

Court of Protection

Legal Update | Week 4, 2026

Introduction

This weekly legal update provides practitioners with the latest developments in court of protection. It includes recent case law, news updates, key legislation references, and useful resources for legal professionals.

Focus areas: Mental Capacity Act 2005, deprivation of liberty, capacity assessments, best interests decisions

This Week's Coverage

- MCA 2005 key provisions
- DoLS and LPS updates
- Capacity assessment guidance
- Best interests checklist
- Recent case law

Recent Case Law

Court of Protection

- Parr v Cheshire East Council & Anor [2026] EWCOP 1 (T3) (09 January 2026)
Published: 2026-01-09
- London Borough of Lewisham v SL & Anor [2025] EWCOP 51 (T3) (19 December 2025)
Published: 2025-12-19
- SW v Nottingham City Council & Anor [2025] EWCOP 53 (T3) (19 December 2025)
Published: 2025-12-19
- Royal Free NHS Foundation Trust v EF & Ors [2025] EWCOP 52 (T3) (19 December 2025)
Published: 2025-12-19
- LM, In the Matter Of [2025] EWCOP 50 (T2) (09 December 2025)
Published: 2025-12-18

Court of Appeal (Civil)

- Secretary of State for Work & Pensions v NJ [2026] EWCA Civ 23 (22 January 2026)
Published: 2026-01-22
- Hawes, R (On the Application Of) v London Borough of Tower Hamlets [2026] EWCA Civ 24 (22 January...
Published: 2026-01-22
- Allen v The Secretary of State for Work And Pensions [2026] EWCA Civ 19 (21 January 2026)
Published: 2026-01-21
- Cloisters Business Centre Management Company Ltd v Anvari & Anor [2026] EWCA Civ 17 (21 Janua...
Published: 2026-01-21
- Bicknell & Anor v NHS Nottingham And Nottinghamshire Integrated Commissioning Board [2026] EW...

Published: 2026-01-21

News & Commentary

OPG Blog

- Investigations at OPG

Published: 2026-01-16

- Power of Attorney Stories: Justine

Published: 2026-01-13

- Power of Attorney Stories: Jill

Published: 2025-10-14

- Power of Attorney Stories: Nick

Published: 2025-10-10

- Power of Attorney Stories: Jennie

Published: 2025-10-08

Key Legislation

- Mental Capacity Act 2005
- Mental Capacity Act 2005 Code of Practice
- Court of Protection Rules 2017
- Deprivation of Liberty Safeguards (DoLS)

Useful Resources

- legislation.gov.uk - Mental Capacity Act 2005
- GOV.UK - MCA Code of Practice
- GOV.UK - Court of Protection Forms
- BAILII - EWCOP case law
- 39 Essex Chambers - Mental Capacity Law Newsletter

This document is for general information only and does not constitute legal advice. For specific legal advice, please consult a qualified legal professional.

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