

**WRITTEN QUESTION TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES BY THE
DEPUTY OF ST. MARTIN**

ANSWER TO BE TABLED ON TUESDAY 15th JULY 2008

Question

Will the Minister inform members which, if any, Convention rights are potentially affected by the draft Mental Health (Amendment) No 2 Law 200- and the reasons for his view that the provisions of that Law are compatible with Convention rights?

Answer

I have considered carefully all the advice I have received and accordingly have felt able to make the Statement of Compatibility, pursuant to Article 16 of the Human Rights (Jersey) Law 2000. The amendment to the Mental Health (Jersey) Law 1969 does not deprive anyone of anything, nor curtail any person's rights in any way and is compatible with the Convention rights.

The Deputy will appreciate that the reason for making a Ministerial statement of compatibility under the Human Rights Law is not that the Minister's view is determinative of what is a legal question, nor even that it is of any evidential value to a court in that respect. The provision requiring the statement to be made is there to ensure that the Minister and his officers focus on the need to have regard to the Convention rights in their promotion of legislation for consideration by the States and as a result to ensure that all necessary legal advice is taken.

The Mental Health (Amendment No 2) (Jersey) Law 200- relates to the remuneration of Mental Health Tribunal members' fees and expenses, it is against this background that the Statement of Compatibility has been made.