

**3. BILL FOR THIRD READING**

**3.1 Capacity Bill –  
Third Reading approved**

**The Speaker:** We turn to Item 3, Bill for Third Reading, the Capacity Bill, and I call on the Hon. Member for Ramsey, Mr Hooper, to move.

**Mr Hooper:** Thank you very much, Mr Speaker.

5 Hon. Members, this Bill is an important step forward for the Island and the benefits that it will bring to our community will be significant. It places, Hon. Members, the core principles of mental capacity on a statutory footing, and by doing so provides important safeguards for some of the most vulnerable members of our society.

10 The core principles of this Bill will re-centre the person who lacks capacity and re-emphasise their dignity and right to self-determination. As a starting point, a person must always be assumed to have capacity to make the decision in question and evidence is required to establish that they do not. Additionally, everything must be done to support them in making their decision, such as providing information in formats which are more accessible for them. By establishing these principles the Bill will protect people's rights to make decisions for themselves, where they can.

15 In the event that a decision has to be made on behalf of a person, the decision-maker must take into account the person's best interests. The Bill makes it clear that best interests include the person's social and cultural interests and beliefs and is not limited to medical factors.

Further measures introduced by the Bill will enable people to plan ahead by making lasting Powers of Attorney and advance decisions to refuse treatment. By putting these documents in place, people will be able to provide instructions about their future arrangements and ensure that any decisions made are in line with their views.

20 Mr Speaker, I am pleased to move the Third Reading of this Bill, a Bill which will have such a positive impact for our Island community. I would like to thank colleagues both within and outside of the Chamber for the work they have done over the years in bringing this important piece of legislation forward. In particular, I would like to thank Mr Ashford and Mr Thomas for their insight and helpful comments at the consideration of the Bill's clauses, earlier this month.

25 On that note, I can update the House that the particular query raised by Mr Thomas in respect of the transfer of functions of the Attorney General's Chambers, under clause 25(6), is being looked into and will be addressed if necessary by the Legislative Council.

30 Mr Speaker, I beg to move that the Capacity Bill 2022 be read for a third time.

**The Speaker:** Dr Haywood.

**Dr Haywood:** Thank you, Mr Speaker.  
35 I beg to second and reserve my remarks.

**The Speaker:** Mr Ashford.

**Mr Ashford:** Thank you very much, Mr Speaker.

40 I would just like to very briefly take the opportunity to congratulate the Minister for getting the Bill over the line here in the Hon. House. (**Several Members:** Hear, hear.) This has been something that has been a long time in the making. I went back in *Hansard* to see how long this had been spoken about, and lost the will to live after I got back to about 2008, so I think it went a lot further back than that.

45 This, as the Minister says, will have a *massive* impact on people's lives, it will make a real difference. It will also make a real difference not just for those impacted, but also the *families* of

those impacted as well. It was something that always seemed to end up being stuck in treacle in the Department.

50 So I congratulate the Department, the Hon. Member and everyone involved in bringing this forward today ... It is one of the most welcome pieces of legislation that this House has considered for quite a long time.

**Several Members:** Hear, hear.

55 **The Speaker:** I call on the mover to reply.

**Mr Hooper:** Thank you very much, Mr Speaker.

I do not have anything to add to what Mr Ashford has just said; I think this is long overdue and we are definitely about getting things *done*.

60 Thank you very much, Mr Speaker, I beg to move.

**The Speaker:** I put the question that the Capacity Bill be read for a third time. Those in favour, please say aye; those against, no. The ayes have it. The ayes have it.