Mental Health (Scotland) Bill: Scrutiny of Financial Memorandum

The Scottish Parliament’s Finance Committee invites organisations and individuals to submit written evidence setting out their views on the financial implications of the Mental Health (Scotland) Bill.

The Bill

The Mental Health (Scotland) Bill was introduced in the Scottish Parliament by the Cabinet Secretary for Health and Wellbeing on 19 June 2014.

The estimated financial implications of the Bill are set out in its accompanying Financial Memorandum (FM). A copy of the FM can be found at page 27 of the Explanatory Notes.

The Financial Memorandum

The FM states that the Bill seeks to improve the operation of the Mental Health (Care and Treatment) Act 2003 (“the 2003 Act”) following the McManus Review of its civil provisions. It further states that the Bill also amends the existing mental health and treatment regime in relation to a number of more minor and technical matters.

The FM states that the Bill’s provisions are set out in four parts as follows—

- **Part 1** makes provision for amendments to the 2003 Act relating to advance statements, appeals against excessive security, multiple tribunal hearings, named persons, suspension of detention and minor technical and drafting matters.

- **Part 2** covers mental health disposals in criminal cases. A number of mainly technical amendments are made to the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”), for example provision adjusting the manner in which the period of detention and treatment under certain orders is calculated.

- **Part 3** relates to victims’ rights and introduces a number of changes to the Criminal Justice (Scotland) Act 2003 to create a victim notification and representative scheme for victims of mentally disordered defenders.

- **Part 4** sets out general provisions on coming into force and modification of enactments.

The FM then sets out the estimated financial implications of parts one to three in turn (it states that part four does not have any cost implications so is not discussed in the FM).
How to submit evidence

The Health and Sport Committee is the lead committee with responsibility for considering the Bill’s policy provisions. It has issued a separate call for evidence and intends to take oral evidence later in the year.

The Finance Committee invites you to respond to the attached questions by Friday 26 September 2014. All responses should be sent electronically (in MS Word - no confirmatory hard copy required) to finance.committee@scottish.parliament.uk. Written responses will be handled in accordance with the Parliament’s policy for handling written evidence received in response to calls for evidence.

Should you have any queries in relation to this, please do not hesitate to contact the Committee clerking team on Tel: 0131 348 5451
Finance committee questionnaire

This questionnaire is being sent to those organisations that have an interest in, or that may be affected by, the financial implications of the Mental Health (Scotland) Bill. Estimates of the Bill’s financial implications are set out in its accompanying Financial Memorandum (FM), which can be found at page 27 of the Explanatory Notes.

In addition to the questions below, please add any other comments you may have which would assist the Finance Committee’s scrutiny of the FM.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

3. Did you have sufficient time to contribute to the consultation exercise?

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?