

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,989 of 21st March, 2013

B. 05/13

BILL

FOR

AN ACT to amend the Mental Health Act.

ENACTED by the Legislature of Gibraltar.

Title and Commencement.

1. This Act may be cited as the Mental Health (Amendment) Act 2013 and comes into operation on the day of publication.

Amendment of the Mental Health Act.

2.(1) The Mental Health Act is amended as follows.

(2) In section 2(1)–

- (a) in the definition of “hospital” for “Governor” substitute “Government”;
- (b) in the definition of “mental welfare officer” for “Governor” substitute “Government”;
- (c) after the definition of “mental welfare officer” insert the following–

““Minister” means the Minister with responsibility for health;”;
- (d) in the definition of “Superintendent” for “Governor” substitute “Government”.

(3) In section 13(2) for “regulations made by the Governor” substitute “regulations made by the Government”.

(4) In section 18(1) for “Governor” substitute “Government”.

(5) In section 25 for “Governor” on the three occasions it appears substitute “Minister”.

(6) In section 34(1) for “Governor” substitute “Government”.

(7) In section 35–

(a) in the heading for “Governor” substitute “Minister”;

(b) in the main text for “Governor” substitute “Minister”.

(8) For section 38 substitute–

“Application of Part III.

38. This Part shall apply to any person admitted or detained in a hospital in pursuance of an order or direction made under Part 28 of the Criminal Procedure and Evidence Act 2011.”.

(9) In section 40–

(a) after “order” insert “or direction”;

(b) for “Governor” substitute “Minister with responsibility for justice”.

(10) In section 41 for “Governor” substitute “Minister with responsibility for justice”.

(11) In section 42(b) for “Governor” substitute “Minister with responsibility for justice”.

(12) In section 62(3) for “Governor” on the two occasions it appears substitute “Minister”.

(13) In section 64(4) for “Part XVII of the Criminal Offences Act” substitute “Part 17 of the Crimes Act 2011”.

- (14) In section 69 for “Governor” on the two occasions it appears substitute “Minister”.
- (15) In section 71 for “Governor” substitute “Minister”.
- (16) In section 83–
 - (a) in the heading for “Governor” substitute “Minister”;
 - (b) in the main text for “Governor” on the two occasions it appears substitute “Minister”.
- (17) In section 84 for “Governor” substitute “Government”.
- (18) In the Schedule–
 - (a) in paragraph 1(a) for “Governor” on the two occasions it appears substitute “Government”;
 - (b) in paragraph 1(b) for “Governor” substitute “Government”;
 - (c) in paragraph 1(c) for “Governor” on the two occasions it appears substitute “Government”;
 - (d) in paragraphs 2 and 3 for “Governor” substitute “Government”.

EXPLANATORY MEMORANDUM

This Bill amends the Mental Health Act to change selected references to the Governor to the Government or Minister as the case may be and related matters.

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