

---

STATUTORY INSTRUMENTS

---

**2007 No. 2798 (C. 108)**

**MENTAL HEALTH, ENGLAND AND WALES**

The Mental Health Act 2007  
(Commencement No. 3) Order 2007

Made - - - - 22nd September  
2007

The Secretary of State, in exercise of the powers conferred by section 56(1) and (2) of the Mental Health Act 2007<sup>(1)</sup>, and with the agreement of the Welsh Ministers, makes the following Order:

**Citation, application and interpretation**

1.—(1) This Order may be cited as the Mental Health Act 2007 (Commencement No. 3) Order 2007.

(2) This Order extends to England and Wales.

(3) In this Order, “the Act” means the Mental Health Act 2007.

**Commencement of provisions**

2. The following provisions of the Act shall come into force on 1<sup>st</sup> October 2007—

(a) Section 19 (approval of courses etc for approved mental health professionals);

(b) Section 20 (amendment to section 62 of Care Standards Act 2000<sup>(2)</sup>);

(c) Section 39 (cross-border arrangements), sub-section (1), and sub-section (2) insofar as it gives effect to the following paragraphs of Schedule 5 —

(i) 4 insofar as it inserts section 80D into the Mental Health Act 1983 <sup>(3)</sup>;

(ii) 7;

(iii) 8;

(iv) 9;

(v) 11;

(vi) 13;

(vii) 18(a);

---

<sup>(1)</sup> 2007 (c.12).

<sup>(2)</sup> 2000 (c.14).

<sup>(3)</sup> 1983 (c.20).

- (viii) 19; and
  - (ix) 21(2)(c);
  - (d) Section 40 (restriction orders);
  - (e) Section 41 (conditionally discharged patients subject to limitation directions);
  - (f) Section 42 (offence of ill-treatment: increase in maximum penalty on conviction on indictment);
  - (g) Section 46 (local health boards); and
  - (h) Section 49 (independent mental capacity advocacy service: exceptions).
3. Section 26 (civil partners) shall come into force on 1<sup>st</sup> December 2007.
4. Section 43 (informal admission of patients aged 16 or 17) shall come into force on 1<sup>st</sup> January 2008.

Signed by authority of the Secretary of State

22nd September 2007

*Ann Keen*  
Parliamentary Under-Secretary of State,  
Department of Health

---

## EXPLANATORY NOTE

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

This Order is the third commencement order made under the Mental Health Act 2007 and brings into force the sections of that Act set out in article 2 on 1<sup>st</sup> October 2007, section 26 on 1<sup>st</sup> December 2007 and section 43 on 1<sup>st</sup> January 2008.

The following provisions have been, or are being, brought into force in England and Wales by commencement order made before the date of this Order:

| <i>Provision</i> | <i>Date of commencement</i> | <i>S.I. No.</i>                   |
|------------------|-----------------------------|-----------------------------------|
| Section 45       | 24.07.2007                  | <a href="#">2007/2156 (C.80)</a>  |
| Section 51       | 01.10.2007                  | <a href="#">2007/2635 (C.102)</a> |