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BLACKSTONE'S GUIDE TO

# The Mental Capacity Act 2005

*Second Edition*

PETER BARTLETT

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# Blackstones Guide To The Mental Capacity Act 2005

**Brendan D. Kelly**



## **Blackstones Guide To The Mental Capacity Act 2005:**

**Blackstone's Guide to the Mental Capacity Act 2005** Peter Bartlett, 2008-02-21 The Mental Capacity Act 2005 introduced new powers allowing a variety of important decisions to be taken on behalf of persons lacking mental capacity. This edition has been updated to take account of the Mental Health Act 2007 Codes of Practice to the MCA 2005 Court of Protection Rules features expanded analysis of the Bournewood decision. **Blackstone's Guide to the Mental Health Act 2007** Paul Bowen, 2007 This new Blackstone's Guide provides the full text of the Mental Health Act 1983 and the main provisions of the Mental Capacity Act 2005 as amended by the MHA 2007 as well as the remaining provisions of the 2007 Act together with an expert chapter by chapter narrative clearly explaining the impact of the new Act on the 1983 and 2005 Acts. Key changes introduced by the Mental Health Act 2007 include: A new definition of mental disorder. The abolishment of existing classifications of mental illness: psychopathic disorder, mental impairment and severe mental impairment. The abolishment of the existing exclusions for prosmicity, immoral conduct, sexual deviancy etc. A new requirement that appropriate treatment be available for all forms of mental disorder before detention may be authorised whilst removing the treatability requirement for patients suffering from psychopathic disorder. A new power to control and treat patients in the community. Amendments to the nearest relative provisions to bring them into line with the ECHR. A new framework of safeguards for incapacitated de facto detained Bournewood patients to amend the Mental Capacity Act. The narrative clearly explains how the Act amends the 1983 Act and the 2005 Act discusses the interface between the two and the human rights implications of compulsory detention and treatment by reference to key cases such as Bournewood IH and Von Brandenburg. The Guide's accessible and clear layout makes it an ideal quick reference text. The appendices include the full text of the Mental Health Act 1983 as amended by the 2007 Act as well as the remaining provisions of the Mental Health Act 2007. The Blackstone's Guide Series delivers concise and accessible books covering the latest legislative changes and amendments. Published soon after enactment they offer timely and expert commentary on the meaning and effects of the legislation plus a copy of the Act itself. The Guides are a cost effective solution to key information needs and are the perfect companion for any practitioner needing to get up to speed with the latest changes. **Blackstone's Guide to the Equality Act 2010** John Wadham, David Ruebain, Anthony Robinson, Susie Uppal, 2012-05-17 The Equality Act 2010 was an extremely significant reform of UK discrimination law consolidating the existing complex mass of statutory provisions into one statute. The Act brought new rights against discrimination and imposed new duties on employers, service providers and public authorities and also introduced a new socio-economic duty on public authorities to reduce the inequalities of outcome which result from socio-economic disadvantage. It defined nine protected characteristics: age, disability, combined grounds, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation. Much more is now known about the Equality Act in practice: amendments have been made to the Act itself such as those made as a consequence of insurance premium

and gender cases in the European Court of Justice and statutory guidance to the Act has been produced Case law on the new provisions is also starting to appear This fully revised edition of Blackstone's Guide to the Equality Act 2010 covers all recent developments and clearly and concisely explains the intricacies of the Equality Act Combining the full text of the Act as amended with narrative from an expert team the book is an invaluable resource for all who encounter the evolving legislation The Blackstone's Guide Series delivers concise and accessible books covering the latest legislative changes and amendments Published soon after enactment they offer expert commentary by leading names on the extent scope and effects of the legislation plus a full copy of the Act itself They offer a cost effective solution to key information needs and are the perfect companion for any practitioner needing to get up to speed with the latest changes

**Assessment of Mental Capacity** The British Medical Association, 2015-12-08 Doctors lawyers and other professionals often need to make an assessment of a person's mental capacity This book helps to support these professionals by giving them a fuller understanding of the law in all situations where an assessment of capacity may be needed clarifying the roles of professionals and providing an aid to communication both between them and with the person being assessed Written by experts from a variety of disciplines Assessment of Mental Capacity combines a precise statement of the law with a practical jargon free approach to provide guidelines on a range of issues from capacity to form intimate personal relationships to capacity to consent to medical treatment The fourth edition has been updated and expanded to take account of recent case law and current good practice revision of the Mental Health Act 1983 Code of Practice the rising prominence of the United Nations Convention on the Rights of Persons with Disabilities It provides an essential source of guidelines and information including extracts from Mental Capacity Act 2005 and the Code of Practice and is an indispensable tool for health and legal professionals

The Nearest Relative Handbook David Hewitt, 2007-07-15 When a person is subject to the Mental Health Act 1983 many of his or her principal rights are taken away It is the function of the nearest relative to compensate for that loss This book explains how the nearest relative is identified and what the role can involve and it contains a wealth of case examples and illustrative scenarios

*Blackstone's Guide to the Equality Act 2010* Lynwall Anthony Robinson, David Ruebain, Susie Uppal, 2021 The fourth edition of this established reference covers the Equality Act 2010 and its application in a range of commercial and public settings including education employment rights public sector obligations and enforcement The work offers a step by step guide to the legislation accompanied by a consolidated full text of the Act itself

**ABC of Geriatric Medicine** Nicola Cooper, Kirsty Forrest, Graham Mulley, 2013-05-31 Demographic trends confirm what clinicians already know they are spending increasing amounts of time dealing with older people This new ABC provides an introduction to the new and increasing challenges of treating older patients in a variety of settings ABC of Geriatric Medicine provides an overview of geriatric medicine in practice Chapters are written by experts and are based on the specialty geriatric medicine curriculum in the UK ABC of Geriatric Medicine is a highly illustrated informative and practical source of knowledge with links to further

information and resources It is an essential guide where management of the ageing population is a major health issue for hospital and family doctors students nurses and other members of the multi disciplinary team

**Children with Mental Disorder and the Law** Anthony Harbour,2008-05-15 This book provides a guide to the law relating to mental health care for children and young people and discusses important issues in clinical and social care practice such as parental responsibility Gillick competency and capacity emergency intervention and detention assessment of mental illness and confidentiality in practice

Dignity, Mental Health and Human Rights Brendan D. Kelly,2016-03-09 This book explores the human rights consequences of recent and ongoing revisions of mental health legislation in England and Ireland Presenting a critical discussion of the World Health Organization s Checklist on Mental Health Legislation from its Resource Book on Mental Health Human Rights and Legislation the author uses this checklist as a frame work for analysis to examine the extent to which mental health legislation complies with the WHO human rights standards The author also examines recent case law from the European Court of Human Rights and looks in depth at the implications of the United Nations Convention on the Rights of Persons with Disabilities for mental health law in England and Ireland Focusing on dignity human rights and mental health law the work sets out to determine to what extent if any human rights concerns have influenced recent revisions of mental health legislation and to what extent recent developments in mental health law have assisted in protecting and promoting the human rights of the mentally ill The author seeks to articulate better clearer and more connected ways to protect and promote the rights of the mentally ill though both law and policy

**Handbook of the Clinical Psychology of Ageing** Robert T. Woods,Linda Clare,2015-06-22 The first authoritative reference on clinical psychology and aging the Handbook of the Clinical Psychology of Ageing was universally regarded as a landmark publication when it was first published in 1996 Fully revised and updated the Second Edition retains the breadth of coverage of the original providing a complete and balanced picture of all areas of clinical research and practice with older people Contributions from the UK North America Scandinavia and Australia provide a broad overview of the psychology of aging psychological problems including depression anxiety psychosis and dementia the current social service context and assessment and intervention techniques

Values and Disorder in Mental Capacity Law Cressida Auckland,2024-06-27 Drawing on literature from law philosophy and psychiatry this book interrogates whether the law adequately addresses how disorder affects decision making

**Mental Capacity in Relationship** Camillia Kong,2017-05-11 An interdisciplinary text that investigates mental capacity and considers how relationships can affect an individual s ability to make decisions

*Good Practice in the Law and Safeguarding Adults* Jacki Pritchard,2008-10-15 Good Practice in the Law and Safeguarding Adults provides an up to date summary of developments in the legislative framework and best practice relevant to the area of adult protection work It explains legislation that can be used in adult protection work covering criminal and civil law and national guidance such as Achieving Best Evidence

*Mental Health and Care Homes* Tom Denning,Alisoun Milne,2011-05-26 The care home sector is

large with over 400 000 residents in the UK and a similar number employed within the homes Care home residents are often very old and many have multiple physical and mental health needs meaning that their care poses particular challenges This book offers a coherent and evidence based text exploring these issues     Principles and Practice of Geriatric Psychiatry Mohammed T. Abou-Saleh,Cornelius L. E. Katona,Anand Kumar,2011-07-28 The renowned Principles and Practice of Geriatric Psychiatry now in its third edition addresses the social and biological concepts of geriatric mental health from an international perspective Featuring contributions by distinguished authors from around the world the book offers a distinctive angle on issues in this continually developing discipline Principles and Practice of Geriatric Psychiatry provides a comprehensive review of geriatric psychiatry spanning both psychiatric and non psychiatric disorders scientific advances in service development specific clinical dilemmas New chapters on genetics of aging somatoform disorders epidemiology of substance abuse somatoform disorders care of the dying patient Continuing the practice of earlier editions the major sections of the book address aging diagnosis and assessment and clinical conditions incorporating an engaging discussion on substance abuse and schizophrenic disorders Shorter sections include the presentation of mental illness in elderly people from different cultures one of the most popular sections in previous editions Learning and behavioural studies as well as models of geriatric psychiatry practice are covered extensively This book provides a detailed overview of the entire range of mental illness in old age presented within an accessible format Principles and Practice of Geriatric Psychiatry is an essential read for psychiatrists geriatricians neurologists and psychologists It is of particular use for instructors of general psychiatry programs and their residents     **Healthcare Decision-Making and the Law** Mary Donnelly,2010-11-18 This analysis of the law s approach to healthcare decision making critiques its liberal foundations in respect of three categories of people adults with capacity adults without capacity and adults who are subject to mental health legislation Focusing primarily on the law in England and Wales the analysis also draws on the law in the United States legal positions in Australia Canada Ireland New Zealand and Scotland and on the human rights protections provided by the ECHR and the Convention on the Rights of Persons with Disabilities Having identified the limitations of a legal view of autonomy as primarily a principle of non interference Mary Donnelly questions the effectiveness of capacity as a gatekeeper for the right of autonomy and advocates both an increased role for human rights in developing the conceptual basis for the law and the grounding of future legal developments in a close empirical interrogation of the law in practice     Text, Cases and Materials on Medical Law and Ethics Marc Stauch,Kay Wheat,John Tingle,2011 Divided into two parts this text examines both the general principles that permeate medical law and issues which arise in relation to specific areas of medical treatment     *Tort Law* Jenny Steele,2017 Tort Law offers a stimulating introduction to the subject Jenny Steele provides a sound analysis of the key principles before exploring a wide range of critical perspectives through an extensive selection of cases and materials     The Child As Vulnerable Patient Lynn Hagger,2016-03-23 How can medical law and ethics take forward the issue of

children's empowerment and protection What are the key factors in considering the balance between protecting the welfare of the young and allowing them rights to autonomy The Child as Vulnerable Patient investigates the role that a human rights approach can play in establishing the parameters of autonomy and discusses the opportunities presented in the Human Rights Act the European Convention on the Rights of the Child and new policy initiatives in the NHS A valuable addition to existing literature in this area this volume will be of interest to lawyers health professionals and students of medical law

*Oxford Desk Reference: Geriatric Medicine* Margot Gosney, Adam Harper, Simon Conroy, 2012-07-12 With an ageing population there is little doubt that the majority of hospital based consultants and their teams will care for older patients and the many complications this presents This book provides an evidence based guide for both trainees and consultants in geriatric medicine and those interested in geriatric medicine Designed in line with the core Royal College curriculum it provides a comprehensive and relevant guide to the issues seen in everyday geriatric medicine practice across the world Presented in an easy to use double page spread format highly bulleted and concise Oxford Desk Reference Geriatric Medicine is ideal for quick referral for both trainees and consultants Contributions from the leading figures in geriatric medicine throughout the world make this book indispensable for all those working in the field and for all those who have to deal with older patients

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