

Mental Health Law Online

Monthly Update, July 2012

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Introduction

In addition to being available on the Mental Health Law Online website, each month's legal update is available in PDF format for printing, and in Kindle format for e-book reading. This update is based on the content at http://www.mentalhealthlaw.co.uk/July_2012_update It is a snapshot of the online page – the online page will be automatically updated when case and legislation pages are updated.

Cases

- Upper Tribunal case. [EC v Birmingham and Solihull Mental Health NHS Trust \(2012\) UKUT 178 \(AAC\), \(2012\) MHLO 70](#) — *(1) Appeals against tribunals' refusals to hear arguments in relation to extra-statutory recommendations were dismissed as (a) there is no legal right to advance these arguments (this is a sufficient reason for not making an extra-statutory recommendation which can be implied if not stated), (b) refusal to consider a extra-statutory recommendation is neutral rather than disadvantageous to the patient, and (c) a flawed extra-statutory should have no effect because of its legal status. (2) The judge made further comments about (a) potential guidance to hospital managers about UT procedure, (b) secondary challenges by the appellants, and (c) tribunal procedure generally in relation to extra-statutory recommendations.*
- Stephen Neary damages. [Re Steven Neary; LB Hillingdon v Steven Neary \(2012\) MHLO 71 \(COP\)](#) — *The Court of Protection approved a consent order under which the London Borough of Hillingdon is to pay £35,000 damages to Stephen Neary.*

Article

- O'Donnells Solicitors, 'Cheshire West and Chester Council -v- P and M' (11/7/12). The Supreme Court has given leave to appeal the decisions in *Cheshire West and P and Q*. See [Cheshire West and Chester Council v P \(2011\) EWCA Civ 1257](#)

Book

- New book published: [Richard Jones, *Mental Capacity Act Manual* \(5th edn, Sweet & Maxwell 2012\)](#)

Website

- The CPD questionnaire for June 2012 is now online. Obtain 12 SRA-accredited CPD points for £60. See [CPD scheme](#)
- Please subscribe to Mental Health Law Online's new discussion list. This is separate from the email updates list, which remains unchanged. The discussion list covers all aspects of mental health law in England and Wales, from the Mental Health Act 1983 and the Mental Health Tribunal, to the Mental Capacity Act 2005 and the Court of Protection. See [Discussion](#)
- You can now receive monthly updates delivered automatically to your Kindle e-reader. See [Kindle updates](#)
- On 31/7/12 Mental Health Law Online contained [1205 categorised cases](#)
- See [July 2012 chronology](#) for this month's changes to the website in date order