

Status: Point in time view as at 03/11/2008.

Changes to legislation: Mental Capacity Act 2005, Cross Heading: Mental Health Act 1983 (c. 20) is up to date with all changes known to be in force on or before 15 November 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES¹

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS

Mental Health Act 1983 (c. 20)

- 29 (1) The Mental Health Act is amended as follows.
- (2) In section 134(3) (cases where correspondence of detained patients may not be withheld) for paragraph (b) substitute—
- “(b) any judge or officer of the Court of Protection, any of the Court of Protection Visitors or any person asked by that Court for a report under section 49 of the Mental Capacity Act 2005 concerning the patient;”.
- (3) In section 139 (protection for acts done in pursuance of 1983 Act), in subsection (1), omit from “or in, or in pursuance” to “Part VII of this Act,”.
- (4) Section 142 (payment of pension etc. where recipient lacks capacity) ceases to have effect in England and Wales.
- (5) Sub-paragraph (6) applies where, before the commencement of sub-paragraph (4), an authority has, in respect of a person referred to in that section as “the patient”, made payments under that section—
- (a) to an institution or person having the care of the patient, or
- (b) in accordance with subsection (2)(a) or (b) of that section.
- (6) The authority may, in respect of the patient, continue to make payments under that section to that institution or person, or in accordance with subsection (2)(a) or (b) of that section, despite the amendment made by sub-paragraph (4).
- (7) In section 145(1) (interpretation), in the definition of “patient”, omit “(except in Part VII of this Act)”.
- (8) In section 146 (provisions having effect in Scotland), omit from “104(4)” to “section),”.
- (9) In section 147 (provisions having effect in Northern Ireland), omit from “104(4)” to “section),”.

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