

Mental Capacity (Amendment) Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD HUNT OF KINGS HEATH

Lord Hunt of Kings Heath gives notice of his intention to oppose the Question that Clause 1 stand part of the Bill.

Schedule 1

BARONESS BARKER
BARONESS JOLLY

Page 11, line 41, after the first “person,” insert “based on evidence,”

Page 14, line 7, at end insert –

- “(5) The responsible body must ensure that the cared-for person, any appropriate person, and any Independent Mental Capacity Advocate supporting and representing them, are given copies of the authorisation record as soon as possible after authorisation is granted.
- (6) The responsible body must provide copies of the authorisation record to any persons consulted under paragraph 22 if they request a copy, unless there is good reason not to do so.”

Page 14, line 7, at end insert –

“Duty to inform the cared-for person about the authorisation and their rights

21A This paragraph applies if the arrangements are authorised.

(1)

- (2) The responsible body must take such steps as are practicable to ensure that the cared-for person and any appropriate person or IMCA representing and supporting them understands all of the following –
- (a) the effect of the authorisation;
 - (b) the right to make an application to the court to exercise its jurisdiction under section 21ZA;
 - (c) the right to request an independent assessment by an Approved Mental Capacity Professional under paragraph 18;

Schedule 1 - *continued*

- (d) the right to have an appropriate person appointed; and
 - (e) the right to have an IMCA appointed
- (3) Those steps must be taken as soon as is practicable after the authorisation is given.
- (4) Those steps must include the giving of appropriate information both orally and in writing, and using any appropriate communication aids or reasonable accommodations to support the person's understanding."

Mental Capacity (Amendment) Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

31 August 2018
