



**SEANAD ÉIREANN**

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**AN BILLE UM CHINNTEOIREACTH CHUIDITHE (CUMAS),  
2013**

**ASSISTED DECISION-MAKING (CAPACITY) BILL 2013**

**LEASUITHE TUARASCÁLA  
REPORT AMENDMENTS**

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# SEANAD ÉIREANN

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## AN BILLE UM CHINNTEOIREACHT CHUIDITHE (CUMAS), 2013 —AN TUARASCÁIL

### ASSISTED DECISION-MAKING (CAPACITY) BILL 2013 —REPORT

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

- \*1. In page 9, line 30, after “Minister” to insert “, after consultation with the Minister for Health,”.
- \*2. In page 10, to delete line 14.
- \*3. In page 10, to delete line 25.
- \*4. In page 11, in the definition of “enduring power of attorney” inserted by amendment 7# at Committee Stage in the Seanad, to delete “*section 51*” and substitute “*section 51(2)##*”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 7 at Committee Stage in the Seanad.*]

[## *For the information of Senators, this is a reference to the section 51 inserted by amendment 171 at Committee Stage in the Seanad.*]

- \*5. In page 11, line 28, to delete “(9)” and substitute “(10)”.
- 6. In page 15, to delete lines 10 to 36 and substitute the following:
  - “3. (1) Legal capacity may be exercised:
    - (a) by the relevant person with decision-making supports as needed (including a decision-making assistant) and/or reasonable accommodation; or
    - (b) by the relevant person and their co-decision maker, acting jointly; or
    - (c) in a situation of last resort, where all efforts to ascertain the relevant person’s will and preferences have been made and the relevant person’s will and preferences remain not known, legal capacity may be exercised by the person(s) selected to represent the relevant person in exercising the relevant person’s legal capacity (i.e. decision-making representative, attorney, or patient-designated healthcare representative in advance healthcare directive).
  - (2) Where legal capacity is exercised with the support of a decision-making assistant, co-decision-maker, or is being made by a person selected to represent the relevant person (decision-making representative, attorney, or patient-designated healthcare representative), and where the relevant person’s will and preferences are not known, the decision shall be guided by the individual’s best interpretation of the relevant person’s will or preferences and how these are to be applied to a specific decision(s).

- (3) In applying subsection (2), decision-making assistants, co-decision-makers and persons selected to represent the relevant person must be able to provide a reasonable account of how this interpretation was arrived at.”.

—*Senators Jillian van Turnhout, Katherine Zappone.*

- \*7. In page 17, line 8, to delete “*subsections (2) to (9)*” and substitute “*subsections (2) to (10)*”.
- \*8. In page 21, in subsection (4) of the section 13 inserted by amendment 35# at Committee Stage in the Seanad, to delete “*subsection (6)*” and substitute “*subsection (5)*”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 35 at Committee Stage in the Seanad.*]

- \*9. In page 22, in subsection (3) of the section 12 inserted by amendment 45# at Committee Stage in the Seanad, to delete “to the court”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 45 at Committee Stage in the Seanad.*]

- \*10. In page 22, in subsection (3) of the section 12 inserted by amendment 45# at Committee Stage in the Seanad, after “founded” to insert “to the court”.

[# *For the information of Senators, the text proposed to be amended above was inserted by amendment 45 at Committee Stage in the Seanad.*]

- \*11. In page 24, line 24, to delete “of” where it secondly occurs.

- \*12. In page 27, in the subsection (8) inserted by amendment 65# at Committee Stage in the Seanad, to delete “an action pursuant to *paragraph (a) or (b)*” and substitute “such acquiescence or signature, as the case may be,”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 65 at Committee Stage in the Seanad.*]

- \*13. In page 27, in the subsection (8) inserted by amendment 65# at Committee Stage in the Seanad, to delete “harm” and substitute “serious harm”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 65 at Committee Stage in the Seanad.*]

- \*14. In page 30, lines 20 and 21, to delete “the functions of a co-decision-maker under *section 16*” and substitute “his or her functions as specified in the co-decision-making agreement”.

[*For the information of Senators, the text proposed to be deleted above combines text which is contained in the Bill and text added to the Bill by amendment 82 at Committee Stage in the Seanad.*]

- \*15. In page 33, in the text inserted by amendment 93# at Committee Stage in the Seanad, to delete “time”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 93 at Committee Stage in the Seanad.*]

- \*16. In page 44, line 4, to delete “Subject to *subsection (3)*, the” and substitute “The”.
- \*17. In page 45, in the subsection (3)(b) inserted by amendment 150# at Committee Stage in the Seanad, to delete “that” and substitute “ensure that”.
- [# For the information of Senators, the text proposed to be deleted above was inserted by amendment 150 at Committee Stage in the Seanad.]*
- \*18. In page 45, in the subsection (4)(b) inserted by amendment 150# at Committee Stage in the Seanad, to delete “that” and substitute “ensure that”.
- [# For the information of Senators, the text proposed to be deleted above was inserted by amendment 150 at Committee Stage in the Seanad.]*
- \*19. In page 47, to delete lines 8 to 17.
- \*20. In page 47, in subsection (2) of the section 36 inserted by amendment 151# at Committee Stage in the Seanad, to delete “decision-making representative for” and substitute “a decision-making representative in respect of”.
- [# For the information of Senators, the text proposed to be deleted above was inserted by amendment 151 at Committee Stage in the Seanad.]*
- \*21. In page 47, in subsection (6) of the section 37 inserted by amendment 152# at Committee Stage in the Seanad, to delete “and the court”.
- [# For the information of Senators, the text proposed to be deleted above was inserted by amendment 152 at Committee Stage in the Seanad.]*
- \*22. In page 53, lines 11 and 12, to delete “the relevant person pursuant to this section” and substitute “a relevant person”.
- \*23. In page 53, in subsection (2) of the section 40 inserted by amendment 161# at Committee Stage in the Seanad, to delete “as is” and substitute “than those”.
- [# For the information of Senators, the text proposed to be deleted above was inserted by amendment 161 at Committee Stage in the Seanad.]*
- \*24. In page 53, in subsection (3) of the section 40 inserted by amendment 161# at Committee Stage in the Seanad, to delete “period to which the report relates” and substitute “relevant period”.
- [# For the information of Senators, the text proposed to be deleted above was inserted by amendment 161 at Committee Stage in the Seanad.]*
- \*25. In page 53, in subsection (4) of the section 40 inserted by amendment 161# at Committee Stage in the Seanad, to delete “relates”.
- [# For the information of Senators, the text proposed to be deleted above was inserted by amendment 161 at Committee Stage in the Seanad.]*
- \*26. In page 53, in subsection (7) of the section 40 inserted by amendment 161# at Committee Stage in the Seanad, to delete “*subsection (5)*” and substitute “*subsection (5) or (6)*”.
- [# For the information of Senators, the text proposed to be deleted above was inserted by amendment 161 at Committee Stage in the Seanad.]*

**\*27.** In page 53, in subsection (8) of the section 40 inserted by amendment 161# at Committee Stage in the Seanad, to delete “*subsection (6)*” and substitute “*subsection (7)*”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 161 at Committee Stage in the Seanad.*]

**\*28.** In page 53, in subsection (9) of the section 40 inserted by amendment 161# at Committee Stage in the Seanad, to delete “*subsection (7)(b)*” and substitute “*subsection (8)(b)*”.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment 161 at Committee Stage in the Seanad.*]

**\*29.** In page 55, between lines 19 and 20, to insert the following:

“(a) in section 1 by inserting the following definition:

“ ‘relevant person’ has the meaning it has in the *Assisted Decision-Making (Capacity) Act 2015*;”.

**\*30.** In page 55 to delete lines 28 to 36 and substitute the following:

“(b) in section 28 by inserting after subsection (3) the following:

“(3A) Where the proceedings the subject matter of the application under this section concern an application under *Part 5* of the *Assisted Decision-Making (Capacity) Act 2015* relating to the matter referred to in *section 34(1)* of that Act—

(a) paragraphs (c) and (e) of subsection (2) shall not apply, and

(b) where the applicant is a relevant person, paragraph (a) shall not apply.”,

(c) in section 28(5)—

(i) in paragraph (d) by deleting “aid.” and substituting “aid, and”, and

(ii) by inserting after paragraph (d) the following:

“(e) who is a patient, within the meaning of the *Mental Health Act 2001*, for the purpose of providing that person with legal representation before a tribunal in proceedings under that Act.”,

(d) in section 33, by inserting after subsection (7) the following:

“(7A) Where a legal aid certificate has been granted to an applicant who is a relevant person who does not satisfy the criteria in respect of financial eligibility specified in section 29, the Board may seek to recover some or all of the costs of providing the legal aid to the relevant person concerned.”,

and

(e) in section 37(2), by inserting after paragraph (fb) the following:

“(fc) make provision for the mechanism for recovery of the costs referred to in section 33(7A);”.

**\*31.** In page 56, line 13, to delete “or”.

**\*32.** In page 56, between lines 13 and 14, to insert the following:

“(b) a relative or friend of the ward who has had such personal contact with the ward over such period of time that a relationship of trust exists between them, or”.

**33.** In page 56, between lines 13 and 14, to insert the following:

“(b) a relative or friend of the appointer who has had such personal contact with the appointer over such period of time that a relationship of trusts exists between them.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

**\*34.** In page 57, in the section 47 inserted by amendment 169# at Committee Stage in the Seanad, to delete subsection (2) and substitute the following:

“(2) Pending a declaration under *section 46(1)*, the jurisdiction of the wardship court as set out in sections 9 and 22(2) of the Courts (Supplemental Provisions) Act 1961 shall continue to apply.”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 169 at Committee Stage in the Seanad.]*

**\*35.** In page 58, in subsection (1) of the section 50 inserted by amendment 170# at Committee Stage in the Seanad, to delete the definition of “attorney”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 170 at Committee Stage in the Seanad.]*

**\*36.** In page 58, in subsection (1) of the section 50 inserted by amendment 170# at Committee Stage in the Seanad, to delete the definition of “enduring power of attorney”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 170 at Committee Stage in the Seanad.]*

**\*37.** In page 58, in subsection (1) of the section 51 inserted by amendment 171# at Committee Stage in the Seanad, to delete “one or more suitable persons” and substitute “another person who has also attained that age”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 171 at Committee Stage in the Seanad.]*

**\*38.** In page 58, in subsection (6) of the section 51 inserted by amendment 171# at Committee Stage in the Seanad, to delete “of performing” and substitute “to perform”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 171 at Committee Stage in the Seanad.]*

**\*39.** In page 58, in subsection (1)(e)(ii) of the section 52 inserted by amendment 172# at Committee Stage in the Seanad, to delete “the functions of an attorney” and substitute “his or her functions as specified in the instrument creating the enduring power of attorney”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 172 at Committee Stage in the Seanad.]*

- \*40. In page 58, in subsection (4)(a)(iii) of the section 52 inserted by amendment 172# at Committee Stage in the Seanad, to delete “of” where it secondly occurs.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 172 at Committee Stage in the Seanad.]*

- \*41. In page 58, in subsection (4)(b) of the section 52 inserted by amendment 172# at Committee Stage in the Seanad, to delete “enduring power of attorney” and substitute “instrument creating the enduring power of attorney”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 172 at Committee Stage in the Seanad.]*

- \*42. In page 58, in subsection (1) of the section 53 inserted by amendment 173# at Committee Stage in the Seanad, to delete “enduring power of attorney” and substitute “instrument creating the enduring power of attorney”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 173 at Committee Stage in the Seanad.]*

- \*43. In page 58, in subsection (2) of the section 54 inserted by amendment 174# at Committee Stage in the Seanad, to delete “for a donor”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 174 at Committee Stage in the Seanad.]*

- \*44. In page 58, in subsection (2) of the section 54 inserted by amendment 174# at Committee Stage in the Seanad, to delete “the” where it secondly occurs and substitute “a”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 174 at Committee Stage in the Seanad.]*

- \*45. In page 58, in subsection (3) of the section 54 inserted by amendment 174# at Committee Stage in the Seanad, to delete “the donor pursuant to this section” and substitute “a donor”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 174 at Committee Stage in the Seanad.]*

- \*46. In page 58, in subsection (6) of the section 54 inserted by amendment 174# at Committee Stage in the Seanad, to delete “it” and substitute “the power”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 174 at Committee Stage in the Seanad.]*

- \*47. In page 58, in subsection (1)(g) of the section 57 inserted by amendment 177# at Committee Stage in the Seanad, to delete “sections” and substitute “section”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 177 at Committee Stage in the Seanad.]*

- \*48. In page 58, in the section 59 inserted by amendment 179# at Committee Stage in the Seanad, to delete “on its registration” and substitute “on the registration of the instrument creating an enduring power of attorney”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 179 at Committee Stage in the Seanad.]*



- \*49. In page 58, on the second line of subsection (3) of the section 60 inserted by amendment 180# at Committee Stage in the Seanad, to delete “(if any)”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 180 at Committee Stage in the Seanad.]*

- \*50. In page 58, in subsection (3) of the section 60 inserted by amendment 180# at Committee Stage in the Seanad, to delete “a copy of the enduring power” and substitute “a copy of the instrument creating an enduring power of attorney”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 180 at Committee Stage in the Seanad.]*

- \*51. In page 58, in subsection (3)(b) of the section 60 inserted by amendment 180# at Committee Stage in the Seanad, after “civil partner” to insert “(if any)”.

*[# For the information of Senators, the text proposed to be amended above was inserted by amendment 180 at Committee Stage in the Seanad.]*

- \*52. In page 58, in subsection (6) of the section 60 inserted by amendment 180# at Committee Stage in the Seanad, to delete “the” where it secondly occurs and substitute “an”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 180 at Committee Stage in the Seanad.]*

- \*53. In page 58, in subsection (1) of the section 61 inserted by amendment 181# at Committee Stage in the Seanad, to delete “whether—” and substitute “whether the following criteria are met:”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 181 at Committee Stage in the Seanad.]*

- \*54. In page 58, in subsection (1)(a) of the section 61 inserted by amendment 181# at Committee Stage in the Seanad, to delete “is” and substitute “are”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 181 at Committee Stage in the Seanad.]*

- \*55. In page 58, in subsection (1) of the section 62 inserted by amendment 182# at Committee Stage in the Seanad, after “registration of an instrument” to insert “creating an enduring power of attorney”.

*[# For the information of Senators, the text proposed to be amended above was inserted by amendment 182 at Committee Stage in the Seanad.]*

- \*56. In page 58, in subsection (3) of the section 63 inserted by amendment 183# at Committee Stage in the Seanad, to delete “in the time period which has been” and substitute “within the period”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 183 at Committee Stage in the Seanad.]*

- \*57. In page 58, in subparagraph (3)(i) of the section 63 inserted by amendment 183# at Committee Stage in the Seanad, to delete “this section” and substitute “section 61(1)##”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 183 at Committee Stage in the Seanad.]*

*[## For the information of Senators, this is a reference to the section inserted by amendment 181 at Committee Stage in the Seanad.]*

- \*58.** In page 58, in subsection (1) of the section 64 inserted by amendment 184# at Committee Stage in the Seanad, to delete “enduring powers of attorney” and substitute “instruments creating an enduring power of attorney”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 184 at Committee Stage in the Seanad.]*

- \*59.** In page 58, in subsection (5) of the section 65 inserted by amendment 185# at Committee Stage in the Seanad, to delete “an enduring power of attorney” and substitute “an instrument creating an enduring power of attorney”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 185 at Committee Stage in the Seanad.]*

- \*60.** In page 58, in subsection (1) of the section 66 inserted by amendment 186# at Committee Stage in the Seanad, to delete “which” and substitute “where the instrument creating it”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 186 at Committee Stage in the Seanad.]*

- \*61.** In page 58, in the section 66 inserted by amendment 186# at Committee Stage in the Seanad, to delete subsection (2) and substitute the following:

“(2) Where an instrument creating an enduring power of attorney has been registered, the enduring power created by the instrument may only be disclaimed by an attorney with the consent of the court.”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 186 at Committee Stage in the Seanad.]*

- \*62.** In page 58, in subsection (6) of the section 67 inserted by amendment 187# at Committee Stage in the Seanad, after “incomplete report” to insert “or fails to comply with *subsection (1) or (2)*”.

*[# For the information of Senators, the text proposed to be amended above was inserted by amendment 187 at Committee Stage in the Seanad.]*

- \*63.** In page 58, in the section 67 inserted by amendment 187# at Committee Stage in the Seanad, to delete subsections (10) to (13) inclusive.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 187 at Committee Stage in the Seanad.]*

- \*64.** In page 58, in subsection (1)(a) of the section 69 inserted by amendment 189# at Committee Stage in the Seanad, to delete “the power” and substitute “the enduring power of attorney or the instrument creating it”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 189 at Committee Stage in the Seanad.]*

- \*65.** In page 58, in subsection (1)(b) of the section 69 inserted by amendment 189# at Committee Stage in the Seanad, to delete “an enduring power” and substitute “the instrument”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 189 at Committee Stage in the Seanad.]*

- \*66. In page 58, in subsection (1) of the section 69 inserted by amendment 189# at Committee Stage in the Seanad, to delete subparagraph (ii) and substitute the following:

“(ii) fraud, coercion or undue pressure was not used to induce the donor to appoint an attorney,”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 189 at Committee Stage in the Seanad.]

- \*67. In page 58, in subsection (3)(b)(ii) of the section 69 inserted by amendment 189# at Committee Stage in the Seanad, to delete “donor,” and substitute “donor, and”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 189 at Committee Stage in the Seanad.]

- \*68. In page 58, in the section 71 inserted by amendment 191# at Committee Stage in the Seanad, to delete paragraph (b) and substitute the following:

“(b) the form of notice under *section 53##* of execution of an instrument creating an enduring power of attorney;

(c) the class of healthcare professionals under *sections 52(1)(d)####, 60(7)(b)##### and 65(4)(d)#####*;

(d) the form of application under *section 60(2)#####* to register an instrument;

(e) the form of notice under *section 60(3)#####* of an application to register an instrument;

(f) the form of a report under *section 67#####* to be submitted by an attorney to the Director;”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 191 at Committee Stage in the Seanad.]

[## For the information of Senators, this is a reference to the section inserted by amendment 173 at Committee Stage in the Seanad.]

[### For the information of Senators, this is a reference to the section inserted by amendment 172 at Committee Stage in the Seanad.]

[#### For the information of Senators, this is a reference to the section inserted by amendment 180 at Committee Stage in the Seanad.]

[##### For the information of Senators, this is a reference to the section inserted by amendment 185 at Committee Stage in the Seanad.]

[##### For the information of Senators, this is a reference to the section inserted by amendment 187 at Committee Stage in the Seanad.]

- \*69. In page 58, in subsection (1) of the section 73 inserted by amendment 193# at Committee Stage in the Seanad, to delete “67;”.

[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 193 at Committee Stage in the Seanad.]

**\*70.** In page 58, in subsection (1) of the section 73 inserted by amendment 193# at Committee Stage in the Seanad, to delete “68(6) and 68(7)” and substitute “68(6), 68(7) and 68(8)”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 193 at Committee Stage in the Seanad.]*

**71.** In page 78, to delete lines 13 to 22.

—*Senators Jillian van Turnhout, Katherine Zappone.*

**\*72.** In page 83, in the text inserted by amendment 230# at Committee Stage in the Seanad, to insert “so” before “commits”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 230 at Committee Stage in the Seanad.]*

**\*73.** In page 85, line 12, to delete “Courts Service” and substitute “Mental Health Commission”.

**\*74.** In page 87, line 26, to delete “Courts Service” and substitute “Mental Health Commission”.

**\*75.** In page 87, line 29, to delete “Courts Service” and substitute “Mental Health Commission”.

**\*76.** In page 89, in the subsection (3) inserted by amendment 237# at Committee Stage in the Seanad, to delete “shall,” and substitute “shall”.

*[# For the information of Senators, the text proposed to be deleted above was inserted by amendment 237 at Committee Stage in the Seanad.]*

**\*77.** In page 90, line 5, to delete “Courts Service” and substitute “Mental Health Commission”.

**\*78.** In page 90, line 5, to delete “Minister” and substitute “Minister for Health”.

**\*79.** In page 90, to delete lines 8 and 9 and substitute the following:

“(3) A person appointed to be Director shall be a member of the staff of the Mental Health Commission.”.

**\*80.** In page 90, lines 13 to 15, to delete all words from and including “(1) A” in line 13 down to and including line 15 and substitute the following:

“(1) A person who is a member of the staff of the Director shall be a member of the staff of the Mental Health Commission and the provisions of Part 3 of the Act of 2001 shall apply to such staff.”.

- \*81. In page 90, line 17, to delete “Courts Service” and substitute “Mental Health Commission”.
- \*82. In page 90, line 24, to delete “Courts Service” and substitute “Mental Health Commission”.
- \*83. In page 90, line 25, to delete “Minister” and substitute “Minister for Health”.
- \*84. In page 90, line 29, to delete “Courts Service” and substitute “Mental Health Commission”.
- \*85. In page 90, line 29, to delete “Minister” and substitute “Minister for Health”.
- \*86. In page 90, to delete lines 31 to 34.
- \*87. In page 90, line 35, to delete “Courts Service” and substitute “Mental Health Commission”.
- \*88. In page 90, line 39, to delete “Minister” where it firstly occurs and substitute “Minister for Health”.
- \*89. In page 90, line 40, to delete “Courts Service” and substitute “Mental Health Commission”.
- \*90. In page 91, line 18, to delete “Minister” where it firstly occurs and substitute “Minister for Health”.
- \*91. In page 93, line 14, to delete “Board” and substitute “Mental Health Commission”.
- \*92. In page 93, line 19, to delete “Board” and substitute “Mental Health Commission”.
- \*93. In page 93, line 20, to delete “Minister” and substitute “Minister for Health”.
- \*94. In page 93, line 20, to delete “Board” and substitute “Commission”.
- \*95. In page 93, line 23, to delete “Board” and substitute “Mental Health Commission”.
- \*96. In page 93, line 29, to delete “Board” and substitute “Mental Health Commission”.
- \*97. In page 93, line 30, to delete “Minister” and substitute “Minister for Health”.
- \*98. In page 93, line 31, to delete “Minister” and substitute “Minister for Health”.
- \*99. In page 93, line 32, to delete “Board” and substitute “Commission”.
- \*100. In page 93, line 34, to delete “Board” and substitute “Mental Health Commission”.
- \*101. In page 93, line 34, to delete “Minister” and substitute “Minister for Health”.
- \*102. In page 93, line 37, to delete “drawing to the Board’s and the Minister’s attention” and substitute “drawing to the attention of the Mental Health Commission and the Minister for Health”.
- \*103. In page 94, line 1, to delete “Board” and substitute “Mental Health Commission”.
- \*104. In page 94, line 2, to delete “Minister” and substitute “Minister for Health”.
- \*105. In page 94, line 3, to delete “Minister” and substitute “Minister for Health”.
- \*106. In page 95, to delete line 6.

- \*107. In page 95, line 29, to delete “Board” and substitute “Mental Health Commission and Minister for Health”.
- \*108. In page 95, line 31, to delete “Minister after consultation with the Minister for Health and the Board” and substitute “Minister for Health after consultation with the Minister and the Mental Health Commission”.
- \*109. In page 96, line 23, to delete “Courts Service” and substitute “Mental Health Commission”.
- \*110. In page 97, to delete lines 6 to 9.
- \*111. In page 97, line 25, to delete “Courts Service” and substitute “Mental Health Commission”.
- \*112. In page 110, between lines 35 and 36, to insert the following:

**“Amendment of Act of 2001**

**128.** The Act of 2001 is amended—

(a) in section 17(1), by deleting paragraph (b) and substituting the following:

“(b) arrange for the assignment of a legal representative to represent the patient concerned unless he or she proposes to engage one,”

and

(b) in section 33(3) by deleting paragraph (c).”.

- \*113. In page 111, line 3, after “shall” to insert “, in consultation with the Minister for Health”.