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Notification No. B 11 — The Mental Capacity (Amendment) Bill is published for general information. It was introduced in Parliament on 10 May 2021.

Mental Capacity (Amendment) Bill

Bill No. 11/2021.

Read the first time on 10 May 2021.

A BILL

i n t i t u l e d

An Act to amend the Mental Capacity Act and to make a related amendment to the Electronic Transactions Act.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Mental Capacity (Amendment) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2 of the Mental Capacity Act (called in this Act the principal Act) is amended —

(a) by deleting the definitions of “deputy” and “donee” in subsection (1) and substituting the following definitions:

10 ““deputy” means a person appointed by the court under section 20(2)(b) to make decisions on behalf of another person (“P”) in relation to a matter or matters concerning all or any of the following in respect of which P lacks capacity:

15 (a) P’s personal welfare;

(b) P’s property and affairs;

“donee” means a person who is conferred authority by a donor (“P”) under a lasting power of attorney to make decisions about all or any of the following when P no longer has capacity to make such decisions:

20 (a) P’s personal welfare, or matters concerning P’s personal welfare that are specified in the lasting power of attorney;

25 (b) P’s property and affairs, or matters concerning P’s property and affairs that are specified in the lasting power of attorney;

30 “donor” means a person (“P”) who confers authority on a donee (or donees) under a lasting power of attorney to make decisions

about all or any of the following when P no longer has capacity to make those decisions:

(a) P's personal welfare, or matters concerning P's personal welfare that are specified in the lasting power of attorney;

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(b) P's property and affairs, or matters concerning P's property and affairs that are specified in the lasting power of attorney;

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“electronic”, “electronic record”, “record”, “secure electronic signature”, “signed” and “signature” have the meanings given by section 2(1) of the Electronic Transactions Act;

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“electronic instrument” means an electronic record that confers authority of the kind mentioned in section 11(1);

“electronic transaction system” means the electronic transaction system established by the Public Guardian under section 10B(1);”;

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(b) by inserting, immediately after the definition of “life-sustaining treatment” in subsection (1), the following definition:

““non-electronic lasting power of attorney” means a lasting power of attorney that is created using non-electronic means;”;

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(c) by inserting, immediately after the definition of “registered medical practitioner” in subsection (1), the following definition:

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““Singapore public sector agency” has the meaning given by section 2(1) of the Public Sector (Governance) Act 2018;” and