

STATES OF JERSEY

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DRAFT MENTAL HEALTH (AMENDMENT) (JERSEY) LAW 200

**Lodged au Greffe on 1st July 2003
by the Health and Social Services Committee**

STATES GREFFE



Jersey

DRAFT MENTAL HEALTH (AMENDMENT) (JERSEY) LAW 200

European Convention on Human Rights

The President of the Health and Social Services Committee has made the following statement –

In the view of the Health and Social Services Committee the provisions of the Draft Mental Health (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator S. Syvret**

REPORT

Amendments to the Mental Health (Jersey) Law 1969 are necessary to remedy significant interference with the rights of individuals which are defined under the European Convention on Human Rights.

The Health and Social Services Committee had intended to address these and a number of other important matters under a *new* Mental Health (Jersey) Law. However, as a result of substantial changes being proposed to the U.K. mental health legislation, policy and practice, it became necessary to delay progress on this comprehensive revision of the Jersey Law.

In view of the imminent implementation of the Human Rights (Jersey) Law 2000, the Committee now desires to make immediate 'human rights' amendments to the existing 1969 Law.

The Committee has obtained detailed legal advice on these proposals from the Law Officers' Department, and the Law has been subject to a comprehensive human rights audit by specialist U.K. advisers on mental health law and human rights. The proposed changes are summarised below.

1. Composition and appointment of the Mental Health Review Tribunal

A reduced membership from five to three members will enable a Tribunal to be convened more speedily and enable compliance with human rights standards. In addition, the amendment will provide for the Bailiff to appoint a deputy chairman of the Tribunal in circumstances when both the chairman and vice-chairman are unavailable.

2. Detained patients - reversal of the burden of proof

At present, a detained patient is required to satisfy the Tribunal that he or she is fit to be discharged from hospital. However, this onus now rests on the Committee to satisfy the Tribunal that it has sufficient reason to continue to detain the patient.

The amendment shifts the burden of proof – i.e. so that the Tribunal must direct that the patient is discharged unless it is satisfied that there is good reason to continue to detain the patient.

3. Arrangements for admission of patients

Currently it is necessary to secure the prior authorisation and signature of a member of the Health and Social Services Committee before a patient may be detained in hospital. This can give rise to delay and is unnecessary since the decision to admit is necessarily a clinical matter based on the recommendations of two registered medical practitioners.

The proposed change will replace the existing provision with a requirement to inform the Committee of an admission. The Committee will retain the right to issue an 'order for discharge' at any time following such an admission.

4. Role of nearest relatives

Under the 1969 Law, a person's nearest relative may object to his admission for treatment. This may result in the patient not being detained, for no valid clinical reason, and therefore unable to receive necessary treatment which they are in urgent need of.

The proposed amendment removes the right of a nearest relative to object to an admission, although there is a duty to consult with the relative unless this is not reasonably practicable or would cause unreasonable delay in providing treatment. The nearest relative will retain the right to seek the discharge of the patient following admission.

The right of a nearest relative to object to admission is, however, retained in relation to a guardianship application, as treatment cannot be imposed under these provisions.

The amendment also provides that, in addition to an application by certain others to replace the nearest relative, the patient himself may apply to the Court for the appointment of an acting nearest relative in certain prescribed circumstances.

5. Informal patients

The 1969 Law provides for the voluntary admission of a patient to a mental health hospital or nursing home without being liable for detention, or for the patient to remain voluntarily without any formal application (subject to the consent of the responsible medical officer). However, the 1969 Law also states that the patient may only

take his discharge 'at any time' subject to his giving 48 hours' notice to the responsible medical officer. The patient would therefore be *de facto* detained for 48 hours without a requirement to demonstrate a valid reason for detention in accordance with law. Following previous advice given by the Law Officers' Department this requirement has not been invoked for many years.

The proposed change is that an informal patient, (i.e. not subject to detention under the Law), may indicate his intention to leave hospital or refuse treatment at any time *without giving notice*.

6. Emergency admission of patients

The existing provisions for emergency admission only apply in certain limited instances. Consequently, some patients cannot immediately receive the necessary treatment they need.

The circumstances in which these emergency provisions would now apply are when the patient has arrived at the hospital, or has been informally admitted but does not consent to remain, and the patient is suffering from a mental disorder or addiction, and in the interests of his own safety or the safety of another person there is an urgent necessity for admission and an ordinary application for admission would cause undesirable delay.

A further provision is inserted to enable a qualified nurse to temporarily detain a patient, in circumstances similar to those above, for a period of up to 3 hours so that a medical practitioner can attend to assess the patient.

7. Removal of patients to and from the British Isles

Substantial changes are proposed to the arrangements for transfer of detained patients, and the circumstances in which they may be transferred, for care or treatment in another territory, either in the British Islands or elsewhere. These provisions include requirements that the transfer is in the best interests of the patient, and that proper arrangements have been made for the care and treatment.

However, the patient will have an automatic right for the transfer to be reviewed by the Tribunal before the transfer takes place.

The amendment also makes provision for patients to be received into care or treatment in Jersey, from elsewhere in the British Islands, under the same conditions as they had been detained in the other territory.

8. Rights of minors to appeal

Under the existing Law, treatment and guardianship orders are applicable to children, but Articles 19(5) and 23(5) presently exclude minors under the age of 16 years from making an application to the Tribunal.

The proposed amendment rectifies this position and provides the right of a person under 16 years to appeal to the Tribunal.

9. Patients' correspondence

The existing Law provides for the correspondence of a detained patient to be withheld where it would 'interfere with the treatment of the patient or cause him unnecessary distress'.

Changes are proposed to these circumstances – i.e. to withhold correspondence when it is necessary for the health or safety of the patient or protection of other persons. Important exceptions to this provision are extended to include correspondence with any court or tribunal, whether or not within Jersey (which could include correspondence with the European Court of Human Rights), and the patient's legal adviser.

The proposals also insert a requirement to notify the patient and correspondents that correspondence has been withheld, unless that notification would be counterproductive. The patient has a right of appeal and to make representations to the president of the Tribunal for the decision to be reviewed.

10. Power of interdict to seek reinstatement

The opportunity has been taken to remedy an anomaly in the existing law. It is proposed that in future any person for whom a curator has been appointed to administer their property and affairs, regardless of the circumstances of the appointment, may apply to the court for reinstatement.

11. Revised definitions

The meanings of certain expressions, including 'addict' and 'alien', are also brought up to date with reference to the current legislation.

12. Statement on financial and manpower implications

This Draft Law has no implications for the financial or manpower resources of the States.

13. European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 30th June 2003 the Health and Social Services Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Health and Social Services Committee the provisions of the Draft Mental Health (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This draft Law makes amendments to the Mental Health (Jersey) Law 1969, the majority of which are to ensure that the Law is compliant with the European Convention on Human Rights.

Article 1 is an interpretation provision and *Article 2* substitutes a slightly modified definition of “addict” and “alien” in Article 1 of the 1969 Law and adds definitions of “president” (of the Tribunal) and “working day”.

Article 3 substitutes a new Article 4 of the 1969 Law dealing with informal admission of patients, the essential difference being that a patient informally admitted no longer has to give the responsible medical officer 48 hours notice of his intention to discharge himself.

Article 4 amends Article 15 of the 1969 Law so that applications for admission are made to the Health and Social Services Committee rather than to a member of that Committee. The power of the nearest relative to prevent an application for admission being made by a Constable or an officer of the Committee is removed.

Article 5 substitutes a new Article 17 of the 1969 Law covering emergency admission and the new Article 17A is a new power for a nurse to detain a patient for up to 3 hours in certain circumstances.

Article 6 removes further references in the 1969 Law to an application for admission being received or approved by a member of the Committee as opposed to the Committee itself and removes the requirement for a member of the Committee to satisfy himself as to certain matters and to designate the hospital to which the patient is to be admitted.

Article 7 removes the restrictions on applying to the Tribunal in respect of persons under the age of 16.

Article 8 preserves the rights of the nearest relative with respect to guardianship notwithstanding their removal with respect to applications for admission occasioned by the amendments to Article 15.

Article 9 revises the provisions of Article 25 of the 1969 Law concerned with correspondence of patients, including a right of review by the president where a postal packet has been withheld.

Article 10 makes amendments to Article 39 of the 1969 Law so that the patient may apply to replace the nearest relative.

Article 11 inserts new provisions governing the removal of patients to and from Jersey subject to the approval of the Tribunal. As currently drafted the Law only provides for the removal of non-Jersey residents or aliens.

Article 12 amends Article 50 of the 1969 Law so as enable all interdicts to apply for reinstatement, including those subject to detention or guardianship.

Article 13 revises the First Schedule to the 1969 Law concerned with the Tribunal. The tribunal is now to consist of one rather than two medical and lay members and there is provision for the Bailiff to appoint a deputy chairman to deal with specified proceedings when neither the chairman nor the vice-chairman is available to act. The obligation on the tribunal to discharge a patient is to apply whenever the Tribunal is not satisfied that the patient is suffering from a mental disorder or addiction or needs to be detained, as opposed to discharging the patient only if it is satisfied that the patient is not so suffering or it is not necessary to detain the patient. There is also an obligation to refer the case to the Tribunal of a child with insufficient mental capacity to make an application. Reference is also made to the Tribunal's new powers in respect of patients to be removed from Jersey.

Article 14 describes how the Law is to be cited and for it to come into force on such day as the States may by Act appoint.



Jersey

DRAFT MENTAL HEALTH (AMENDMENT) (JERSEY) LAW 200

Arrangement

Article

<u>1</u>	<u>Interpretation</u>
<u>2</u>	<u>Definitions revised</u>
<u>3</u>	<u>Revised provision for informal patients</u>
<u>4</u>	<u>Revised procedure for application for admission for observation or treatment</u>
<u>5</u>	<u>Revised provision for emergency admission and detention</u>
<u>6</u>	<u>Removal of role of individual Committee members</u>
<u>7</u>	<u>Rights of appeal extended to persons under 16</u>
<u>8</u>	<u>Right of nearest relative to object preserved with respect to guardianship applications</u>
<u>9</u>	<u>Revision of provisions relating to patients' correspondence</u>
<u>10</u>	<u>Revision of provisions with respect to applications to the court to replace nearest relative</u>
<u>11</u>	<u>New provisions regarding removal of patients to/from Jersey</u>
<u>12</u>	<u>Revised power of interdict to seek reinstatement</u>
<u>13</u>	<u>Revision of constitution and procedure of Tribunal</u>
<u>14</u>	<u>Citation and commencement</u>



Jersey

DRAFT MENTAL HEALTH (AMENDMENT) (JERSEY) LAW 200

A LAW to amend further the Mental Health (Jersey) Law 1969.^[1]

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law “principal Law” means the Mental Health (Jersey) Law 1969, as amended.^[2]

2 Definitions revised

In Article 1(1) of the principal Law^[3] –

(a) for the definition of “addict” there shall be substituted the following definition –

“ ‘addict’ means a person who habitually and intemperately drinks intoxicating liquor or who habitually takes or uses, otherwise than on medical advice, any drug to which any provision of the Misuse of Drugs (Jersey) Law 1978^[4] applies;”

(b) for the definition of “alien” there shall be substituted the following definition –

“ ‘alien’ means a person other than a person who has the right of abode in Jersey pursuant to section 2(1) of the Immigration Act 1971 (c.77) of the United Kingdom as extended to Jersey by the Immigration (Jersey) Order 1993^[5];”

(c) after the definition of “prescribed” there shall be inserted the following definition –

“ ‘president’ means the chairman, vice-chairman or deputy chairman of the Tribunal;”
and

(d) after the definition of “school” there shall be added the following definition –

“ ‘working day’ means any day other than a Saturday, Sunday, Good Friday, Christmas Day or any day appointed as a public holiday or bank holiday under Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951;^[6]”.

3 Revised provision for informal patients

For Article 4 of the principal Law^[7] there shall be substituted the following Article –

“4 Informal admission of patients

Nothing in this Law shall be construed as preventing a patient who requires or wishes to receive treatment for mental disorder or for addiction –

- (a) from being admitted to any hospital or mental nursing home if the responsible medical officer of that hospital or mental nursing home is willing to receive the patient without any application or authority rendering the patient liable to be detained under this Law;
- (b) from remaining, with the consent of the responsible medical officer, in any hospital or mental nursing home after he has ceased to so liable; or
- (c) from taking his discharge from any hospital at any time when he is not liable to be detained under this Law.”.

4 Revised procedure for application for admission for observation or treatment

In Article 15 of the principal Law^[8] –

(a) in paragraph (1)–

- (i) after the words “may be made” there shall be inserted the words “to the Committee”, and
- (ii) for the words after sub-paragraph (d) there shall be substituted the following words–

“and shall specify the name of the applicant and the capacity in which the application is made.”; and

(b) for paragraph (2) there shall be substituted the following paragraph–

“(2) An application for admission of a patient shall not be made by a Constable or an officer except after consultation with the person (if any) appearing to be the nearest relative of the patient unless it appears to the Constable or the officer, as the case may be, that such consultation is not reasonably practicable or would involve unreasonable delay.”.

5 Revised provision for emergency admission and detention

For Article 17 of the principal Law^[9] there shall be substituted the following Articles –

“17 Emergency admission

(1) Where, in the opinion of either the responsible medical officer or another registered medical practitioner, there is an urgent necessity for a patient to which this Article applies to be detained on the grounds that –

- (a) it is likely that the patient is suffering from a mental disorder or addiction; and
- (b) to allow the patient to remain at liberty would endanger the patient’s own safety or the safety of other persons,

the patient may be detained under observation for a period not exceeding 72 hours from the time such opinion is formed.

(2) This Article applies where a patient –

- (a) is brought to or presents himself at a hospital; or
- (b) has been admitted to, or remains in, a hospital on an informal basis and does not consent to remain,

and an application for admission in accordance with Article 13 or 14 would involve undesirable delay.

- (3) In this Article “informal” shall be construed in accordance with Article 4.

17A Power of nurse to detain

- (1) If, in the case of a patient who is receiving treatment for a mental disorder or addiction as an in-patient in a hospital, other than a patient who is already liable to be detained under this Part, it appears to a nurse of such class as may be prescribed –
- (a) the patient is suffering from a mental disorder or addiction and to allow the patient to remain at liberty would endanger the patient’s own safety or the safety of other persons; and
 - (b) that it is not practicable to secure the immediate attendance of a registered medical practitioner,
- the nurse may record that fact.
- (2) Where the fact described in paragraph (1) is recorded, the patient may be detained in the hospital for a period of up to 3 hours beginning at the time the record is made, but if a registered medical practitioner attends the patient during the third such hour, the patient may be detained for up to one hour from the start of the time when the registered medical officer so attends.”.

6 Removal of role of individual Committee members

- (1) In Article 18 of the principal Law^[10] the words “by a member of” shall be omitted.
- (2) In Article 19 of the principal Law^[11] –
- (a) for paragraph (1) there shall be substituted the following paragraph–
“(1) An application for the admission of a patient to hospital under this Part shall be of no effect unless the application and the medical recommendations comply with that Part.”; and
 - (b) in paragraphs (2) and (3) for the words “the hospital designated as aforesaid” there shall be substituted the words “a hospital”.
- (3) In Article 20(1) of the principal Law^[12] the words “of the member of the Committee by whom the application was approved or” shall be omitted.

7 Rights of appeal extended to persons under 16

In Article 19(5) and 23(5) of the principal Law^[13] the words “, or with the day on which he attains the age of sixteen years, whichever is the later” shall be omitted.

8 Right of nearest relative to object preserved with respect to guardianship applications

For Article 21(6) of the principal Law^[14] there shall be substituted the following paragraph –

- “(6) Articles 15 and 16 shall apply to a guardianship application as they apply to an application for admission for treatment, with the insertion of –
- (a) after Article 15(1) the following paragraph–
“(1A) A guardianship application shall not be made by a Constable or an officer if

- the nearest relative of the patient has notified the Constable or the officer, as the case may be, that he objects to the application.’; and
- (b) after Article 16(4)(e) the following subparagraph –
- ‘(e) the person named as guardian in the application;’ ”.

9 Revision of provisions relating to patients’ correspondence

In Article 25 of the principal Law^[15] –

- (a) for paragraphs (1) and (2) there shall be substituted the following paragraphs–

- “(1) Subject to the provisions of this Article, any postal packet addressed to a patient detained in a hospital under this Part may be withheld from the patient if, in the opinion of the responsible medical officer, it is necessary to do so for the health or safety of the patient or protection of other persons.
- (2) Subject to the provisions of this Article, any postal packet addressed by a patient so detained and delivered by the patient for dispatch may be withheld from the Post Office –
- (a) if the addressee has given notice in writing to the Committee or to the responsible medical officer requesting that communications addressed to him by the patient should be withheld; or
- (b) if it appears to the responsible medical officer that the packet would be unreasonably offensive to the addressee or is defamatory of other persons (not being persons on the staff of the hospital) or might cause danger to any person.
- (2A) Paragraph (2) shall not apply to any postal packet addressed –
- (a) to the Committee or any member of the Committee;
- (b) to any officer of any of the Departments described in Article 1(1) of the Departments of the Judiciary and The Legislature (Jersey) Law 1965^[16]
- (c) to any member of the States;
- (d) to any court or tribunal, whether or not within Jersey;
- (e) to the patient’s legal adviser;
- (f) to any person having power to discharge the patient under this Part; or
- (g) to any other classes of persons as may be prescribed, subject to such conditions or limitations (if any) as may be prescribed.”; and

- (b) after paragraph (5) there shall be inserted the following paragraphs–

- “(5A) Where any postal packet is withheld in accordance with paragraph (1) or (2)(b), the responsible medical officer shall, within 3 working days of the decision to withhold being made –
- (a) notify the patient and the sender or addressee, as the case may be, unless the giving of such notice would be counterproductive to the withholding of the postal packet; and
- (b) inform the persons notified of their rights under paragraph (5B).
- (5B) The persons notified under paragraph (5A) may –
- (a) within 10 working days of receiving such notification, request a review by the president; and
- (b) make representations to the president which shall be in writing unless the president directs otherwise.
- (5C) Within 7 working days of receiving a request in accordance with paragraph (5B), the

president shall review the decision to withhold any postal packet together with any representations and may confirm, vary or reverse the decision.”.

10 Revision of provisions with respect to applications to the court to replace nearest relative

In Article 39 of the principal Law^[17] –

- (a) in paragraph (2) at the end of sub-paragraph (c) there shall be inserted the word “or” and the following sub-paragraph –
 - “(d) the patient;”;
- (b) in paragraph (3)–
 - (i) after sub-paragraph (a) there shall be inserted the following sub-paragraph –
 - “(aa) that the patient objects to the nearest relative or the person acting as the nearest relative; or”;
 - (ii) in sub-paragraph (c) the words “an application for admission for treatment or” shall be omitted.

11 New provisions regarding removal of patients to/from Jersey

For Part IV of the principal Law^[18] there shall be substituted the following Part –

“PART IV

REMOVAL FROM AND RECEPTION INTO JERSEY OF PATIENTS

42 Removal of patient to another place in the British Islands: reciprocal arrangements

- (1) Subject to Article 42C, the Committee may authorize the removal of a patient for the time being liable to be detained under this Law from Jersey to another place in the British Islands if it appears to it –
 - (a) that such removal is in the interests of the patient;
 - (b) that there is provision in that place corresponding to Article 42D for the reception of the patient from Jersey; and
 - (c) that arrangements have been made for the patient’s admission in that place.
- (2) When authorizing the removal of a patient under paragraph (1), the Committee may give any necessary directions for his conveyance to his destination.
- (3) Where a patient is removed from Jersey pursuant to this Article, the application, order or direction by virtue of which he is liable to be detained under this Law shall cease to have effect when he is duly received in the other place in the British Islands pursuant to the arrangements mentioned in paragraph (1)(c).

42A Removal of patient to another place in the British Islands: no reciprocal arrangements

- (1) Subject to Article 42C, the Committee may authorize the removal of a patient for the time being liable to be detained under this Law from Jersey to another place in the British Islands if it appears to it –
 - (a) that such removal is in the interests of the patient;
 - (b) that there is no provision in that place corresponding to Article 42D for the reception of the patient from Jersey but that the patient is ordinarily resident there;

and

(c) that proper arrangements have been made for the removal of the patient to that place, and for the patient's care and treatment there.

- (2) When authorizing the removal of a patient under paragraph (1), the Committee may give such directions as it thinks fit for –
- (a) the conveyance of the patient to the intended destination in the other place in the British Islands; and
 - (b) the detention of the patient in any place or on board any ship or aircraft until arrival at any specified port or place in that other place in the British Islands.

42B Removal of alien patient

- (1) Subject to Article 42C, the Committee may authorize the removal from Jersey of a patient liable to be detained under this Law who is an alien if it appears to it –
- (a) that such removal is in the interests of the patient; and
 - (b) that proper arrangements have been made for the removal of the patient to a country or territory outside the British Islands and for the patient's care and treatment there.
- (2) When authorizing a removal under paragraph (1), the Committee may give such directions as it thinks fit for –
- (a) the conveyance of the patient to his destination in the country or territory mentioned in that paragraph; and
 - (b) the detention of the patient in any place or on board any ship or aircraft until arrival at any specified port or place in any such country or territory.

42C Role of Tribunal

- (1) Where the Committee has authorized the removal of a patient from Jersey pursuant to Article 42, 42A or 42B, it shall forthwith notify the Tribunal and the Tribunal shall review the authorization within 7 working days of receiving such notification.
- (2) A patient may not be removed from Jersey pursuant to Article 42, 42A or 42B unless the approval of the Tribunal has been obtained.

42D Reception of patient removed from another place in the British Islands

- (1) This Article applies to a patient removed to Jersey from another place in the British Islands under an enactment corresponding to Article 42.
- (2) Where the patient is admitted to hospital in Jersey, this Law shall apply to that patient as if, on the date of admission, the patient had been so admitted pursuant to an application, order or direction made or given on that date under the provision in this Law corresponding to the enactment of the place from which the patient is removed by virtue of which he was liable to be detained there.
- (3) While being conveyed to the hospital referred to in paragraph (2), the patient shall be deemed to be in legal custody.”.

12 Revised power of interdict to seek reinstatement

In Article 50(10) of the principal Law^[19] the words “in respect of whom a curator is appointed in pursuance of sub-paragraph (b) of paragraph (5) of this Article” shall be deleted.

13 Revision of constitution and procedure of Tribunal

In the First Schedule to the principal Law –

- (a) after paragraph 1^[20] there shall be inserted the following paragraph –

“1A. If neither the chairman nor the vice-chairman is available to act, the Bailiff may appoint any person eligible for appointment under paragraph 1(a) to be a deputy chairman for the purpose of such proceedings or class or group of proceedings under this Law as the Bailiff may specify and paragraph 4 shall not apply to any such appointment.”;

- (b) for sub-paragraphs (a) to (c) of paragraph 5^[21] there shall be substituted the following sub-paragraphs –

- “(a) a president;
(b) one medical member; and
(c) one lay member.”; and

- (c) for paragraphs 8 and 9^[22] there shall be substituted the following paragraphs –

“8. Where application is made to the Tribunal by or in respect of a patient who –

- (a) is liable to be detained under this Law, the Tribunal may in any case direct that the patient be discharged, and shall so direct if it is not satisfied that –
(i) that the patient is then suffering from mental disorder or addiction, or
(ii) that it is necessary in the interest of the patient’s health or safety or for the protection of other persons that the patient should continue to be liable to be detained; or
(b) is subject to guardianship under the provisions of this Law, the Tribunal may in any case direct that the patient be discharged, and shall so direct if it is not satisfied that –
(i) the patient is then suffering from mental disorder or addiction,
(ii) the patient still requires special care, or
(iii) it is necessary in the interests of the patient, or for the protection of other persons, that the patient should remain in guardianship.

9. Where a patient is liable to be detained or is subject to guardianship under this Law, the Committee or the Attorney General –

- (a) in the case of a patient who is a child who, in the opinion of the Committee or the Attorney General as the case may be, has insufficient mental capacity to make an application, shall; and
(b) in the case of any other patient, may if the Committee or the Attorney General as the case may be thinks fit,

refer the case to the Tribunal who shall deal with any such reference as if it were an application under paragraph 8.

9A. Where the Tribunal reviews the authorization to remove a patient from Jersey under Article 42C, it shall not approve the removal unless it is satisfied that the conditions of Article 42, 42A or 42B, as the case may be, are met”.

14 Citation and commencement

This Law may be cited as the Mental Health (Amendment) (Jersey) Law 200 and shall come into force on

such day as the States may by Act appoint.

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- [1] *Volume 1968-1969, page 345, Volume 1970-1972, page 549, Volume 1994-1995, page 119, Volume 2001, page 298 and R&O 5838.*
- [2] *Volume 1968-1969, page 345, Volume 1970-1972, page 549, Volume 1994-1995, page 119, Volume 2001, page 298 and R&O 5838.*
- [3] *Volume 1968-1969, page 345.*
- [4] *Volume 1975-1978, page 449, Volume 1982-1983, page 157, Volume 1988-1989, page 292, Volume 1996-1997, page 423, Volume 1999, pages 419, 623 and 627, Volume 2000, page 847, Volume 2003, page 155 and R&Os 6779, 7458, 7866, 8067, 8245 and 9377.*
- [5] *Volume 1992-1993, page 289, Volume 1998, page 293 and Volume 2003, page 267.*
- [6] *Tome VIII, page 10.*
- [7] *Volume 1968-1969, page 351.*
- [8] *Volume 1968-1969, page 360.*
- [9] *Volume 1968-1969, page 363.*
- [10] *Volume 1968-1969, page 363.*
- [11] *Volume 1968-1969, page 364.*
- [12] *Volume 1968-1969, page 365.*
- [13] *Volume 1968-1969, pages 364 and 371.*
- [14] *Volume 1968-1969, page 367.*
- [15] *Volume 1968-1969, page 372.*
- [16] *Volume 1963-1965, page 551, Volume 1970-1972, page 227, Volume 1973-1974, page 205, Volume 1992-1993, page 439, Volume 1996-1997, page 639 and Volume 1998, page 185.*
- [17] *Volume 1968-1969, page 388.*
- [18] *Volume 1968-1969, page 392 and Volume 1970-1972, page 549.*
- [19] *Volume 1968-1969, page 400.*
- [20] *Volume 1968-1969, page 420.*
- [21] *Volume 1968-1969, page 421.*
- [22] *Volume 1968-1969, page 422.*