

**THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENT WITH ESTONIA)
ORDINANCE, 2020
P.2020/6**

- V. To approve the draft Ordinance entitled "The Income Tax (Guernsey) (Approval of Agreement with Estonia) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

COMMITTEE FOR HEALTH & SOCIAL CARE

**'CAPACITY LAW' - SUPPLEMENTARY POLICY MATTERS AND POTENTIAL FINANCIAL
IMPLICATIONS ARISING FROM THE APPEALS PROCESS
P.2020/10**

- VI. After consideration of the Policy Letter entitled "Capacity Law' – Supplementary Policy matters and potential financial implications arising from the appeals process', dated 20th January, 2020:-

1. To agree the supplementary matters of policy as described in section 3 of this Policy Letter and direct that the Projet de Loi entitled "The Capacity (Bailiwick of Guernsey) Law, 2020" is drafted accordingly.
2. To agree that legal representation at Mental Health and Capacity Review Tribunal hearings (primarily in relation to protective authorisations) is to be provided under the Legal Aid Scheme generally on a 'no means, no merits test' basis; whilst reserving the right for the Legal Aid Administrator to exceptionally apply a 'means test' to an application, where reasonable and in conformity with human rights obligations.
3. To agree that legal representation for appeals from a Mental Health and Capacity Review Tribunal to the Royal Court or Court of Appeal may be provided under the Legal Aid Scheme on a 'means and merit test' basis.
4. To note that, upon enactment of "The Capacity (Bailiwick of Guernsey) Law, 2020", there are anticipated to be additional ongoing funding requirements of:
 - i. £25,000 per annum for the Guernsey Legal Aid Service; and
 - ii. £75,000 per annum for the future Mental Health and Capacity Review Tribunal

and that requests for additional budget will be submitted as part of the annual budget process.

5. To direct the Committee *for* Health & Social Care to report back to the States with proposals for the introduction of an advocacy service.