



By email: mentalcapacitybill@niassembly.gov.uk

Dr Kathryn Aiken
Clerk
Ad hoc joint committee on the Mental Capacity Bill
Room 410
Parliament Buildings
Stormont
Belfast
BT4 3XX

26 November 2015

Dear Kathryn

MENTAL CAPACITY BILL

Thank you for your letters of 9 and 11 November following the Committee's further deliberations on Parts 1, 2, 3, 4, 5 and 12 of the Bill.

Further to my holding reply of 24 November, the Department's comments and responses to the queries raised in those letters are set out below (excluding those issues that were discussed at the evidence session on 16th November).

Clause 7

Reference to Enduring Power of Attorney (EPA)

As requested, a draft amendment for the Committee's consideration can be found in Annex A of my separate letter of today's date on Departmental amendments.

Clause 18

As requested, a draft amendment for the Committee's consideration can be found in Annex A of my separate letter of today's date on Departmental amendments.

Clause 84

"Independent Mental Capacity Advocates"

As requested, draft amendments for the Committee's consideration can be found in Annex A of my separate letter of today's date on Departmental amendments.

"As far as practicable"

As requested, a draft amendment for the Committee's consideration can be found in Annex A of my separate letter of today's date on Departmental amendments.

Clauses 95 and 110

Position in relation to 16 and 17 year olds and proposed retention of the Enduring Power of Attorney scheme (EPA)

We continue to work with colleagues in the Department of Finance and Personnel to finalise the position in relation to Lasting Powers of Attorneys (LPA) and 16 and 17 year olds and will update the Committee as soon as possible.

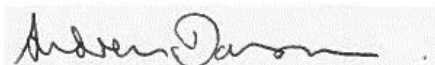
As part of that work, we are also considering the potential implications of retaining the existing EPA scheme alongside the new LPA system, as Departments continue to have concerns with the Committee's proposal.

Clause 255 and Schedule 8

Register for under 18s

As requested, a draft amendment for the Committee's consideration can be found in Annex A of my separate letter of today's date on Departmental amendments.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Andrew Dawson", is placed over a light grey rectangular background.

Andrew Dawson
Mental Health Policy Unit / Mental Capacity Bill Project
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