



PRESS RELEASE

No: 711/2017

Date: 29th November 2017

Justice Minister Introduces New Legislation on Lasting Powers of Attorney

The Minister for Health, Care and Justice, the Honourable Mr Neil F Costa MP is pleased to announce new legislation, which will support and protect individuals who are unable to make specific decisions in relation to their health, welfare or finances, due to lack of capacity.

The Bill will allow for the creation and registration of lasting powers of attorney and for advance decisions to refuse medical treatment to be made before capacity is lost.

This Lasting Powers of Attorney and Capacity Bill will introduce several important new aspects to Gibraltar Law, as follows;

The Bill will enable anyone over 18 years of age, whilst they still have mental capacity, to appoint a trusted person to make decisions on their behalf at a time in the future when they may no longer have capacity.

Advance decisions will allow an individual to express their preference to refuse specific medical treatment if, at the time in the future when that treatment is to be given, the person has lost capacity to consent to it.

The Bill will give guidance as to how best to safeguard those individuals who are in a care home who have lost their mental capacity and what can and cannot be done in relation to their care and treatment.

Further, and importantly, the Bill will introduce independent capacity advocates, who support people who cannot make or understand decisions, by stating their views and preferences. They are in no way connected to the patient and their role is to ensure that the person's wishes can be respected and followed.

Mental health is a delicate area and can affect all of us at some stage in our lives, which makes positive and active care in this sphere so crucial. The philosophy behind the legislation supports personal autonomy and a person's decisions and best interests.

Ministry of Health, Care and Justice

HM Government of Gibraltar • Zone 1, Level 7 St Bernard's Hospital, Harbour Views Road • Gibraltar GX11 1AA

t +350 20007011 (Centrex 2027) f +350 20059942 e ministry@gha.gi w gibraltar.gov.gi



The Minister for Health, Care and Justice, the Honourable Mr Neil F Costa MP, said: “this legislation relating to decision making and to the care and treatment of those individuals who lack capacity, is of crucial importance in our society. This Bill, once enacted, will allow individuals to plan ahead in this manner. This legal framework will empower and protect those who cannot make specific decisions for themselves. It will work, hand in hand, with the continuous efforts of Her Majesty’s Government of Gibraltar in increasing the awareness, early diagnosis and care for those with mental health issues and dementia. We must ensure that vulnerable adults are afforded, at a minimum, a certain level of protection. In turn, patients and their families will have greater peace of mind, knowing that a person’s wishes will be respected.”