in cases involving the MCA 2005 at all levels up to and including the Supreme Court. He also writes extensively, has numerous academic affiliations and is the creator of the website www.mentalcapacitylawandpolicy.org.uk. He is on secondment for 2016 to the Law Commission working on the replacement for DOLS. 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. 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.

Annabel Lee: annabel.lee@39essex.com

Annabel appears frequently in the Court of Protection. Recently, she appeared in a High Court medical treatment case representing the family of a young man in a coma with a rare brain condition. She has also been instructed by local authorities, care homes and individuals in COP proceedings concerning a range of personal welfare and financial matters. Annabel also practices in the related field of human rights. 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.

Simon Edwards: simon.edwards@39essex.com

Simon has wide experience of private client work raising capacity issues, including *Day v Harris & Ors* [2013] 3 WLR 1560, centred on the question whether Sir Malcolm Arnold had given manuscripts of his compositions to his children when in a desperate state or later when he was a patient of the Court of Protection. He has also acted in many cases where deputies or attorneys have misused P's assets. To view full CV click here.

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Adrian is a practising Scottish solicitor, a consultant at 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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