



# Health Services and Public Health Act 1968

## 1968 CHAPTER 46

### PART IV

#### MISCELLANEOUS MATTERS

*Provisions applicable to England and Wales only*

#### **68 Amendment of Mental Health Act 1959 in case where functions under Part IV thereof of county council are delegated**

- (1) In relation to a county district whereof the council are, under a delegation scheme made under section 46 of the Local Government Act 1958, exercising the functions under Part IV of the Mental Health Act 1959 of the council of a county.—
  - (a) the powers exercisable by the council of the district by virtue of section 47(2) (c) of the last-mentioned Act (order for discharge of patient received into guardianship may be made by responsible medical officer, responsible local health authority or nearest relative of patient) may be exercised by any three or more members of the council authorised by them in that behalf;
  - (b) any reference in the said Part IV to the responsible medical officer shall, in relation to a patient received into guardianship under Part IV of that Act, be construed as referring to the medical officer of health of the district or any other medical officer authorised by the council of the district to act (either generally or in any particular case or for any particular purpose) as the responsible medical officer.
- (2) Section 56(3) of the said Act of 1959 (which includes, amongst the matters for which regulations may be made under that section, the determination of the manner in which functions under Part IV of that Act are to be exercised by managers of hospitals, local health authorities or regional hospital boards and the specification of the circumstances in which, and the conditions subject to which, such functions may be performed by officers of, or other persons acting on behalf of the managers, authorities or boards)

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*Status: This is the original version (as it was originally enacted).*

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shall have effect as if the references to such authorities included references to the councils of county districts by whom their functions under that Part of that Act are exercisable under such a delegation scheme as aforesaid.

(3) This section does not apply to Scotland.