



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 4

FUNCTIONS UNDER MENTAL HEALTH ACT 1983

52 Transfer and amendment of functions under Mental Health Act 1983

- (1) The functions of the Secretary of State under the following provisions of the Mental Health Act 1983 (c. 20) (“the MHA”) are transferred to the Commission—
 - (a) section 57(2)(a) (appointment of registered medical practitioners and other persons),
 - (b) section 58(3)(a) (appointment of registered medical practitioners),
 - (c) section 61(1) (receipt of reports on treatment),
 - (d) section 61(3) (power to disapply Part 4 certificates),
 - (e) section 64H(4) (receipt of reports on treatment),
 - (f) section 64H(5) (power to disapply Part 4A certificates),
 - (g) section 118(2) (code of practice) so far as it relates to the appointment of registered medical practitioners,
 - (h) section 119(1) (power to make provision for payment to practitioners etc.), and
 - (i) section 120 (duty to keep matters under review etc.).
- (2) Registered medical practitioners, and other persons, appointed or authorised by the Commission in the exercise of a function under the MHA may include members or employees of the Commission.
- (3) The functions of the Mental Health Act Commission under the MHA are transferred—
 - (a) in relation to England, to the Care Quality Commission;

Status: *This is the original version (as it was originally enacted).*

- (b) in relation to Wales, to the Welsh Ministers.
- (4) Section 121 of the MHA (which makes provision about the Mental Health Act Commission and requires the Secretary of State and the Welsh Ministers to delegate some of their functions to it) ceases to have effect.
- (5) Schedule 3 (which makes amendments to the MHA consequential on the provisions of this section, and other amendments to the MHA relating to the functions of the Commission and the Welsh Ministers) has effect.