

Status: Point in time view as at 03/11/2008.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 2. (See end of Document for details)

SCHEDULES

SCHEDULE 1

CATEGORIES OF MENTAL DISORDER: FURTHER AMENDMENTS ETC

PART 2

AMENDMENTS TO OTHER ACTS

Juries Act 1974

- 18 (1) Part 1 of Schedule 1 to the Juries Act 1974 (c. 23) (mentally disordered persons) is amended as follows.
- (2) In paragraph 1, for “mental illness, psychopathic disorder, mental handicap or severe mental handicap” substitute “ mental disorder within the meaning of the Mental Health Act 1983 ”.
- (3) Omit paragraph 4(1).

Contempt of Court Act 1981

- 19 In section 14 of the Contempt of Court Act 1981 (c. 49) (proceedings in England and Wales), in subsection (4) and the first subsection (4A), for “mental illness or severe mental impairment” substitute “ mental disorder within the meaning of that Act ”.

Family Law Act 1996

- 20 (1) The Family Law Act 1996 (c. 27) is amended as follows.
- (2) In section 48 (remand for medical examination and report), in subsection (4)—
- (a) for “mental illness or severe mental impairment” substitute “ mental disorder within the meaning of the Mental Health Act 1983 ”,
- (b) for “the Mental Health Act 1983” substitute “ that Act ”, and
- (c) for “section 35 of the Act of 1983” substitute “ that section ”.
- (3) In section 51 (power of magistrates' court to order hospital admission or guardianship), in subsection (1), for “mental illness or severe mental impairment” substitute “ mental disorder within the meaning of that Act ”.

Housing Act 1996

- 21 In section 156 of the Housing Act 1996 (c. 52) (remand for medical examination and report), in subsection (4)—

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- (a) for “mental illness or severe mental impairment” substitute “ mental disorder within the meaning of the Mental Health Act 1983 ”,
- (b) for “the Mental Health Act 1983” substitute “ that Act ”, and
- (c) for “section 35 of that Act” substitute “ that section ”.

Care Standards Act 2000

- 22 In section 121 of the Care Standards Act 2000 (c. 14) (general interpretation), in subsection (1), for the definition of “mental disorder” substitute—

““mental disorder” has the same meaning as in the Mental Health Act 1983;”.

Mental Capacity Act 2005

- 23 (1) In Schedule 4 to the Mental Capacity Act 2005 (c. 9) (provisions applying to existing enduring powers of attorney), paragraph 23 is amended as follows.
- (2) In sub-paragraph (1), omit the words “(within the meaning of the Mental Health Act)”.
- (3) After sub-paragraph (1) insert—

“(1A) In sub-paragraph (1), “mental disorder” has the same meaning as in the Mental Health Act but disregarding the amendments made to that Act by the Mental Health Act 2007.”

National Health Service Act 2006

- 24 In section 275 of the National Health Service Act 2006 (c. 41) (interpretation), in the definition of “illness” in subsection (1), for “mental disorder within the meaning of the Mental Health Act 1983” substitute “ any disorder or disability of the mind ”.

National Health Service (Wales) Act 2006

- 25 In section 206 of the National Health Service (Wales) Act 2006 (c. 42) (interpretation), in the definition of “illness” in subsection (1), for “mental disorder within the meaning of the Mental Health Act 1983” substitute “ any disorder or disability of the mind ”.

Police and Justice Act 2006

- 26 In section 27 of the Police and Justice Act 2006 (c. 48) (anti-social behaviour injunctions: power of arrest and remand), in subsection (11)—
- (a) for “mental illness or severe mental impairment” substitute “ mental disorder within the meaning of the Mental Health Act 1983 ”, and
 - (b) for “the Mental Health Act 1983 (c. 20)” substitute “ that Act ”.

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