

STATES OF DELIBERATION

8th March, 2016

Billet d'État No. VII (Vol. II) Article III

AMENDMENT

Proposed by: Deputy M. P. J. Hadley

Seconded by: Alderney Representative S. D. G. McKinley, O.B.E.

Health and Social Services Department Capacity Law

To delete proposition 1f) and add the following further proposition:

- “5. To direct the Committee for Health and Social Care to await and consider the recommendations of the Law Commission of England and Wales on the law of mental capacity and deprivation of liberty before reporting back to the States with recommendations concerning the desirability or otherwise of introducing Deprivation of Liberty Safeguards.”

Explanatory Note and Rule 15(2) information

The Law commission in England is consulting widely in order to prepare new legislation because the existing legislation has proved costly and unsatisfactory.

We will benefit by preparing legislation informed by their recommendations.

There is no evidence of an urgent need to prepare this legislation.

The effect of delaying this legislation will save the States of Guernsey up to £200,000 a year in administration costs and further unknown costs relating to medical examinations.