

The Capacity (Prescribed Persons) Regulations, 2024

<i>Made</i>	<i>31st October, 2024</i>
<i>Coming into operation</i>	<i>1st November, 2024</i>
<i>Laid before the States</i>	<i>, 2024</i>

THE COMMITTEE FOR HEALTH AND SOCIAL CARE, in exercise of the powers conferred on it by sections 1 and 57 of the Capacity (Bailiwick of Guernsey) Law, 2020^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Prescribed assessments and persons.

1. (1) The following assessments and persons are prescribed for the purposes of following sections of the Capacity (Bailiwick of Guernsey) Law, 2020 ("**the Law**") -

- (a) for the purpose of assessments undertaken under section 54, a medical practitioner, who satisfies the conditions of section 1(1)(a) and (b) of the Regulation of Health Professionals (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, and
- (b) for the purposes of assessments undertaken under any

^a Ordinance approved by the States of Deliberation on the 30th March, 2022.

of sections 51 to 53 and 55 -

- (i) a nurse, who is duly registered with the Nursing & Midwifery Council as qualified so to practise in the United Kingdom,
 - (ii) a social worker, who is duly registered as qualified so to practise in any jurisdiction of the United Kingdom,
 - (iii) an occupational therapist or practitioner psychologist who is duly registered with the Health and Care Professions Council as qualified so to practise in the United Kingdom, and
 - (iv) any other person approved by the Committee, either generally or in a specific case, where the Committee considers that the person has the expertise and experience necessary to carry out the function of a prescribed person, and
- (c) for the purpose of relying on an equivalent assessment in accordance with section 57 –
- (i) the persons prescribed under this regulation, and
 - (ii) Capacity Professionals,
- are prescribed persons.

(2) Any reference in paragraph (1) to a named organisation includes any reference to any organisation to which the function of registration of the relevant professional is subsequently conferred in law.

(3) For the avoidance of doubt, a Capacity Professional may complete an assessment prescribed under paragraph (1)(b).

Citation, extent and commencement.

2. These Regulations -

(a) may be cited as the Capacity (Prescribed Persons) Regulations, 2024,

(b) shall have effect throughout the Bailiwick, and

(c) shall come into force on the 1st November, 2024.

Dated this 31st day of October, 2024



A. H. BROUARD

President of the Committee for Health & Social Care

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe assessments and persons, for the purpose of the Capacity (Bailiwick of Guernsey) Law, 2020, to carry out the assessments required under the

Protective Authorisation Scheme set out in Part 8 of the Law.

These Regulations come into force on the 1st day of November 2024.