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## **Mental Health (Scotland) Bill**

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Bill Number:	SP Bill 53
Introduced on:	19 June 2014
Introduced by:	Alex Neil MSP (Government Bill)
Passed:	24 June 2015
Royal Assent:	4 August 2015

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### **Passage of the Bill**

The Mental Health (Scotland) Bill was introduced in the Scottish Parliament on 19 June 2014. The Health and Sport Committee, as lead committee, began taking stage 1 oral evidence on the general principles of the Bill on 30 September 2014. The stage 1 debate took place on March 12, 2015 and the Bill was passed following the stage 3 parliamentary debate on 24 June 2015.

### **Purpose and objectives of the Bill**

The overarching objective of the Bill was to help people with a mental disorder to access effective treatment quickly and easily.

The Bill sought to amend the Mental Health (Care and Treatment) (Scotland) Act 2003 in various respects; to make provision about mental health disposals in criminal cases; to make provision as to the rights of victims of crime committed by mentally-disordered persons; and for connected purposes.

### **Provisions of the Bill**

Part 1 of the Bill will make provision about the operation of the Mental Health (Care and Treatment) (Scotland) Act 2003. It seeks to improve the efficiency and effectiveness of the mental health system in Scotland. Part 2 of the Bill will make provision about criminal cases. Part 3 of the Bill will create a new notification scheme for victims of some mentally disordered offenders to allow certain information to be provided to victims of offenders subject to certain orders, and to allow victims to make representations in certain circumstances in connection with the release of the patient from detention.

## Parliamentary consideration

**Stage 1:** Stage 1, scrutiny of the Bill was undertaken by the Health and Sport Committee. The Committee held five oral evidence sessions. The [Stage 1 Report](#) was published on 30 January 2015. The [stage 1 debate](#) took place on 12 March 2015.

**Stage 2:** At stage 2, 119 amendments were lodged. The Committee considered these amendments at its meetings on [19 May](#) and [26 May](#) 2014. Stage 2 amendments focused on: measures until application determined; maximum suspension of detention measures; orders relating to non-state hospital; detention pending medical examination; opt-out from having a named person; registering advance statements; services and accommodation for mothers, dealing with absconding patients, agreement to transfer patients and right to information. One of the key amendments to the Bill related to the removal of the default provisions for having a named person to ensure that people should only have a named person if they choose to have one. Some changes to timescales were also removed.

**Stage 3:** At stage 3, 23 amendments were lodged. The stage 3 debate took place on [24 June 2014](#). The key amendments are discussed below:

- Amendment 24 focused on the use of psychotropic substances, in particular by people with learning disabilities including autism. This amendment was disagreed to.
- A Government amendment (3) was agreed to this resulted in the number of days that that a detention can be suspended for being limited to 200 rather than being raised to 300.
- Amendment 1 related to the meaning of mental disorder, and the inclusion of learning difficulties in the definition. During the stage 3 debate the Minister for Sport, Health Improvement and Mental Health stated that he has “committed to carry out a review on the inclusion of learning disability and autism spectrum disorders under the act” (col. 72). Amendment 1 was disagreed to.
- Amendment 36 related to deaths in detention. It sought to require ministers to carry out a review of the arrangements for investigating the deaths of patients who were in hospital for treatment of a mental disorder. This amendment was agreed to.
- Amendment 39 to impose a Duty on Health Boards and Mental Welfare Commission to review certain criminal behaviour by mentally disordered persons was disagreed to.
- Amendments relating to excessive security, advocacy services, the meaning of responsible medical officer, recorded matters, referrals to the high court were also disagreed to.

Following the stage 3 debate, the Mental Health (Scotland) Bill was agreed to without division. The Bill received Royal Assent on 4 August 2014.

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