AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE
[Supplementary to the Second Marshalled List]

Clause 2
BARONESS THORNTON
Baroness Thornton gives notice of her intention to oppose the Question that Clause 2 stand part of the Bill.

Clause 3
BARONESS THORNTON
Page 3, line 33, at end insert—

“21ZB Presumption of P giving evidence
(1) This section applies where an authorisation under Schedule AA1—
   (a) has effect, or
   (b) is to have effect from a date specified under paragraph 22 of that Schedule.
(2) P shall be presumed to give evidence in Court of Protection proceedings.
(3) This presumption may be rebutted, having regard to P’s rights, including by evidence that P—
   (a) is not competent to give sworn evidence; or
   (b) does not wish to provide evidence (in whichever form) to the court.
(4) Evidence from P shall be secured in any form that the court and the parties consider appropriate having regard to P’s circumstances and may include the following—
   (a) sworn evidence given orally in court;
   (b) unsworn evidence given orally in court;
   (c) unsworn evidence given outside of the court;
   (d) a written statement;
   (e) pre-recorded evidence.
Clause 3 - continued

(5) The appropriate authority may make regulations outlining the measures that will be available to support P to give evidence in proceedings.”

Baroness Thornton gives notice of her intention to oppose the Question that Clause 3 stand part of the Bill.

After Clause 3

BARONESS MEACHER
BARONESS MURPHY
BARONESS WATKINS OF TAVISTOCK

Insert the following new Clause—

“Non-application to individuals in domestic settings

This Act does not apply to individuals in domestic settings where possible deprivation of liberty is at issue.”
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17 October 2018