

## Press Release

**Date:** 27<sup>th</sup> November 2019

### **New 'Capacity Law' early next year**

A new Bailiwick law to support people who lack the capacity to make crucial decisions, or who wish to plan for the eventuality, is to be published by the end of the year before becoming law early in 2020.

The draft Capacity Law introduces Lasting Powers of Attorney, allowing a person to nominate one or more people to act on their behalf in matters of property, finance, health and welfare, and covers several key aspects of caring for vulnerable people including:

- A statutory test to decide whether a person has the mental capacity to make important decisions.
- How best to help a person who refuses medical treatment or social care.
- A Protective Authorisation Scheme in compliance with the European Convention on Human Rights that allows the detention of people who lack capacity, overseen by a Capacity Professional.
- The appointment of independent Capacity Representatives to support those who lack capacity and do not have family or friends to help them.

The law has been a priority for Guernsey's Committee for Health & Social Care which is also drafting a Code of Practice to ensure the best interests of everyone who may be assessed to lack capacity.

Alderney's Policy & Finance Committee welcomed the proposed Projet de Loi which will return to the States of Alderney in its final form for approval early next year.

**Ends**