

# **AD HOC JOINT COMMITTEE TO CONSIDER THE MENTAL CAPACITY BILL**

## **MINUTES OF PROCEEDINGS**

**Monday, 2 November 2015  
Room 30, Parliament Buildings**

**Present:** Mr Alastair Ross MLA (Chairperson)  
Mr Patsy McGlone MLA (Deputy Chairperson)  
Mrs Pam Cameron MLA  
Mrs Jo-Anne Dobson MLA  
Mr Alex Easton MLA  
Mr Paul Frew MLA  
Mr Seán Lynch MLA  
Mr Raymond McCartney MLA  
Ms Rosie McCorley MLA  
Mr Neil Somerville MLA

**In Attendance:** Dr Kathryn Aiken (Clerk)  
Ms Elaine Farrell (Assistant Clerk)  
Mrs Sharon McGurk (Clerical Supervisor)  
Mr Craig Mealey (Clerical Officer)  
Mr Tim Moore (Senior Research Officer) for agenda item 9  
Dr Janice Thompson (Research Officer) for agenda item 9

*The meeting commenced at 12.05 pm in closed session.*

*The following Members were in attendance: Mr Frew, Mr Lynch, Ms McCorley, Mr McGlone and Mr Ross.*

### **1. Committee deliberations on Part 9 & 10 of the Mental Capacity Bill**

The Committee discussed the evidence received to date on Part 9 & 10 of the Bill and agreed to write to the Department on a number of issues.

*12.07 p.m. Mr Somerville joined the meeting.*

*12.10 p.m. Mr Easton joined the meeting.*

*12.14 p.m. Mrs Cameron joined the meeting.*

### **2. Committee deliberations on Part 6, 7, 8, 11, 13, 14 & 15 of the Mental Capacity Bill**

*Noted:* The Committee noted correspondence dated 21 October 2015 from the Commissioner for Older People for Northern Ireland in respect of Part 13 of the Mental Capacity Bill.

The Committee discussed the evidence received to date on Part 6, 7, 8, 11, 13, 14 & 15 of the Bill and agreed to write to the Department on a number of issues.

*Agreed:* The Committee agreed that the Clerk would liaise with RaISE to do background work on the Convention on the International Protection of Adults and its relationship to Schedule 9 of the Bill.

*12.50 p.m. Mr Somerville left the meeting.*

**3. Follow up on Part 2, 3, & 4 of the Bill.**

*12.48 p.m. Mr Lynch left the meeting.*

*Noted:* The Committee noted the correspondence from the DHSSPS dated 20 October 2015 regarding the delay to the response to Part 2, 3 & 4 of the Bill due to no ministerial clearance.

*The meeting moved into open session at 1.00 p.m.*

*Mr Easton left the meeting at 1.10 p.m.*

**4. Apologies**

None.

**5. Chairperson's Business**

None.

**6. Draft Minutes of the meeting on Monday 19 October 2015**

The minutes of the Committee meeting on Monday 19 October 2015 were agreed.

**7. Forward Work Programme**

*Noted:* The Committee noted the Forward Work Programme.

**8. Background papers**

*Noted:* The Committee noted the background papers in respect of the Mental Capacity Bill.

**9. Briefing from RaISE: Clause 11 – Advance Decisions**

The Research Officers joined the meeting at 1.02 p.m. and briefed the Committee on their papers on Advance Decisions.

*1.03 p.m. Mr McCarthy joined the meeting.*

*1.04 p.m. Ms McCorley left the meeting.*

*1.08 p.m. Mrs Dobson joined the meeting.*

**10. Departmental evidence session: Clause 11 – Advance Decisions**

The following Departmental officials joined the meeting at 1.18 p.m.

Lisa Trueman, DHSSPS  
Alison McCafferty, DHSSPS

The officials briefed the Committee and this was followed by a question and answer session.

*1.32 p.m. The meeting was suspended.*

*1.53 p.m. The meeting resumed with the following Members in attendance: Mr Frew, Mr McCartney, Mr McGlone, Mr Ross and Mr Somerville.*

*2.02 p.m. Ms McCorley rejoined the meeting.*

*2.17 p.m. Mr McCartney left the meeting.*

*2.20 p.m. Mr Lynch rejoined the meeting.*

**11. Departmental evidence session: Costs associated with the Mental Capacity Bill**

The following Departmental officials joined the meeting at 2.22 p.m.

Chris Matthews, DHSSPS  
Laurene McAlpine, DoJ  
Peter Luney, NI Courts and Tribunals Service  
Tara McBride, DHSSPS

The officials participated in a question and answer session on costs associated with the Mental Capacity Bill.

**12. Any Other Business**

None.

**13. Date, Time and Place of Next Meeting**

The next Committee meeting will be on Monday, 9 November 2015 at 12pm in Room 30, Parliament Buildings.

*The Chairperson adjourned the meeting at 3.09 pm.*

Signed: \_\_\_\_\_  
*Chairperson*

Date: \_\_\_\_\_

