



Jersey

# COVID-19 (MENTAL HEALTH) (JERSEY) REGULATIONS 2020

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## COVID-19 (MENTAL HEALTH) (JERSEY) REGULATIONS 2020

*Made* 22nd April 2020  
*Coming into force* 23rd April 2020

**THE STATES** make these Regulations under Article 2 of the Covid-19 (Enabling Provisions) (Jersey) Law 2020<sup>1</sup> –

### **1 Power to declare that an extraordinary period exists**

- (1) This Regulation applies if the Minister for Health and Social Services is satisfied that the disruption caused by the Covid-19 outbreak in Jersey to the provision of care and treatment to persons suffering mental disorder has reached a level that it is proportionate and necessary to make the Order described in paragraph (2).
- (2) The Minister may, by Order, declare the start of an extraordinary period and the end of that period, being no later than 28 days after the start.
- (3) Despite Article 11 of the Interpretation (Jersey) Law 1954<sup>2</sup>, the provision declaring the end of the period may not be amended other than –
  - (a) to declare an earlier end; or
  - (b) to declare a later end, being no later than 28 days after the commencement of each Order making such an amendment.

### **2 Temporary amendment of the Mental Health (Jersey) Law 2016**

After Part 12 of the Mental Health (Jersey) Law 2016<sup>3</sup> there is inserted –

#### **“PART 12A**

#### **MODIFICATIONS DURING THE COVID-19 OUTBREAK**

##### **89A Modification of the Law where the Minister has made an Order that an extraordinary period exists**

- (1) If the Minister has made an Order under Regulation 1 of the Covid-19 (Mental Health) (Jersey) Regulations 2020<sup>4</sup>, during the

extraordinary period covered by that Order this Law applies with the following modifications.

- (2) Article 15 has effect as if –
  - (a) the references to an “approved practitioner” are to a “registered medical practitioner”;
  - (b) in paragraph (4)(a) the reference to “72 hours” is to “120 hours”.
- (3) Article 17(2) has effect as if the reference to “6 hours” is to “12 hours”.
- (4) Despite Article 18(3), where the authorized officer considers that it is not reasonably practicable or would involve unreasonable delay for an application under Article 18 to be accompanied by recommendations of 2 registered medical practitioners, the application may be accompanied by the recommendation of one medical practitioner who must, unless it is not reasonably practicable or would involve unreasonable delay, be an approved practitioner and paragraphs (2), (3) and (4) of Article 18 are to be interpreted accordingly.
- (5) Despite Article 41(4), where a SOAD considers that it is not reasonably practicable or would involve unreasonable delay to consult the persons referred to in Article 41(4), the SOAD may give the certificate in Article 41(1) after consulting a person who –
  - (a) has been professionally concerned with the patient’s treatment; and
  - (b) is not the patient’s responsible medical officer.
- (6) Despite Articles 62 to 67 and 69, where the court considers that obtaining the evidence of 2 medical practitioners, one of whom is an approved practitioner, would result in unreasonable delay, the court may proceed on the basis of the evidence of one registered medical practitioner who must, where practicable, be an approved practitioner, and those Articles are to be interpreted accordingly.
- (7) Article 69(5)(a) has effect as if the reference to “7 days” is to “28 days”.
- (8) Where in a particular case any time limit has been modified under this Article and the extraordinary period ends or this Part has expired before the time limit has elapsed, the shorter of the following time limits will apply to that case –
  - (a) the balance of that time limit as modified by this Article;
  - (b) the time limit that would have applied but for the modification in this Article starting on the day after the extraordinary period ended or this Part has expired.
- (9) This Part expires on 30th September 2020.”

**3 Citation, commencement and expiry**

- (1) These Regulations may be cited as the Covid-19 (Mental Health) (Jersey) Regulations 2020.
- (2) These Regulations come into force on the day after they are made and expire on 30th September 2020.

**W.J.C. MILLOW**

*Assistant Greffier of the States*

**ENDNOTES****Table of Endnote Reference**

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<i>1</i>	<i>L.2/2020</i>
<i>2</i>	<i>chapter 15.360</i>
<i>3</i>	<i>chapter 20.650</i>
<i>4</i>	<i>R&amp;O.47/2020</i>