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HEALTH AND SOCIAL CARE EBRIEF

AUTUMN 2015

Welcome to the September 2015 edition of No5 Chambers' Health and Social Care eBrief. In this eBrief we hope to share our knowledge and experience in health and social care law with our clients through articles on current and relevant issues written by members of our group of specialist practitioners.

In this issue [Nageena Khalique QC](#) looks at the Chief Coroners guidance as the approach to be taken when someone dies at a time when they are deprived of their liberty under the Mental Capacity Act 2005; [Ramby de Mello](#) looks at the relationship between the law concerning human organs retained for criminal investigations and Article 8 ECHR; [Becket Bedford](#) looks at the role of children in public law; [Helen Barney](#) looks at the recent case of the Court of Protection in MN (Adult); and [Philip Rule](#) looks at the duty to make proper provision of places needed to facilitate the release or progression of mental health detainees. If you have any comments which you would like to share about the eBrief please email marketing@no5.com.

Edited by

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[Inquests & Deprivation of Liberty](#)

No5 Chambers Head of Public Law, Nageena Khalique QC, looks at the Chief Coroners guidance as the approach to be taken when someone dies at a time when they are deprived of their liberty under the Mental Capacity Act 2005 (MCA 2005).

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[Human Tissue and Article 8 ECHR](#)

The Human Tissue Act 2004 (HT Act) replaces the Human Tissue Act (1961), Anatomy Act (1984) and the Human Organ Transplants Act (1989), and came into force on 7 April 2006.

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[Children in Public Law](#)

Becket Bedford looks at the problem of children in Public Law and what to do about it unites and then divides the superior legal minds of the Supreme Court.

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[Where do the Boundaries lie? MN \(Adult\) \[2015\] EWCA Civ 411](#)

Sir James Munby, President of the Court of Protection, provided clear guidance as to the nature of the Court of Protection's jurisdiction, and the approach that should be adopted when a care provider is unwilling to provide, or to fund, the care sought.

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[A duty to facilitate an individual's release](#)

In this article, written by No5 Barrister Philip Rule, aims to offer a new potential for those with learning disability and/or autism, their families, and the many charities and NGOs that fight for the rights of these groups, to ensure things are improved for such individuals.

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