
Preface

The possibility of a single statute to replace our current dual approach must now be the most fundamental issue confronting mental health and mental capacity law reform. I was therefore delighted to be offered the opportunity to co-edit this Special Issue.

The question of a single statute was already live when the Expert Committee started its work in 1998 and, although it did not fall within our narrow brief, we were conscious both of its enormous potential and of the practical difficulties involved in turning it into reality. George Szukler, Rowena Daw and John Dawson by presenting both the arguments in principle and a model legislative framework have provided an invaluable opportunity to explore this central issue in all its aspects. I am immensely grateful to them and to the Journal for providing the ideal public and interdisciplinary forum for this vital debate. I am also extremely grateful to the commentators for engaging so seriously with the issues raised. They represent an outstanding body of expertise in both law and psychiatry from across the UK and beyond, and their thoughtful comments have contributed vitally to the quality and breadth of the debate.

This Special Issue opens with an introduction by *Szukler, Daw and Dawson* outlining the case for “fusion” and describing the structure of a model statute designed to demonstrate the legislative feasibility of the fusion project. The following section contains the commentaries engaging with the underlying rationale (*Appelbaum and Burns*); the interface with the criminal justice system (*Buchanan and Gledhill*); the role of the tribunal (*Robinson*); the safeguards for “informal” patients (*Holland and Weereratne*); and the experience in Scotland and Northern Ireland (*Atkinson and Patrick*, and *McCallion and O’Hare*).

As editors we were keen to provide *Szukler, Daw and Dawson* with the opportunity to respond to the many important issues raised by the commentators, and the third section of the Issue contains their response. This is then followed by the text of the draft model statute in the original form in which it was sent for comment and an Addendum, subsequently drafted by *Szukler et al* to take account of some of the points raised. The final section contains an overview by *Gledhill* of the law reform debate to date.

Between them the contributors to this very Special Issue have provided us with an authoritative and thought provoking analysis of a fundamental debate. It is also extremely timely. The implementation of the 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 ask whether there is in fact another way.

Genevra Richardson

Guest Editor

