

Capacity evidence

How is the Court dealing with the particular difficulties of (1) distorted memories, (2) false beliefs and (3) personality change? What if capacity fluctuates?

John McKendrick QC

Fluctuating Capacity

Royal Borough of Greenwich v CDM [\[2018\] EWCOP 15](#)

Cheshire West And Chester Council v PWK [\[2019\] EWCOP 57](#)

A,B & C v X, Y & Z [\[2012\] EWHC 2400 \(COP\)](#)

United Lincolnshire Hospital NHS Trust v CD [\[2019\] EWCOP 24](#)

Wakefield MDC and Wakefield CCG v DN and MN [\[2019\] EWHC 2306 \(Fam\)](#)

Guys and St Thomas v R [\[2020\] EWCOP 4](#)

Distorted/False Beliefs - Anorexia

A Local Authority v E (by her Litigation Friend, the Official Solicitor) & Others [2012] EWHC 1639 (COP)

The NHS Trust v L (by her Litigation Friend, the Official Solicitor) & Others [2012] EWHC 2741 (COP)

A NHS Trust v Ms X [2014] EWCOP 35

Betsi Cadwaladr Uni Local Health Board v Miss W [2016] EWCOP 13

Cheshire and Wirral Trust v Z [2016] EWCOP 56

Northamptonshire v AB [2020] EWCOP 40

Other Capacity Cases

AMDC v AG and CI [2020] EWCOP 58

Kings College Hospital NHS Foundation Trust v C and V [2015] EWCOP 80

Tower Hamlets v PB [2020] EWCOP 34

Thank you!

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