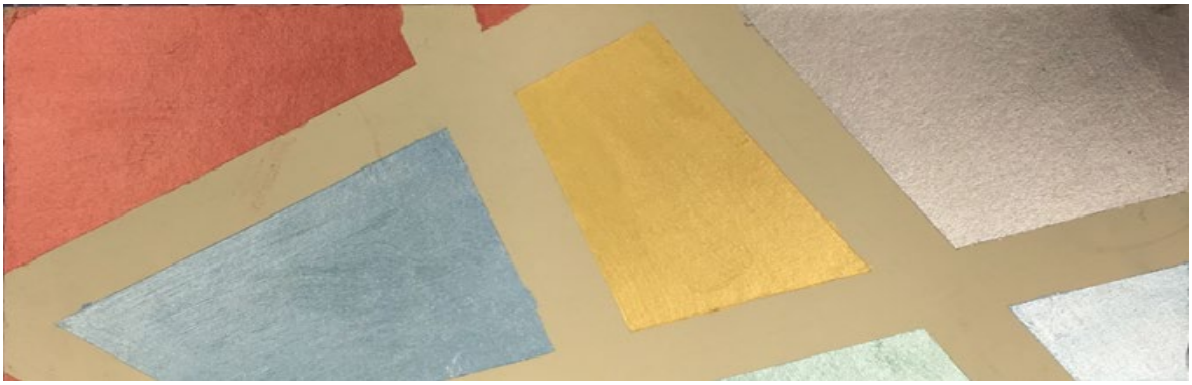

Welcome to the June 2026 Mental Capacity Report. Highlights this month include:

(1) In the Health, Welfare and Deprivation of Liberty Report: coverage of 'year zero' as regards deprivation of liberty following the *AGNI* case;

(2) In the Property and Affairs Report: the SCCO and costs where P has died or regained capacity, and can you lie as to your own capacity;

(3) In the Practice and Procedure Report: the Court of Appeal resets transparency;

(4) In the Mental Health Matters Report: nominated persons resources and 20 years of Mental Health Law Online;

(5) In the Children's Capacity Report: overseeing consent;

(6) In the Wider Context Report: well-being and wishes, and capacity and divorce;

(7) In the Scotland Report: Scottish reactions to *AGNI*.

Nyasha Weinberg's practice having taken in a new direction, we say a farewell and thank you to her this issue; we are, however, delighted to welcome Alex Cisneros to the team.

A reminder that that whilst Chambers have launched a new and zippy version of our website which may look unfamiliar, all the content that you might need – our Reports, our case-law summaries, and our guidance notes – can still be found via here.

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The picture at the top, "*Colourful*," is by Geoffrey Files, a young autistic man. We are very grateful to him and his family for permission to use his artwork.

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Introduction

On 2 June 2026, the UK Supreme Court published its *A Reference by the Attorney General for Northern Ireland of a devolution issue under paragraph 34 of Schedule 10 to the Northern Ireland Act 1998* ruling. This has significant implications across the UK, it reverses its own 2014 *Cheshire West* ruling, and it has been met with mixed responses. The ruling presents something of a two-edged sword, and there is pressure as immediate implementation is required.

There are already plenty of excellent summaries of the ruling and, of course, one can read the ruling itself. I do not therefore propose to go into much detail here on the minutiae of the ruling apart from providing some background information, brief 'headlines' from the judgment and observations about it's likely implications for Scotland. It should also be noted that the Mental Welfare Commission for Scotland was an intervener in this case, demonstrating the importance of this from a Scottish perspective.

What the UK Supreme Court was asked to rule on?

The Minister of Health for Northern Ireland wished to issue a revised the Mental Capacity Act Northern Ireland 2016 code of practice so that even where a person may lack mental capacity to make decisions about their care arrangements they can still give the necessary valid consent by expressing their current wishes and feelings, such wishes and feelings being more than their merely appearing to go along with their confinement. The Supreme Court was essentially asked to determine whether this was Article 5 ECHR compatible and thus lawful.

The situation since *Cheshire West* until 2nd June 2026

The European Court of Human Rights' *Bournewood* [1] ruling in 2004 raised significant concerns across the UK over whether our laws and practices were Article 5 ECHR compliant. It ruled that although Article 5(1)(e) allows for 'the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind..' where a person lacks mental capacity to consent to a deprivation of liberty (DoL) then they are entitled to safeguards (e.g. lawful authorisation of the DoL, the ability to timeously challenge that DoL in a court and be released if the DoL is deemed to be unlawful).

[1] *H.L. v. The United Kingdom* [2004] ECHR 471 (Application No. 45508/99)

Moreover, an individual's silence or appearing to be going along with a care arrangement made for them does not amount to competent consent to a DoL. This triggered considerable anxiety about whether the law governing measures for adults who lacked capacity in Scotland, namely the Adults with Incapacity (Scotland) Act 2000 and section 13ZA Social Work (Scotland) Act 1968[2], are sufficiently robust in Article 5 ECHR terms[3]. It resulted in work being undertaken by both the Scottish Law Commission and the Scottish Government. In short, although the Scottish courts had ruled that DoLs could be lawfully authorised by welfare guardians with appropriate powers the question remained as to whether this went far enough in terms of safeguards, particularly where it came to challenging the lawfulness of a DoL. Similarly, questions arose over whether welfare attorneys with appropriate powers can lawfully authorise a DoL and also over the lack of Article 5 safeguards for individuals moved by local authorities to residential care where they might or would face a DoL.

The UK Supreme Court *Cheshire West* ruling in 2014 significantly increased the pressure here. In this case the Supreme Court ruled that a deprivation of liberty occurs wherever a person is under continuous supervision and control and is not free to leave[4] (which became known as the 'acid test') and they are unable to competently consent to such restriction then Article 5 ECHR is engaged and entitles that person to its safeguards. Consent was equated with having full legal capacity. This greatly extended the potential for a DoL to occur across all health and social care settings, including community settings. This was absorbed by the Scottish Law Commission and Scottish Government in their work, and subsequently also considered by the Scottish Mental Health Law Review (2019-2022). The Review made various relevant recommendations in its September 2022 final report, following which the Scottish Government embarked on a law reform programme. So far, this programme has largely focused on reform of the Adults with Incapacity (Scotland) Act 2000, including the DoL issue, and this is ongoing and has survived, it would seem, the recent Scottish Parliament election in May 2026.

As time went by, there was a growing awareness that we were sitting on a 'ticking time bomb' in Scotland in terms of an Article 5 ECHR violation being ruled by the Scottish courts. However, apart from a few 'near misses' which did not progress sufficiently far to result in the Scottish court rulings, it wasn't until 2024[5] and 2025[6] when the English and Welsh Court of Protection effectively ruled that guardianship orders and the Adults with Incapacity (Scotland) Act 2000 do not provide sufficient Article 5 ECHR protections for adults with incapacity who are deprived of their liberty.

UK Supreme Court ruling in the Attorney General for Northern Ireland case

For those who with an interest in constitutional law, the judgment also goes into some detail about devolution references, reserved and devolved powers and the Supreme Court's power to consider these.

[2] Section 13ZA Social Work (Scotland) Act 1968 allows local authorities to arrange community care services (e.g. moves to residential care homes) for adults without capacity to make or consent to those decisions.
[3] Detentions under the Mental Health (Care and Treatment)(Scotland) Act 2003 are considered to be largely Article 5 ECHR compatible.
[4] *Surrey County Council v P; Cheshire West and Chester Council v P* [2014] UKSC 19; [2014] AC 896, per Lady Hale at paras 48-49 and 54 and Lord Neuberger at para 63.
[5] *Aberdeenshire Council v SF & Ors (No. 2)* [2024] EWCOP 10.
[6] *Argyll and Bute Council v RF* [2025] EWCOP 12.

However, in relation to Article 5 ECHR, DoLs and people with incapacity, in a nutshell, the Supreme Court, considering relevant Strasbourg jurisprudence, ruled on 2 June 2026 that:

1. It is not possible to completely separate the objective (a person being confined to a particular restricted space for a significant period of time) and the subjective (a person being unable to give valid consent to this) elements of a DoL engaging Article 5 ECHR.

2. The *Cheshire West* ruling in separating out the objective and subjective elements – although admittedly it was only being invited to consider the objective element – went beyond what the European Court of Human Rights has ruled and extended the reach of Article 5 ECHR further than was intended.

3. Ascertaining whether there is a DoL depends on a number of factors including the type, duration, effects and manner of implementation of the particular measure. Additionally, the actual setting and its normality are relevant, as are whether a person's inability to leave a particular care setting influenced by their physical or mental disability. Clearly, therefore, there is also a level of subjectivity here.

4. A person may lack full mental capacity but still have an awareness of their situation and can communicate whether or not they are happy with the measure. These expressed wishes and feelings can amount to valid consent. This delinks consent with having full legal capacity.

5. The Cheshire West 'acid test' is dead *to the extent that it is possible to elicit whether or not a person is happy with their living situation and any restrictions associated with it.* If ascertaining a person's wishes and feelings is impossible then they will be deemed not to have consented the DoL and are entitled to the protection of Article 5 safeguards.

6. For this reason, the Attorney General for Northern Ireland's proposed Revised Code is Article 5 compatible.

Implications for Scotland

To some extent the following observations will also apply to other UK jurisdictions although I am specifically directing them towards the current Adults with Incapacity reform programme.

1. Apart from one mention in a quotation,[7] the Supreme Court judgment did not discuss the UN Convention on the Rights of Persons with Disabilities (CRPD). However, in essentially saying that giving effect to the person's ascertainable wishes and feelings in these circumstances transcends any finding they lack mental capacity is very much in line with Articles 12 (equal recognition before the law/equality in the exercise of legal capacity) and 19 (independent living) CRPD. This reflects to some extent the recommendations of the Scottish Mental Health Law Review when it observed that capacity assessments as they currently operate can be an unreliable indicator of a person's decision-making ability and views and often result in either too much intrusion in a person's life or, conversely, denying a person vital support. That being said, for this to operate effectively there will need to be a robust system of supported decision-making in place.

2. Concerns have been raised over the potential for this approach to place vulnerable persons in situations where their rights are unprotected. For example, a

[7] At para 109.

person may not be considered to be deprived of their liberty in such a manner to engage Article 5 ECHR and thus deprived of a protective framework which may expose them to significant and inappropriate restrictions and treatments which may amount to abuse without any protection, thus violating their Articles 8 and 3 ECHR. This is a real risk and therefore calls for safeguards in the form of direct accountability, monitoring and accessible redress need to be put in place to ensure this does not happen.

3. There will need to be clear statutory direction and associated guidance and training in place so that those implementing this are clear whether or not the factors present do or do not amount to a DoL engaging Article 5 ECHR and around whether or not it is possible to genuinely ascertain a person's wishes and feelings. This is no small or easy task.

4. This requirements above must all happen quickly as the judgment took immediate effect.

The Adults with Incapacity Reform Expert Working Group is certainly going to have its hands full navigating this, as will practitioners, carers, and family members, as well as the adults themselves. It will undoubtedly also fall on the Adults with Incapacity Reform Ministerial Oversight Group to ensure that momentum towards reform, including encompassing this ruling, is maintained. The Supreme Court also discussed the resourcing implications of the *Cheshire West* ruling and whilst this is a not insignificant consideration if individuals' rights are to be fully protected then even the new 'regime' will doubtless require to be adequately and appropriately resourced.

Jill Stavert

Cheshire West overruled: initial thoughts from Scotland (2): Adrian Ward

This item does not seek to summarise the judgment, headlines of which are set out in item 1 above, with more detail in the Health, Welfare and Deprivation of Liberty section of this Report. Rather, it picks out a few aspects of particular relevance for Scotland. There are two main points. Firstly, this decision of the Supreme Court appears substantially to align with what at least some of us have always argued should be the correct approach under Scots law to deciding what is a deprivation of liberty under Article 5 of the European Convention on Human Rights, and – importantly – what is not. On the other hand, however, the decision emphasises that: "*… the question whether an individual in care is subject to a deprivation of liberty depends on the factual circumstances of their particular case*" [paragraph 202 of the decision]. That will necessitate careful enquiry and assessment in each individual case, and most certainly not any form of "tick box" exercise. We no longer have Lady Hale's famous "acid test" to guide decision-makers: it has been rejected.

Before those points are developed further, it must be emphasised that the Supreme Court's decision in no way alters the fact that what have hitherto been unlawful decisions and practices will remain completely unacceptable. That is because the Supreme Court case was concerned with "the question of what counts as 'deprivation of liberty' under Article 5(1) of the European Convention on Human Rights ('the Convention')", as confirmed in the first sentence of the Supreme Court's lengthy decision [1]. Although the position in Scotland was referred to only sporadically by the Supreme Court, and not using relevant Scots terminology, if an adult has validly consented to arrangements, or can reasonably be judged to have assented – even tacitly – then there is no deprivation of liberty, and Article 5 of

the Convention does not apply. If, however, there has been an Article 5 deprivation of liberty, or if proposed action or arrangements would amount to a deprivation of liberty, then the requirements and provisions of Article 5 will apply in full, without amendment. Indeed, in situations such as the over 5,200 unlawful discharges from hospitals to care homes during the first three months of the Covid pandemic, when it would appear that in no individual case was there any attempt to assess whether the person discharged had or had not capacity to consent, the breach of Article 5, and thus the automatic entitlement under Article 5.4 to a minimum of nominal damages which should be measured in Scotland in thousands of pounds, is now even more stark, because of the need for careful assessment in each individual case.

From a Scottish viewpoint, it must be recorded that the Mental Welfare Commission for Scotland must be credited with having made the most significant impact from here upon the eventual decision. The Commission's intervention is summarised in [32] and [33]. As there narrated, the Commission's position was that:

> *"If an adult can understand their situation and circumstances so as to express an opinion or feeling about them, that can and should be given significant weight in the determination of that individual's consent to the arrangements in their case."*

The Commission argued that:

> *"To the extent that it is suggested that Cheshire West requires those feelings and wishes to be disregarded, the Commission submits that this is contrary to the principle of encouraging those lacking capacity to take part as much as possible in the appropriate balancing of the individual's Article 5 and Article 8 rights which is necessarily inherent in the application of those provisions to treat such expressions of view by them as irrelevant on a blanket basis."*

That in fact went to the very heart of the basis upon which the Supreme Court has now overruled *Cheshire West*. With reference to the submissions by "the Charities" narrated in [27]-[31], the Commission was instrumental in pointing out the problems in the approach of the Charities in seeking to downplay the will and preferences of all people with impaired capacity just because some might have difficulty in expressing their wishes and feelings.

The view has long been held in Scotland (including in my case as first formulated in a 2004 paper submitted to the Mental Welfare Commission in the context of its then consideration of when Part 5 applications were necessary, and to which I have adhered since then) that conduct amounting to tacit consent to arrangements would generally be sufficient for them not to be regarded as Article 5 deprivations of liberty. Put the other way round, so-called "challenging behaviour" in a particular setting might well be indicative of significant dissatisfaction with such a setting: and if in such a situation such behaviours were to be clearly and significantly mitigated by transfer to other arrangements, that would open up the possibility that such other arrangements might have thus received sufficient tacit assent for them not to be Article 5 deprivations of liberty.

Advocacy of the "assent" approach in Scotland has also drawn attention to Scotland's unique (in the UK) procedure under the Adult Support and Protection (Scotland) Act 2007, not replicated in any form in England & Wales, where the alternative of an application to the inherent jurisdiction of the High Court is not a practical, straightforward or equally accessible alternative.

The Scottish "assent" approach (calling it that for simplicity) has already informed submissions as to the outline structure of a possible deprivation of liberty scheme for Scotland. It would appear that under this decision those proposals can be carried forward with some confidence towards formulating the promised urgently required establishment of a deprivation of liberty scheme for Scotland.

The two elements that we have identified of the rejection of the "acid test" in favour of the approach now formulated by the Supreme Court, but the resulting onus upon decision-makers to enquire and assess more carefully in each individual case, both feature, and are brought together and balanced, in the lengthy paragraph [53] of the decision. For example, the court points out that valid consent:

> *"is an autonomous concept and not to be equated with the concepts of consent for the purpose of waiver of rights under the Convention or of legal capacity in domestic law. The fact that an individual lacks legal capacity to decide on their living and care arrangements does not necessarily mean that they are de facto unable to understand and consent to those arrangements in a manner that prevents those arrangements from becoming a deprivation of liberty."*

Judgments of the Strasbourg Court are referred to at this point. An individual "without legal capacity under domestic law", but who can manifest acceptance of their current situation on the basis of "a basic understanding" of it, "*should have their opinion respected when an assessment is made of whether they are deprived of liberty under Article 5*".

On the other hand, in the same paragraph, the court narrates that:

> *"The European court has recognised that the process of assessing whether there has been a deprivation of liberty is no easy task in some contexts and may give rise to difficulties, especially in borderline or marginal cases. Equally, it may sometimes be difficult to ascertain the true feelings or preferences of vulnerable individuals who do not have mental capacity to decide on their living arrangements. The approach should be practical and realistic. Where there is serious doubt, no inference of valid consent should be drawn."*

This necessarily rapidly compiled review from a Scottish viewpoint should conclude with a few further comments.

This "correcting" decision was unanimous, and was formulated at a time when both the President and the Vice President of the Supreme Court were Scots lawyers. Various Justices contributed their own views, some of them dissenting views, in *Cheshire West*. This latest Supreme Court judgment was unanimous. The judgment of all Justices was delivered by Lord Sales and Lady Simler. The other Justices were simply narrated as being in agreement. Those who attended Lord Hodge's lecture to the Royal Faculty of Procurators in Glasgow in October 2024 will remember how he developed an answer to a question about the position under Scots law from me to something akin to a public debate on that subject. It might have been interesting to have had his views narrated. He was one of the dissenters in *Cheshire West*. He is still listed as one of the concurring Justices in the present case.

It is said, correctly, that as the present case is not founded upon a complaint of breach of the European Convention by any individual, it cannot be the subject of an appeal to the Strasbourg Court. It will nevertheless be interesting to see the decision, when issued, of the Strasbourg

Court in *TD and MZ v France*, in which case interveners have asked the Strasbourg Court to review its own jurisprudence on what constitutes an Article 5 deprivation of liberty, and have advanced views – including suggestions as to the extent that *Cheshire West* was wrongly decided – that, put minimally, resonate with the deliberations in this latest UK Supreme Court case. That Strasbourg case could therefore amount to something approaching a review on appeal of this latest UK case.

This quick review may be followed by further coverage in the Scotland section of the July Report. In the meantime, I shall "sign off" with the following paragraph from this latest decision:

> *"[206.] We have come to the clear conclusion, with respect, that the majority in Cheshire West erred in their interpretation of the Strasbourg jurisprudence in relation to the meaning of deprivation of liberty in article 5. Moreover, because the jurisprudence of the European court is clear in adopting the multifactorial approach and giving weight to valid consent, this is a further reason why that reasoning should not be followed: see R (Elan-Cane) v Secretary of State for the Home Department, above; and R (AB) v Secretary of State for Justice, above, paras 54-59. On such a fundamental issue regarding the proper interpretation of the Convention, it is for the European court to give the lead in laying down the approach to be followed."*

Adrian D Ward

UK Supreme Court in Glasgow

A major focus this month is upon the decision of the UK Supreme Court in the Application by the Attorney General for Northern Ireland, but it is nevertheless appropriate to mark the first occasion on which the court sat in Glasgow, on 18th – 21st May 2026. A main policy of the court's President, Lord Reed, is to make the court more accessible to the public. He has committed the court to being as transparent and accessible as possible. The court's presence in Glasgow was accordingly marked not only by the judicial business of the court, but by three outreach events on which we report briefly.

The court came to Glasgow to hear an appeal in the case Forthwell Limited (Appellant) v Pontegadea UK Limited (Respondent). The point at issue was: "*In what circumstances can a party to a contract recover damages for a breach of that contract in respect of losses that were sustained not by the contracting party itself but by its subsidiary?*". To the great embarrassment of respective counsel, the case settled literally on the eve of the first day of the hearing. Lord Reed nevertheless said that: "*It is a matter of public importance that the time of the court is used in the public interest, and it is in the public interest that we should resolve the legal question raised by the case, which will be important in other cases.*" The point at issue is interesting, but is unlikely to lead to further coverage in this Report unless arguments about the need for commercial consistency between English and Scots law lead to consideration of the fundamental difference in how the two systems respectively treat the incapacity of a party to a purported contract in relation to that contract. Otherwise, the main point of interest is that the court did demonstrate willingness to hear argument upon, and determine, a case of significant public interest even though it had been settled. Most practitioners have had the experience that a most interesting and important case from the point of view of the development of the law halted and went no further after the parties had achieved a settlement. Indeed, most practitioners would take the view that if there appear to be reasonable prospects of a settlement, the interests of their client in

pursuing that possibility would have to take precedence over the public interest in seeing a particular point in law addressed and resolved. It would appear that even for the Supreme Court to decide to proceed as it did in Glasgow, a specific case would still have to have reached that court. The European Convention on Human Rights goes further in Article 47, allowing the Committee of Ministers of the Council of Europe to refer a question to the Strasbourg Court for an advisory opinion.

Lord Reed was himself busy in the outreach role of the court. He was the invited speaker at a well-attended event hosted by the Law Society of Scotland in Glasgow City Chambers on 20th May. The topics that he addressed included accessibility of the court, the importance of clear communication, and the fallout from controversial cases. However, he had no hesitation in answering a question as to what was the biggest challenge that will face the Supreme Court in the years ahead. He identified artificial intelligence on the one hand improving accessibility to the courts in ways "already resulting in a huge increase in the number of claims being brought before courts", because (he suggested) the difficulties faced by "ordinary people" in bringing claims were being reduced; and on the other hand the imperative for the courts to make use of AI in order to be able to handle such increases in litigation. Interestingly, he stressed the importance of making best use of particular expertise among Justices when dealing with cases, commenting that although he sits in court more than any of his colleagues, he writes fewer judgments than he used to. "I write about half as many as my colleagues do, so the role has become one in which there is a much greater element of, if you like, being an ambassador for the court and being somebody who is setting a strategic direction for our management".

Lord Doherty, also a UK Supreme Court Justice, delivered the 2026 Lord Rodger Memorial Lecture to the Royal Faculty of Procurators in Glasgow. He concentrated on interesting and important aspects of the actual working of the Supreme Court. In order, the largest and most frequently heard cases are commercial cases, then public law and human rights cases, then business property, then Wills and trusts, then tax. To qualify for permission to appeal, an application for permission must (a) raise an arguable point in law, which is (b) a point of general public importance, and which (c) ought to be considered by the court at the time. Where appeals are heard, there will normally be at least one Justice with expertise in the particular area of law under consideration. Hearings are normally fixed nine months after permission is granted. In 90% of cases, the judgments are unanimous.

Lord Stephens is the third Justice upon whose extra-judicial engagements in Glasgow we report. He addressed the Family Law Association on the concept of "matrimonialisation". While that of itself might be a topic of relatively marginal interest to practitioners of capacity law (nothing in the law, of course, will ever be completely irrelevant to that topic, because of the great range of issues and cases that can arise), one point which he stressed is certainly relevant. He pointed out that significant development of the law almost always starts with cases which test out new possibilities. That depends upon practitioners identifying suitable cases for the purpose. Towards the end of last century, that is certainly how significant developments in adult capacity law were driven. First came the cases, or developments that went beyond existing assumed boundaries but appeared to command a degree of consensus in that they were not challenged. The first category included, for example, the world-leading development of

modern forms of guardianship in the *Morris* (1986) and *Britton* (1992) cases; the second is exemplified by the drafting and granting of powers of attorney which, contrary to assumptions at the time, explicitly declared that they would continue to apply in the event of the granter's incapacity; and that they applied to personal welfare as well as financial matters. Only after these initiatives had been developed, and cases had been successfully argued, did the legislature subsequently catch up (in the case of establishing a modern guardianship regime, in the Adults with Incapacity (Scotland) Act 2000; and in the case of modern powers of attorney, partly in the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, and more comprehensively in the 2000 Act). One is left with the question whether current practice equally lives up to the ethical obligation upon practising lawyers to test out further possibilities when issues or cases brought to them challenge them to do that; or whether practice has tended to become a rather more circumscribed follower rather than a leader.

Adrian D Ward

World Congress 2026

The 2026 World Congress on Adult Capacity will be held in the Vrije Universiteit (VU University) in Amsterdam 8th – 10th July 2026. If practitioners and others in all relevant professions, researchers, people who care or are cared for, policy makers, involved organisations, and other stakeholders were to attend no other conference every two years, without doubt they should attend the World Congress. To be convinced of that, it is only necessary to glance through the programme for WCAC 2026 on the Congress website www.vu.nl/wcac2026, where you can still register for the Congress. From Scotland, and from various other parts of the United Kingdom, the venue in Amsterdam is more accessible than any equivalent venue in London. There are multiple flights every day, in both directions, to Amsterdam Schiphol Airport. Then it is six minutes by train from the airport in the station to Amsterdam Zuid ("south") station and a ten-minute walk from there to the venue.

I would urge all readers to glance through the Congress programme. The range of topics covered, the depth of coverage, and the multiplicity of speakers from across the world is remarkable, and seems only to develop further in each successive World Congress. Nowhere else will you find such a large percentage of the world's leading authorities on the subject gathered together in the same event, alongside many able younger speakers destined for similar status in the future. From a Scottish viewpoint, if one were to seek to organise a conference at home covering a similar range of topics, one could not do better than the range of Scottish speakers contributing in Amsterdam.

There is noticeable continuity from each successive World Congress through to the next, as conference venues have moved around the world. The first three Congresses took place in East Asia, United States and Australia, before coming to Europe (Germany) for the first time in 2016. That was followed by a second Congress in East Asia (Korea) in 2018. The 2020 World Congress, allocated to South America, was cancelled due to Covid, so our own World Congress in Edinburgh came next in 2022. Then the Congress originally allocated to Buenos Aires triumphantly materialised in 2024, before this year's World Congress is back in Europe for the third time. The 2024 event in Buenos Aires was the largest up to that point. It is perhaps unsurprising that it generated massive participation from South and Central America, but more remarkable that those continents have remained "on board" with, for example, substantial numbers of key people from a wide range of countries in those continents continuing

to join International Guardianship Network, and substantial participation in Amsterdam next month: in the programme as it stands, there will be speakers from Argentina, Bolivia, Chile, Columbia and Peru, among them contributing ten speakers.

One interesting link back to our 2022 event in Edinburgh is that a highlight of that event was the magnificent summing-up given by Professor Wayne Martin (Essex University and Essex Autonomy Project) in the concluding session. The 2026 organisers have successfully recruited him to do the same in Amsterdam – a contribution already to be looked forward to.

Importantly but not obviously visibly to the generality of delegates, the International Advisory Board which recommends allocation of future Congresses, and provides support to the organisers of each successive Congress, meets in person during the course of each World Congress. It is notable that all but one of the 15 members of the Board, attending from all of the continents that have previously hosted the event, will be personally present in Amsterdam except for one not personally present for unavoidable reasons, but who will participate remotely. Preparations for the 2028 World Congress in Girona, Catalonia are well advanced. Applications will be considered for 2030.

Adrian D Ward

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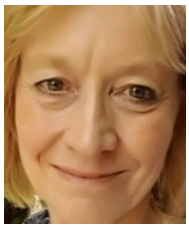
Adrian is a recognised national and international expert in adult incapacity law. He has been continuously involved in law reform processes. His books include the current standard Scottish texts on the subject. His awards include an MBE for services to the mentally handicapped in Scotland; honorary membership of the Law Society of Scotland; national awards for legal journalism, legal charitable work and legal scholarship; and the lifetime achievement award at the 2014 Scottish Legal Awards.



Jill Stavert: j.stavert@napier.ac.uk

Jill Stavert is Professor of Law, Director of the Centre for Mental Health and Capacity Law and Director of Research, The Business School, Edinburgh Napier University. Jill is also a member of the Law Society for Scotland's Mental Health and Disability Sub-Committee. She has undertaken work for the Mental Welfare Commission for Scotland (including its 2015 updated guidance on Deprivation of Liberty). To view full CV click here.

Conferences

Members of the Court of Protection team regularly present at seminars and webinars arranged both by Chambers and by others.

Alex also does a regular series of 'shedinars,' including capacity fundamentals and 'in conversation with' those who can bring light to bear upon capacity in practice. They can be found on his website.

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 the dementia charity My Life Films in return for postings for English and Welsh events. For Scottish events, we are inviting donations to Alzheimer Scotland Action on Dementia.

Our next edition will be out in July. Please email us with any judgments or other news items which you think should be included. If you do not wish to receive this Report in the future please contact: marketing@39essex.com.

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