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# GOVERNMENT GAZETTE

## BILLS SUPPLEMENT

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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**

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**Bill No. 11/2021.**

*Read the first time on 10 May 2021.*

A BILL

*intituled*

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; 5

(b) P’s property and affairs, or matters concerning P’s property and affairs that are specified in the lasting power of attorney; 10

“electronic”, “electronic record”, “record”, “secure electronic signature”, “signed” and “signature” have the meanings given by section 2(1) of the Electronic Transactions Act; 15

“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);”; 20

(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;”; 25

(c) by inserting, immediately after the definition of “registered medical practitioner” in subsection (1), the following definition: 30

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