

Elderly People and the Law

Second Edition

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FOREWORD TO THE FIRST EDITION

There used to be three ages of man and womankind – childhood, adulthood and old age – but now there are four. Most of us can expect to enjoy several years in the third age – what used to be called ripe old age. Comparatively few will spend much if any time in the fourth age – when ripeness turns to decay in physical or mental faculties or even both. And all of us must die, with or without our faculties and property intact.

So most of the law which elderly people and those advising them need to know is about how to make the best of the third age – to obtain the right pension and other benefits, to make the most of their savings, investments and other property, to maximise the opportunities for useful if not necessarily gainful occupation, to gain access to the full range of educational, recreational, health and social services available, to secure ready redress if those who should be providing these things let them down, and generally to combat the pervasive ageism in our society.

But people in or approaching the fourth age also need to know how to secure the more specialist services they may need, to complain effectively if these are not provided, to obtain protection against neglect or abuse or exploitation, and to provide so far as possible for what they would like to happen to them should they become unable to decide for themselves. Although the proportion of people who may need to know these things is comparatively small, the numbers are large and expected to grow.

The legal provisions are also comparatively complex but still inadequate to meet the needs of this growing group. The proposals of the Law Commission to improve the protection given to mentally incapacitated and other vulnerable adults are due to be published in March 1995 but any legislation is bound to take some time.

And we all need to know how best to provide for our eventual death.

Any one of these subjects qualifies for a book in its own right, although some are better catered for than others in the more conventional legal literature. Gordon Ashton has produced a comprehensive, practical and readable guide which seeks to cover most if not all of the many areas of law which fall within his broad title. It is encouraging that now, six years after the International Society on Family Law held its world conference on the problems of ageing, practitioners are beginning to recognise its importance.

Not surprisingly, there is more material in this book which is directly relevant to the fourth age than to the third. But those of us who are – with what feels like increasing rapidity – approaching the third should not be dismayed. There is still a great deal for us to look forward to.

Mrs Justice Hale
Royal Courts of Justice
January 1995