

# Foreword

It seems probable that publication of this issue of the Journal will coincide with publication by the Department of Health of the eagerly awaited White Paper containing the Government's intended reform of mental health legislation. The last issue contained a number of articles and reflections on both the Green Paper of November 1999 and the Report of the Expert Committee which preceded it. This issue begins with a detailed consideration by Paul Bowen of the Human Rights implications of the Green Paper. The coming into effect of the Human Rights Act 1998 on 2nd October 2000 has made such an analysis of the utmost importance, and we are sure that Paul Bowen's article will be of considerable assistance in the debate that inevitably will be generated by the White Paper's publication.

The White Paper will clarify the Government's intentions for the Mental Health Act Commission. We are grateful to Margaret Clayton, Chairman of the Commission, for summarising within her article, the Commission's view of what they should be. Similarly, given the central role played by the ASW in the application of the provisions of the Mental Health Act 1983, and the speculation about the part to be played following legislative reform, Roger Hargreaves' reflection on the role of the Approved Social Worker is timely.

The White Paper will of course confine itself to the law in England and Wales. It is to the Report of the Millan Committee, due to be published early in 2001, that one must turn for an indication as to how mental health legislation might develop in Scotland. We are pleased to include within this issue, an article by Hilary Patrick, a member of the Committee, which provides an informative preview of what the Report might contain.

Over the last year there have been a number of Court decisions of considerable significance. Kevin Kerrigan has developed an analysis of the House of Lords decision in *R v Antoine* into a comprehensive review of the law relating to unfitness to plead and the special verdict of not guilty by reason of insanity. The other important cases which have been subjected to close examination within this issue are *R v London Borough of Richmond upon Thames ex parte Watson*, *R v Redcar and Cleveland Borough Council ex parte Armstrong*, *R v Manchester City Council ex parte Stennett*, *R v London Borough of Harrow ex parte Cobham* (within one review); *R v London South and South West Region MHRT ex parte Moyle*; *R v Collins and Ashworth Hospital Authority ex parte Brady*; *Re F (Mental Health Act: Guardianship)*; *Re F (Adult: Court's Jurisdiction)*.

Finally we have included reviews of four books: *Mental Health Law - Policy and Practice* by Peter Bartlett and Ralph Sandland published by Blackstone Press; the second edition of *Community Care and the Law* by Luke Clements published by LAG; *Advising Mentally Disordered Offenders - A Practical Guide* by Deborah Postgate and Carolyn Taylor published by The Law Society; and *Care or Custody? Mentally Disordered Offenders in the Criminal Justice System* by Judith M Laing published by Oxford University Press.

As always we are very grateful to all those who have generously submitted contributions for inclusion within the Journal.

*Charlotte Emmett*  
Editor

