



Mental Health Act 2007

2007 CHAPTER 12

PART 1

AMENDMENTS TO MENTAL HEALTH ACT 1983

CHAPTER 1

CHANGES TO KEY PROVISIONS

Fundamental principles

8 The fundamental principles

After section 118(2) of the 1983 Act (code of practice) insert—

“(2A) The code shall include a statement of the principles which the Secretary of State thinks should inform decisions under this Act.

(2B) In preparing the statement of principles the Secretary of State shall, in particular, ensure that each of the following matters is addressed—

- (a) respect for patients' past and present wishes and feelings,
- (b) respect for diversity generally including, in particular, diversity of religion, culture and sexual orientation (within the meaning of section 35 of the Equality Act 2006),
- (c) minimising restrictions on liberty,
- (d) involvement of patients in planning, developing and delivering care and treatment appropriate to them,
- (e) avoidance of unlawful discrimination,
- (f) effectiveness of treatment,
- (g) views of carers and other interested parties,
- (h) patient wellbeing and safety, and
- (i) public safety.

Status: This is the original version (as it was originally enacted).

- (2C) The Secretary of State shall also have regard to the desirability of ensuring—
- (a) the efficient use of resources, and
 - (b) the equitable distribution of services.
- (2D) In performing functions under this Act persons mentioned in subsection (1)(a) or (b) shall have regard to the code.”