

A BILL

entitled

MENTAL HEALTH AMENDMENT ACT 2018

WHEREAS it is expedient to amend the Mental Health Act 1968;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Mental Health Amendment Act 2018.

Inserts section 16A

2 The Mental Health Act 1968 is amended by inserting the following after section 16—

“Treatment at hospital outside Bermuda

16A (1) This section applies in the case of a patient—

- (a) who is over the age of eighteen years; and
- (b) who is liable to be detained in a hospital for treatment under this Act,

where no effective treatment for his disorder can be given at a hospital in Bermuda and it is necessary, for the health or safety of the patient or for the protection of other persons, that he should continue to be liable to be detained in a hospital outside Bermuda for treatment.

(2) Where the circumstances referred to in subsection (1) exist and the Minister is satisfied that—

- (a) the management and administration of the patient's property and affairs in Bermuda have been dealt with, either under Part IV or otherwise; and
- (b) arrangements have been made for the admission, detention and treatment of the patient at a hospital outside Bermuda,

MENTAL HEALTH AMENDMENT ACT 2018

then the Minister may by warrant discharge the patient from the hospital, and give such directions as he thinks fit for the conveyance of the patient to the hospital outside Bermuda, and for the patient's detention pending his conveyance.”.

MENTAL HEALTH AMENDMENT BILL 2018

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Mental Health Act 1968 (the “principal Act”).

Clause 1 is self explanatory.

Clause 2 amends the principal Act by inserting a new section 16A which provides for the Minister to discharge a patient, who meets the criteria set out in that section, and to arrange for the patient to be conveyed to a hospital outside Bermuda for admission, detention and treatment.