**Update on the Coronavirus Act – Mental Health Act**

You will be aware that the Coronavirus Act 2019 received Royal Assent on the 26 March 2020. For clarity, a large part of the Act has come into force, today, the 1st April 2020, including provisions to modify arrangements for how the Mental Health Review Tribunal for Wales (MHRTW) review individual cases.

However, other than for the MHRTW, the emergency provisions that relate to the Mental Health Act 1983 (under Schedule 8 of the Coronavirus Act 2019) have **not yet come into force**. The Welsh Government is working with the UK government and key stakeholders in Wales to consider when these emergency powers may come into force, alongside the necessary guidance and modifications to statutory forms.

Here is the text from our Mental Health colleagues with more detail:

You may be aware that the Coronavirus Bill was introduced into the House of Commons (19 March) – link attached: [https://services.parliament.uk/Bills/2019-21/coronavirus.html](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fservices.parliament.uk%2FBills%2F2019-21%2Fcoronavirus.html&data=02%7C01%7COwen.Venables%40gov.wales%7C65f72887a75d4487a49d08d7d6157540%7Ca2cc36c592804ae78887d06dab89216b%7C0%7C0%7C637213259951143147&sdata=uVSToFmDvTwnTc8z%2FgxvcwYivXSBlaH5PmqT43Q3ZNg%3D&reserved=0):

The Bill includes temporary emergency changes to the Mental Health Act 1983 which will only be switched on **if** the mental health sector is experiencing unprecedented resource constraints, which are resulting in patients’ safety being put at significant risk. **These emergency powers are not yet in force.**

It is important to be aware that the mental health provisions may be subject to amendments as the Bill moves through Parliament before receiving Royal Assent. Given the length of the Bill, you will want to know that the Mental Health Act provisions (as they will apply in Wales) can be found under Schedule 7.

Welsh Government is engaging with key partners to determine the conditions that would make it appropriate for the powers to be exercised locally – and further information and guidance will follow in due course.

A brief summary of the proposed changes are included below for information

In summary:

* + They would allow for Approved Mental Health Professionals (AMHPs) to secure advice from one section 12 doctor rather than two when applying to detain a person with mental disorder. But this would only be allowed in circumstances where seeking the advice from two doctors would be either impractical or would unduly delay the application. The legislation also makes clear that the AMHP would be required to justify and record their decision in these circumstances.
  + Patients may be detained for slightly longer than they otherwise would have been under normal circumstances – in two areas of the law - under section 5 (emergency detention for people already in hospital, which would extend from 72 hours to 120 hours, and nurses’ holding powers would extend from 6 to 12 hours); and under sections 135 and 136 (police powers to detain a person found in need of immediate care at a “place of safety” would extend from 24 hours to 36 hours).
  + They allow for the clinician in charge of a patient’s treatment to certify that it is appropriate for medication to be given to the patient without consent (usually this must be certified by a separate doctor).
  + In the cases of defendants and prisoners with a mental health condition, these changes include allowing more time for a person to be kept on remand in hospital, and more time to transfer a prisoner from prison to hospital, allowing more time before a direction to transfer would expire. These changes would also allow for one doctor rather than two to advise courts, prisons and the Secretary of State on the need for a person to receive psychiatric care.