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STATUTORY INSTRUMENTS

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**1998 No. 2625**

**MENTAL HEALTH**

**The Mental Health (Nurses) Order 1998**

*Made* - - - - *26th October 1998*

*Coming into force* - - *17th November 1998*

The Secretary of State for Health, in exercise of powers conferred on him by section 5(4) and (7) of the Mental Health Act 1983(1), and of all other powers enabling him in that behalf, hereby makes the following Order:—

**Citation and commencement**

1. This Order may be cited as the Mental Health (Nurses) Order 1998 and shall come into force on 17th November 1998.

**Prescribed classes of nurse for the purposes of section 5(4) of the Mental Health Act 1983**

2.—(1) For the purposes of section 5(4) of the Mental Health Act 1983 (power to detain patient in hospital for maximum of 6 hours) a nurse of the prescribed class shall be a nurse registered in any part of the register maintained under section 7 of the Nurses, Midwives and Health Visitors Act 1997(2) which is mentioned in paragraph (2).

(2) The parts of the register are:—

- (a) part 3 (first level nurses trained in the nursing of persons suffering from mental illness);
- (b) part 4 (second level nurses trained in the nursing of persons suffering from mental illness (England and Wales));
- (c) part 5 (first level nurses trained in the nursing of persons suffering from learning disabilities);
- (d) part 6 (second level nurses trained in the nursing of persons suffering from learning disabilities (England and Wales));
- (e) part 13 (nurses qualified following a course of preparation in mental health nursing);
- (f) part 14 (nurses qualified following a course of preparation in learning disabilities nursing)(3).

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(1) 1983 c. 20.

(2) 1997 c. 24. For the parts of the register see S.I. 1983/667, amended by S.I. 1989/104, 1989/1455 and 1998/2623.

(3) Parts 13 and 14 of the register were added by S.I. 1989/1455.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## Revocations

3. The Mental Health (Nurses) Order 1983<sup>(4)</sup> and the Mental Health (Nurses) Amendment Order 1993<sup>(5)</sup> are hereby revoked.

*Frank Dobson*  
One of Her Majesty's Principal Secretaries of  
State,  
Department of Health

26th October 1998

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<sup>(4)</sup> S.I. 1983/891, amended by S.I. 1993/2155.

<sup>(5)</sup> S.I. 1993/2155.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes and replaces the Mental Health (Nurses) Order 1983. It prescribes the classes of nurse empowered under section 5(4) of the Mental Health Act 1983 (“the 1983 Act”) to detain, for up to six hours, a patient who is receiving treatment for mental disorder as a hospital in-patient. The Order reflects a change to the name by which “mental handicap nursing” is known, to “learning disabilities nursing”, and a consequent change to the description of certain nurses in the register of qualified nurses, midwives and health visitors, under the Nurses, Midwives and Health Visitors (Miscellaneous Amendments) Amendment Order 1998. It also extends the categories of nurse who are prescribed for the purposes of section 5(4) of the 1983 Act.

This Order imposes no costs on business.