

Mental Health Bill [HL]

AMENDMENT

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Fourth Marshalled List]

After Clause 50

EARL HOWE
LORD KAMALL

After Clause 50, insert the following new Clause—

“Detention powers outside a mental healthcare setting

After section 142B of the Mental Health Act 1983, insert—

“142C Detention powers where delivery of clinical treatment is necessary outside a mental healthcare setting

Where—

- (a) a patient has been detained under the provisions of this Act,
- (b) the patient has been assessed as lacking capacity to take decisions about their own health and welfare,
- (c) the patient requires urgent and necessary treatment for a physical illness or injury,
- (d) it is not possible, or not deemed to be in the patient’s best interests, to deliver the treatment in the hospital or registered establishment where they are being detained, and
- (e) in order to deliver the treatment it is necessary to take measures which, taken together, deprive the patient of their liberty,

the powers of detention contained in this Act may, for the purposes of delivering the treatment to that patient, be held to apply to a registered clinical setting other than the hospital or registered establishment in which the patient is being detained.””

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