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**An Bille um Chinnteoireacht Chuidithe (Cumas) (Leasú), 2019**  
**Assisted Decision-Making (Capacity) (Amendment) Bill 2019**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM CHINNTEOIREACHT CHUIDITHE (CUMAS) (LEASÚ), 2019  
ASSISTED DECISION-MAKING (CAPACITY) (AMENDMENT) BILL 2019**

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*Mar a tionscnaíodh*

*As initiated*

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CONTENTS

Section

1. Interpretation
2. Amendment of section 85 of Principal Act
3. Short title and commencement

ACTS REFERRED TO

Assisted Decision-Making (Capacity) Act 2015 (No. 64)

Criminal Law (Insanity) Act 2006 (No. 11)

Criminal Law (Insanity) Act 2010 (No. 40)

Mental Health Act 2001 (No. 25)



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**AN BILLE UM CHINNTEOIREACHT CHUIDITHE (CUMAS) (LEASÚ), 2019  
ASSISTED DECISION-MAKING (CAPACITY) (AMENDMENT) BILL 2019**

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# **Bill**

*entitled*

An Act to amend the Assisted Decision-Making (Capacity) Act 2015 relating to treatment of patients under the Mental Health Act 2001 and the Criminal Law (Insanity) Act 2006; to improve the provision of mental health services; to promote the rights of persons subject to the Mental Health Act 2001 and the Criminal Law (Insanity) Act 2006; and to provide for related matters. 5

**Be it enacted by the Oireachtas as follows:** 10

## **Interpretation**

1. In this Act unless the context otherwise requires—

“Principal Act” means the Assisted Decision-Making (Capacity) Act 2015.

## **Amendment of section 85 of Principal Act**

2. Section 85 of Principal Act is amended— 15

(a) in subsection (7)—

(i) by substituting the following for paragraph (a)—

“(7) An advance healthcare directive is not applicable where—

(a) the directive-maker is detained in a designated centre pursuant to subsection (3)(b)(i) or (ii) or subsection (5)(c)(i) or (ii) of section 4 of the Criminal Law (Insanity) Act 2006, or 20

(b) the directive-maker is the subject of a conditional discharge order under section 13A (inserted by section 8 of the Criminal Law (Insanity) Act 2010) of the Criminal Law (Insanity) Act 2006.”,

and 25

(ii) by the deletion of paragraph (b),

and

(b) by the insertion of the following subsection after subsection (7):

“(8) Subject to subsections (1) to (7), an advance healthcare directive shall

be complied with in respect of treatment given to the directive-maker, notwithstanding that the directive-maker's treatment is regulated by Part 4 of the Mental Health Act 2001.”.

**Short title and commencement**

3. (1) This Act may be cited as the Assisted Decision-Making (Capacity) (Amendment) Act 2019. 5
- (2) This Act shall come into operation on such day as the Minister for Health may appoint by order.



An Bille um Chinnteoireacht Chuidithe  
(Cumas) (Leasú), 2019

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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do leasú an Achta um Chinnteoireacht Chuidithe (Cumas), 2015 i ndáil le cóireáil a chur ar othair faoin Acht Meabhair-Shláinte, 2001 agus faoin Acht um an Dlí Coiriúil (Gealtacht), 2006; d'fheabhsú soláthar seirbhísí meabhairshláinte; do dhéanamh cearta daoine atá faoi réir an Achta Meabhair-Shláinte, 2001 agus an Achta um an Dlí Coiriúil (Gealtacht), 2006 a chur chun cinn; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

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*Na Seanadóirí Máire Devine, Paul Gavan agus Rose Conway-Walsh a thug isteach,*

*10 Iúil, 2019*

Assisted Decision-Making (Capacity)  
(Amendment) Bill 2019

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An Act to amend the Assisted Decision-Making (Capacity) Act 2015 relating to treatment of patients under the Mental Health Act 2001 and the Criminal Law (Insanity) Act 2006; to improve the provision of mental health services; to promote the rights of persons subject to the Mental Health Act 2001 and the Criminal Law (Insanity) Act 2006; and to provide for related matters.

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*Introduced by Senators Máire Devine, Paul Gavan and Rose Conway-Walsh,*

*10th July, 2019*

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