

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

## **MINUTES OF PROCEEDINGS**

**Monday, 28 September 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 Seán Lynch MLA  
Mr Kieran McCarthy MLA  
Mr Raymond McCartney MLA  
Ms Rosie McCorley MLA  
Mr Neill Somerville MLA

**In Attendance:** Dr Kathryn Aiken (Clerk)  
Ms Elaine Farrell (Assistant Clerk)  
Ms Sharon McGurk (Clerical Supervisor)  
Mr Craig Mealey (Clerical Supervisor)

*The meeting commenced at 12.37 pm in closed session.*

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

### **1. Committee deliberations on Part 1 of the Bill**

The Committee discussed the evidence received to date on Part 1 of the Bill and agreed to write to the Department on a number of issues.

*12.44 Mrs Cameron joined the meeting.*

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

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

*The meeting moved into open session at 1.03 p.m.*

### **2. Apologies**

None.

**3. Chairperson's Business**

None

**4. Draft Minutes of the meeting on 21 September 2015**

The minutes of the Committee meeting on Monday 21 September 2015 were agreed.

**5. Matters arising**

Agreed: The Committee agreed to forward the report from the Examiner of Statutory Rules on the Delegated Powers Memorandum, to the Bill Office for information.

Noted: The Committee noted the additional information received from NICCY in respect of issues raised at the meeting on 21 September 2015 on Clause 256 and agreed to consider this further during the evidence session on Part 12 of the Bill.

**6. Forward Work Programme**

Noted: The Committee noted the Forward Work Programme.

**7. Briefing from RaISe**

Agreed: The Committee agreed to defer the briefing from RaISe until the next meeting on 5 October 2015.

**8. Background papers**

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

**9. Evidence session on Part 2 of the Mental Capacity Bill**

The following witnesses joined the meeting at 1.06 p.m. to speak on Clauses 35-36, 45-48, 60-62, 65, Parts 3 & 4 of the Bill. This was followed by a question and answer session.

Sinead Campbell, Disability Action  
Edward Gorrige, Mindwise  
Colin Harper, Law Centre NI  
John Mackell, Commissioner of Older People  
Delia McCartan, Southern Health & Social Care Trust  
Paschal McKeown, Mencap  
Leslie-Anne Newton, Association for Real Change  
Brian Walker, Law Society NI

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

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

*1.34 p.m. Mr McCartney re-joined the meeting.*

The following Departmental officials joined the meeting 2.07 p.m. and participated in a question and answer session.

*2.07 p.m. Mr McCarthy left the meeting.*

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

*2.18 p.m. Mr McGlone joined the meeting.*

*2.20 p.m. Mr Lynch re-joined the meeting.*

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

*2.26 p.m. Mrs Dobson left the meeting.*

#### **10. Any Other Business**

The Chairperson reminded Members of the need for prompt attendance at Committee meetings.

#### **11. Date, Time and Place of Next Meeting**

The next Committee meeting will be on Monday, 5 October 2015 at 12pm in Room 30, Parliament Buildings.

*The Chairperson adjourned the meeting at 2.36 pm.*

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

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