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STATUTORY INSTRUMENTS

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**2008 No. 1207**

**MENTAL HEALTH, ENGLAND**

**The Mental Health (Nurses) (England) Order 2008**

*Made* - - - - *28th April 2008*

*Coming into force in accordance with article 1(2)*

The Secretary of State for Health, in exercise of powers conferred by section 5(4) and (7) of the Mental Health Act 1983(1) makes the following Order:

**Citation, commencement and application**

- 1.—(1) This Order may be cited as the Mental Health (Nurses) (England) Order 2008.
- (2) This Order shall come into force on 3rd November 2008 immediately before the coming into force of the Mental Health (Hospital, Guardianship and Treatment) Regulations 2008(2).
- (3) This Order applies to England.

**Prescribed classes of nurse**

- 2.—(1) For the purposes of section 5(4) of the Mental Health Act 1983 (power to detain patient in hospital for maximum of 6 hours) a nurse of the prescribed class is a nurse registered in either Sub-Part 1 or 2 of the register maintained under article 5 of the Nursing and Midwifery Order 2001(3), whose registration includes an entry specified in paragraph (2).
- (2) An entry in the register referred to in paragraph (1) is an entry indicating that the nurse's field of practice is either—
  - (a) mental health nursing, or
  - (b) learning disabilities nursing.

**Revocation**

3. The Mental Health (Nurses) Order 1998(4) is revoked in relation to England.

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(1) 1983 c.20. Section 5(4) was amended by section 9(2) of the Mental Health Act 2007 (c.12).  
(2) S.I. 2008/1184.  
(3) S.I. 2002/253.  
(4) S.I. 1998/2625.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State for Health.

28th April 2008

*Ivan Lewis*  
Parliamentary Under-Secretary of State  
Department of Health

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes and replaces the Mental Health (Nurses) Order 1998 to the extent that that Order applies to England. This Order applies only to England and prescribes the classes of nurse empowered under section 5(4) of the Mental Health Act 1983 (c.20) (as amended by the Mental Health Act 2007 (c.12)) to detain, for up to six hours, a patient who is receiving treatment for mental disorder as a hospital in-patient.

This Order imposes no costs on business or the voluntary sector.