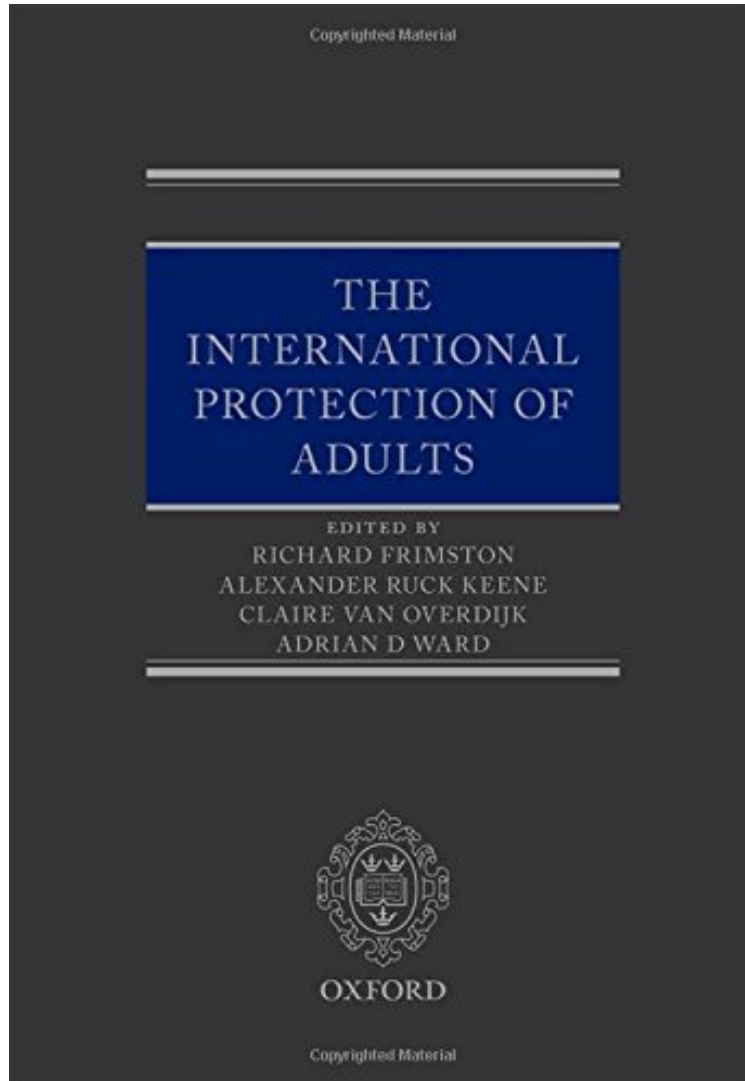


The International Protection of Adults

From Oxford University Press
*DOC | *audiobook | ebooks | Download PDF | ePub*



[Download](#)

[Read Online](#)

#5056905 in Books 2015-05-26 Original language: English PDF # 1 7.10 x 2.10 x 9.80l, #File Name: 0198727259896 pages | File size: 30.Mb

From Oxford University Press : The International Protection of Adults before purchasing it in order to gauge whether or not it would be worth my time, and all praised The International Protection of Adults:

0 of 0 people found the following review helpful. Fascinating By Phillip Taylor MBECROSS BORDER AND INTERNATIONAL ISSUES RELATING TO THE PROTECTION OF ADULTS: THE LEGAL LANDSCAPE ACROSS A WORLDWIDE RANGE OF JURISDICTIONS An appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chamber Published recently by the Oxford University Press, The International Protection of Adults contains a prodigious amount of research, comment and explanation primarily on the legal issues and implications surrounding intellectual disabilities suffered by adults, a subject area which, as the editors point out,

crosses all of the subject areas into which the law is traditionally divided. Add to all this the international dimension and the phenomenon, at least in western countries, of an aging population which collectively has become increasingly more mobile. The result is an area of law in which intellectual disability (frequently caused by Alzheimers) has no respect for international boundaries and which has become all the more complex, diverse, far-reaching and certainly challenging to practitioners. The editors, two barristers and two solicitors, all experts in this field -- have therefore produced an important and useful work of reference which aims to bring order and clarity to the confusion and downright puzzlement created by the legal difficulties and uncertainties inherent in matters of intellectual disability in cross-border situations. To this end they have been ably assisted by a rather vast and impressive team of international contributors and correspondents from literally dozens of jurisdictions worldwide in an attempt, in their words to assemble a global picture. An important point is made here that this is not a book that deals with mental health law; rather it is specifically about intellectual disability. The editors are careful to mention that in modern legal systems, intellectual disabilities and mental illness are treated separately. This, they add, is reflected in the scope of Hague 35, analysed in detail in Part II of this book. Hague 35, to remind you, is The Hague Convention on the International Protection of Adults of 13th January 2000 which references -- and follows on from -- the Convention of 19th October 1996 on the Protection of Children. Hague 35 and an explanatory report by Professor Lagarde of the Sorbonne (who has also written the Foreword) are reproduced in the Appendix. As the editors point out, Hague 3 and the Lagarde Report are fundamental to an understanding of this subject. Within its more than 800 pages this volume provides an overview of this subject in Part I, prior to a detailed examination of Hague 35 in Part II. Part III presents discussions of existing law in over forty jurisdictions worldwide, from the UK, Ireland and other British islands, to the seven Hague 35 states, to the non-Hague 35 states, which include the US, Australia, five Canadian provinces and a range of others, including the Peoples Republic of China, Japan, Singapore, Russia and Turkey. Useful and detailed case studies in Part IV offer background information and insights into a range of contingencies which commonly arise in this field. For such a complicated subject, the book is accessible, clearly written, and easy to use, with a detailed table of contents, footnoting throughout and a handy index at the back. Interestingly, contact details for the editors as well as the individual contributors and correspondents are supplied, as indicated in the preface. Also note the extensive tables of cases, statutes and secondary legislation and international instruments. As this is an expanding, as well as fascinating area of law, international lawyers, particularly those in private law, will no doubt regard this topical and timely book as an essential purchase. The publication date is cited as at 2015.

Increasing numbers of people have connections with one country, but live and work in another, frequently owning property or investments in several countries. People with lifelong or subsequently developed impairments of capacity move cross-border or have property or family interests or connections spread across different jurisdictions. This new work fills a gap in a specialist market for a detailed work advising lawyers on all the considerations in these situations. The book provides a clear, comprehensive, and unique overview of all relevant capacity and private international law issues, and the existing solutions in common law and civil law jurisdictions and under Hague Convention XXXV. It sets out the existing law of various important jurisdictions, including detailed chapters on the constituent parts of the UK, Ireland, Jersey, the Isle of Man and the Hague 35 states; and shorter chapters on 26 Non-Hague states and those within federal states, including coverage of the United States, several Australian and Canadian states, and a number of other Commonwealth jurisdictions. Containing a number of helpful case studies and flowcharts, the book draws upon the expertise of the editors in their respective fields, together with detailed contributions from expert practitioners and academics from each relevant jurisdiction. All the editors and many of the contributors and correspondents are members of STEP.

"The authors and editors of this book have provided a text that must surely be regarded as the locus classicus of its subject in the English language. This book is an indispensable guide to this emerging area of law and is highly recommended." - Jonathan Fitch, University of Aberdeen (International and Comparative Law Quarterly) "The International Protection of Adults ... will be of use to anybody wanting a more in-depth analysis of a particular jurisdiction's provisions for mental incapacity, as well as those who want detailed information about such cross-border issues as is covered by the provisions contained in Hague 35." - Laura Pritchard-Jones, Medical Law "Compliments must go to the authors for the excellent organisation of the work and for the concise, functional and practical approach to what are often very dense and thorny issues. This is a book aimed at helping the practitioner, but it is also an enriching one because of its 360 approach to the fascinating topic of adult protection, including its historical legal origins. This specialised book will no doubt become a core reference work for trust and estate practitioners and fills a significant existing void in the subject area." - Margaret O'Sullivan, Principal of O'Sullivan Estate Lawyers, Toronto "As this is an expanding, as well as fascinating area of law, international lawyers, particularly those in private law, will no doubt regard this topical and timely book as an essential purchase." - Philip Taylor MBE Elizabeth Taylor of Richmond Green Chambers About the Author Richard Frimston, Partner and Head of Private Client Group, Russell Cooke LLP, Alexander Ruck Keene, Barrister, 39 Essex Street, Adrian Ward MBE, Solicitor and Partner, TC Young,

Claire van Overdijk, Barrister, No. 5 Chambers Richard Frimston is a Partner and Head of the Private Client Group at Russell Cooke LLP, London. He is highly regarded for his expertise in cross-border estates and international private law issues. Richard is a member of the British Institute of International and Comparative Law, the International Academy of Estate and Trust Law and the Association of Contentious Trust and Probate Specialists. He is currently Chair of the EU STEP committee. He was a member of the EU Commission experts groups PRM III and IV in relation to succession and matrimonial property and he has given evidence on these and cross border capacity issues to the House of Lords sub-committee E and regularly to the EU Parliament Legal Affairs Committee. Alexander Ruck Keene is a barrister at 39 Essex Street, London where a very significant proportion of his practice is in proceedings under the Mental Capacity Act 2005. He has experience of appearing/advising upon all aspects of the English Court of Protection's jurisdiction, and has appeared in the majority of the reported cases concerning its jurisdiction in cross-border cases. He is a member of the Law Society of England's Mental Health and Disability Committee, the author or co-author of leading textbooks in the field of mental capacity, and is an Honorary Research Lecturer at the University of Manchester. Adrian Ward is a solicitor and partner in TC Young LLP, Glasgow and is a recognised Scottish and international expert in adult incapacity law. He has lectured and advised, and his prolific output of books and articles has been published, in many countries over more than three decades. Throughout that period he has acted in or instructed many leading cases in the field, and has been continuously involved in law reform processes. His international work has included work as adviser to World Health Organisation, delivering European Union projects, and serving as British member of the Council of Europe's expert working party on powers of attorney and advance directives. His books include the current standard Scottish texts on the subject. He has been founder chairman of NHS Trusts and a Mental Health Association, and has also engaged in service delivery projects overseas. He has been convener of the Mental Health and Disability Committee of the Law Society of Scotland since 1989. His awards include an MBE for services to the mentally handicapped in Scotland; national awards for legal journalism, legal charitable work and legal scholarship; and the lifetime achievement award at the 2014 Scottish Legal Awards. Claire van Overdijk is a barrister at No. 5 Chambers, London where she specialises in mental capacity law and in proceedings under the health and welfare and property and affairs jurisdictions of the English Court of Protection, as well as the Court's international jurisdiction. Claire has also co-authored the leading text on the jurisdiction of the Court of Protection and is a member of the Law Faculty of University College London where she teaches private international law on the LL.M course.