

AD HOC JOINT COMMITTEE TO CONSIDER THE MENTAL CAPACITY BILL

MINUTES OF PROCEEDINGS

**Monday, 16 November 2015
Room 30, Parliament Buildings**

Present: Mr Alastair Ross MLA (Chairperson)
Mrs Pam Cameron MLA
Mr Paul Frew MLA
Mr Seán Lynch MLA
Mr Raymond McCartney MLA
Ms Rosie McCorley MLA

In Attendance: Dr Kathryn Aiken (Clerk)
Ms Elaine Farrell (Assistant Clerk)
Mrs Sharon McGurk (Clerical Supervisor)
Mr Craig Mealey (Clerical Officer)
Mrs Tara Caul (Acting Director of Legal and Governance Services) for Agenda item 1

The meeting commenced at 2.02 pm in closed session.

The following Members were in attendance: Mrs Cameron, Mr Frew, Mr Lynch, Mr McCartney, Ms McCorley and Mr Ross

1. Legal Advice on Part 10 of the Mental Capacity Bill

The Acting Director of Legal and Governance Services joined the meeting at 2.03 p.m. and provided Legal Advice on Part 10 of the Mental Capacity Bill.

2.26 p.m. Ms McCorley left the meeting.

2.33 p.m. Ms McCorley rejoined the meeting.

2.41 p.m. Mrs Cameron left the meeting.

Agreed: The Committee agreed to seek a further briefing from the Department of Justice on Part 10 of the Mental Capacity Bill on 23 November 2015.

2. Follow up on Part 9 & 10 of the Mental Capacity Bill

Agreed: The Committee noted the responses from the Department on issues raised in respect of Part 9 and 10 of the Mental Capacity Bill; the Committee agreed to write to the Department on a number of issues.

Agreed: The Committee agreed to seek a briefing from the Department on Clause 205 on 30 November 2015. .

3. Follow up on Part 6, 7, 8, 11, 13, 14 & 15 of the Mental Capacity Bill.

Agreed: The Committee noted the responses from the Department on issues raised in respect of Part 6, 7, 8, 11, 13, 14 & 15 of the Mental Capacity Bill; the Committee agreed to write to the Department on a number of issues.

Agreed: The Committee agreed to seek a briefing from the Department on Clause 272 and Schedule 9 on 23 November 2015.

4. Follow up on Clause 11: Advance Decisions

Agreed: The Committee noted the response from the Department on issues raised in respect of Clause 11 of the Mental Capacity Bill; the Committee agreed to write to the Department to request that it brings forward an amendment to this clause.

5. Follow up on Disregard Provision

Noted: The Committee discussed the evidence received to date in respect of the proposal to extend the disregard provision for under 16s to include a period of treatment.

6. Follow up on Costs Associated with the Mental Capacity Bill

Noted: The Committee noted the correspondence from the Department in respect of estimated training costs associated with the Mental Capacity Bill for NI Prison Service.

3.07 p.m. Mr McCartney left the meeting.

The meeting moved into open session at 3.09 p.m.

7. Apologies

None.

8. Chairperson's Business

None.

9. Draft Minutes of the meeting on Monday 9 November 2015

Consideration of the minutes of the Committee meeting on Monday 9 November 2015 are deferred until the meeting on 23 November 2015.

10. Matters Arising

Noted: The Committee noted that the Department had advised the Clerk that it intends to address the issues raised in the Examiner of Statutory Rules' report in the list of amendments it will bring to Committee for its consideration at the meeting on 7 December 2015.

11. Forward Work Programme

Noted: The Committee noted the Forward Work Programme.

12. Background papers

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

13. Departmental Evidence Session: Clauses 1, 7, 16, 22 & 288

The following officials joined the meeting at 3.10 p.m. and briefed the Committee on Clauses 1, 7, 16, 22 and 288 of the Mental Capacity Bill.

Lisa Trueman, DHSSPS
Alison McCafferty, DHSSPS
Clare Irvine, DoJ

Agreed: The Committee agreed to further consider clauses 1 (4), 7 (11), 16, 22 and 288 at the meeting on 23 November 2015.

14. Any Other Business

None.

15. Date, Time and Place of Next Meeting

The next Committee meeting will be on Monday, 23 November 2015 at 12pm in Room 30, Parliament Buildings.

The Chairperson adjourned the meeting at 3.24 pm.

Signed: _____
Chairperson

Date: _____