



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 29 March 2019

New Amendments handed in are marked thus ★

Amendments tabled since the last publication: LA1B (a) and LA25A (a) and (b)

CONSIDERATION OF LORDS MESSAGE

MENTAL CAPACITY (AMENDMENT) BILL [*LORDS*]

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the order in which the Lords Amendments were received.

On Consideration of a Lords Amendment in lieu of a Commons Amendment disagreed to

Lords Amendment No. **1B**

Secretary Matt Hancock

To move, That this House does not insist on Commons Amendment No. 1 to which the Lords have disagreed, disagrees to Lords Amendment No. 1B proposed in lieu of Commons Amendment No. 1 but proposes the following Amendment to the Bill in lieu of the Lords Amendment:—

★ Page 3, line 28, at end insert the following new Clause—

(a)

“ **Deprivation of liberty: code of practice**

- (1) Section 42 of the Mental Capacity Act 2005 (codes of practice) is amended as follows.

Mental Capacity (Amendment) Bill [Lords], continued

- (2) After subsection (1) insert—
- “(1A) Guidance about what kinds of arrangements for enabling the care or treatment of a person fall within paragraph 2(1)(b) of Schedule AA1 must be included in the code, or one of the codes, issued under subsection (1).”
- (3) After subsection (2) insert—
- “(2A) Before the end of each review period the Lord Chancellor must—
- (a) review each code for the guidance of persons exercising functions under Schedule AA1, and
- (b) lay a report of the review before Parliament.
- But this does not affect the Lord Chancellor’s functions under subsection (2).
- (2B) A review period is—
- (a) in relation to the first review, the period of 3 years beginning with the day on which this subsection comes into force, and
- (b) in relation to subsequent reviews, each period of 5 years beginning with the day on which the report of the previous review was laid before Parliament.”
- (4) In subsection (3) after “preparation” insert “, review”.”

*On Consideration of a Lords Amendment to a Commons Amendment*Lords Amendment No. **25A**

Secretary Matt Hancock

To move, That this House disagrees to Lords Amendment No. 25A proposed to Commons Amendment No. 25 but proposes the following Amendments to Commons Amendment No. 25 in lieu of the Lords Amendment:—

- ★ Line **2**, leave out from “(1)” to “to” in line 3 and insert “After authorising arrangements the responsible body must, without delay, arrange for a copy of the authorisation record to be given or sent” (a)
- ★ Line **10**, at end insert— (b)
- “(1A) If the responsible body has not, within 72 hours of arrangements being authorised, arranged for a copy of the authorisation record to be given or sent to each of the persons mentioned in paragraphs (a) to (d) of sub-paragraph (1), the responsible body must review and record why not.”