

## 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.

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### 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.

## Contact



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