

SCHEDULES

SCHEDULE 3

SUPERVISED COMMUNITY TREATMENT: FURTHER AMENDMENTS TO 1983 ACT

Discharge

- 10 (1) Section 23 (discharge of patients) is amended as follows.
- (2) In subsection (1) for the words from “from detention” to the end substitute “absolutely from detention or guardianship is made in accordance with this section”.
- (3) After subsection (1) insert—
 - “(1A) Subject to the provisions of this section and section 25 below, a community patient shall cease to be liable to recall under this Part of this Act, and the application for admission for treatment cease to have effect, if an order in writing discharging him from such liability is made in accordance with this section.
 - (1B) An order under subsection (1) or (1A) above shall be referred to in this Act as “an order for discharge”.
- (4) In subsection (2), after paragraph (b) insert—
 - “(c) where the patient is a community patient, by the responsible clinician, by the managers of the responsible hospital or by the nearest relative of the patient.”

^{F1}(5)

^{F1}(6)

Textual Amendments

F1 Sch. 3 paras. 10(5)(6) omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), ss. 39(4)(f), 306(4); S.I. 2012/1319, art. 2(3)

- 11 (1) Section 24 (visiting and examination of patients) is amended as follows.
- (2) In subsection (1), after “this Act” insert “, or who is a community patient,”.

^{F2}(3)

^{F2}(4)

*Changes to legislation: There are currently no known outstanding effects for the
Mental Health Act 2007, Cross Heading: Discharge. (See end of Document for details)*

Textual Amendments

F2 Sch. 3 para. 11(3)(4) omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 39\(4\)\(f\)](#), 306(4); S.I. 2012/1319, art. 2(3)

- 12 (1) Section 25 (restrictions on discharge by nearest relative) is amended as follows.
- (2) In subsection (1), after “shall not be made” insert “ under section 23 above ”.
- (3) After that subsection insert—
- “(1A) Subsection (1) above shall apply to an order for the discharge of a community patient as it applies to an order for the discharge of a patient who is liable to be detained in a hospital, but with the reference to the managers of the hospital being read as a reference to the managers of the responsible hospital.”
- (4) In subsection (2), after “treatment” insert “ , or in respect of a community patient, ”.

Changes to legislation:

There are currently no known outstanding effects for the Mental Health Act 2007, Cross
Heading: Discharge.