The possible fusion of incapacity and mental health legislation is considered in depth in a ‘Special Issue’ of the Journal of Mental Health Law.

The case for fusion is presented by Professor George Szmukler (Professor of Psychiatry and Society, Institute of Psychiatry, King’s College, London), Rowena Daw (Head of Policy, Royal College of Psychiatrists) and Professor John Dawson (Professor of Law, University of Otago, New Zealand) who then describe the structure of a model statute designed to demonstrate the legislative feasibility of the fusion project.

Authoritative and thought-provoking commentary is provided by:

- Professor P. Appelbaum (Professor of Psychiatry, Medicine and Law, Columbia University, USA) and Professor T. Burns (Professor of Social Psychiatry, University of Oxford): the underlying rationale;
- Professor Alec Buchaman (Associate Professor, Law and Psychiatry, Yale University, USA) and Kris Gledhill (Barrister and Senior Lecturer, Law School, University of Auckland, New Zealand): the interface with the criminal justice system;
- Robert Robinson (Solicitor and part-time Judge of the First-tier Tribunal (mental health)): the role of the tribunal;
- Professor Anthony Holland (Professor in the Psychiatry of Learning Disabilities, University of Cambridge) and Aswini Weeraratne (Barrister and part-time Judge of the First-tier Tribunal (mental health)): the safeguards for “informal” patients;
- Professor Jacqueline Atkinson (Professor of Mental Health Policy, University of Glasgow) and Hilary Patrick (Honorary Fellow, School of Law, University of Edinburgh): the experience in Scotland;
- Maura McCallion and Ursula O’Hare (Assistant Directors, Law Centre (NI)): the position in Northern Ireland following the Bamford Review’s report, ‘A Comprehensive Legislative Framework’.

Szmukler, Daw and Dawson provide a response, and the Issue concludes with

- The text of the model statute;
- An overview by Kris Gledhill of the law reform debate to date.

“The implementation of the Mental Health Act 2007 revisions to both the Mental Health Act 1983 and the Mental Capacity Act 2005 have illustrated all too clearly the practical difficulties involved in managing the interface between the two parallel structures. This Special Issue provides us with a valuable opportunity to ask whether there is in fact another way.” (Professor Genevra Richardson (King’s College, London), Guest Co-editor)

This special edition of the Journal of Mental Health Law is due to be published in April 2010 at a cost of £24.99 plus £4.00 postage & packing. If you would like to purchase a copy please complete the application form overleaf.
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