



Isle of Man

Ellan Vannin

AT 2 of 2006

**MENTAL HEALTH (AMENDMENT) ACT
2006**



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MENTAL HEALTH (AMENDMENT) ACT 2006

<i>Received Royal Assent:</i>	<i>25 April 2006</i>
<i>Announced to Tynwald:</i>	<i>25 April 2006</i>
<i>Commenced:</i>	<i>See Endnote 3</i>

AN ACT to amend the law relating to the transfer of patients between the Island and other countries; to abolish directions that persons be detained during Her Majesty's pleasure; to amend the constitution of the Mental Health Review Tribunal; to amend the law relating to the nearest relatives of patients; and for connected purposes.

1 Transfer of patients between the Island and other countries

For Part 6 (removal and return of patients) of the *Mental Health Act 1998* there are substituted the provisions set out in the Schedule.

2 Amendments to the 1998 Act

- (1) [Amends the *Mental Health Act 1998* by inserting section 124A.]
- (2) [Amends sections 122(5), 123(4), 124(4) and 125(3) of the *Mental Health Act 1998* by substituting the word "custody" for the word "imprisonment" wherever it occurs.]
- (3) [Amends section 131(2) of the *Mental Health Act 1998* by repealing the words "or under section 88" up to the word "Parliament)" (where it occurs for the second time.)]

3 Orders for detention during Her Majesty's pleasure

- (1) After the commencement of this section no order may be made under section 54(1)(a) of the *Criminal Jurisdiction Act 1993* that a defendant or appellant be detained during Her Majesty's pleasure.
- (2) [Amends section 54 of the *Criminal Jurisdiction Act 1993* as follows: paragraph (a) repeals subsection (1)(a); paragraph (b) amends subsection (2) by substituting the words "shall make a hospital order" for the words from "shall make" to the end of the subsection; and

paragraph (c) amends subsection (4) by repealing the words “an order under subsection (1)(a) or”.]

- (3) [Repeals section 52 of the *Mental Health Act 1998*.]
- (4) Where immediately before the commencement of this section an order referred to in subsection (1) is in force in relation to any person, it shall have effect as a hospital order together with a restriction order, made under the said section 54 without limit of time on the date when the direction was given.

4 Amendments to the 1998 Act

- (a) [Amends section 40(2) of the *Mental Health Act 1998* by substituting paragraphs (a) and (aa) for paragraph (a).]
- (b) [Amends section 40(3) of the *Mental Health Act 1998* by deleting the word “or” at the end of paragraph (c) and by adding the word “or” to paragraph (d) and paragraph (e) at the end.]
- (1) [Paragraph (a) amends section 41(1) of the *Mental Health Act 1998* by substituting paragraphs (a), (b) and (c) for paragraphs (a) and (b); and paragraph (b) substitutes subsection (2).]

5 Amendments to the 1998 Act

- (1) [Amends section 80 of the *Mental Health Act 1998* by substituting subsection (1).]
- (2) [Amends section 81 of the *Mental Health Act 1998* by substituting subsections (1) and (2).]¹

6 Amendments to the 1998 Act

- (1) [Amends paragraph 1 of Schedule 3 to the *Mental Health Act 1998* as follows: paragraph (a) substitutes in subparagraph (b) the expression “5 persons” for the expression “3 persons” ;and paragraph (b) substitutes in subparagraph (c) the expression “4 persons” for the expression “3 persons”.²
- (2) [Amends Schedule 3 to the *Mental Health Act 1998* by inserting paragraph 2A.]

7 Amendments to the Limitation Act 1984

[Amends section 36 of the *Limitation Act 1984* as follows: paragraph (a) amends subsection (3) by substituting “1998” for “1974”; and paragraph (b) inserts subsections (4A) and (4B).]

8 Short title and commencement

- (1) This Act may be cited as the Mental Health (Amendment) Act 2006.
- (2) Sections 1, 2 and 3 and the Schedule shall come into operation on such day or days as the Department of Health and Social Security may by order appoint.³

SCHEDULE
TRANSFER OF PATIENTS

Section 1

[Sch amends the following Act —
Mental Health Act 1998 q.v.]

ENDNOTES

Table of Endnote References

¹ Spent - see amendments made by Tribunals Act 2006 Sch 3.

² Spent - see amendments made by Tribunals Act 2006 Sch 3.

³ ADO (ss 1 to 3 and Sch) 1/7/2006 (SD443/06). Ed. note: Ss 4 to 8 in force on passing, i.e. whole Act now operative.