

3.15 Senator S.C. Ferguson of the Minister for Health and Social Services regarding the Human Rights compliance of the mental health legislation in Jersey:

Further to her response to a written question 7435 on 19th February 2013 when the Minister stated that work was underway jointly between her department, the Chief Minister's and the Law Officers' Departments to update and amend the present mental health legislation in Jersey, will she advise whether the law is currently human rights compliant and when the amendments will be brought to the Assembly for debate?

Connétable J.M. Refault of St. Peter (Assistant Minister for Health and Social Services - rapporteur):

I am pleased to stand to advise the good Senator that the current Mental Health Law was reviewed during 2006 to ensure its compliance with the Jersey Human Rights Law 2000. All subsequent amendments to that law comply with the human rights legislation. There is a scoping document that is currently being drafted by Health and Social Services in consultation with the Chief Minister's Department, Home Affairs and Law Officers. Health and Social Services will take the scoping document to the Council of Ministers to seek approval for continued preparation of new mental health laws in light of the fact that there will be significant cost implications associated with any new laws. The timeframe for that scoping document and the States debate has yet to be confirmed and is still under development.

3.15.1 Senator S.C. Ferguson:

Considering that specialist U.K. human rights lawyers have observed that our Mental Health (Jersey) Law 1969 does not appear to be human rights compliant, does the Assistant Minister not realise that the work is now of some urgency?

The Connétable of St. Peter:

Yes, we are very much aware that we need to do some work but not necessarily with regard to human rights compliance because we are content with the advice that we received on that matter but there are some other areas where we are not in accord with mental health legislation in the U.K. and we are trying to bring this scoping document to address that and bring it forward as quickly as we possibly can.

3.15.2 Senator S.C. Ferguson:

In that case, when will the scoping documents and the amendments be coming to the Council of Ministers and to the Assembly? There is urgency in this.

The Connétable of St. Peter:

I think we all share Senator Ferguson's concern with this. In wearing one of my other hats with the Legislation Advisory Panel, we are only too well aware of the pressures on the Law Officers' Department in bringing forward new laws. We will continue to exert our pressure upon them to add to their current pressures to get this brought forward as soon as possible.

Senator S.C. Ferguson:

The Assistant Minister has not answered the question. Will he please answer the question, when is it coming forward?

The Connétable of St. Peter:

I think I have answered the question. I said when this is finally scoped and presented to the Council of Ministers. I cannot give you that date because the work is still under progress.