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STATUTORY INSTRUMENTS

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**2008 No. 800 (C. 39)**

**MENTAL HEALTH, ENGLAND AND WALES**

**The Mental Health Act 2007 (Commencement  
No. 5 and Transitional Provisions) Order 2008**

<i>Made</i>	- - - -	<i>19th March 2008</i>
<i>Laid before Parliament</i>		<i>1st April 2008</i>
<i>Coming into force</i>	- -	<i>30th April 2008</i>

The Secretary of State in exercise of the powers conferred by section 56(1) and (4)(b) of the Mental Health Act 2007<sup>(1)</sup>, makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Mental Health Act 2007 (Commencement No.5 and Transitional Provisions) Order 2008.

(2) In this Order—

“the 1983 Act” means the Mental Health Act 1983<sup>(2)</sup>;

“the 2007 Act” means the Mental Health Act 2007.

**Commencement of provision**

2. Section 44 (places of safety) of the 2007 Act shall come into force on 30th April 2008.

**Transitional Provisions**

3. Notwithstanding the commencement of section 44 of the 2007 Act and pending the commencement of sections 18 (insofar as not already in force) and 21 of, and Schedule 2 to, the 2007 Act—

(a) section 135(3A) of the 1983 Act, as inserted by subsection (2) of section 44 of the 2007 Act, shall have effect as if “an approved social worker” were substituted for “an approved mental health professional”;

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(1) 2007 c.12.  
(2) 1983 c.20.

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- (b) section 136(3) of the 1983 Act, as inserted by subsection (3) of section 44 of the 2007 Act, shall have effect as if “an approved social worker” were substituted for “an approved mental health professional”.

Signed by authority of the Secretary of State for Health.

19th March 2008

*Ivan Lewis*  
Parliamentary Under-Secretary of State,  
Department of Health

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## EXPLANATORY NOTE

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

This Order is the fifth commencement order made under the Mental Health Act 2007 and brings into force on 30th April 2008 section 44 of that Act, which amends sections 135 and 136 of the 1983 Act in relation to places of safety.

The Order also makes transitional provisions, substituting references to “an approved social worker” for those to “an approved mental health professional”, in the amendments made by section 44 pending the commencement of the provisions in the 2007 Act which make provision for approved mental health professionals.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the 2007 Act have been, or are being, brought into force in England and Wales by commencement order made before the date of this Order—

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I Number</i>
Section 17	01.04.2008	<a href="#">2008/745(C.30)</a>
Section 18 (partially)	01.04.2008	<a href="#">2008/745(C.30)</a>
Section 19	01.10.2007	<a href="#">2007/2798(C.108)</a>
Section 20	01.10.2007	<a href="#">2007/2798(C.108)</a>
Section 22 (partially)	01.04.2008	<a href="#">2008/745(C.30)</a>
Section 26	01.12.2007	<a href="#">2007/2798(C.108)</a>
Section 30 (partially)	01.04.2008	<a href="#">2008/745(C.30)</a>
Section 32 (partially)	01.04.2008	<a href="#">2008/745(C.30)</a>
Section 35 (partially)	01.04.2008	<a href="#">2008/745(C.30)</a>
Section 39 and Schedule 5	01.10.2007	<a href="#">2007/2798(C.108)</a>
(partially)	01.04.2008	<a href="#">2008/745(C.30)</a>
Section 40	01.10.2007	<a href="#">2007/2798(C.108)</a>
Section 41	01.10.2007	<a href="#">2007/2798(C.108)</a>
Section 42	01.10.2007	<a href="#">2007/2798(C.108)</a>
Section 43	01.01.2008	<a href="#">2007/2798(C.108)</a>
Section 45	24.07.2007	<a href="#">2007/2156(C.80)</a>
Section 46	01.10.2007	<a href="#">2007/2798(C.108)</a>
Section 47	01.04.2008	<a href="#">2008/745(C.30)</a>

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<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I Number</i>
Section 49	01.10.2007	<a href="#">2007/2798(C.108)</a>
Section 50 and Schedules 7 and 9 partially	01.04.2008	<a href="#">2008/745(C.30)</a>
Section 51	01.10.2007	<a href="#">2007/2635(C.102)</a>
Section 54	01.04.2008	<a href="#">2008/745(C.30)</a>