

Status: Point in time view as at 03/11/2008.

Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Part 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

CATEGORIES OF MENTAL DISORDER: FURTHER AMENDMENTS ETC

PART 1

AMENDMENTS TO 1983 ACT

- 1 The 1983 Act is amended as follows.
- 2 In section 3(2) (grounds for application for admission for treatment), in paragraph (a), for “mental illness, severe mental impairment, psychopathic disorder or mental impairment and his mental disorder is” substitute “ mental disorder ”.
- 3 In section 7(2) (grounds for guardianship application), in paragraph (a), omit the words “, being mental illness, severe mental impairment, psychopathic disorder or mental impairment and his mental disorder is”.
- 4 In section 20 (renewal of detention or guardianship)—
 - (a) in subsection (4)(a), for “mental illness, severe mental impairment, psychopathic disorder or mental impairment, and his mental disorder is” substitute “ mental disorder ”, and
 - (b) in subsection (7)(a), for “mental illness, severe mental impairment, psychopathic disorder or mental impairment and his mental disorder is” substitute “ mental disorder ”.
- 5 In section 35(3) (conditions for exercise of power to remand accused to hospital for report), in paragraph (a), for “mental illness, psychopathic disorder, severe mental impairment or mental impairment” substitute “ mental disorder ”.
- 6 In section 36(1) (conditions for exercise of power to remand accused to hospital for medical treatment), for the words from “he is suffering” to the end substitute—
 - “(a) he is suffering from mental disorder of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment;”.
- 7 In section 37 (power to order hospital admission or guardianship)—
 - (a) in subsection (2)(a), for “mental illness, psychopathic disorder, severe mental impairment or mental impairment” substitute “ mental disorder ”, and
 - (b) in subsection (3), omit the words “as being a person suffering from mental illness or severe mental impairment”.
- 8 In section 38(1) (conditions for exercise of power to make interim hospital order), in paragraph (a), for “mental illness, psychopathic disorder, severe mental impairment or mental impairment” substitute “ mental disorder ”.

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- 9 In section 45A(2) (conditions for exercise of power to direct hospital admission), in paragraph (a), for “psychopathic disorder” substitute “ mental disorder ”.
- 10 In section 47(1) (power to make transfer direction), in paragraph (a), for “mental illness, psychopathic disorder, severe mental impairment or mental impairment” substitute “ mental disorder ”.
- 11 In section 48 (further power to make transfer direction)—
- (a) in subsection (1), for the words from “that person is suffering” to “such treatment,” substitute—
- “(a) that person is suffering from mental disorder of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment; and
- (b) he is in urgent need of such treatment;”, and
- (b) in subsection (3), for “to (4)” substitute “ and (3) ”.
- 12 In section 51(6) (further power to make hospital order), in paragraph (a), for the words from “the detainee” to the end substitute—
- “(i) the detainee is suffering from mental disorder of a nature or degree which makes it appropriate for the patient to be detained in a hospital for medical treatment;”.
- 13 In section 66(2) (time limits for applications to tribunals), in paragraph (d), for “in the cases mentioned in paragraphs (d), (fb), (g)” substitute “ in the case mentioned in paragraph (g) ”.

Commencement Information

- II** Sch. 1 para. 13 not in force at Royal Assent see s. 56(1); Sch. 1 para. 13 in force for specified purposes at 3.11.2008 by S.I. 2008/1210, arts. 1(1)(b), 2(a)

- 14 In section 72 (powers of tribunals)—
- (a) in subsection (1)(b)(i), for “mental illness, psychopathic disorder, severe mental impairment or mental impairment or from any of those forms of disorder” substitute “ mental disorder or from mental disorder ”,
- (b) in subsection (4)(a), for “mental illness, psychopathic disorder, severe mental impairment or mental impairment” substitute “ mental disorder ”, and
- (c) in subsection (6), for “(5)” substitute “ (4) ”.
- 15 (1) Section 86 (application of power to remove alien patients) is amended as follows.
- (2) In subsection (1), for “mental illness” substitute “ mental disorder ”.
- (3) After subsection (3) insert—
- “(4) In relation to a patient receiving treatment in a hospital within the meaning of the Mental Health (Northern Ireland) Order 1986, the reference in subsection (1) above to mental disorder shall be construed in accordance with that Order.”
- 16 (1) Section 141 (Members of Parliament etc) is amended as follows.
- (2) In subsection (1)—

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- (a) after “House of Commons is authorised to be detained” insert “ under a relevant enactment ”, and
 - (b) for “mental illness” substitute “ mental disorder ”.
- (3) In subsection (4)—
- (a) for “mental illness” substitute “ mental disorder ”, and
 - (b) after “detained” insert “ under a relevant enactment ”.
- (4) In subsections (5) and (6), for “mental illness” substitute “ mental disorder ”.
- (5) After subsection (6) insert—
- “(6A) For the purposes of this section, the following are relevant enactments—
- (a) this Act;
 - (b) the Criminal Procedure (Scotland) Act 1995 and the Mental Health (Care and Treatment) Scotland Act 2003 (“the Scottish enactments”); and
 - (c) the Mental Health (Northern Ireland) Order 1986 (“the 1986 Order”).
- (6B) In relation to an authorisation for detention under the Scottish enactments or the 1986 Order, the references in this section to mental disorder shall be construed in accordance with those enactments or that Order (as the case may be).”
- 17 In section 145(1) (interpretation), for the definitions of “mental disorder”, “severe mental impairment”, “mental impairment” and “psychopathic disorder” substitute—
- ““mental disorder” has the meaning given in section 1 above (subject to sections 86(4) and 141(6B));”.

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