



Tonga

**MENTAL HEALTH (AMENDMENT) ACT
2020**

Act 8 of 2020



MENTAL HEALTH (AMENDMENT) ACT 2020

Arrangement of Sections

Section

1	Short Title and Interpretation.....	5
2	Section 3 amended	5
3	New section 43A inserted	6
4	New sections 142A and 142B inserted	6



MENTAL HEALTH (AMENDMENT) ACT 2020

Act 8 of 2020

AN ACT TO AMEND THE MENTAL HEALTH ACT 2001 TO CREATE VARIOUS NEW OFFENCES

I assent,
TUPOU VI,
29th October 2020.

BE IT ENACTED by the King and Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

1 Short Title and Interpretation

- (1) This Act may be cited as the Mental Health (Amendment) Act 2020.
- (2) In this Act, the Mental Health Act 2001 as amended, shall be referred to as the “Principal Act”.

2 Section 3 amended

Section 3 of the Principal Act is amended by inserting the following new definition in the appropriate place –

“**place of detention**” means any secure facility designated within the mental health facility or prisons in Tonga;”.

3 New section 43A inserted

The Principal Act is amended by inserting the following new section 43A immediately after section 43 –

“43A Ill-treating of patients

- (1) Any person employed in a place of detention or a health care agency who strikes, ill-treats or wilfully neglects a voluntary patient, involuntary patient or forensic patient, commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or imprisonment for a term not exceeding 3 years, or both.

4 New sections 142A and 142B inserted

The Principal Act is amended by inserting the following new sections 142A and 142B immediately after section 142 -

“142A Aiding patients to escape

Any person who assists or attempts to aid any involuntary patient or forensic patient, whilst being conveyed to, or whilst confined in, a place of detention or health care agency, or who aids any involuntary patient or forensic patient to escape from any place of detention, health care agency or from lawful custody, commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or imprisonment for a term not exceeding 3 years, or both.

142B False and misleading statements

Any person who makes a false or misleading statement of material fact in any document, statement or report required under this Act in relation to a voluntary patient, involuntary patient or forensic patient, commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or imprisonment for a term not exceeding 3 years, or both.”.

Passed by the Legislative Assembly this 7th day of **September** 2020.