

# Mental Capacity (Amendment) Bill [HL]

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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## Schedule 1

### BARONESS FINLAY OF LLANDAFF

Page 11, leave out lines 12 and 13 and insert—

“(b) that the liberty protection arrangements impose physical restrictions on the cared-for person,”

Page 11, line 42, at end insert—

“( ) a determination made on an assessment in respect of the cared-for person, that the person lacks the capacity to consent to the arrangements, and this determination is in accordance with section 2 of this Act, and”

Page 12, line 10, at end insert—

“( ) The conditions when a restriction on the cared-for person’s liberty can be authorised are when the cared-for person is subject to restrictions of a degree and intensity—

- (a) that are greater than restrictions which respected the cared-for person’s rights to a private and family life before entering the place of care, and
- (b) are not temporary as required to achieve therapeutic improvement in an acute condition of the cared-for person, or
- (c) are additional to the restriction that the cared-for person’s underlying illness or disorder has imposed.”

Page 12, line 12, at end insert “, and

( ) protect the liberty of the cared-for person, and  
( ) respect the wishes and feelings of the cared-for person.”

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*20 September 2018*

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