Government Defeat in Lords on Mental Capacity (Amendment) Bill
Tuesday 26/02/2019

On 26/02/2019 the government had a defeat in the House of Lords on an amendment to the Mental Capacity (Amendment) Bill: To disagree with Commons amendment outlining the conditions under which a person is not considered to be deprived of liberty, and instead to propose a definition of deprivation of liberty in relation to confinement without valid consent.

This was defeat number 45 in the parliamentary session.

<table>
<thead>
<tr>
<th>Breakdown of Votes</th>
<th>For Govt</th>
<th>Against Govt</th>
<th>Total</th>
<th>No vote</th>
</tr>
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<tbody>
<tr>
<td>Conservative</td>
<td>181</td>
<td>0</td>
<td>181</td>
<td>67</td>
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<tr>
<td>Labour</td>
<td>0</td>
<td>123</td>
<td>123</td>
<td>64</td>
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<tr>
<td>Liberal Democrat</td>
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<td>71</td>
<td>71</td>
<td>25</td>
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<tr>
<td>Crossbench</td>
<td>34</td>
<td>27</td>
<td>61</td>
<td>125</td>
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<tr>
<td>Bishops</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>28</td>
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<tr>
<td>Other</td>
<td>8</td>
<td>10</td>
<td>18</td>
<td>27</td>
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<tr>
<td>Total</td>
<td>223</td>
<td>232</td>
<td>455</td>
<td>336</td>
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Conservative Votes with the Government

- Lord Agnew of Oulton, Baroness Altmann, Baroness Aneilay of St Johns
- Lord Arbuthnot of Edrom, Lord Ashton of Hyde, Lord Astor of Hever
- Earl Attlee, Lord Baker of Dorking, Baroness Barran
- Baroness Berridge, Baroness Bertin, Lord Bethell
- Baroness Blackwood of North Oxford, Lord Blencathra, Baroness Bloomfield of Hinton Waldrist
- Lord Borwick, Lord Bourne of Aberystwyth, Lord Bowness
- Lord Brabazon of Tara, Baroness Brady, Viscount Bridgeman
- Lord Bridges of Headley, Lord Brougham and Vaux, Baroness Browning
- Baroness Buscombe, Baroness Byford, Lord Caine
- Earl Caithness, Lord Callanan, Lord Carrington of Fulham
- Earl Cathcart, Lord Cavendish of Furness, Lord Chadlington
- Baroness Chisholm of Owipen, Lord Colgrain, Lord Colwyn
- Lord Cope of Berkeley, Lord Cormack, Earl Courtown
- Baroness Couttie, Lord Crathorne, Baroness Cumberlege
- Lord De Mauley, Lord Dixon-Smith, Lord Dobbs
- Lord Duncan of Springbank, Earl Dundee, Baroness Eaton
- Viscount Eccles, Lord Elton, Baroness Evans of Bowes Park
- Lord Fairfax of Cameron, Baroness Fairhead, Lord Farmer
- Lord Faulks, Lord Fink, Baroness Finn
- Baroness Fookes, Lord Forsyth of Drumlean, Lord Framlingham
- Lord Fraser of Corriegarth, Lord Freeman, Lord Gardiner of Kimble
- Baroness Gardner of Parkes, Lord Geddes, Lord Gilbert of Panteg
- Lord Gold, Baroness Goldie, Lord Goodlad
- Viscount Goschen, Lord Grade of Yarmouth, Lord Green of Hurstpierpoint
Conservative Votes against the Government

Labour Votes with the Government

Labour Votes against the Government
Lord Gordon of Strathblane
Lord Grocott
Lord Harris of Haringey
Baroness Hayter of Kentish Town
Baroness Hilton of Eggardon
Lord Hoyle
Lord Hunt of Kings Heath
Lord Jones
Baroness Kennedy of Cradley
Lord Layard
Lord Levy
Baroness Lister of Burtersett
Baroness Massey of Darwen
Lord McConnell of Glenscorrodale
Lord McKenzie of Luton
Baroness Morris of Yardley
Lord O'Neill of Clackmannan
Baroness Pitkeathley
Lord Radice
Lord Robertson of Port Ellen
Baroness Royall of Blaisdon
Viscount Simon
Lord Stevenson of Balmacara
Lord Tomlinson
Lord Turnberg
Lord Watts
Lord Whitty
Lord Woolmer of Leeds
Baroness Goudie
Lord Hain
Lord Haskel
Baroness Healy of Primrose Hill
Lord Hollick
Lord Hughes of Woodside
Lord Irvine of Lairg
Lord Judd
Lord Kinnoch
Baroness Lea of Crondall
Baroness Liddell of Coatdyke
Lord Livermore
Lord Maxton
Baroness McDonagh
Lord Monks
Baroness Ramsay of Cartvale
Lord Rooker
Lord Sawyer
Baroness Taylor of Bolton
Lord Touhig
Baroness Warwick of Undercliffe
Baroness Wheeler
Lord Williams of Elvel
Baroness Young of Old Scone
Lord Grantchester
Viscount Hanworth
Lord Haworth
Baroness Henig
Lord Howarth of Newport
Lord Hunt of Chesterton
Baroness Jones of Whitchurch
Lord Kennedy of Southwark
Baroness Kinnoch of Holyhead
Lord Lennie
Lord Liddle
Lord MacKenzie of Culkein
Lord McAvoy
Baroness Mcintosh of Hudnall
Lord Morgan
Lord Murphy of Torfaen
Baroness Quin
Lord Reid of Cardowan
Lord Rosser
Baroness Sherlock
Lord Soley
Baroness Thornton
Lord Tunnicliffe
Lord Watson of Invergowie
Baroness Whitaker
Lord Winston
Lord Young of Norwood Green

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**Liberal Democrat Votes with the Government**

**Liberal Democrat Votes against the Government**

Lord Addington
Lord Beith
Baroness Bowles of Berkhamsted
Lord Campbell of Pittenweem
Lord Dholakia
Lord Foster of Bath
Lord German
Baroness Grender
Baroness Humphreys
Baroness Janke
Lord Kirkwood of Kirkhope
Lord McNally
Lord Oates
Baroness Parminter
Lord Razzall
Lord Roberts of Llandudno
Lord Sharkey
Lord Shutt of Greetland
Lord Stoneham of Droxford
Baroness Suttie
Lord Teverson
Viscount Thurso
Baroness Tyler of Enfield
Baroness Walmsley
Lord Alderdice
Baroness Benjamin
Baroness Brinton
Lord Clement-Jones
Baroness Doocy
Lord Fox
Earl Glasgow
Baroness Hamwee
Lord Hussain
Baroness Jolly
Baroness Kramer
Lord Newby
Lord Paddick
Baroness Pinnock
Lord Redesdale
Lord Rodgers of Quarry Bank
Baroness Sheehan
Baroness Smith of Newham
Lord Storey
Lord Taverne
Lord Thomas of Gresford
Lord Tope
Lord Wallace of Saltaire
Lord Wrigglesworth
Baroness Barker
Baroness Bonham-Carter of Yarnbury
Baroness Burt of Soolihull
Lord Cotter
Baroness Featherstone
Baroness Garden of Frognal
Baroness Harris of Richmond
Baroness Hussein-Ece
Lord Jones of Cheltenham
Baroness Ludford
Baroness Northover
Lord Palmer of Childs Hill
Baroness Randerson
Lord Rennard
Baroness Scott of Needham Market
Lord Shipley
Lord Stephen
Lord Strasburger
Lord Taylor of Goss Moor
Baroness Thomas of Winchester
Lord Tyler
Lord Wallace of Tankerness
## Crossbench Votes with the Government

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
<th>Name</th>
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</thead>
<tbody>
<tr>
<td>Lord Aberdare</td>
<td>Baroness Afshar</td>
<td>Lord Armstrong of Ilminster</td>
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<tr>
<td>Lord Best</td>
<td>Lord Broers</td>
<td>Lord Brown of Eaton-under-Heywood</td>
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<tr>
<td>Baroness Butler-Sloss</td>
<td>Lord Carrington</td>
<td>Viscount Colville of Culross</td>
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<tr>
<td>Viscount Craigavon</td>
<td>Lord Curry of Kirkharle</td>
<td>Baroness D'Souza</td>
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<td>Lord Eames</td>
<td>Earl Erroll</td>
<td>Lord Hogan-Howe</td>
</tr>
<tr>
<td>Lord Hope of Craighead</td>
<td>Baroness Howe of Idlicote</td>
<td>Lord Janvrin</td>
</tr>
<tr>
<td>Lord Judge</td>
<td>Lord Kakkar</td>
<td>Lord Laming</td>
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<tr>
<td>Lord Loomba</td>
<td>Lord Luce</td>
<td>Lord Macpherson of Earl's Court</td>
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<td>Baroness O'Loan</td>
<td>Baroness O'Neill of Bengarve</td>
<td>Lord Palmer</td>
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<td>Lord Patel</td>
<td>Lord Rowe-Beddoe</td>
<td>Duke of Somerset</td>
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<td>Lord Stirrup</td>
<td>Lord Vaux of Harrowden</td>
<td>Lord Wilson of Tillyorn</td>
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<td>Lord Wool</td>
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## Crossbench Votes against the Government

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<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Lord Alton of Liverpool</td>
<td>Baroness Boothroyd</td>
<td>Baroness Boycott</td>
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<tr>
<td>Lord Cameron of Dillington</td>
<td>Earl Clancarty</td>
<td>Baroness Coussins</td>
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<td>Lord Dannatt</td>
<td>Baroness Deech</td>
<td>Lord Dykes</td>
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<td>Baroness Emerton</td>
<td>Viscount Falkland</td>
<td>Lord Fellowes</td>
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<td>Baroness Finlay of Llandaff</td>
<td>Baroness Greengross</td>
<td>Lord Harries of Pentregarth</td>
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<td>Earl Hay of Kinnoull</td>
<td>Baroness Hayman</td>
<td>Lord Hennessy of Nympsfield</td>
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<td>Lord Kerr of Kinlochard</td>
<td>Baroness Kidron</td>
<td>Lord Low of Dalston</td>
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<td>Baroness Meacher</td>
<td>Lord Russell of Liverpool</td>
<td>Lord Singh of Wimbledon</td>
</tr>
<tr>
<td>Lord Stevens of Kirkwhelpington</td>
<td>Lord Trevethin and Oaksey</td>
<td>Baroness Watkins of Tavistock</td>
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</table>

## Bishop Votes with the Government

## Bishop Votes against the Government

Bishop of St Albans

## Other Votes with the Government

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
<th>Name</th>
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</thead>
<tbody>
<tr>
<td>Lord Browne of Belmont</td>
<td>Lord Empye</td>
<td>Lord Gadhia</td>
</tr>
<tr>
<td>Lord Hay of Ballyore</td>
<td>Lord Maginnis of Drumglass</td>
<td>Lord McCrea Magherafelt and Cookstown</td>
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<tr>
<td>Lord Morrow</td>
<td>Baroness Stowell of Beeston</td>
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## Other Votes against the Government

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<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Lord Bhatia</td>
<td>Baroness Blackstone</td>
<td>Baroness Jones of Moulsecommb</td>
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<tr>
<td>Lord Lipsey</td>
<td>Lord Mackenzie of Framwellgate</td>
<td>Lord Paul</td>
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<tr>
<td>Baroness Tonge</td>
<td>Lord Truscott</td>
<td>Baroness Uddin</td>
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<td>Lord Wigley</td>
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Ref: 2180