

Mental Health Bill [HL]

COMMONS AMENDMENTS

[The page and line references are to Bill 225, the Bill as first printed for the Commons]

Clause 5

COMMONS AMENDMENT 1

- 1 Clause 5, page 11, line 22, leave out “by a constable or other authorised person”

COMMONS AMENDMENT 2

- 2 Clause 5, page 11, line 33, leave out “by a constable or other authorised person”

COMMONS AMENDMENT 3

- 3 Clause 5, page 12, line 6, leave out “by a constable or other authorised person”

COMMONS AMENDMENT 4

- 4 Clause 5, page 12, line 23, leave out subsection (7)

Clause 6

COMMONS AMENDMENT 5

- 5 Clause 6, page 13, line 7, leave out subsection (3)

Clause 35

COMMONS AMENDMENT 35

- 6 Page 48, line 9, leave out Clause 35

Clause 45**COMMONS AMENDMENT 7**

- 7 Clause 45, page 57, line 11, at end insert “, and
- (c) bringing the availability of that information and help to the attention of such people as it considers appropriate.”

COMMONS AMENDMENT 8

- 8 Clause 45, page 57, line 11, at end insert –
- “(1A) The arrangements that must be made under subsection (1) include such arrangements as NHS England or the integrated care board considers appropriate for people to be given information or help by having a conversation with someone who is suitably qualified, whether in-person or remotely.
- (1B) In deciding how to discharge the duty under subsection (1), NHS England or an integrated care board must have regard to the particular benefits to a person of making an advance choice document within 12 months of their discharge from a hospital or a registered establishment where they were receiving medical treatment for, or assessment in relation to, mental disorder.”

COMMONS AMENDMENT 9

- 9 Clause 45, page 58, line 10, at end insert “, and
- (c) bringing the availability of that information and help to the attention of such people as it considers appropriate.”

COMMONS AMENDMENT 10

- 10 Clause 45, page 58, line 10, at end insert –
- “(1A) The arrangements that must be made under subsection (1) include such arrangements as the Local Health Board considers appropriate for people to be given information or help by having a conversation with someone who is suitably qualified, whether in-person or remotely.
- (1B) In deciding how to discharge the duty under subsection (1), a Local Health Board must have regard to the particular benefits to a person of making an advance choice document within 12 months of their discharge from a hospital or a registered establishment where they were receiving medical treatment for, or assessment in relation to, mental disorder.”

Clause 50**COMMONS AMENDMENT 11**

- 11 Page 60, line 32, leave out Clause 50

After Clause 51**COMMONS AMENDMENT 12**

12 After Clause 51, insert the following new Clause –

“Human Rights Act 1998: extension to certain private care providers

In the Mental Health Act 1983, after section 142B insert –

“142C Human Rights Act 1998: extension to certain private care providers

- (1) A registered care provider is to be regarded for the purposes of section 6(3)(b) of the Human Rights Act 1998 as exercising a function of a public nature in providing any of the services mentioned in subsection (2) (to the extent that it would not otherwise be so regarded).
- (2) The services are –
 - (a) after-care services provided in pursuance of arrangements made under section 117;
 - (b) services provided in pursuance of arrangements made by a local authority in Scotland discharging its duty under section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
 - (c) the provision of medical treatment for mental disorder or assessment in relation to mental disorder, for an in-patient at a hospital, but only where that treatment or assessment is arranged or paid for by an NHS body.
- (3) In this section –

“hospital” means any institution for the reception and treatment of people –

 - (a) suffering from mental disorder or other illness,
 - (b) convalescing, or
 - (c) requiring medical rehabilitation;

“illness” includes any injury or disability requiring medical treatment or nursing;

“NHS body” –

 - (a) in relation to England, has the meaning given by section 275(1) of the National Health Service Act 2006;
 - (b) in relation to Wales, has the meaning given by section 206(1) of the National Health Service (Wales) Act 2006;
 - (c) in relation to Scotland, a health board constituted by order made under section 2 of the National Health Service (Scotland) Act 1978;
 - (d) in relation to Northern Ireland means –
 - (i) the Department of Health, or
 - (ii) a Health and Social Care Trust;

“registered care provider” means--

 - (a) a person registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008,

- (b) a person registered under Part 2 of the Care Standards Act 2000 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,
- (c) a person providing –
 - (i) a care service which is registered under section 59 of the Public Services Reform (Scotland) Act 2010, or
 - (ii) an independent health care service registered under section 10P of the National Health Service (Scotland) Act 1978, or
- (d) a person registered under Part 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.””

Clause 53

COMMONS AMENDMENT 13

- 13 Page 66, line 3, leave out Clause 53

Clause 57

COMMONS AMENDMENT 14

- 14 Clause 57, page 68, line 3, at end insert “subject to subsection (2).”

COMMONS AMENDMENT 15

- 15 Clause 57, page 68, line 4, leave out “This section, section 55” and insert “Section (*Human Rights Act 1998: extension to certain private care providers*), section 55, this section”

Clause 59

COMMONS AMENDMENT 16

- 16 Clause 59, page 68, line 25, leave out subsection (2)

Schedule 2

COMMONS AMENDMENT 17

- 17 Schedule 2, page 76, line 37, leave out from “patient”” to end of line 38 and insert –
- “means –
- (a) a person by whom a nominated person is appointed under Part 1 of Schedule A1, or
 - (b) a person for whom a nominated person is appointed under Part 2 of that Schedule.”

COMMONS AMENDMENT 18

- 18** Schedule 2, page 81, line 25, leave out from beginning to end of line 3 on page 82 and insert –
- “(3) If no local authority has parental responsibility for the relevant patient but there are one or more other persons who have parental responsibility and who are willing to act as the nominated person, the approved mental health professional must appoint one of them.”

COMMONS AMENDMENT 19

- 19** Schedule 2, page 82, line 4, leave out “[sub-paragraph removed]” and insert “sub-paragraph (3)”

Schedule 3

COMMONS AMENDMENT 20

- 20** Schedule 3, page 92, leave out lines 22 and 23 and insert –
- “(c) the patient is not liable to be detained under this Act or any other legislation or by virtue of a court order.”

COMMONS AMENDMENT 21

- 21** Schedule 3, page 94, line 36, at end insert –
- “8 In section 130J (Welsh qualifying informal patients), in subsection (2), for paragraph (c) substitute –
- “(c) the patient is not liable to be detained under this Act or any other legislation or by virtue of a court order”.”

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