

Government Defeat in Lords on Mental Capacity (Amendment) Bill [HL]

Wednesday 21/11/2018

On 21/11/2018 the government had a defeat in the House of Lords on an amendment to the Mental Capacity (Amendment) Bill [HL]: To specify that care and treatment arrangements which imply deprivation of liberty should be necessary to prevent harm to the cared-for person, rather than just necessary and proportionate, as currently defined in the bill.

This was defeat number 35 in the parliamentary session.

Breakdown of Votes	For Govt	Against Govt	Total	No vote
Conservative	171	0	171	77
Labour	0	105	105	83
Liberal Democrat	0	71	71	27
Crossbench	7	18	25	163
Bishops	1	1	2	25
Other	9	7	16	31
Total	188	202	390	406

Conservative Votes with the Government

Lord Agnew of Oulton	Lord Ahmad of Wimbledon	Baroness Altmann
Baroness Anelay of St Johns	Lord Arbuthnot of Edrom	Earl Arran
Lord Ashton of Hyde	Lord Astor of Hever	Lord Baker of Dorking
Lord Balfe	Baroness Barran	Lord Bates
Baroness Berridge	Lord Bethell	Lord Blencathra
Baroness Bloomfield of Hinton Waldrist	Lord Borwick	Lord Bourne of Aberystwyth
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	Baroness Chalker of Wallasey
Baroness Chisholm of Owlpen	Lord Colgrain	Lord Colwyn
Lord Cooper of Windrush	Lord Cope of Berkeley	Lord Cormack
Earl Courtown	Baroness Coultie	Lord Crathorne
Baroness Cumberlege	Lord De Mauley	Lord Deighton
Lord Dixon-Smith	Lord Dobbs	Lord Duncan of Springbank
Earl Dundee	Baroness Eaton	Baroness Eccles of Moulton
Viscount Eccles	Lord Elton	Baroness Evans of Bowes Park
Baroness Fairhead	Baroness Fall	Lord Faulks
Lord Fellowes of West Stafford	Lord Fink	Lord Finkelstein
Baroness Finn	Baroness Fookes	Lord Forsyth of Drumlean
Lord Framlingham	Lord Freud	Lord Gardiner of Kimble

Baroness Gardner of Parkes	Lord Geddes	Lord Glenarthur
Baroness Goldie	Lord Goodlad	Viscount Goschen
Lord Grade of Yarmouth	Lord Griffiths of Fforestfach	Viscount Hailsham
Lord Hamilton of Epsom	Baroness Harding of Winscombe	Lord Harris of Peckham
Lord Haselhurst	Lord Hayward	Baroness Helic
Lord Henley	Lord Higgins	Lord Hill of Oareford
Baroness Hodgson of Abinger	Earl Home	Baroness Hooper
Lord Horam	Lord Howard of Lympne	Lord Hunt of Wirral
Lord James of Blackheath	Baroness Jenkin of Kennington	Lord Jopling
Lord Kirkham	Lord Kirkhope of Harrogate	Lord Lamont of Lerwick
Lord Lang of Monkton	Lord Leigh of Hurley	Earl Lindsay
Earl Liverpool	Marquess of Lothian	Lord Lucas
Lord Lupton	Lord MacGregor of Pulham Market	Lord Magan of Castletown
Lord Mancroft	Baroness Manzoor	Lord Marlesford
Lord McColl of Dulwich	Lord McInnes of Kilwinning	Baroness Meyer
Duke of Montrose	Baroness Morris of Bolton	Lord Moynihan
Lord Naseby	Baroness Neville-Rolfe	Baroness Newlove
Baroness Nicholson of Winterbourne	Baroness Noakes	Lord Norton of Louth
Lord O'Shaughnessy	Baroness O'Cathain	Lord Pickles
Baroness Pidding	Lord Polak	Lord Popat
Lord Porter of Spalding	Lord Price	Lord Randall of Uxbridge
Baroness Rawlings	Baroness Redfern	Lord Renfrew of Kaimsthorn
Lord Ribeiro	Lord Risby	Lord Robathan
Baroness Rock	Baroness Sater	Baroness Scott of Bybrook
Baroness Seccombe	Earl Selborne	Lord Selkirk of Douglas
Baroness Shackleton of Belgravia	Lord Sheikh	Lord Sherbourne of Didsbury
Lord Shinkwin	Lord Smith of Hindhead	Baroness Stedman-Scott
Lord Strathclyde	Baroness Stroud	Baroness Sugg
Lord Suri	Lord Taylor of Holbeach	Lord Tebbit
Lord Trefgarne	Lord Trimble	Lord True
Lord Tugendhat	Viscount Ullswater	Baroness Vere of Norbiton
Baroness Verma	Lord Wakeham	Baroness Warsi
Lord Wasserman	Lord Wei	Baroness Wheatcroft
Lord Whitby	Baroness Wilcox	Lord Willetts
Baroness Williams of Trafford	Lord Young of Cookham	Viscount Younger of Leckie

Conservative Votes against the Government

Labour Votes with the Government

Labour Votes against the Government

Baroness Adams of Craigielea	Lord Anderson of Swansea	Baroness Bakewell
Lord Bassam of Brighton	Lord Beecham	Lord Berkeley
Baroness Billingham	Baroness Blackstone	Lord Blunkett
Lord Boateng	Lord Bradley	Lord Brooke of Alverthorpe
Lord Brookman	Lord Browne of Ladyton	Baroness Bryan of Partick
Lord Campbell-Savours	Lord Cashman	Baroness Chakrabarti
Viscount Chandos	Lord Clark of Windermere	Lord Collins of Highbury
Baroness Corston	Baroness Crawley	Lord Davidson of Glen Clova
Lord Davies of Stamford	Lord Davies of Oldham	Baroness Drake
Lord Elder	Lord Faulkner of Worcester	Lord Foulkes of Cumnock
Baroness Gale	Baroness Golding	Lord Gordon of Strathblane
Baroness Goudie	Lord Grantchester	Lord Griffiths of Burry Port
Lord Hain	Viscount Hanworth	Lord Harris of Haringey
Lord Haskel	Lord Haworth	Baroness Hayter of Kentish Town
Baroness Healy of Primrose Hill	Baroness Henig	Baroness Hilton of Eggardon

Lord Hollick	Lord Howarth of Newport	Baroness Howells of St Davids
Lord Hoyle	Lord Hughes of Woodside	Lord Hunt of Kings Heath
Baroness Jones of Whitchurch	Lord Judd	Baroness Kennedy of The Shaws
Lord Kennedy of Southwark	Baroness Kennedy of Cradley	Baroness Kingsmill
Lord Kinnock	Baroness Kinnock of Holyhead	Lord Knight of Weymouth
Lord Layard	Lord Lea of Crondall	Lord Lennie
Lord Liddle	Baroness Lister of Burtersett	Lord Livermore
Lord MacKenzie of Culkein	Baroness Mallalieu	Lord Maxton
Lord McAvoy	Baroness McDonagh	Baroness McIntosh of Hudnall
Lord McNicol of West Kilbride	Lord Morgan	Baroness Morris of Yardley
Lord Murphy of Torfaen	Baroness Nye	Lord Pendry
Baroness Pitkeathley	Lord Prescott	Baroness Prosser
Baroness Quin	Lord Radice	Baroness Ramsay of Cartvale
Baroness Rebuck	Lord Reid of Cardowan	Lord Rosser
Lord Rowlands	Lord Sawyer	Baroness Sherlock
Viscount Simon	Baroness Smith of Basildon	Lord Snape
Lord Soley	Lord Stevenson of Balmacara	Baroness Thornton
Lord Tomlinson	Lord Touhig	Lord Tunnicliffe
Baroness Wheeler	Baroness Whitaker	Lord Whitty
Lord Wills	Lord Young of Norwood Green	Baroness Young of Old Scone

Liberal Democrat Votes with the Government

Liberal Democrat Votes against the Government

Lord Addington	Lord Alderdice	Lord Allan of Hallam
Baroness Bakewell of Hardington Mandeville	Baroness Barker	Lord Beith
Baroness Benjamin	Baroness Bonham-Carter of Yarnbury	Baroness Bowles of Berkhamsted
Lord Bradshaw	Baroness Brinton	Lord Bruce of Bennachie
Lord Burnett	Baroness Burt of Solihull	Lord Campbell of Pittenweem
Lord Chidgey	Lord Clement-Jones	Lord Cotter
Lord Dholakia	Baroness Doocey	Lord Foster of Bath
Lord Fox	Baroness Garden of Frognal	Lord German
Earl Glasgow	Lord Goddard of Stockport	Lord Greaves
Baroness Grender	Baroness Hamwee	Baroness Harris of Richmond
Baroness Humphreys	Lord Hussain	Baroness Janke
Lord Jones of Cheltenham	Lord Kirkwood of Kirkhope	Baroness Kramer
Lord Lee of Trafford	Baroness Ludford	Baroness Maddock
Lord McNally	Lord Newby	Baroness Northover
Lord Oates	Lord Paddock	Baroness Pinnock
Lord Purvis of Tweed	Baroness Randerson	Lord Redesdale
Lord Rennard	Lord Roberts of Llandudno	Lord Rodgers of Quarry Bank
Baroness Scott of Needham Market	Lord Sharkey	Baroness Sheehan
Lord Shipley	Lord Shutt of Greetland	Baroness Smith of Newnham
Lord Stephen	Lord Stoneham of Droxford	Lord Storey
Lord Strasburger	Lord Stunell	Baroness Suttie
Lord Thomas of Gresford	Baroness Thomas of Winchester	Lord Tope
Lord Tyler	Baroness Tyler of Enfield	Lord Wallace of Saltaire
Baroness Walmsley	Lord Wrigglesworth	

Crossbench Votes with the Government

Lord Craig of Radley	Viscount Craigavon	Lord Kakkar
Earl Lytton	Lord Pannick	Lord Patel
Lord Rowe-Beddoe		

Crossbench Votes against the Government

Lord Aberdare	Baroness Afshar	Lord Alton of Liverpool
Lord Bilimoria	Lord Carlile of Berriew	Lord Dykes
Viscount Falkland	Baroness Finlay of Llandaff	Baroness Grey-Thompson
Baroness Hollins	Baroness Howe of Idlicote	Baroness Meacher
Lord Russell of Liverpool	Earl Sandwich	Lord St John of Bletso
Baroness Stern	Baroness Watkins of Tavistock	Baroness Young of Hornsey

Bishop Votes with the Government

Bishop of Chester

Bishop Votes against the Government

Bishop of Oxford

Other Votes with the Government

Lord Browne of Belmont	Lord Empey	Lord Gadhia
Lord Inglewood	Lord Maginnis of Drumglass	Lord McCrea Magherafelt and Cookstown
Lord Morrow	Lord Rogan	Lord Taylor of Warwick

Other Votes against the Government

Lord Ahmed	Baroness Jones of Moulsecoomb	Lord Lipsey
Lord Patel of Bradford	Lord Truscott	Baroness Uddin
Lord Wigley		

Ref: 2164