



Mental Health Act 2007

2007 CHAPTER 12

PART 1

AMENDMENTS TO MENTAL HEALTH ACT 1983

CHAPTER 5

MENTAL HEALTH REVIEW TRIBUNALS

38 Organisation

- (1) The 1983 Act is amended as follows.
- (2) In section 65 (Mental Health Review Tribunals), for subsections (1) to (1C) substitute—
 - “(1) There shall be—
 - (a) a Mental Health Review Tribunal for England; and
 - (b) a Mental Health Review Tribunal for Wales.
 - (1A) The purpose of the Mental Health Review Tribunals is to deal with applications and references by and in respect of patients under the provisions of this Act.”
- (3) In section 78 (procedure of tribunals)—
 - (a) in subsections (2)(a) and (k) and (6), for “chairman” substitute “President”,
 - (b) ^{F1}
 - (c) ^{F1}
 - (d) in subsection (4)(a), for “president” substitute “chairman”, and
 - (e) in subsection (6) omit “, if for any reason he is unable to act.”.
- (4) ^{F1}

Changes to legislation: *There are currently no known outstanding effects for the Mental Health Act 2007, Section 38. (See end of Document for details)*

(5) Schedule 2 (Mental Health Review Tribunals) is amended as set out in subsections (6) to (9).

(6) For paragraph 3 substitute—

“3

(1) The Lord Chancellor shall appoint one of the legal members of the Mental Health Review Tribunal for England to be the President of that tribunal.

(2) The Lord Chancellor shall appoint one of the legal members of the Mental Health Review Tribunal for Wales to be the President of that tribunal.”

(7) In paragraph 4—

(a) for “chairman”, in each place, substitute “ President ”, and

(b) omit “, if for any reason he is unable to act.”.

(8) ^{F1}

(9) In paragraph 6—

(a) for “chairman”, in each place, substitute “ President ”, and

(b) for “president”, in each place, substitute “ chairman ”.

Textual Amendments

F1 S. 38(3)(b)(c)(4)(8) repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 228(p)**

Commencement Information

I1 S. 38 not in force at Royal Assent see s. 56(1); s. 38(1)(2)(3)(e)(5)(7)(b) in force for specified purposes and jurisdictions at 3.11.2008 by [S.I. 2008/1900](#), **art. 2(n)**

I2 S. 38(3)(a)(d)(6)(7)(a)(9) in force at 1.12.2017 by [S.I. 2017/1038](#), **art. 2** (with arts. 3, 4)

I3 S. 38(5) in force at 1.12.2017 in so far as not already in force by [S.I. 2017/1038](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Mental Health Act 2007, Section 38.