

Mental Capacity (Amendment) Bill [HL]

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Third Marshalled List]

Amendment
No.

After Clause 2

BARONESS FINLAY OF LLANDAFF

83ZA★ Insert the following new Clause—

“Lasting powers of attorney: identity documentation

- (1) The Mental Capacity Act 2005 is amended as follows.
- (2) After section 14 (protection of donee and others if no power created or power revoked), insert—

“Identity documentation

- (1) For the purposes of complying with the deprivation of liberty safeguard provisions under sections 4A and 4B of and Schedule AA1 to this Act, the Office of the Public Guardian shall issue documentation to identify the donor and the donee of the lasting powers of attorney of a person P, which may include electronic visual identification.
- (2) In the event of the donor revoking a donee’s appointment under section (*Revocation of donee’s appointment by donor*) of the Mental Capacity (Amendment) Act 2018, the Office of the Public Guardian must recall previous documentation prior to reissuing revised relevant identity documentation.”

After Clause 3

BARONESS FINLAY OF LLANDAFF

87G★ Insert the following new Clause—

“Revocation of donee’s appointment by donor

- (1) A donor may revoke a donee’s lasting power of attorney in relation to their duties under Schedule 1 by notifying the Office of the Public Guardian.
- (2) The Mental Capacity Act 2005 is amended as follows.

After Clause 3 - continued

- (3) In section 10 (appointment of donees), in subsection (8)(b) at end insert “or in relation to their duties under Schedule AA1 on the revocation of the donee’s appointment by the donor in accordance with section (*Revocation of donee’s appointment by donor*) of the Mental Capacity (Amendment) Act 2018.””

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19 October 2018
