

SCHEDULES

SCHEDULE 4

Section 148.

CONSEQUENTIAL AMENDMENTS

- 1 In the Fines and Recoveries Act 1833—
 - (a) in section 33 for the words " the Mental Health Act 1959 " and " Part VIII " there shall be substituted respectively the words " the Mental Health Act 1983 " and " Part VII " ;
 - (b) in sections 48 and 49 for the references to the judge having jurisdiction under Part VIII of the Mental Health Act 1959 there shall be substituted references to the judge having jurisdiction under Part VII of this Act
- 2 In section 68 of the Improvement of Land Act 1864 for the words " Part VIII of the Mental Health Act 1959 " there shall be substituted the words " Part VII of the Mental Health Act 1983 " .
- 3 In section 10(3) of the Colonial Prisoners Removal Act 1884 for the words " section seventy-one of the Mental Health Act 1959 ", "section seventy-two" and "section seventy-four" there shall be substituted respectively the words " section 46 of the Mental Health Act 1983 ", " section 47 " and " section 49 " .
- 4 In the Trustee Act 1925—
 - (a) in section 36(9) for the words "the Mental Health Act 1959 " and " Part VIII of the Mental Health Act 1959 " there shall be substituted respectively the words " the Mental Health Act 1983 " and " Part VII of the Mental Health Act 1983 " ;
 - (b) in section 41(1) for the words "the Mental Health Act 1959" there shall be substituted the words " the Mental Health Act 1983 " ;
 - (c) in section 54—
 - (i) in subsection (1) for the words " Part VIII of the Mental Health Act 1959 " there shall be substituted the words " Part VII of the Mental Health Act 1983 " ; and
 - (ii) in subsection (3) for the words " section one hundred and one of the Mental Health Act 1959" and " exercisable and have been exercised under section one hundred and four " there shall be substituted respectively the words " section 94 of the Mental Health Act 1983 and " exercisable under section 98 of that Act and have been exercised under that section or section 104 of the Mental Health Act 1959 " ;"
 - (d) in section 55 except so far as it applies to existing orders made before the commencement of this Act, for the words " Part VIII of the Mental Health Act 1959 " there shall be substituted the words " Part VII of the Mental Health Act 1983 " .
- 5 In the Law of Property Act 1925—

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- (a) in section 22(1) for the words " Part VIII of the Mental Health Act 1959 " there shall be substituted the words " Part VII of the Mental Health Act 1983 " ;
 - (b) in section 205(1)(xiii) for the words "section four of the Mental Health Act 1959 " and " Part VIII" there shall be substituted respectively the words " section 1 of the Mental Health Act 1983 " and " Part VIII of the Mental Health Act 1959 or Part VII of the said Act of 1983 " .
- 6 In section 111 of the Land Registration Act 1925—
- (a) in subsection (5) for the words "the Mental Health Act 1959" and "Part VIII of the Mental Health Act 1959" there shall be substituted respectively the words " the Mental Health Act 1983 " and " Part VII of the Mental Health Act 1983 " ; and
 - (b) in subsection (6) for the words "Part VIII of the Mental Health Act 1959 " there shall be substituted the words " Part VII of the Mental Health Act 1983 " .
- 7 In paragraph (ii) of the proviso to section 41(1) of the Administration of Estates Act 1925 for the words "the Mental Health Act 1959" there shall be substituted the words " the Mental Health Act 1983 " .
- 8 In sections 4(1) and 11(3)(b) of the Polish Resettlement Act 1947 for the words "the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " .
- 9 In section 1(4) of the U.S.A. Veterans' Pensions (Administration) Act 1949 after the words "curator bonis" there shall be inserted the words " or for whom a receiver has been appointed under section 105 of the Mental Health Act 1959 or section 99 of the Mental Health Act 1983 " .
- 10 In section 116(7) of the Army Act 1955 for the words "section 71 of the Mental Health Act 1959 " and "within the meaning of the Mental Health Act 1959 " there shall be substituted respectively the words " section 46 of the Mental Health Act 1983 " and " within the meaning of the Mental Health Act 1983 " .
- 11 In section 116(7) of the Air Force Act 1955 for the words "section 71 of the Mental Health Act 1959" and "within the meaning of the Mental Health Act 1959 " there shall be substituted respectively the words " section 46 of the Mental Health Act Act 1983 " and "within the meaning of the Mental Health Act 1983 " .
- 12 In section 38(4) of the Sexual Offences Act 1956 for the words " the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " .
- 13 In section 71(6) of the Naval Discipline Act 1957 for the words " section 71 of the Mental Health Act 1959 " and " within the meaning of the Mental Health Act 1959 " there shall be substituted respectively the words " section 46 of the Mental Health Act 1983 " and " within the meaning of the Mental Health Act 1983 " .
- 14 In section 1 of the Variation of Trusts Act 1958—
- (a) in subsection (3) for the words "Part VIII of the Mental Health Act 1959 " and " the said Part VIII" there shall be substituted respectively the words " Part VII of the Mental Health Act 1983 " and " the said Part VII" ; and
 - (b) in subsection (6) for the words "Part VIII of the Mental Health Act 1959" there shall be substituted the words " Part VII of the Mental Health Act 1983 " .

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- 15 In section 128(1)(b) of the Mental Health Act 1959 for the words " this Act" in both places where they occur there shall be substituted the words " the Mental Health Act 1983 " .
- 16 In the Mental Health (Scotland) Act 1960—
- (a) in section 10(1)(b) and (c) for the words " the Mental Health Act 1959" there shall be substituted the words " the Mental Health Act 1983 " ;
 - (b) in section 73(5) for the words " Part IV of the Mental Health Act 1959" there shall be substituted the words " Part II of the Mental Health Act 1983 " ;
 - (c) in section 75 for the words " Part IV of the Mental Health Act 1959 " , " section forty-nine of the said Act of 1959 " , " Part IV of that Act" , " Part IV of the said Act of 1959 " , and " section fifty-two " wherever they occur there shall be substituted respectively the words " Part II of the Mental Health Act 1983 " , " section 26 of the said Act of 1983 " , " Part II of that Act" , " Part II of the said Act of 1983 " and " section 29 " ;
 - (d) in section 76—
 - (i) in subsection (1) for the words " the Mental Health Act 1959 as amended by this Act" and "Part IV of that Act" there shall be substituted respectively the words " the Mental Health Act 1983 " and " Part II of that Act" ;
 - (ii) in subsection (2) for the words " sections forty-nine to fifty-one of the said Act of 1959 " and " Part IV of that Act" there shall be substituted respectively the words " sections 26 to 28 of the said Act of 1983 " and " Part II of that Act" ; and
 - (iii) in subsection (3) after the words " the Mental Health Act 1959 " there shall be inserted the words " or section 29 or 30 of the Mental Health Act 1983 " .
 - (e) in section 83(3)(a) for the words " mental welfare officer within the meaning of the Mental Health Act 1959 " there shall be substituted the words " approved social worker within the meaning of the Mental Health Act 1983 " ;
 - (f) in sections 85 and 87 for the words " the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " .
 - (g) in section 88(2) after " 1959 " there shall be inserted the words " or Part VI of the Mental Health Act 1983 " ;
 - (h) in section 103(3) and (5) for the words " section ninety-three of the Mental Health Act 1959 " there shall be substituted the words " section 88 of the Mental Health Act 1983 " ;
 - (i) in section 107(2) for the words " section one hundred and forty-one of the Mental Health Act 1959" there shall be substituted the words " section 139 of the Mental Health Act 1983 " .
- 17 In section 5 of the Administration of Justice Act 1960—
- (a) in subsection (4) for the words " Part V of the Mental Health Health Act 1959 " and the words " the said Part V " there shall be substituted respectively the words " Part III of the Mental Health Act 1983 (other than under section 35, 36 or 38) and " the said Part III " ; and"
 - (b) in subsection (4A) for the words " section 31 of the Mental Health (Amendment) Act 1982 " , " Part V of the said Act of 1959 " and " the said section 31 " there shall be substituted respectively " section 38 of the

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- Mental Health Act 1983 " , " Part III of the said Act of 1983 " and " the said section 38".
- 18 In the Criminal Procedure (Insanity) Act 1964—
- (a) in section 8(2) for the words " the Mental Health Act 1959 " , " Part V " and " sections 139 to 141 " there shall be substituted respectively the words " the Mental Health Act 1983 " , " Part III" and " sections 137 to 139 " ;
- (b) in Schedule 1—
- (i) in paragraph 1(3) for the words " sections 60 and 65 of the Mental Health Act 1959" there shall be substituted the words " sections 37 and 41 of the Mental Health Act 1983 " ;
- (ii) in paragraph 2(1) for the words " the Mental Health Act 1959 " , " section 60 " and " section 65 " there shall be substituted respectively " the Mental Health Act 1983 " , " section 37 " and " section 41 " ;
- (iii) in paragraph 2(2) for the words " section 66 of the said Act of 1959" and "section 65" there shall be substituted respectively the words " section 42 of the said Act of 1983 " and " section 41 " ;
- (iv) in paragraph 2(3) for the words " section 63(5) of the Mental Health Act 1959 " and the words from " the proviso " to " the reference " there shall be substituted respectively the words " section 40(5) of the Mental Health Act 1983 " and " the reference in the said section 40(5) " ;
- 19 In section 18 of the Administration of Justice Act 1965 for the words " Part VIII of the Mental Health Act 1959 " there shall be substituted the words " Part VII of the Mental Health Act 1983 " .
- 20 In paragraph 1(2)(b) of Schedule 1 to the Compulsory Purchase Act 1965 at the end there shall be inserted the words " or section 98 of the Mental Health Act 1983 " .
- 21 In the Criminal Justice Act 1967—
- (a) in section 72(1)(b) for the words " section 40 or 140 of the Mental Health Act 1959 or section 31(8) of the Mental Health (Amendment) Act 1982 " there shall be substituted the words " section 18, 38(7) or 138 of the Mental Health Act 1983 " ;
- (b) in section 72(3) for the words " Section 139 of the Mental Health Act 1959 " and " the said Act of 1959 " there shall be substituted respectively the words " Section 137 of the Mental Health Act 1983 " and " the said Act of 1983 " ;
- (c) in section 72(4) for the words " Part V of the Mental Health Act 1959 " , "section 31 of the Mental Health (Amendment) Act 1982 " and " Part V of the said Act of 1959 " there shall be substituted respectively the words " Part III of the Mental Health Act 1983 " , " section 38 of the said Act of 1983 " and " Part III of the said Act of 1983 " .
- 22 In section 26(2) of the Leasehold Reform Act 1967 for the words " the Mental Health Act 1959 " , " appointed under Part VIII of that Act " and " having jurisdiction under Part VIII of that Act " there shall be substituted respectively the words " Mental Health Act 1983 " , "appointed under Part VII of the said Act of 1983 or Part VIII of the Mental Health Act 1959 " and " having jurisdiction under Part VII of the said Act of 1983 " .
- 23 In the Criminal Appeal Act 1968—

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- (a) in section 6(4) for the words " section 72 of the Mental Health Act 1959 " and " subsection (6) " there shall be substituted respectively the words " section 47 of the Mental Health Act 1983 " and " subsection (5) " ;
- (b) in section 8(3) after the words " Part V of the Mental Health Act 1959 " there shall be inserted the words " or under Part III of the Mental Health Act 1983 (other than under section 35, 36 or 38 of that Act) " ;
- (c) in section 8(3A)—
 - (i) for the words " section 30 of the Mental Health (Amendment) Act 1982 " there shall be substituted the words " section 36 of the Mental Health Act 1983 " ;
 - (ii) for the words " section 31 of that Act " there shall be substituted the words " section 38 of that Act " ; and
 - (iii) for the words " Part V of the Mental Health Act 1959 " there shall be substituted the words " Part III of that Act " ;
- (d) in section 11—
 - (i) in subsection (5) for the words " the Mental Health (Amendment) Act 1982 " there shall be substituted the words " the Mental Health Act 1983 " ; and
 - (ii) in subsection (6)(b) for the words " section 31(8) of the said Act of 1982 " there shall be substituted the words " section 38(7) of the said Act of 1983 " .
- (e) in section 14(5) for the words " section 72 of the Mental Health Act 1959 " and " subsection (6) " there shall be substituted respectively the words " section 47 of the Mental Health Act 1983 " and " subsection (5) " ;
- (f) in section 16(3) for the words " the Mental Health Act 1959 " and " Part V " there shall be substituted respectively the words " the Mental Health Act 1983 " and " Part III " ;
- (g) in section 37(4) for the words " Part V of the Mental Health Act 1959 " and " the Mental Health Act 1959 " there shall be substituted respectively the words " Part III of the Mental Health Act 1983 (otherwise than under section 35, 36 or 38 of that Act) " and " the Mental Health Act 1983 " ;
- (h) in section 37(4A) for the words " section 30 of the Mental Health (Amendment) Act 1982 " , " section 31 " and " Part V of the said Act of 1959 " wherever they occur there shall be substituted respectively the words " section 36 of the Mental Health Act 1983 " , " section 38 " and " Part III of the said Act of 1983 " ;
- (i) in section 50(1), for the words from " Part V " to " 1982 " there shall be substituted the words " Part III of the Mental Health Act 1983, with or without a restriction order, and an interim hospital order under that Part " ;
- (j) in section 51(2) for the words " section 147(1) of the Mental Health Act 1959 " there shall be substituted the words " section 145(1) of the Mental Health Act 1983 " ;
- (k) in paragraph 1(3) of Schedule 1 for the words " the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " ;
- (l) in paragraph 2 of Schedule 1 for the words " the Mental Health Act 1959 " , " section 60 " and " section 65 " there shall be substituted respectively the words " the Mental Health Act 1983 " , " section 37 " and " section 41 " ;
- (m) in paragraph 3 of Schedule 1 for the words " Part IV of the Mental Health Act 1959 " and " the said Part IV " there shall be substituted respectively the words " Part II of the Mental Health Act 1983 " and " the said Part II " ;

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- (n) in Schedule 3—
- (i) in the heading to the Schedule for the words " PART V OF MENTAL HEALTH ACT 1959 " there shall be substituted the words " PART II OF MENTAL HEALTH ACT 1983 " ; and
 - (ii) for paragraph 2 there shall be substituted—

“Order for continued detention under Act of 1983

- 2 Where an order is made by the Court of Appeal under section 16(3) of this Act for a person's continued detention under the Mental Health Act 1983, Part III of that Act (patients concerned in criminal proceedings or under sentence) shall apply to him as if he had been ordered under the said section 16(3) to be kept in custody pending trial and were detained in pursuance of a transfer direction together with a restriction direction.”.

- 24 In the Courts-Martial (Appeals) Act 1968—
- (a) in sections 20(4) and 43(4) for the words " Part V of the Mental Health Act 1959" there shall be substituted the words " Part III of the Mental Health Act 1983 " ;
 - (b) in section 23, in subsection (1) for the words " section 71 of the Mental Health Act 1959 " there shall be substituted the words " section 46 of the Mental Health Act 1983 " and in subsection (2) for the words " the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " ;
 - (c) in section 25(4) for the words " the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " .
- 25 In section 21(4) of the Family Law Reform Act 1969 for the words " the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " .
- 26 In the Children and Young Persons Act 1969—
- (a) in section 1(3) for the words " Part V of the Mental Health Act 1959" there shall be substituted the words " Part III of the Mental Health Act 1983 " ;
 - (b) in section 1(5) for the words " section 60 of the said Act of 1959 " there shall be substituted the words " section 37 of the said Act of 1983 " ;
 - (c) in section 2(10) for the words " section 31 of the Mental Health (Amendment) Act 1982" and "the said section 31 " there shall be substituted respectively the words " section 38 of the Mental Health Act 1983 " and " the said section 38" .
 - (d) in section 12(4) for the words " section 28 of the Mental Health Act 1959 ", " Part V " and " the said Act of 1959 " there shall be substituted respectively the words " section 12 of the Mental Health Act 1983 " , " Part III" and " the said Act of 1983 " ;
 - (e) in paragraph 7(7) of Schedule 4 for the words from the beginning to " 1959 " there shall be substituted the words " A restriction direction which was given under section 49 of the Mental Health Act 1983 " .
- 27 In Schedule 1 to the Local Authorities Social Services Act 1970—

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- (a) in the entry relating to the Mental Health Act 1959, in the first column for the words " Parts II to VI and IX " there shall be substituted the words " sections 8 and 9 " and for the entry in the second column there shall be substituted the words " Welfare and accommodation of mentally disordered persons. " ;
- (b) there shall be inserted at the end—

“Mental Health Act 1983 (c. 20)

Parts II, III and VI

Welfare of the mentally disordered; guardianship of persons suffering from mental disorder including such persons removed to England and Wales from Scotland or Northern Ireland; exercise of functions of nearest relative of person so suffering.

Sections 66, 67, 69(1)

Exercise of functions of nearest relative in relation to applications and references to Mental Health Review Tribunals.

Section 114

Appointment of approved social workers.

Section 115

Entry and inspection.

Section 116

Welfare of certain hospital patients.

Section 117

After-care of detained patients.

Section 130

Prosecutions.”.

- (c) the entry relating to the Mental Health (Amendment) Act 1982 shall cease to have effect.

28 In section 57(1) of the Courts Act 1971 for the words " Part V of the Mental Health Act 1959" there shall be substituted the words " Part III of the Mental Health Act 1983 " .

29 In Schedule 1 to the Tribunals and Inquiries Act 1971, in the second column of the entry relating to the Mental Health Review Tribunals for the words following " Tribunals " there shall be substituted the words " constituted or having effect as if constituted under section 65 of the Mental Health Act 1983 (c. 20) " .

30 In section 30(2) of the Immigration Act 1971 for the words from the beginning to " I960)" there shall be substituted the words " Under section 82 of the Mental Health (Scotland) Act 1960 " and the words from " and accordingly " onwards shall be omitted.

31 In section 20(2) of the Parliamentary and other Pensions Act 1972 for the words "Section 138 of the Mental Health Act 1959" there shall be substituted the words " Section 142 of the Mental Health Act 1983 " .

32 In section 118 of the Local Government Act 1972—

- (a) in subsection (1) for the words "the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " ; and

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- (b) in subsection (4) for the words " Part VIII of the said Act of 1959 " there shall be substituted the words " Part VII of the said Act of 1983 " .
- 33 In the Costs in Criminal Cases Act 1973—
- (a) in section 3(7) for the words from "under Part V" to " 1982" there shall be substituted the words " and an interim hospital order under Part III of the Mental Health Act 1983 " ; and
- (b) in section 18(1)(c) for the words "Part V of the Mental Health Act 1959" there shall be substituted the words " Part III of the Mental Health Act 1983 " .
- 34 In section 12(d) of the Matrimonial Causes Act 1973 for the words "the Mental Health Act 1959" there shall be substituted the words " the Mental Health Act 1983 " .
- 35 In section 1 of the Guardianship Act 1973—
- (a) in subsection (8), the words from " and" to the end of the subsection shall be omitted; and
- (b) after subsection (8) there shall be inserted—
- “(9) Nothing in this section shall be taken to affect the provisions of the Mental Health Act 1983 as to the person who is ' the nearest relative' for the purposes of that Act.”.
- 36 In section 3 of the Powers of Criminal Courts Act 1973—
- (a) in subsection (1) for the words " section 28 of the Mental Health Act 1959 " and " Part V of that Act" there shall be substituted respectively the words " section 12 of the Mental Health Act 1983 " and " Part III of that Act " ;
- (b) in subsection (2) for the words " hospital or mental nursing home within the meaning of the Mental Health Act 1959 " and " that Act" there shall be substituted respectively the words " hospital within the meaning of the Mental Health Act 1983 or mental nursing home within the meaning of the Nursing Homes Act 1975 " and " the National Health Service Act 1977 " ; and
- (c) in subsection (7) for the words "Subsections (2) and (3) of section 62 of the Mental Health Act 1959 " and " section 60(1)(a)" there shall be substituted respectively the words " Subsections (2) and (3) of section 54 of the Mental Health Act 1983 " and " section 37(2)(a) " .
- 37 In Group D in Schedule 1 to the Juries Act 1974 for the words " section 33 of the Mental Health Act 1959 ", " Part VIII of that Act" and " the said Act of 1959 " there shall be substituted respectively the words " section 7 of the Mental Health Act 1983 " , " Part VII of that Act " and " the said Act of 1983 " .
- 38 In the Solicitors Act 1974—
- (a) in section 12(1)(j) for the words " section 101 of the Mental Health Act 1959 " and " section 104 of that Act" there shall be substituted respectively the words " section 94 of the Mental Health Act 1983 " and " section 104 of the Mental Health Act 1959 or section 98 of the said Act of 1983 " ;
- (b) in section 62(4)(c) for the words " under Part VIII of the Mental Health Act 1959" there shall be substituted the words " appointed under Part VII of the Mental Health Act 1983 " ;
- (c) in paragraph 1(1)(f) of Schedule 1 for the words "section 104 (emergency powers) or 105 (appointment of receiver) of the Mental Health Act 1959 "

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- there shall be substituted the words " section 104 of the Mental Health Act 1959 or section 98 of the Mental Health Act 1983 (emergency powers) or section 105 of the said Act of 1959 or section 99 of the said Act of 1983 (appointment of receiver) " .
- 39 In section 5(7) of the Rehabilitation of Offenders Act 1974 for the words " Part V of the Mental Health Act 1959 " there shall be substituted the words " Part III of the Mental Health Act 1983 " .
- 40 In paragraph 19(4) of Schedule 5 to the Finance Act 1975 for the words " the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " .
- 41 In the Criminal Procedure (Scotland) Act 1975—
- (a) in sections 13(1)(b) and 322(1)(b) for the words " section 40 or 140 of the Mental Health Act 1959, section 31(8) of the Mental Health (Amendment) Act 1982 " there shall be substituted the words " section 18, 38(7) or 138 of the Mental Health Act 1983 " ;
 - (b) in sections 13(3) and 322(3) for the words "Section 139 of the Mental Health Act 1959 " and " the said Act of 1959 " there shall be substituted respectively " Section 137 of the Mental Health Act 1983 " and " the said Act of 1983 " ;
 - (c) in sections 13(4) and 322(4) for the words "Part V of the Mental Health Act 1959 "," section 31 of the Mental Health (Amendment) Act 1982 " and " Part V of the said Act of 1959" there shall be substituted respectively the words " Part III of the Mental Health Act 1983 " , " section 38 of the said Act of 1983 " and " Part III of the said Act of 1983 " .
- 42 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 in the entry relating to Mental Health Review Tribunals for the words "constituted under the Mental Health Act 1959" there shall be substituted the words " constituted or having effect as if constituted under the Mental Health Act 1983 " .
- 43 In the Nursing Homes Act 1975—
- (a) in sections 3(2)(c) and 10(2) for the words "the Mental Health Act 1959 or the Mental Health (Amendment) Act 1982" there shall be substituted the words " the Mental Health Act 1983 " ;
 - (b) in section 20(1) for the words " section 4 of the Mental Health Act 1959" there shall be substituted the words " section 1 of the Mental Health Act 1983 " ;
 - (c) in section 21 for the words " those sections" there shall be substituted the words " the sections of the Mental Health Act 1983 corresponding to those sections, namely sections 126, 139 and 125 respectively " .
- 44 In section 98(4) of the Children Act 1975 for the words " or residential home within the meaning of Part III of the Mental Health Act 1959 " there shall be substituted the words " residential home for mentally disordered persons within the meaning of the Nursing Homes Act 1975 or the Residential Homes Act 1980 " .
- 45 In section 32(6)(c) of the Adoption Act 1976 for the words " the Mental Health Act 1959 or the Mental Health (Amendment) Act 1982 " there shall be substituted the words " the Mental Health Act 1983 " .
- 46 In section 3(6B) of the Bail Act 1976 for the words " section 28 of the Mental Health Act 1959 " there shall be substituted the words " section 12 of the Mental Health Act 1983 " .

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- 47 In the National Health Service Act 1977—
- (a) in section 4 for the words " the Mental Health Act 1959 or the Mental Health (Amendment) Act 1982 " there shall be substituted the words " the Mental Health Act 1983 " ;
 - (b) in section 105(1) for the words " Part IV of the Mental Health Act 1959" there shall be substituted the words " Part II of the Mental Health Act 1983 " ;
 - (c) in section 105(3) the words " or the Mental Health Act 1959 " shall be omitted ;
 - (d) in section 128(1), in the definition of " illness " , for the words " the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " ;
 - (e) in paragraph 2 of Schedule 8—
 - (i) for sub-paragraph (1)(d) there shall be substituted—
 - “(d) for the exercise of the functions of the authority in respect of persons suffering from mental disorder who are received into guardianship under Part II or III of the Mental Health Act 1983 (whether the guardianship of the local social services authority or of other persons).”;
 - (ii) in sub-paragraph (2)(b)(i) for the words " the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " ; and
 - (iii) in sub-paragraph (3) for the words " that Act of 1959 " there shall be substituted the words " that Act of 1983 " ;
 - (f) in paragraph 13(1)(b) of Schedule 14 for the words " 80 to 83, 86 to 91, 93 and 96 " there shall be substituted " 80 to 82, 96 " .
- 48 In section 16A(1)(b)(ii) of the National Health Service (Scotland) Act 1978 for the words " section 10 of the Mental Health Act 1959 " there shall be substituted the words " section 116 of the Mental Health Act 1983 " .
- 49 In paragraph 5(2) of Schedule 1 to the Capital Gains Tax Act 1979 for the words " the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " .
- 50 In the Child Care Act 1980—
- (a) in section 3(1)(b)(iii) for the words " the Mental Health Act 1959" there shall be substituted the words " the Mental Health Act 1983 " ; and
 - (b) in section 79(5)(c) for the words " section 10 of that Act" and " subsection (1)(a)" there shall be substituted respectively the words " section 116 of the Mental Health Act 1983 " and " subsection (2)(a) " .
- 51 In section 2(5) of the Foster Children Act 1980 for the words " the Mental Health Act 1959 or the Mental Health (Amendment) Act 1982 " there shall be substituted the words " the Mental Health Act 1983 " .
- 52 In the Residential Homes Act 1980—
- (a) in section 1(3)(a) for the words " section 147(1) of the Mental Health Act 1959 " there shall be substituted the words " section 145(1) of the Mental Health Act 1983 " ; and
 - (b) in section 10(1) for the words " the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " .

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- 53 In paragraph 2(a) of Schedule 2 to the Reserve Forces Act 1980 for the words "the Mental Health Act 1959" there shall be substituted the words " the Mental Health Act 1983 " .
- 54 In section 31(2)(c) of the Transport Act 1980 for the words " Part VIII of the Mental Health Act 1959 " there shall be substituted the words " Part VII of the Mental Health Act 1983 " .
- 55 In section 38 of the Limitation Act 1980—
- (a) in subsection (3) for the words " Mental Health Act 1959 " there shall be substituted the words " Mental Health Act 1983 " ; and
 - (b) in subsection (4)—
 - (i) in paragraph (a), for the words " the Mental Health Act 1959 or section 30 or 31 of the Mental Health (Amendment) Act 1982 " there shall be substituted the words " the Mental Health Act 1983 (otherwise than by virtue of section 35 or 89) " ; and
 - (ii) for paragraph (b) there shall be substituted—
 - “(b) while he is receiving treatment as an in-patient in any hospital within the meaning of the Mental Health Act 1983 or mental nursing home within the meaning of the Nursing Homes Act 1975 without being liable to be detained under the said Act of 1983 (otherwise than by virtue of section 35 or 89), being treatment which follows without any interval a period during which he was liable to be detained or subject to guardianship under the Mental Health Act 1959, or the said Act of 1983 (otherwise than by virtue of section 35 or 89) or by virtue of any enactment repealed or excluded by the Mental Health Act 1959”.
- 56 In section 57(2)(c) of the Public Passenger Vehicles Act 1981 for the words " Part VIII of the Mental Health Act 1959 " there shall be substituted the words " Part VII of the Mental Health Act 1983 " .
- 57 In the Contempt of Court Act 1981—
- (a) in section 14(4) for the words " section 60 of the Mental Health Act 1959" and "section 31 of the Mental Health (Amendment) Act 1982" there shall be substituted respectively the words " section 37 of the Mental Health Act 1983 " and " section 38 of that Act " ; and
 - (b) in section 14(4A) for the words " section 29 of the said Act of 1982 " there shall be substituted the words " section 35 of the said Act of 1983 " .
 - (c) in paragraph 10(b) of Schedule 1 for the words " paragraph (b) of subsection (2) of section 76 of the Mental Health Act 1959" there shall be substituted the words " section 51(5) of the Mental Health Act 1983 " .
- 58 In the Supreme Court Act 1981—
- (a) in section 48(6)(a) for the words "Part V of the Mental Health Act 1959 " and " the Mental Health (Amendment) Act 1982 " there shall be substituted respectively the words " Part III of the Mental Health Act 1983 " and " that Act" ;
 - (b) in section 48(7) for the words " the said Act of 1982 " there shall be substituted the words " the said Act of 1983 " ; and

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

- (c) in section 48(8)(b) for the words " section 31(8) of the said Act of 1982 " there shall be substituted the words " section 38(7) of the said Act of 1983 " .
- 59 In section 13(9) of the Armed Forces Act 1981 or the words " the Mental Health Act 1959 " there shall be substituted the words " the Mental Health Act 1983 " .
- 60 In paragraph 9 of Schedule 1 to the British Nationality Act 1981.—
- (a) in sub-paragraph (1)(b) for the words " Part V of the Mental Health Act 1959 " there shall be substituted the words " Part 111 of the Mental Health Act 1983 " ; and
- (b) in sub-paragraph (2)(b) for the words " Part V of the Mental Health Act 1959 " there shall be substituted the words " Part III of the Mental Health Act 1983 " .
- 61 In the Mental Health (Amendment) Act 1982—
- (a) in section 70(2)—
- (i) for the words " Sections 62 and 64(2) " there shall be substituted the words " Section 62 " , and
- (ii) the words " sections 35(1) and (2) and 64(6) above extend to Northern Ireland " shall be omitted ;
- (b) in section 70(3) for the words " Section 154(2) of the principal Act " there shall be substituted the words " Section 149(4) of the Mental Health Act 1983 " .