



# Mental Health Act 2007

## 2007 CHAPTER 12

### PART 1

#### AMENDMENTS TO MENTAL HEALTH ACT 1983

### CHAPTER 5

#### MENTAL HEALTH REVIEW TRIBUNALS

## 38 Organisation

- (1) The 1983 Act is amended as follows.
- (2) In section 65 (Mental Health Review Tribunals), for subsections (1) to (1C) substitute—
  - “(1) There shall be—
    - (a) a Mental Health Review Tribunal for England; and
    - (b) a Mental Health Review Tribunal for Wales.
  - (1A) The purpose of the Mental Health Review Tribunals is to deal with applications and references by and in respect of patients under the provisions of this Act.”
- (3) In section 78 (procedure of tribunals)—
  - (a) in subsections (2)(a) and (k) and (6), for “chairman” substitute “President”,
  - (b) <sup>F1</sup> .....
  - (c) <sup>F1</sup> .....
  - (d) in subsection (4)(a), for “president” substitute “chairman”, and
  - (e) in subsection (6) omit “, if for any reason he is unable to act.”.
- (4) <sup>F1</sup> .....

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*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Section 38. (See end of Document for details)*

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- (5) Schedule 2 (Mental Health Review Tribunals) is amended as set out in subsections (6) to (9).
- (6) For paragraph 3 substitute—
- “3
- (1) The Lord Chancellor shall appoint one of the legal members of the Mental Health Review Tribunal for England to be the President of that tribunal.
- (2) The Lord Chancellor shall appoint one of the legal members of the Mental Health Review Tribunal for Wales to be the President of that tribunal.”
- (7) In paragraph 4—
- (a) for “chairman”, in each place, substitute “ President ”, and
- (b) omit “, if for any reason he is unable to act.”.
- (8) <sup>F1</sup> .....
- (9) In paragraph 6—
- (a) for “chairman”, in each place, substitute “ President ”, and
- (b) for “president”, in each place, substitute “ chairman ”.

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**Textual Amendments**

- F1** S. 38(3)(b)(c)(4)(8) repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 228(p)**

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**Commencement Information**

- I1** S. 38 not in force at Royal Assent see s. 56(1); s. 38(1)(2)(3)(e)(5)(7)(b) in force for specified purposes and jurisdictions at 3.11.2008 by [S.I. 2008/1900](#), **art. 2(n)**
- I2** S. 38(3)(a)(d)(6)(7)(a)(9) in force at 1.12.2017 by [S.I. 2017/1038](#), **art. 2** (with arts. 3, 4)
- I3** S. 38(5) in force at 1.12.2017 in so far as not already in force by [S.I. 2017/1038](#), **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health Act 2007, Section 38.