
STATUTORY INSTRUMENTS

2017 No. 1038 (C. 95)

MENTAL HEALTH, ENGLAND AND WALES

**The Mental Health Act 2007 (Commencement
No. 12 and Transitional Provisions) Order 2017**

<i>Made</i>	- - - -	<i>26th October 2017</i>
<i>Laid before Parliament</i>		<i>31st October 2017</i>
<i>Coming into force</i>	- -	<i>1st December 2017</i>

The Secretary of State makes this Order in exercise of the powers conferred by section 56(1) and (4)(b) of the Mental Health Act 2007⁽¹⁾:

Citation and interpretation

1.—(1) This Order may be cited as the Mental Health Act 2007 (Commencement No. 12 and Transitional Provisions) Order 2017.

(2) In this Order—

“the 2007 Act” means the Mental Health Act 2007, and

“the 1983 Act” means the Mental Health Act 1983⁽²⁾.

Commencement of provisions in the 2007 Act

2. Section 38(3)(a) and (d), (5) (in so far as not already in force), (6), (7)(a) and (9) of the 2007 Act, come into force on 1st December 2017.

Transitional provisions

3. A person who immediately before the coming into force of section 38(6) of the 2007 Act held office as chairman of the Mental Health Review Tribunal for Wales under paragraph 3 of Schedule 2 to the 1983 Act, is, on the coming into force of that section, to hold office as President of that tribunal under that paragraph.

4. A person who immediately before the coming into force of section 38(9)(b) of the 2007 Act was by virtue of paragraph 6 of Schedule 2 to the 1983 Act, President of the Mental Health Review

(1) 2007 c. 12.

(2) 1983 c. 20. Paragraph 3 of Schedule 2 was substituted by section 38(1), (5), (6) of the Mental Health Act 2007 and amended by SI 2008/2833. Paragraph 6 of Schedule 2 was substituted by section 38(1), (5), (9)(a) and (b) of the Mental Health Act 2007. There are other amending instruments but none is relevant.

Status: This is the original version (as it was originally made).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

Tribunal for Wales for any proceedings or class or group of proceedings, or was nominated as such, shall, on the coming into force of that section, be deemed to have been nominated to chair that tribunal under that paragraph.

26th October 2017

David Lidington
Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the twelfth commencement order made under the Mental Health Act 2007 (“the 2007 Act”) and brings into force on 1st December 2017 the provisions set out in Article 2 of this Order. These provisions rename certain judicial offices in the Mental Health Review Tribunal for Wales by amending the Mental Health Act 1983 (“the 1983 Act”). Specifically, they rename the role of “chairman” of the Tribunal as “president” and, where the term “president” as it is currently used under the 1983 Act to refer to the chair of a Tribunal constituted for particular proceedings, it is replaced with “chairman”.

Article 3 makes provision for the person holding the office of chairman of a tribunal immediately before the coming into force of the amendments to continue to occupy that office under its new designation.

The person named under paragraph 6 of Schedule 2 to the 1983 Act as president of a tribunal constituted for particular proceedings is re-named by the amending provisions as that tribunal’s chairman. Article 4 makes provision to ensure that a person who is already presiding, or who has been appointed to preside, over a particular tribunal will continue as its chairman on the coming into force of the amendments.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Mental Health Act 2007 (c.12) have been brought into force in England and Wales by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 and Schedule 1	03.11.2008	2008/1210(C.52)
	03.11.2008	2008/1900(C.84)
Sections 2 to 16	03.11.2008	2008/1900(C.84)
Section 17	01.04.2008	2008/745(C.30)
Section 18	01.04.2008	2008/745(C.30)
	03.11.2008	2008/1900(C.84)
	03.11.2008	2008/2561(C.113)
Section 19	01.10.2007	2007/2798(C.108)
Section 20	01.10.2007	2007/2798(C.108)
Section 21 and Schedule 2	03.11.2008	2008/1900(C.84)
	03.11.2008	2008/2561(C.113)
Section 22	01.04.2008	2008/745(C.30)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	03.11.2008	2008/1900(C.84)
Sections 23 to 25	03.11.2008	2008/1900(C.84)
Section 26	01.12.2007	2007/2798(C.108)
Sections 27 to 29	03.11.2008	2008/1900(C.84)
Section 30	01.04.2008	2008/745(C.30)
	03.11.2008	2008/2561(C.113)
	01.04.2009	2009/139(C.9)
Section 31	03.11.2008	2008/1900(C.84)
	01.04.2010	2010/143(C.17)
Section 32 and Schedules 3 and 4	01.04.2008	2008/745(C.30)
	03.11.2008	2008/1210(C.52)
	03.11.2008	2008/1900(C.84)
Sections 33 and 34	03.11.2008	2008/1900(C.84)
Section 35	01.04.2008	2008/745(C.30)
	03.11.2008	2008/1900(C.84)
Section 36	03.11.2008	2008/1210(C.52)
Section 37	03.11.2008	2008/1900(C.84)
Section 38 (partially)	03.11.2008	2008/1900(C.84)
Section 39 and Schedule 5	01.10.2007	2007/2798(C.108)
	01.04.2008	2008/745(C.30)
	28.10.2008	2008/2788(C.124)
	03.11.2008	2008/1900(C.84)
Sections 40, 41 and 42	01.10.2007	2007/2798(C.108)
Section 43	01.01.2008	2007/2798(C.108)
Section 44	30.04.2008	2008/800 (C. 39)
Section 45	24.07.2007	2007/2156(C.80)
Section 46	01.10.2007	2007/2798(C.108)
Section 47	01.04.2008	2008/745(C.30)
Section 48 and Schedule 6	03.11.2008	2008/1900(C.84)
Section 49	01.10.2007	2007/2798(C.108)
Section 50 and Schedules 7, 8 and 9	01.04.2008	2008/745(C.30)
	01.04.2009	2009/139(C.9)
Section 51	01.10.2007	2007/2635(C.102)
Section 54	01.04.2008	2008/745(C.30)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 55 and Schedule 11	03.11.2008	2008/1210(C.52)
	03.11.2008	2008/1900(C.84)
	28.10.2008	2008/2788(C.124)
	01.04.2009	2009/139(C.9)