Dear Authors,

Thank you very much for taking the time to carefully revise your manuscript in response to my recommendations. I think the Discussion section is now much improved and overall the clarity of writing has increased considerably.

I have some comments to make about certain revisions. The page and line references below refer to the revised document which shows tracked changes.

p6 lines 81-85: I am still concerned about the categories you have used to classify studies you identified from the UKCTG. I understand that the condition-specific search terms are those used by the UKCTG. However, if I understand correctly, the study team created the classification system relating to "capacity status". I think this needs to be made more explicit in your manuscript. I am also confused by the terminology you use - you appear to be using "capacity" to refer both to decision-making capacity and the ability to "hold relevant views"; I think these are two different things. Therefore, I think this needs clarification / justification. I would also still argue that it is discriminatory and inconsistent with the Mental Capacity Act (2005) to associate specific health conditions with mental capacity status. I think you could remedy these limitations by explicitly stating that you have created this classification system and by providing a clear rationale for this which includes some acknowledgement of the limitations of your system. I think it would be helpful for the reader for you to acknowledge that not everybody with a diagnosis of stroke or TBI or in receipt of critical care will experience "sudden loss of capacity", that not everybody with Down's syndrome or PMLD will have had "no capacity to hold relevant views", etc..

p10 line 164: "7-67%" - apologies, but I am still not clear how the percentages were derived!

p18 line 341: instead of "were", do you mean "where"?
p20 lines 368-370: I think this sentence needs revising to make its meaning clearer. At present, I do not really understand the links you are making between being a care home resident, having a dementia diagnosis, having cognitive impairment and lacking capacity to consent to research.

p20 line 375: "according to his or her capacity" - I am not sure what you mean by this phrase; it would be helpful if you could revise the sentence to make its meaning clearer.

p21 lines 401-406: I still find this sentence difficult to read and understand. Perhaps it would be clearer if you wrote "both in terms of differences in scope,...and because the negative orientation,..."?

p22 line 425: I think it would be helpful if you changed "were not" back to "not being".

P24 line 488: I think it would be helpful to the reader if you could include brief information to explain what the "layered or tiered approach" involves.

P25 line 512: I think it would be easier for the reader if you changed "and therefore comply with..." to "and thereby ensure compliance with...".

p30 Additional file 1: Please explain the acronym "CNS".

If these concerns can be addressed, I would be happy to recommend that the manuscript be published. I look forward to reading your revised manuscript!

Best wishes
Level of interest
Please indicate how interesting you found the manuscript:

An article whose findings are important to those with closely related research interests

Quality of written English
Please indicate the quality of language in the manuscript:

Acceptable

Quality of figures
All images and figures within the manuscript should be genuine i.e. without evidence of manipulation. No specific feature within an image may be enhanced, obscured, moved, removed, or introduced. If you have concerns about the veracity of the figures you should choose the first option below.

Statistical review
Is it essential that this manuscript is seen by an expert statistician? If so, please give your reasons in your report.

Declaration of competing interests
Please complete a declaration of competing interests, considering the following questions:

1. Have you in the past five years received reimbursements, fees, funding, or salary from an organisation that may in any way gain or lose financially from the publication of this manuscript, either now or in the future?

2. Do you hold any stocks or shares in an organisation that may in any way gain or lose financially from the publication of this manuscript, either now or in the future?

3. Do you hold or are you currently applying for any patents relating to the content of the manuscript?

4. Have you received reimbursements, fees, funding, or salary from an organization that holds or has applied for patents relating to the content of the manuscript?

5. Do you have any other financial competing interests?

6. Do you have any non-financial competing interests in relation to this paper?
If you can answer no to all of the above, write 'I declare that I have no competing interests' below. If your reply is yes to any, please give details below.

I declare that I have no competing interests.

I agree to the open peer review policy of the journal. I understand that my name will be included on my report to the authors and, if the manuscript is accepted for publication, my named report including any attachments I upload will be posted on the website along with the authors' responses. I agree for my report to be made available under an Open Access Creative Commons CC-BY license (http://creativecommons.org/licenses/by/4.0/). I understand that any comments which I do not wish to be included in my named report can be included as confidential comments to the editors, which will not be published.

I agree to the open peer review policy of the journal

Were you mentored through this peer review?

No