

SCHEDULE 1

(introduced by section 53(1))

CONSEQUENTIAL AMENDMENTS TO THE MENTAL HEALTH ACT 1983

- 1 Amend the Mental Health Act 1983 as follows.
- 2 At the end of the title of section 130A insert “: England”.
- 3 In section 130A(1), (2) and (4) for “appropriate national authority” substitute “Secretary of State”.
- 4 For section 130C(2) substitute—
 - “(2) A patient is a qualifying patient if he is—
 - (a) liable to be detained under this Act (otherwise than by virtue of section 4 or 5(2) or (4) above or section 135 or 136 below) and the hospital or registered establishment in which he is liable to be detained is situated in England;
 - (b) subject to guardianship under this Act and the area of the responsible local social services authority within the meaning of section 34(3) above is situated in England;
 - (c) a community patient and the responsible hospital is situated in England.”
- 5 In section 130C(3) after “qualifying patient if” insert “the patient is to be regarded as being in England for the purposes of this subsection and”.
- 6 After section 130C(3) insert—
 - “(3A) For the purposes of subsection (3), a patient is to be regarded as being in England if that has been determined in accordance with arrangements made for the purposes of that subsection and section 130I(4), and published, by the Secretary of State and the Welsh Ministers.”
- 7 Omit section 130C(5) and (6).
- 8 In section 134(3A)(b)(i) after “130A” insert “or section 130E”.