



PRESS RELEASE

No: 239/2018

Date: 25th April 2018

New Mental Health Act and new Lasting Powers of Attorney Act commenced

The Minister for Health, Care and Justice, the Honourable Neil F Costa MP is pleased to announce the commencement of the Mental Health Act 2016 and Lasting Powers of Attorney and Capacity Act 2018. These Acts are both landmark pieces of legislation, which will change in several fundamental ways the way we provide mental health care.

The new Mental Health Act is primarily concerned with the circumstances in which a person with a mental health condition can be detained for treatment. It sets out the processes that must be followed and the safeguards for patients to ensure that they are not inappropriately detained or treated. The Act ensures that people with serious mental conditions, which threaten their health or safety or the safety of the public, can be treated where it is necessary to prevent them from harming themselves or others.

Some of the main changes are –

- Creating a new independent Mental Health Board whose function is primarily to review and monitor treatment of patients and generally to represent the interests of the patient.
- The introduction of Community Treatment Orders for patients following a period of detention in hospital to assist in their transition back into the community.
- An overhaul of the Mental Health Review Tribunal by giving greater access to the patient. The patient now has a right to legal representation before the Tribunal and the Tribunal now has greater powers to review the case of a patient and to order their discharge where appropriate.

The second Act that came into force yesterday is the Lasting Powers of Attorney and Capacity Act. This Act builds on the new Mental Health Act by making provision to allow persons who anticipate they may lack capacity in future to manage their health, welfare, property and financial affairs –

- To confer authority on individuals to make certain decisions on their behalf and to allow for the creation and safeguards and registrations of Lasting Powers of Attorney.

Ministry of Health, Care and Justice

HM Government of Gibraltar • Zone 1, Level 7 St Bernard's Hospital, Harbour Views Road • Gibraltar GX11 1AA

t +350 20007011 (Centrex 2027) f +350 20059942 e ministry@gha.gi w gibraltar.gov.gi



- To make provision for a person to be able to decide about specific treatment they may not want to receive in future, known as ‘Advanced Decisions’.

The Acts came into being following representations from, and consultations with, local mental health professionals.

The Minister for Health, Care and Justice, the Honourable Mr Neil F Costa MP, said: “It is a great personal pleasure to announce the commencement of these two landmark pieces of legislation which build on HM Government of Gibraltar’s commitment towards the most vulnerable members of our society. I am thankful to my predecessor as Minister for Health, Prof. John Cortes, for having led the multidisciplinary team that researched, drafted and consulted on the legislative changes to the Mental Health regime and presented the Bill on that Act before Parliament. His and his teams’ work on this was exemplary. I would also like to thank psychologist Dr Alan Lillywhite and our excellent professionals at the Gibraltar Health Authority, the Elderly Residential Services and the Care Agency, for all their work.”