Schedule 1, page 12, line 29, at end insert new sub-paragraph—
“(da) in the case of a cared-for person aged 16 or 17 (unless that person is
subject to a care order under section 31 of the Children Act 1989 or an
interim care order under section 38 of that Act) the responsible body
is satisfied that no person with parental responsibility objects to the
arrangements,”
Mental Capacity (Amendment) Bill [Lords], continued

Steve McCabe

Schedule 1, page 12, line 40, at end insert—
“(h) the cared for person has access to an Approved Mental Capacity Professional”

Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Not called 21

Schedule 1, page 12, line 41, leave out paragraph 16 and 17

Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Negatived on division 32

Schedule 1, page 13, line 46, at end insert—
“(aa) a determination made on an assessment in respect of the cared-for person as to whether the person’s capacity is likely to fluctuate, and”

Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Negatived on division 31

Schedule 1, page 13, leave out lines 47 and 48 and insert—
“(b) a determination made on an assessment by a registered medical practitioner in respect of the cared-for person that the person has a mental disorder.”

Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Negatived on division 33

Schedule 1, page 14, line 2, after “appropriate” insert “skills,”

Caroline Dinenage

Agreed to 5

Schedule 1, page 14, line 6, leave out “prescribed connection” and insert “connection, of a kind prescribed by regulations,”

Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Not called 22

Schedule 1, page 14, line 27, leave out from “means” to end of subparagraph (8)(b) and insert “the responsible body”
Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Not called 23

Schedule 1, page 14, line 41, leave out sub-paragraphs (3)(a) and (3)(b) and insert “to the responsible body”

Caroline Dinenage

Agreed to 6

Schedule 1, page 15, line 4, leave out “prescribed connection” and insert “connection, of a kind prescribed by regulations,”

Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Not called 24

Schedule 1, page 15, line 14, leave out from “out” to end of sub-paragraph (1)(b) and insert “by the responsible body”

Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Negatived on division 34

Schedule 1, page 15, line 34, at end insert—
“(3A) Where the person consulted under sub-paragraph (2) has parental responsibility for the cared-for person, the consultation shall seek to ascertain that person’s wishes and feelings in relation to the arrangements.”

Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Not called 25

Schedule 1, page 15, line 39, leave out “or 16(d)”

Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Negatived on division 35

Schedule 1, page 15, line 41, after “is” insert “employed by an organisation”

Caroline Dinenage

Agreed to 7

Schedule 1, page 16, line 1, leave out “prescribed connection” and insert “connection, of a kind prescribed by regulations,”
Mental Capacity (Amendment) Bill [Lords], continued

Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Negatived on division 36

Schedule 1, page 16, line 2, at end insert “or independent hospital.”

Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Negatived on division 38

Schedule 1, page 16, line 4, after “if” insert “the cared-for person is aged 16 or 17 and in other cases if”

Caroline Dinenage

Agreed to 8

Schedule 1, page 16, line 8, leave out “or”

Caroline Dinenage

Agreed to 9

Schedule 1, page 16, line 12, at end insert—

“(c) the arrangements provide for the cared-for person to receive care or treatment mainly in an independent hospital, or

(d) the case is referred by the responsible body to an Approved Mental Capacity Professional and that person accepts the referral.”

Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Negatived on division 37

Schedule 1, page 16, line 12, at end insert—

“(c) the arrangements include the use of physical restraint, or

(d) the arrangements include the use of sedating medication, or

(e) a person interested in the cared-for person’s welfare has objected to the arrangements, or

(f) the cared-for person owns or has the right to occupy a different property to the property in respect of which the arrangements apply, or

(g) the cared-for person is receiving covert medication, or

(h) the cared-for person is restricted from having contact with named persons, or

(i) the cared-for person is being detained in a mental health establishment for the purposes of treatment of a mental disorder, or

(j) there is a less restrictive option for the cared-for person’s care or residence available, or

(k) the cared-for person, or a person interested in the cared-for person’s welfare, requests the review be by an Approved Mental Capacity Professional.”
Schedule 1, page 16, line 12, at end insert—
“(c) the arrangements provide for the cared-for person to receive care or treatment, and it is reasonable to believe that the cared-for person does not wish to receive the specific kinds of care or treatment which the arrangements provide for, or
(d) it is reasonable to believe that the cared-for person does not wish to receive care or treatment overall.”

Caroline Dinenage

Schedule 1, page 16, line 31, leave out “(whether or not paragraph 21(2) applies)”

Schedule 1, page 16, line 38, leave out “if it appears to the Approved Mental Capacity Professional to be appropriate and practicable to do so”

Schedule 1, page 17, line 2, at end insert—
“23A If the Approved Mental Capacity Professional determines that—
(a) the authorisation conditions are not met, or
(b) that the authorisation conditions are met but that—
(i) the cared-for person or a person interested in the cared-for person’s welfare objects to the arrangements, or
(ii) the cared-for person would wish to object to the arrangements but cannot communicate an objection
the Approved Mental Capacity Professional must notify the responsible body within 48 hours that a referral to the court is likely to be required.”

Schedule 1, page 17, line 14, leave out “or 17(2)(b)(iii)”

Schedule 1, page 17, line 30, leave out “12 months” and insert “3 months”
Mental Capacity (Amendment) Bill [Lords], continued

Steve McCabe

Schedule 1, page 18, line 24, leave out “12 months” and insert “3 months”

Not called 49

Barbara Keeley
Paula Sherriff
Thangam Debbonaire
Alex Norris

Negatived on division 44

Schedule 1, page 18, line 24, leave out from “less” to end of sub-paragraph (1)(b)

Steve McCabe

Schedule 1, page 18, line 25, leave out “3 years” and insert “6 months”

Not called 50

[Adjourned until Tuesday 22 January at 9.25am]