

## SCHEDULES

### SCHEDULE 1

#### AMENDMENTS

#### PART III

##### AMENDMENTS OF OTHER ENACTMENTS

##### *The Mental Health Act 1983*

- 107 (1) The Mental Health Act 1983 shall be amended as follows.
- (2) In section 23 (discharge of patients)—
- (a) in subsection (3), for the words from “Regional” to the end substitute “, Health Authority or Special Health Authority, by that National Health Service trust, Health Authority or Special Health Authority.”, and
  - (b) in subsection (5)(a), for—
    - (i) “a District or Special Health Authority”, and
    - (ii) “such an authority”,substitute “a Health Authority or Special Health Authority”.
- (3) In section 24 (visiting and examination of patients), in subsection (3)—
- (a) for “Regional Health Authority, District Health Authority National Health Service trust or special health authority” substitute “Health Authority, Special Health Authority or National Health Service trust”, and
  - (b) for “authority or trust” substitute “Health Authority, Special Health Authority or National Health Service trust”.
- (4) In section 32 (regulations), in subsection (3), for “Regional Health Authorities, District Health Authorities National Health Service trusts or special health authorities” substitute “Health Authorities, Special Health Authorities or National Health Service trusts”.
- (5) In section 39 (information as to hospitals)—
- (a) in subsection (1)—
    - (i) for “Regional Health Authority” (in both places) substitute “Health Authority”,
    - (ii) for “the region” substitute “the area”,
    - (iii) for “that Authority has” substitute “that Health Authority have”,
    - (iv) for “its region” substitute “their area”, and
    - (v) for “that Authority shall” substitute “that Health Authority shall”,and
  - (b) omit subsection (2).

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*Status: This is the original version (as it was originally enacted).*

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- (6) In section 65 (Mental Health Review Tribunals), for subsection (1) substitute—
- “(1) There shall be tribunals, known as Mental Health Review Tribunals, for the purpose of dealing with applications and references by and in respect of patients under the provisions of this Act.
- (1A) There shall be—
- (a) one tribunal for each region of England, and
  - (b) one tribunal for Wales.
- (1B) The Secretary of State—
- (a) shall by order determine regions for the purpose of subsection (1A) (a) above; and
  - (b) may by order vary a region determined for that purpose;
- and the Secretary of State shall act under this subsection so as to secure that the regions together comprise the whole of England.
- (1C) Any order made under subsection (1B) above may make such transitional, consequential, incidental or supplemental provision as the Secretary of State considers appropriate.”
- (7) In section 79 (interpretation of Part V), after subsection (6) insert—
- “(7) In this Part of this Act any reference to the area of a tribunal is—
- (a) in relation to a tribunal for a region of England, a reference to that region; and
  - (b) in relation to the tribunal for Wales, a reference to Wales.”
- (8) In section 117 (after-care)—
- (a) in subsection (2), for “District Health Authority” (in both places) substitute “Health Authority”, and
  - (b) in subsection (3), for the words from “section” to “for the area” substitute “section “the Health Authority” means the Health Authority, and “the local social services authority” means the local social services authority, for the area”.
- (9) In section 121 (Mental Health Act Commission)—
- (a) in subsection (1), for “special health authority” substitute “Special Health Authority”, and
  - (b) in subsection (11), for “health authorities” substitute “Special Health Authorities”.
- (10) In section 134 (correspondence of patients), in subsection (3)(e), for “health authority within the meaning of the National Health Service Act 1977” substitute “Health Authority or Special Health Authority”.
- (11) In section 139 (protection for acts done in pursuance of that Act), in subsection (4), for “health authority within the meaning of the National Health Service Act 1977” substitute “Health Authority or Special Health Authority”.
- (12) In section 140 (notification of hospitals having arrangements for reception of urgent cases)—
- (a) for “Regional Health Authority and in Wales every District Health Authority” substitute “Health Authority”,

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- (b) for “region or district, as the case may be, of the Authority” substitute “Health Authority’s area”, and
  - (c) for “to the Authority” substitute “to the Health Authority”.
- (13) In section 143 (regulations, orders and rules), in subsection (2), after “54A” insert “or 65”.
- (14) In section 145 (interpretation), in subsection (1)—
- (a) after the definition of “approved social worker” insert—
    - ““Health Authority” means a Health Authority established under section 8 of the National Health Service Act 1977;”,
  - (b) in paragraph (a) of the definition of “the managers”, for “District Health Authority or special health authority” substitute “Health Authority or Special Health Authority”, and
  - (c) after the definition of “restriction order” insert—
    - ““Special Health Authority” means a Special Health Authority established under section 11 of the National Health Service Act 1977;”.