

Mental Health Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

Clause 35

LORD BRADLEY

Clause 35, page 47, line 38, leave out “As soon as practicable” and insert “No later than two days”

Member's explanatory statement

This amendment seeks to ensure that a referral notice is made no later than two days after an official request.

LORD BRADLEY

Clause 35, page 48, line 38, leave out “seek to”

Member's explanatory statement

This amendment seeks to ensure that there is a requirement that referrals are made within 28 days.

LORD BRADLEY

Clause 35, page 48, line 46, at end insert –

- “(d) a specified accountable person is appointed by the relevant referring body, who will be responsible for ensuring that the provisions within this subsection are completed within the specified time limit.”

Member's explanatory statement

This amendment seeks to ensure that there is an accountable person, who will ensure that transfer to hospital takes place within 28 days.

After Clause 46

LORD BRADLEY

After Clause 46, insert the following new Clause –

“Implementation report: removal of police stations and prisons as places of safety

- (1) Within 6 months of the day on which this Act is passed, the Secretary of State must publish a report on how they will effectively implement the provisions contained with section 46 (Removal of police stations and prisons as places of safety) within the time limit specified by section 53(3A) (Commencement).
- (2) The report must include an assessment of –
 - (a) how His Majesty’s Government will provide alternative places of safety with adequate capacity and geographical distribution,
 - (b) the availability of remand to hospital under section 36 of the Mental Health Act 1983 (Remand of accused person to hospital for treatment) and,
 - (c) any plans to extend section 36(1) of the Mental Health Act 1983 to Magistrates’ courts.
- (3) The Secretary of State must lay a copy of the report before Parliament.”

Member's explanatory statement

This amendment (connected with another in the name of Lord Bradley) seeks to ensure that the Secretary of State must publish a report on how they plan to implement the provisions contained within clause 46 in an effective and timely manner.

After Clause 47

LORD BRADLEY

After Clause 47, insert the following new Clause –

“Implementation report: mental health care for bailed defendants

- (1) Within six months of the day on which this Act is passed, the Secretary of State must publish a report on how they will effectively implement the provisions contained within section 47 (Remand for a person’s own protection etc) within the time limit specified by section 53(3A) (Commencement).
- (2) The report must include an assessment of how His Majesty’s Government will ensure appropriate care and support for defendants with mental health conditions who, under the provision in section 47, cannot be kept in custody for their own protection.
- (3) The report must review –
 - (a) the extent to which services providing such care and support have adequate capacity, and
 - (b) their geographical distribution.

- (4) The Secretary of State must lay a copy of the report before both Houses of Parliament.”

Member's explanatory statement

This amendment (connected to another in the name of Lord Bradley) seeks to ensure that the Secretary of State publishes a report on how they plan to implement the provisions contained within clause 47 in a timely manner, and in a way which ensures that bailed defendants with mental health conditions (who can no longer be remanded for their own protection) receive appropriate care and support.

Clause 53

LORD BRADLEY

Clause 53, page 64, line 7, at end insert “subject to subsection (3A).

- (3A) Before section 35 comes into force, the Secretary of State must –
- (a) publish guidance on the definition of “exceptional circumstances” specified in section 35 and,
 - (b) lay this guidance before both Houses of Parliament.”

Member's explanatory statement

This amendment seeks to ensure that Clause 35 only comes into force once the Secretary of State has clarified the meaning of “exceptional circumstances” used in that Clause.

LORD BRADLEY

Clause 53, page 64, line 7, at end insert “subject to subsection (3A).

- (3A) Section 46 comes into force 12 months after this Act is passed, if not previously commenced by regulations under subsection (3).”

Member's explanatory statement

This amendment seeks to ensure that Clause 46 comes into force a maximum of 12 months after the date on which the Bill is passed.

LORD BRADLEY

Clause 53, page 64, line 7, at end insert “subject to subsection (3A).

- (3A) Section 47 comes into force 12 months after this Act is passed, if not previously commenced by regulations under subsection (3).”

Member's explanatory statement

This amendment seeks to ensure that Clause 47 comes into force a maximum of 12 months after the date on which the Bill is passed.

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