

Island of



Guernsey

Ordinance of the States

XIV
2016

Made 16th February, 2016

Coming into Operation 17th February, 2016

The Mental Health (Transfer of Patients) (Guernsey and Alderney) Ordinance, 2016

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THE STATES, in pursuance of their Resolution of the 27th November, 2002^a, and in the exercise of the powers conferred on them by sections 100(1) and 101 of the Mental Health (Bailiwick of Guernsey) Law, 2010^b, hereby orders:-

Status of applications, etc. on transfer of patient.

1. (1) Subject to subsection (2), where a patient liable to be detained by virtue of an order under the Law (other than section 64, 65 or 68) is removed to a country or territory outside the Bailiwick in pursuance of arrangements under section 82 of the Law, the order shall cease to have effect -

- (a) when the patient is duly received into a hospital or other institution, or
- (b) where the patient is not received into a hospital but his detention in hospital is authorised by virtue of the Mental Health (Care and Treatment) (Scotland) Act 2003^c or the Criminal Procedure (Scotland) Act 1995^d,

in pursuance of those arrangements.

(2) Where a Law Officer makes an overseas transfer order under section 82 in respect of a patient -

- (a) who is detained pursuant to a hospital order,
- (b) in respect of whom a restriction order is in force, and

^a Article XVIII of Billet d'État No. XXIII of 2002.

^b Order in Council No. XV of 2011.

^c An Act of the Scottish Parliament, asp 13.

^d An Act of the Westminster Parliament, c. 46.

- (c) who is removed to a country or territory outside the British Islands,

those orders shall continue in force so as to apply to the patient if he returns to the Bailiwick.

(3) Where a patient subject to a community treatment order under the Law is removed to a country or territory outside the Bailiwick in pursuance of arrangements under section 82 of the Law, that order shall cease to have effect when he is so removed in pursuance of those arrangements.

(4) Reference in this section to a patient's detention in hospital being authorised by virtue of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995 shall be read as including references to a patient in respect of whom a certificate under one of the provisions listed in section 290(7)(a) of the Mental Health (Care and Treatment) (Scotland) Act 2003 is in operation.

Amendment of Miscellaneous Provisions Ordinance.

2. In section 12(1) of the Mental Health (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2013^e, immediately after paragraph (d), insert-

"(da) an order made under section 63, 64, 65 or 68 (an interim hospital order),".

Interpretation.

3. (1) In this Ordinance, "the Law" means the Mental Health (Bailiwick of Guernsey) Law, 2010, and any other word or phrase shall have the same meaning as found in the Law.

(2) Any reference in this Ordinance to an enactment is a

^e Ordinance No. XVI of 2013.

reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

(3) The Interpretation (Guernsey) Law, 1948^f applies to the interpretation of this Ordinance throughout Guernsey and Alderney.

Extent.

4. This Ordinance has effect in the islands of Guernsey and Alderney.

Citation and commencement.

5. This Ordinance -

(a) may be cited as the Mental Health (Transfer of Patients) (Guernsey and Alderney) Ordinance, 2016, and

(b) shall come into force on the 17th February, 2016.

^f Ordres en Conseil Vol. XIII, p. 355.

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