

# Mental Capacity (Amendment) Bill [HL]

---

AMENDMENTS  
TO BE MOVED  
ON REPORT

---

## Schedule 1

BARONESS HOLLINS  
BARONESS THORNTON  
BARONESS JOLLY  
BARONESS WATKINS OF TAVISTOCK

Page 10, line 8, at end insert –

*“Rights to information*

11A(1) Prior to the authorisation process, the cared-for person must be fully informed of their rights.

(2) The responsible body must take such steps as are practicable to ensure that the cared-for person and any appropriate person or Independent Mental Capacity Advocate representing and supporting them understand the possible outcome of the assessments, the reasons why the cared-for person may be deprived of their liberty and their rights –

(a) to request an Approved Mental Capacity Professional’s assessment and review of the arrangements,

(b) to advocacy, and

(c) to challenge the authorisation in court.

(3) If an Independent Mental Capacity Advocate is appointed under Part 5, the advocate is to take such steps as are practicable to help the cared-for person and the appropriate person to understand the following matters –

(a) the steps involved in the authorisation process,

(b) the purpose, duration and effect of the authorisation,

(c) any conditions to which the authorisation is subject,

(d) the reasons why the cared-for person met the qualifying requirements in question,

(e) the right to object to the authorisation and the right to request a review by an Approved Mental Capacity Professional,

(f) the outcome of a review of the arrangements,

(g) the relevant rights of the cared-for person,

(h) how the cared-for person may exercise relevant rights.

**Schedule 1 - continued**

- (4) In this paragraph, “relevant rights” includes the right to make an application to the court to challenge an authorisation decision in court under section 21ZA and the right to request a review of the arrangements.
- (5) The responsible body must ensure that cases are referred to court when the cared-for person’s right to a court review is engaged.”

Page 14, line 7, at end insert –

- “( ) The responsible body must –
- (a) ensure that the cared-for person, any appropriate person, and any Independent Mental Capacity Advocate supporting and representing the cared-for person, are given copies of the authorisation record and care plan as soon as possible after authorisation is granted,
  - (b) provide copies of the authorisation record to any persons consulted under paragraph 17 if they request a copy, unless there is good reason not to do so.”

# Mental Capacity (Amendment) Bill [HL]

---

AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*13 November 2018*

---