
STATUTORY INSTRUMENTS

2008 No. 2828

**The Mental Health Act 2007
(Consequential Amendments) Order 2008**

PART 3

Amendment of subordinate legislation

Amendment of the Mental Health Act Commission (Establishment and Constitution) Order 1983

7. In article 3 of the Mental Health Act Commission (Establishment and Constitution) Order 1983(1) (functions of the Commission), after paragraph (2)(b) insert—

“(ba) the function of giving notice disapplying a Part 4A certificate under section 64H(5) of the Act(2);”.

Amendment of the Family Proceedings Courts (Matrimonial Proceedings etc) Rules 1991

8. In Schedule 1 to the Family Proceedings Courts (Matrimonial Proceedings etc) Rules 1991(3) (Forms), in Forms FL409 (Remand Order), FL413 (Hospital Order/Interim Hospital Order) and FL 414 (Guardianship Order), for “(mental illness) (severe mental impairment)” substitute “mental disorder”.

Revocation of the Mental Health (Patients in the Community) (Transfers from Scotland) Regulations 1996

9. The Mental Health (Patients in the Community) (Transfers from Scotland) Regulations 1996(4) are revoked.

Amendment of the Teachers’ Pensions Regulations 1997

10. In Schedule 2 to the Teachers’ Pensions Regulations 1997(5) (pensionable employment), in paragraph 12, for “impairment, severe mental impairment, psychopathic disorder or mental illness” substitute “disorder”.

Amendment of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000

11. In regulation 5(b) of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000(6) (functions of NHS bodies), for “sections 25A to 25H and” substitute “section”.

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- (1) [S.I. 1983/892](#).
(2) Section 64H was inserted by section 35(1) of the Mental Health Act 2007.
(3) [S.I. 1991/1991](#). These Forms were inserted by [S.I. 1997/1894](#).
(4) [S.I. 1996/295](#).
(5) [S.I. 1997/3001](#).
(6) [S.I. 2000/617](#).

Amendment of the National Health Service (Payments by Local Authorities to NHS Bodies) (Prescribed Functions) Regulations 2000

12. In regulation 2(1)(b) of the National Health Service (Payments by Local Authorities to NHS Bodies) (Prescribed Functions) Regulations 2000(7) (prescribed functions of NHS bodies), for “sections 25A to 25H and” substitute “section”.

Amendment of the National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000

13. In regulation 5(b) of the National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000(8) (functions of National Health Service bodies), for “sections 25A to 25H and” substitute “section”.

Amendment of the National Health Service (Payments by Local Authorities to Health Authorities) (Prescribed Functions) (Wales) Regulations 2001

14. In regulation 2(1)(b) of the National Health Service (Payments by Local Authorities to Health Authorities) (Prescribed Functions) (Wales) Regulations 2001(9) (prescribed functions of Health Authorities in Wales), for “sections 25A to 25H and” substitute “section”.

Revocation of the Mental Health Act 1983 (Remedial) Order 2001

15. The Mental Health Act 1983 (Remedial) Order 2001(10) is revoked.

Amendment of the Private and Voluntary Health Care (England) Regulations 2001

16. In regulation 47 of the Private and Voluntary Health Care (England) Regulations 2001(11) (mental health records), for “Mental Health (Hospital, Guardianship and Consent to Treatment) Regulations 1983” substitute “Mental Health (Hospital, Guardianship and Treatment) (England) Regulations 2008(12)”.

Amendment of the Community Care (Direct Payments) (Scotland) Regulations 2003

17. In regulation 2 of the Community Care (Direct Payments) (Scotland) Regulations 2003(13) (description of persons specified for the purposes of section 12B(1) of the Act)—

(a) after paragraph (m) insert—

“(ma) a person who is subject to a community treatment order within the meaning of section 17A of the 1983 Act(14)

(b) omit paragraph (n).

(7) S.I. 2000/618.

(8) S.I. 2000/2993.

(9) S.I. 2001/1543.

(10) S.I. 2001/3712.

(11) S.I. 2001/3968.

(12) S.I. 2008/1184.

(13) S.S.I. 2003/243.

(14) Section 17A was inserted by section 32(2) of the Mental Health Act 2007.

Amendment of the Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2003

18. In regulation 2(2) of the Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2003(**15**) (prescribed descriptions of persons—community care services and services for carers)—

(a) after subparagraph (e) insert—

“(ea) he is subject to a community treatment order within the meaning of section 17A of the 1983 Act;”;

(b) omit subparagraph (f).

Amendment of the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2004

19. In Schedule 1 to the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2004(**16**) (persons to whom direct payments may not be made)—

(a) after subparagraph (e) substitute—

“(ea) who is subject to a community treatment order within the meaning of section 17A of the 1983 Act;”;

(b) omit subparagraph (f).

Amendment of the Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005

20. In article 8 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005(**17**) (patients absent from hospitals or other places in Scotland), in paragraph (2)(b)(i), for “social worker” substitute “mental health professional”.

(15) [S.I. 2003/762](#).

(16) [S.I. 2004/1748](#).

(17) [S.I. 2005/2078](#).