

Mental Capacity (Amendment) Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS FINLAY OF LLANDAFF

Page 1, line 9, at end insert—

“() After section 4A, insert—

“4AA Compatibility with other provisions in the Mental Capacity Act 2005

Nothing under section 4B or Schedule AA1 to, this Act permits the authorisation of any arrangements for enabling care or treatment of a person that give rise to a deprivation of liberty which conflicts with sections 1 to 4 of this Act, or a valid decision to refuse care or treatment by the donee of lasting power of attorney or a court appointed Deputy or contained in a valid advance decision to refuse treatment.”

Schedule 1

BARONESS FINLAY OF LLANDAFF

Page 12, line 19, leave out “*Consultation*” and insert “*Duty to ascertain wishes and feelings of the cared-for person*”

- () The main purpose of the consultation required under this paragraph is to try to ascertain the cared-for person’s wishes or feelings in relation to the arrangements and the likely impact of the arrangements on the cared-for person’s wellbeing.”

Page 12, leave out lines 36 to 38

Page 13, line 15, at end insert—

- “() a person interested in the welfare of the cared-for person or involved in caring for that person has expressed concerns about the arrangements, or
() where the rationale for the arrangements is based on the risk to others, or
() where the arrangements involve restrictions on contact with named persons.”

Schedule 1 - *continued*

Page 13, line 30, at end insert –

“() consider whether the view of the Court of Protection should be sought.”

Page 18, line 18, leave out “the manager is the opinion” and insert “there is reason to believe”

Page 18, line 32, leave out “only”

Page 18, line 33, at end insert “ or a person concerned with the welfare of the cared-for person has requested independent support for the cared-for person”

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23 August 2018
