

# **Mental Health (Discrimination) (No.2) Bill**

## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Cabinet Office with the consent of Gavin Barwell, the Member in charge of the Bill, are published separately as Bill 11 – EN.

# Mental Health (Discrimination) (No.2) Bill

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**B I L L**

TO

Make further provision about discrimination against people on the grounds of their mental health.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Members of Parliament etc.**

- (1) Section 141 of the Mental Health Act 1983 (disqualification of MPs and members of devolved bodies on grounds of mental illness) is repealed.
- (2) Any rule of the common law which disqualifies a person from membership of the House of Commons on grounds of mental illness is abolished. 5
- (3) The Schedule (which includes amendments and repeals consequential on subsection (1)) has effect.

**2 Jurors**

In Part 1 of Schedule 1 to the Juries Act 1974 (disqualification of mentally disordered persons from jury service), for paragraph 1 substitute— 10

“1 A person for the time being liable to be detained under the Mental Health Act 1983.

1A A person for the time being resident in a hospital on account of mental disorder as defined by the Mental Health Act 1983.”

**3 Company directors** 15

- (1) In the Companies (Model Articles) Regulations 2008 (S.I. 2008/3229), omit the following provisions (model articles of association: termination of director’s appointment on grounds of mental health)—
  - (a) in Schedule 1, paragraph 18(e),
  - (b) in Schedule 2, paragraph 18(e), and 20
  - (c) in Schedule 3, paragraph 22(e).

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- (2) In the RTM Companies (Model Articles) (England) Regulations 2009 (S.I. 2009/2767), in the Schedule, omit paragraph 23(e) (model articles of association: termination of director's appointment on grounds of mental health).
- (3) In the RTM Companies (Model Articles) (Wales) Regulations 2011 (S.I. 2011/2680), omit the following provisions (model articles of association: termination of director's appointment on grounds of mental health) – 5
- (a) in Schedule 1, paragraph 23(e), and
  - (b) in Schedule 2, paragraph 23(d).

#### **4 Commencement, extent and short title**

- (1) Sections 1 and 3 come into force at the end of two months beginning with the day on which this Act is passed. 10
- (2) Section 2 comes into force on such day as the Secretary of State may by order made by statutory instrument appoint; and an order under this subsection may include savings or transitional provisions.
- (3) An amendment, repeal or revocation made by this Act has the same extent as the provision amended, repealed or revoked. 15
- (4) The other provisions of this Act extend to England and Wales, Scotland and Northern Ireland.
- (5) This Act may be cited as the Mental Health (Discrimination) (No.2) Act 2012.

## SCHEDULE

Section 1

### SECTION 1(1): CONSEQUENTIAL AMENDMENTS AND REPEALS

#### *Mental Health Act 1983*

- 1 (1) In section 145(1) of the Mental Health Act 1983 (interpretation), in the definition of “mental disorder”, for “sections 86(4) and 141(6B)” substitute “section 86(4)”. 5
- (2) In section 146 of that Act (application to Scotland), omit “141,”.
- (3) In section 147 of that Act (application to Northern Ireland), omit “141,”.

#### *Scotland Act 1998*

- 2 (1) In section 17 of the Scotland Act 1998 (disqualification from membership of the Scottish Parliament), in subsection (4) – 10
- (a) omit “section 141 of the Mental Health Act 1983 (mental illness) and”, and
- (b) for “either of those sections” substitute “that section”.
- (2) In Schedule 8 to that Act, omit paragraph 19 and the preceding cross-heading. 15

#### *Government of Wales Act 1998*

- 3 In Schedule 12 to the Government of Wales Act 1998, omit paragraph 23.

#### *Northern Ireland Act 1998*

- 4 (1) In section 37 of the Northern Ireland Act 1998 (disqualification from membership of the Northern Ireland Assembly), in subsection (4) – 20
- (a) omit “section 141 of the Mental Health Act 1983 (mental illness) and”, and
- (b) for “either of those sections” substitute “that section”.
- (2) In Schedule 13 to that Act, omit paragraph 5(3). 25

#### *Government of Wales Act 2006*

- 5 (1) In section 18 of the Government of Wales Act 2006 (disqualification from membership of the National Assembly for Wales) – 30
- (a) in subsection (5), omit paragraph (a), and
- (b) in subsection (6), for “a provision” substitute “the provision”.
- (2) In Schedule 10 to that Act, omit paragraph 13 and the preceding cross-heading.

*Mental Health Act 2007*

- 6 (1) In Schedule 1 to the Mental Health Act 2007 (categories of mental disorder), omit paragraph 16.
- (2) In Schedule 3 to that Act (supervised community treatment), omit paragraph 33 and the preceding cross-heading.

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## **B I L L**

To make further provision about discrimination against people on the grounds of their mental health.

*Presented by Gavin Barwell,  
supported by  
Mr Charles Walker, Nicky Morgan,  
Oliver Colvile, Dr Julian Lewis,  
Sir Peter Bottomley, Alison Seabeck,  
Rushanara Ali, John Pugh, Hywel Williams  
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