

STATES OF JERSEY



DRAFT MENTAL HEALTH (JERSEY) LAW 2016 (APPOINTED DAY) ACT 201-

**Lodged au Greffe on 13th March 2018
by the Minister for Health and Social Services**

STATES GREFFE



Jersey

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REPORT

The purpose of this Act is to bring into force all the provisions of the Mental Health (Jersey) Law 2016 (the “2016 Law”), which was registered in the Royal Court on 23rd December 2016. *Article 1* sets 1st October as the day on which the 2016 Law will be commenced.

The 2016 Law represents a significant reform of mental health law in Jersey. It will repeal and substantially re-enact (with appropriate modernisations) the Mental Health (Jersey) Law 1969, and the Criminal Justice (Insane Persons) (Jersey) Law 1964, introducing wholly new provisions for Jersey, relating in particular to the representation and safeguarding of individuals suffering from mental disorders in the context of health and civil society at large, and the powers of the court for dealing with such individuals when they appear as defendants in the criminal justice system.

It is intended that a number of Regulations will, if approved by the States, be made immediately following the commencement of the 2016 Law. These Regulations will make further provision around guardianship, independent mental capacity advocates, and transitional and consequential matters for the implementation of the 2016 Law.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Ministers for Health and Social Services, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Financial and manpower implications

The cost to Health and Social Services for implementing the 2016 Law has been included in the overall funding within HSSD P82 and through the 2016–2019 MTFP. The indicative requirements to maintain the 2016 Law from 2020 and beyond have been identified by HSSD, and are included as indicative requirements for growth funding within the next MTFP process. There are no additional financial or staffing implications for the States arising from the adoption of this draft Act.

Explanatory Note

This Act would appoint 1st October 2018 as the day on which the Mental Health (Jersey) Law 2016 comes into force.



Jersey

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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 98 of the Mental Health (Jersey) Law 2016¹, have made the following Act –

1 Commencement of Law

The Mental Health (Jersey) Law 2016² shall come into force on 1st October 2018.

2 Citation

This Act may be cited as the Mental Health (Jersey) Law 2016 (Appointed Day) Act 201-.

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- ¹ *L.29/2016*
² *L.29/2016*