

Mental Capacity Act – anticipating loss of capacity

Health lawyer, Chris Stark, provides you with an update on the recent case of United Lincolnshire Hospitals NHS Trust v CD [2019] EWCOP 24.

08 July 2019

United Lincolnshire Hospitals NHS Trust v CD [2019] EWCOP 24

We provide you with an update on the recent case of United Lincolnshire Hospitals NHS Trust v CD [2019] EWCOP 24.

Chris discusses the recent and helpful decision of the High Court in a situation where someone has capacity to make a healthcare decision, but there is a clear and foreseeable risk that they will lose capacity at a particular moment in time. In this case the individual was detained under the Mental Health Act, regained capacity to make decisions about her obstetric care, but risked losing capacity at a critical moment in labour. The court was willing to authorise contingent and anticipatory declarations in the event that CD lost capacity.

This case will be important to clinicians and [Court of Protection](#) practitioners alike. Watch more to hear the details on the legal argument and the specific facts of the case.

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