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*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Paragraph 19. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 5

#### CROSS-BORDER ARRANGEMENTS

#### PART 2

#### RELATED AMENDMENTS

##### *The 1983 Act*

- 19 (1) Section 79 of that Act (interpretation of Part 5) is amended as follows.
- (2) In subsection (1), for paragraph (c) substitute—
- “(c) is treated as subject to a hospital order and a restriction order, or to a hospital direction and a limitation direction, or to a transfer direction and a restriction direction, by virtue of any provision of Part 6 of this Act (except section 80D(3), 82A(2) or 85A(2) below),”.
- (3) In subsection (5)—
- (a) after “the relevant hospital order,” insert “ the relevant hospital direction, ”,
- (b) after “the restriction order” insert “ , the limitation direction ”,
- (c) after “the hospital order,” insert “ hospital direction, ”, and
- (d) after “restriction order,” insert “ limitation direction, ”.
- (4) After that subsection insert—
- “(5A) Section 75 above shall, subject to the modifications in subsection (5C) below, have effect in relation to a qualifying patient as it has effect in relation to a restricted patient who is conditionally discharged under section 42(2), 73 or 74 above.
- (5B) A patient is a qualifying patient if he is treated by virtue of section 80D(3), 82A(2) or 85A(2) below as if he had been conditionally discharged and were subject to a hospital order and a restriction order, or to a hospital direction and a limitation direction, or to a transfer direction and a restriction direction.
- (5C) The modifications mentioned in subsection (5A) above are—
- (a) references to the relevant hospital order, hospital direction or transfer direction, or to the restriction order, limitation direction or restriction direction to which the patient is subject, shall be construed as references to the hospital order, hospital direction or transfer direction, or restriction order, limitation direction or restriction direction, to which the patient is treated as subject by virtue of section 80D(3), 82A(2) or 85A(2) below; and
- (b) the reference to the date on which the patient was conditionally discharged shall be construed as a reference to the date on which

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he was treated as conditionally discharged by virtue of a provision mentioned in paragraph (a) above.”

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**Commencement Information**

- II** Sch. 5 para. 19 not in force at Royal Assent see s. 56(1); Sch. 5 para. 19 in force for E.W. at 1.10.2007 by S.I. 2007/2798, art. 2(c)(viii)

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