

Thank you for your letter of 9th June regarding the Mental Capacity Bill.

Apologies for the delay in replying. I note the closing date for submissions was in fact yesterday.

PPS has previously met with DOJ officials to discuss its views on the proposed legislative changes on mental capacity, so did not make a written submission.

We would just reiterate what we discussed with the DOJ representatives, that we would welcome more clarity regarding the procedure to be followed in the Magistrates' Court for unfitness to plead. A statutory procedure is provided for the Crown Court, but as currently drafted the Bill does not provide for this in the Magistrates' Court. This was the case with the existing law, and we had anticipated that this gap would be addressed in the legislative reform proposed by the new Mental Capacity Bill.

We have spoken quite recently with Claire Irvine, the DOJ lead in this area and she is aware of our views.

Please contact me if any further information would be of assistance,

Best regards

PPSNI