



Mental Health Act 2007

2007 CHAPTER 12

PART 1

AMENDMENTS TO MENTAL HEALTH ACT 1983

CHAPTER 1

CHANGES TO KEY PROVISIONS

Mental disorder

2 Learning disability

(1) Section 1 of the 1983 Act (application of Act) is amended as follows.

(2) After subsection (2) insert—

“(2A) But a person with learning disability shall not be considered by reason of that disability to be—

- (a) suffering from mental disorder for the purposes of the provisions mentioned in subsection (2B) below; or
- (b) requiring treatment in hospital for mental disorder for the purposes of sections 17E and 50 to 53 below,

unless that disability is associated with abnormally aggressive or seriously irresponsible conduct on his part.

(2B) The provisions are—

- (a) sections 3, 7, 17A, 20 and 20A below;
- (b) sections 35 to 38, 45A, 47, 48 and 51 below; and
- (c) section 72(1)(b) and (c) and (4) below.”

(3) After subsection (3) insert—

Status: *This is the original version (as it was originally enacted).*

“(4) In subsection (2A) above, “learning disability” means a state of arrested or incomplete development of the mind which includes significant impairment of intelligence and social functioning.”