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**Changes to legislation:** There are currently no known outstanding effects for the Mental Health Act 2007, Cross Heading: Nearest relative. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 10

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *Nearest relative*

- 6 (1) Subsections (2), (3) and (4)(b) of section 23 (extension of power to appoint acting nearest relative) do not apply to the making of an order under section 29 of the 1983 Act on or after the date on which those provisions come into force, if the application for the order was made before that date.
- (2) Subsections (6) and (7) of section 24 (duration of orders appointing nearest relative) do not affect—
- (a) any order made under section 29 of the 1983 Act before the date on which those subsections come into force, or
  - (b) any order made under that section on or after that date if the application for it was made before that date.
- (3) But subsections (2)(a), (4) and (5) of section 24 (applications for discharge and variation) do apply in relation to an order mentioned in sub-paragraph (2)(a) or (b).
- (4) Section 25 (restriction of nearest relative's right to apply to tribunal) does not apply in relation to an order mentioned in sub-paragraph (2)(a) or (b).
- 7 (1) If, by virtue of section 26 (civil partners) coming into force, a person ceases to be a patient's nearest relative, this does not affect—
- (a) any application to a Mental Health Review Tribunal under the 1983 Act made by that person, but not determined or withdrawn, before the date on which that section comes into force,
  - (b) any notice under section 25 of that Act given by that person before that date, or
  - (c) any application to a county court under section 30(1) of that Act made by that person, but not determined or withdrawn, before that date.
- (2) But section 26 does apply to the determination on or after that date of any application under section 29 or 30 of the 1983 Act made before that date.

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