

A CRITICAL COMPARISON OF THE JUDICIAL APPROACH TO CAPACITY TO CONSENT TO SEXUAL RELATIONS IN *X CITY COUNCIL v MB, NB AND MAB* [2006]

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ACT-SPECIFIC APPROACH

CRITICISM

- ## PERSON-SPECIFIC APPROACH

CRITICISM

- ## THEMES AND ISSUES

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- A 3D illustration of a single orange puzzle piece with the word "CAPACITY" written on it in white capital letters. The piece is slightly raised and casts a shadow on the surface below it. The background consists of many white puzzle pieces, some of which are also slightly raised, creating a sense of depth. The overall image is set against a light gray background.

Murat Olmez/Shutterstock.com

RESOLUTION?

IM v LM [2014] EWCA Civ 37

‘The criminal law bites only retrospectively... The civil law requires prospective assessment in the light of the particular circumstances of the affected individual.’

‘On a pragmatic basis, if for no other reason, capacity to consent to future sexual relations can only be assessed on a general and non-specific basis.’

THE FUTURE

Supported rather than substitute decision making

- [illegible]