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Sent by e-mail to: [carol@disabilityalliance.org.gg](mailto:carol@disabilityalliance.org.gg)

5<sup>th</sup> August 2021

Dear Carol Le Page

### **Capacity Law: Lasting Powers of Attorney - draft Ordinance**

In April 2020, the States of Deliberation approved the Capacity (Bailiwick of Guernsey) Law, 2020. The purpose of the Law is to empower people to make their own decisions wherever possible, to allow them to plan for the future and, if they lack capacity, to ensure that decisions made on their behalf respect their basic rights and freedoms. The Law has been registered at the Greffe having received Royal Assent, but has not yet been commenced.

Steps are being taken to plan for the implementation of the Capacity Law in phases and this includes the implementation of Lasting Powers of Attorney (LPAs). In this respect, the Committee for Health & Social Care (CfHSC) is pleased to enclose a copy of a draft Ordinance which will, when approved by the States in due course, give effect to the introduction of LPAs. I'm writing on behalf of the Committee to invite your comments on the draft Ordinance.

The draft Ordinance describes the means for the creation of LPAs in respect of both 'health and welfare' matters and 'property and financial affairs'. It also sets out the proposed process of registration through Her Majesty's Greffier, together with defining and describing the requirements in a number of key areas.

Although the procedure is different from that in England and Wales, the safeguards which have been set out in the draft Ordinance have been included on the basis of comments made by consultees during the consultation on the Law itself. These safeguards are

intended to protect those wishing to make LPAs in the Bailiwick context (as well as those acting under LPAs) and ensure that the relevant checks are carried out in the most appropriate way at the most appropriate time using the required expertise.

To support these procedures, a Code of Practice and forms will be drafted to promote ease of understanding for all those involved in this process, whilst reducing the amount of paperwork required to the minimum possible.

The Committee *for* Health & Social Care would welcome your views on the enclosed draft Ordinance and should be grateful if you could submit these in writing by Friday 24<sup>th</sup> September 2021. Please provide your feedback to Marcus Magloire, Policy Support Officer, by e-mail: [marcus.magloire@gov.gg](mailto:marcus.magloire@gov.gg). Should you require any further information, Marcus would also be pleased to assist you.

On behalf of the Committee, I'd like to thank you in advance for providing your comments.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Al Brouard', with a long horizontal stroke extending to the right.

**Deputy Al Brouard**  
President  
Committee *for* Health & Social Care