



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART X

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Supplemental*

#### **143 General provisions as to regulations, orders and rules.**

- (1) Any power of the Secretary of State or the Lord Chancellor to make regulations, orders or rules under this Act shall be exercisable by statutory instrument.
  - (2) Any Order in Council under this Act [<sup>F1</sup>or any order made [<sup>F2</sup>by the Secretary of State] under section 54A [<sup>F3</sup>or 68A(7)] [<sup>F4</sup>or 65] above] and any statutory instrument containing regulations [<sup>F5</sup>made by the Secretary of State, or rules made,] under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
  - (3) No order shall be made [<sup>F6</sup>by the Secretary of State] under section [<sup>F7</sup>45A(10),] [<sup>F8</sup>68A(1)] or 71(3) above unless a draft of it has been approved by a resolution of each House of Parliament.
- [<sup>F9</sup>(3A) Subsections (3B) to [<sup>F10</sup>(3DB)] apply where power to make regulations or an order under this Act is conferred on the Welsh Ministers (other than by or by virtue of the Government of Wales Act 2006).
- (3B) Any power of the Welsh Ministers to make regulations or an order shall be exercisable by statutory instrument.
  - (3C) Any statutory instrument containing regulations, or an order under section 68A(7) above, made by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.
  - (3D) No order shall be made under section 68A(1) above by the Welsh Ministers unless a draft of it has been approved by a resolution of the National Assembly for Wales.

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[ Subsection (3C) does not apply to regulations to which subsection (3DB) applies.  
F11(3DA)

(3DB) A statutory instrument which contains (alone or with other provisions) the first regulations to be made under any of the following provisions—

- (a) section 130E(2),
- (b) section 130E(4)(b),
- (c) section 130E(5)(b),
- (d) section 130F(2)(d),
- (e) section 130G(2)(c), or
- (f) section 130H(1)(b)(ii),

must not be made unless a draft of the instrument containing the regulations has been laid before, and approved by resolution of, the National Assembly for Wales.]

(3E) In this section—

- (a) references to the Secretary of State include the Secretary of State and the Welsh Ministers acting jointly; and
- (b) references to the Welsh Ministers include the Welsh Ministers and the Secretary of State acting jointly.]

[F12(4) This section does not apply to rules which are, by virtue of section 108 of this Act, to be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005.]

#### Textual Amendments

- F1** Words in s. 143(2) inserted (E.W) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), [s. 27\(3\)](#) (with [s. 28](#)); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#)
- F2** Words in s. 143(2) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 37\(5\)\(a\)\(i\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900, art. 2\(1\)](#) (with [art. 3, Sch.](#))
- F3** Words in s. 143(2) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 37\(5\)\(a\)\(ii\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900, art. 2\(1\)](#) (with [art. 3, Sch.](#))
- F4** Words in s. 143(2) substituted (28.6.1995 for certain purposes, otherwise 1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 8](#), [Sch. 1 Pt. III para. 107\(13\)](#)
- F5** Words in s. 143(2) substituted (1.4.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 47\(2\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/745, art. 3\(g\)](#)
- F6** Words in s. 143(3) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 37\(5\)\(b\)\(i\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900, art. 2\(1\)](#) (with [art. 3, Sch.](#))
- F7** Words in s. 143(3) inserted (E.W) (1.10.1997) by [1997 c. 43, ss. 55, 57\(2\)](#), [Sch. 4 para. 12\(18\)](#); [S.I. 1997/2200, art. 2](#)
- F8** Word in s. 143(3) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 37\(5\)\(b\)\(ii\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900, art. 2\(1\)](#) (with [art. 3, Sch.](#))
- F9** S. 143(3A)-(3E) inserted (1.4.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 47\(3\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/745, art. 3\(g\)](#)
- F10** Word in s. 143(3A) substituted (3.1.2012 for specified purposes, 2.4.2012 in so far as not already in force) by [Mental Health \(Wales\) Measure 2010 \(nawm 7\)](#), [ss. 40\(2\)](#), 55(3); [S.I. 2011/3046, arts. 2\(g\), 3\(g\)](#) (with [art. 5](#))
- F11** S. 143(3DA)(3DB) inserted (3.1.2012 for specified purposes, 2.4.2012 in so far as not already in force) by [Mental Health \(Wales\) Measure 2010 \(nawm 7\)](#), [ss. 40\(3\)](#), 55(3); [S.I. 2011/3046, arts. 2\(g\), 3\(g\)](#) (with [art. 5](#))
- F12** S. 143(4) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), [ss. 12, 148](#), [Sch. 1 para. 16](#); [S.I. 2006/1014, art. 2\(a\)](#), [Sch. 1 para. 7](#)

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#### 144 Power to amend local Acts.

Her Majesty may by Order in Council repeal or amend any local enactment so far as appears to Her Majesty to be necessary in consequence of this Act.

#### 145 Interpretation.

(1) In this Act, unless the context otherwise requires—

“absent without leave” has the meaning given to it by section 18 above and related expressions [<sup>F13</sup>(including expressions relating to a patient's liability to be returned to a hospital or other place)] shall be construed accordingly;

“application for admission for assessment” has the meaning given in section 2 above;

“application for admission for treatment” has the meaning given in section 3 above;

[<sup>F14</sup>“the appropriate tribunal” has the meaning given by section 66(4) above;]

[<sup>F15</sup>“approved clinician” means a person approved by the Secretary of State [<sup>F16</sup>or another person by virtue of section 12ZA or 12ZB above] (in relation to England) or by the Welsh Ministers (in relation to Wales) to act as an approved clinician for the purposes of this Act;]

[<sup>F17</sup>“approved mental health professional” has the meaning given in section 114 above;]

[<sup>F18</sup>“care home”—

(a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England; and

(b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;]

[<sup>F19</sup>“community patient” has the meaning given in section 17A above;]

[<sup>F20</sup>“community treatment order” and “the community treatment order” have the meanings given in section 17A above;]

[<sup>F21</sup>“the community treatment period” has the meaning given in section 20A above;]

[<sup>F22</sup>.....

[<sup>F23</sup>“high security psychiatric services” has the same meaning as in the [<sup>F24</sup>section 4 of the National Health Service Act 2006 or section 4 of the National Health Service (Wales) Act 2006].]

“hospital” means—

(a) any health service hospital within the meaning of the [<sup>F25</sup>National Health Service Act 2006 or the National Health Service (Wales) Act 2006]; and

(b) any accommodation provided by a local authority and used as a hospital by or on behalf of the Secretary of State under that Act; [<sup>F26</sup>; and

(c) any hospital as defined by section 206 of the National Health Service (Wales) Act 2006 which is vested in a Local Health Board;]

“hospital within the meaning of Part II of this Act” has the meaning given in section 34 above;

[<sup>F27</sup>“hospital direction” has the meaning given in section 45A(3)(a) above; ]

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“hospital order” and “guardianship order” have the meanings respectively given in section 37 above;

[<sup>F28</sup>“independent hospital”—

- (a) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section, and
- (b) in relation to Wales, has the same meaning as in the Care Standards Act 2000;]

“interim hospital order” has the meaning given in section 38 above;

[<sup>F27</sup>“limitation direction” has the meaning given in section 45A(3)(b) above;]

[<sup>F29</sup>“Local Health Board” means a Local Health Board established under section 11 of the National Health Services (Wales) Act 2006;]

[<sup>F30</sup>“local social services authority” means—

- (a) an authority in England which is a local authority for the purposes of Part 1 of the Care Act 2014, or
- (b) an authority in Wales which is a local authority for the purposes of the Social Services and Well-being (Wales) Act 2014.]

“the managers” means—

- (a) in relation to a hospital vested in the Secretary of State for the purposes of his functions under the [<sup>F31</sup>the National Health Service Act 2006, or in the Welsh Ministers for the purposes of their functions under the National Health Service (Wales) Act 2006,], and in relation to any accommodation provided by a local authority and used as a hospital by or on behalf of the Secretary of State under [<sup>F32</sup>the National Health Service Act 2006, or of the Welsh Ministers under the National Health Service (Wales) Act 2006,][<sup>F33</sup>the Secretary of State where the Secretary is responsible for the administration of the hospital or]the <sup>F34</sup> ... <sup>F35</sup> ... [<sup>F36</sup>[<sup>F37</sup>Local Health Board] or Special Health Authority] responsible for the administration of the hospital;

(b) <sup>F38</sup> .....

- (bb) [<sup>F39</sup>in relation to a hospital vested in <sup>F40</sup>... a National Health Service trust, <sup>F41</sup>... the trust]

(bc) [<sup>F42</sup> in relation to a hospital vested in an NHS foundation trust, the trust;]

(bd) [<sup>F43</sup> in relation to a hospital vested in a Local Health Board, the Board;]

(c) [<sup>F44</sup> in relation to a registered establishment—

- (i) if the establishment is in England, the person or persons registered as a service provider under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the regulated activity (within the meaning of that Part) relating to the assessment or medical treatment of mental disorder that is carried out in the establishment, and

- (ii) if the establishment is in Wales, the person or persons registered in respect of the establishment under Part 2 of the Care Standards Act 2000;]

and in this definition “hospital” means a hospital within the meaning of Part II of this Act;

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“medical treatment” includes nursing, [<sup>F45</sup>psychological intervention and specialist mental health habilitation, rehabilitation and care (but see also subsection (4) below);]

[<sup>F46</sup>“mental disorder” has the meaning given in section 1 above (subject to [<sup>F47</sup>section 86(4)]);]

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“nearest relative”, in relation to a patient, has the meaning given in Part II of this Act;

“patient”<sup>F49</sup> ... means a person suffering or appearing to be suffering from mental disorder;

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[<sup>F51</sup>“registered establishment” has the meaning given in section 34 above;]

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.....

[<sup>F53</sup>“the regulatory authority” means—

(a) in relation to England, the Care Quality Commission;

(b) in relation to Wales, the Welsh Ministers;]

[<sup>F54</sup>“the responsible hospital” has the meaning given in section 17A above;]

“restriction direction” has the meaning given to it by section 49 above;

“restriction order” has the meaning given to it by section 41 above;

[<sup>F55</sup>“Special Health Authority” means a Special Health Authority established under [<sup>F56</sup>section 28 of the National Health Service Act 2006, or section 22 of the National Health Service (Wales) Act 2006];]

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“transfer direction” has the meaning given to it by section 47 above.

[<sup>F61</sup>(1AA) Where high security psychiatric services and other services are provided at a hospital, the part of the hospital at which high security psychiatric services are provided and the other part shall be treated as separate hospitals for the purposes of this Act.]

[<sup>F62</sup>(1AB) References in this Act to appropriate medical treatment shall be construed in accordance with section 3(4) above.]

[<sup>F63</sup>(1AC) References in this Act to an approved mental health professional shall be construed as references to an approved mental health professional acting on behalf of a local social services authority, unless the context otherwise requires.]

<sup>F64</sup>(1A) .....

<sup>F65</sup>(2) .....

(3) In relation to a person who is liable to be detained or subject to guardianship [<sup>F66</sup>or a community patient] by virtue of an order or direction under Part III of this Act (other than under section 35, 36 or 38), any reference in this Act to any enactment contained in Part II of this Act or in section 66 or 67 above shall be construed as a reference to that enactment as it applies to that person by virtue of Part III of this Act.

[<sup>F67</sup>(4) Any reference in this Act to medical treatment, in relation to mental disorder, shall be construed as a reference to medical treatment the purpose of which is to alleviate, or prevent a worsening of, the disorder or one or more of its symptoms or manifestations.]

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### Textual Amendments

- F13** Words in definition of "absent without leave" in s. 145(1) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 32, 56, [Sch. 3 para. 34\(2\)](#) (with Sch. 10); S.I. 2008/1900, [art. 2\(i\)](#) (with art. 3, Sch.)
- F14** Words in s. 145(1) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), [art. 6](#), [Sch. 3 para. 66](#)
- F15** Definition of "approved clinician" in s. 145(1) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 14(5), 56 (with Sch. 10); S.I. 2008/1900, [art. 2\(b\)](#) (with art. 3, Sch.)
- F16** Words in definition of "approved clinician" in s. 145(1) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. 38(4), 306(4); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- F17** Definition of "approved mental health professional" in s. 145(1) substituted (3.11.2008) for definition of "approved social worker" by [Mental Health Act 2007 \(c. 12\)](#), ss. 21, 56, [Sch. 2 para. 11\(2\)](#) (with Sch. 10); S.I. 2008/1900, [art. 2\(d\)](#) (with art. 3, Sch.); S.I. 2008/2561, [art. 2\(b\)](#) (with art. 3, Sch.)
- F18** Definition of "care home" in s. 145(1) substituted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), [regs. 2\(1\), 6](#)
- F19** Definition of "community patient" in s. 145(1) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 32, 56, [Sch. 3 para. 34\(3\)](#) (with Sch. 10); S.I. 2008/1900, [art. 2\(i\)](#) (with art. 3, Sch.)
- F20** Definition of "community treatment order" in s. 145(1) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 32, 56, [Sch. 3 para. 34\(3\)](#) (with Sch. 10); S.I. 2008/1900, [art. 2\(i\)](#) (with art. 3, Sch.)
- F21** Definition of "the community treatment period" in s. 145(1) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 32, 56, [Sch. 3 para. 34\(3\)](#) (with Sch. 10); S.I. 2008/1900, [art. 2\(i\)](#) (with art. 3, Sch.)
- F22** Definition of "Health Authority" in s. 145(1) omitted (1.3.2007) by virtue of [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8(2), [Sch. 1 para. 70\(a\)](#) (with Sch. 3 Pt. 1)
- F23** Definition of "high security psychiatric services" in s. 145(1) inserted (1.4.2000) by 1999 c. 8, s. 65, [Sch. 4](#), para. 69(2)(a); S.I. 1999/2793, [art. 2\(3\)\(a\)](#), [Sch. 3](#)
- F24** Words in definition of "high security psychiatric services" in s. 145(1) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8(2), [Sch. 1 para. 70\(b\)](#) (with Sch. 3 Pt. 1)
- F25** Words in definition of "hospital" para. (a) in s. 145(1) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act \(c. 43\)](#), ss. 2, 8(2), ([Sch. 1 para. 70\(c\)](#)) (with Sch. 3 Pt. 1)
- F26** Words in definition of "hospital" in s. 145(1) inserted (1.10.2007) by [Mental Health Act 2007 \(c. 12\)](#), ss. 46(3)(a), 56 (with Sch. 10); S.I. 2007/2798, [art. 2\(g\)](#)
- F27** Definitions of "hospital direction" and "limitation direction" inserted (E.W but unlimited in so far as it confers a power or imposes a duty on a court-martial or a Standing Civilian Court) (1.10.1997) by 1997 c. 43, s. 55, [Sch. 4 para. 12\(19\)](#) (with s. 57(4)(8); S.I. 1997/2200, [art. 2](#)
- F28** Definition of "independent hospital" in s. 145(1) substituted (1.10.2010) by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\)](#), arts. 1(1), [5\(5\)\(a\)](#)
- F29** Definition of "Local Health Board" in s. 145(1) inserted (1.4.2007) by [The References to Health Authorities Order 2007 \(S.I. 2007/961\)](#), [art. 3](#), [Sch. para. 13\(13\)\(i\)](#)
- F30** Definition "local social services authority" in s. 145(1) substituted (1.4.2015) by [Care Act 2014 \(c. 23\)](#), ss. 75(13), 127(1); S.I. 2015/993, [art. 7\(1\)\(a\)](#) (with [art. 7\(5\)](#)) (with transitional provisions in S.I. 2015/995)
- F31** Words in definition of "the managers" in s. 145(1) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8(2), [Sch. 1 para. 70\(d\)\(i\)](#) (with Sch. 3 Pt. 1)
- F32** Words in definition of "the managers" in s. 145(1) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 2, [Sch. 1 para. 70\(d\)\(ii\)](#) (with Sch. 3 Pt. 1)
- F33** Words in definition of "the managers" in s. 145(1) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 31\(1\)\(a\)\(i\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- F34** Words in definition of "the managers" in s. 145(1) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 31\(1\)\(a\)\(ii\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)

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- F35** Words in definition of "the managers" in s. 145(1) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 31\(1\)\(a\)\(iii\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F36** Words in definition of "the managers" in s. 145(1) substituted (28.6.1995 for certain purposes, otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8, [Sch. 1 para. 107\(14\)\(b\)](#)
- F37** Words in definition of "the managers" in s. 145(1) substituted (1.4.2007) by [The References to Health Authorities Order 2007 \(S.I. 2007/961\), art. 3, Sch. para. 13\(13\)\(ii\)](#)
- F38** Definition of "the managers" para. (b) in s. 145(1) repealed (1.4.2000) by 1999 c. 8, ss. 41(2), 65(2), [Sch. 5](#); S.I. 1999/2793, art. 2(3)(a), [Sch. 3](#)
- F39** Definition of "the managers" para. (bb) in s. 145(1) inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 66\(1\), Sch. 9 para. 24\(9\)](#)
- F40** Words in definition of "the managers" in s. 145(1) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 31\(1\)\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F41** Words in definition of "the managers" in s. 145(1) repealed (E.W.) (14.4.1994) by 1994 c. 6, [ss. 1, 2\(2\)\(3\)](#)
- F42** S. 145(1)(bc) inserted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\), ss. 34, 199, Sch. 4 para. 57](#); S.I. 2004/759, [art.2](#)
- F43** Words in definition of "the managers" in s.145(1) inserted (1.10.2007) by [Mental Health Act 2007 \(c. 12\), ss. 46\(3\)\(b\), 56 \(with Sch. 10\)](#); S.I. 2007/2798, [art. 2\(g\)](#)
- F44** Definition of "the managers" para. (c) in s. 145(1) substituted (1.10.2010) by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\), arts. 1\(1\), 5\(5\)\(b\)](#)
- F45** Words in definition of "medical treatment" in s. 145(1) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\), ss. 7\(2\), 56](#); S.I. 2008/1900, [art. 2\(b\)](#) (with art. 3, Sch.)
- F46** Definition of "mental disorder" in s. 145(1) substituted (3.11.2008) for the definitions of "mental disorder", "severe mental impairment", "mental impairment" and "psychopathic disorder" by [Mental Health Act 2007 \(c. 12\), ss. 1, 56, Sch. 1 para. 17 \(with Sch. 10\)](#); S.I. 2008/1900, [art. 2\(a\)](#) (with art. 3, Sch.)
- F47** Words in definition of "mental disorder" in s. 145(1) substituted (28.4.2013) by [Mental Health \(Discrimination\) Act 2013 \(c. 8\), s. 4\(1\), Sch. para. 1\(1\)](#)
- F48** Definition of "mental nursing home" in s 145(1) repealed (1.4.2002) by 2000 c. 14, s. 117(2), [Sch. 6](#); S.I. 2001/4150, [art. 3\(3\)](#) (subject to art. 4); S.I. 2002/920, [reg. 3\(3\)\(g\)](#) (subject to transitional provisions in [Schs. 1-3](#) and [art. 3\(5\)-\(10\)](#))
- F49** Words in definition of "patient" in s. 145(1) repealed (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\), ss. 67\(1\)\(2\), 68\(1\)-\(3\) \(with ss. 27, 28, 29, 62\), Sch. 6 para. 29\(7\), { Sch 7 }](#); S.I. 2007/1897, [art. 2\(d\)](#)
- F50** Definition "Primary Care Trust" in s. 145(1) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 31\(1\)\(c\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F51** Definition of "registered establishment" in s. 145(1) inserted (1.4.2002) by 2000 c. 14, s. 116, [Sch. 4 para. 9\(10\)\(d\)](#); S.I. 2001/4150, [art. 3\(3\)](#) (subject to art. 4); S.I. 2002/920, [reg. 3\(3\)\(d\)](#) (subject to transitional provisions in [Schs. 1-3](#) and [art. 3\(4\)-\(10\)](#))
- F52** Definition of "the responsible after-care bodies" in s. 145(1) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\), ss. 55, 56, Sch. 11 Pt. 5](#); S.I. 2008/1210, [art. 2\(d\)](#) (with art. 4)
- F53** Definition of "the regulatory authority" in s. 145(1) inserted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\), ss. 52, 170, Sch. 3 para. 13](#); S.I. 2009/462, [arts. 1\(1\)\(b\), 2, Sch. 1 para. 33](#)
- F54** Definition of "the responsible hospital" in s. 145(1) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\), ss. 32, 56, Sch. 3 para. 34\(3\) \(with Sch. 10\)](#); S.I. 2008/1900, [art. 2\(i\)](#) (with art. 3, Sch.)
- F55** Definition of "Special Health Authority" in s. 145(1) inserted (28.6.1995 for certain purposes, otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8, [Sch. 1 para. 107\(14\)\(c\)](#)
- F56** Words in definition of "Special Health Authority" in s. 145(1) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), ss. 2, 8\(2\), Sch. 1 para. 70\(f\) \(with Sch. 3 Pt. 1\)](#)
- F57** Definition of "special hospital" in s. 145(1) repealed (1.4.2000) by 1999 c. 8, s. 65, Sch. 4, para. 69(2)(b), [Sch. 5](#); S.I. 1999/2793, art. 2(3)(a), [Sch. 3](#)
- F58** Definition "Strategic Health Authority" in s. 145(1) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 31\(1\)\(d\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)



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- F59** Definition of "supervision application" in s. 145(1) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 55, 56, [Sch. 11 Pt. 5](#); S.I. 2008/1210, [art. 2\(d\)](#) (with art. 4)
- F60** Definition of "standard scale" in s. 145(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIV](#) Group. 2.
- F61** S. 145(1AA) inserted (1.4.2000) by 1999 c. 8, S. 65(1), [Sch. 4](#), para. 69(3); S.I. 1999/2793, art. 2(3) (a), [Sch. 3](#)
- F62** S. 145(1AB) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 4(10), 56; S.I. 2008/1900, [art. 2\(b\)](#) (with art. 3, Sch.)
- F63** S. 145(1AC) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 21, 56, [Sch. 2 para. 11\(3\)](#) (with Sch. 10); S.I. 2008/1900, [art. 2\(d\)](#) (with art. 3, Sch.); S.I. 2008/2561, [art. 2\(b\)](#) (with art. 3, Sch.)
- F64** S. 145(1A) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 55, 56, [Sch. 11 Pt. 5](#); S.I. 2008/1210, [art. 2\(d\)](#) (with art. 4)
- F65** S. 145(2) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIV](#) Gp. 2.
- F66** Words in s. 145(3) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 32, 56, [Sch. 3 para. 34\(4\)](#) (with Sch. 10); S.I. 2008/1900, [art. 2\(i\)](#) (with art. 3, Sch.)
- F67** S. 145(4) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 7(3), 56 (with Sch. 10); S.I. 2008/1900, [art. 2\(b\)](#) (with art. 3, Sch.)

## 146 Application to Scotland.

Sections 42(6), 80, <sup>F68</sup> ... <sup>F69</sup> ... 116, <sup>F70</sup> ... <sup>F71</sup> ... 137, 139(1), <sup>F72</sup> ... 142, 143 (so far as applicable to any Order in Council extending to Scotland) and 144 above shall extend to Scotland together with any amendment or repeal by this Act of or any provision of Schedule 5 to this Act relating to any enactment which so extends; but, except as aforesaid and except so far as it relates to the interpretation or commencement of the said provisions, this Act shall not extend to Scotland.

### Textual Amendments

- F68** Words in s. 146 omitted (E.W.) and repealed (28.10.2008) by virtue of [Mental Health Act 2007 \(c. 12\)](#), ss. 39, 55, 56, [Sch. 5 para. 20](#), [Sch. 11 Pt. 7](#) (with Sch. 10); S.I. 2008/2788, [art. 2](#) and the same words repealed (S.) (3.11.2008) by [Adult Support and Protection Act 2007 \(asp. 10\)](#), ss. 77(2), 79, [Sch. 2](#); S.S.I. 2008/49, [art. 2](#) (as amended by S.S.I. 2008/116, [art. 2](#) and S.S.I. 2008/314, [art. 3](#))
- F69** Words in s. 146 repealed (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(1)(2), 68(1)-(3), Sch. 6 para. 29(8), [Sch. 7](#) (with ss. 27, 28, 29, 62); S.I. 2007/1897, [art. 2](#)
- F70** Word in s. 146 omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), ss. 41(4), 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F71** Words in s. 146 omitted (E.W.) and repealed (3.11.2008) by virtue of [Mental Health Act 2007 \(c. 12\)](#), ss. 32, 55, 56, [Sch. 3 para. 35](#), [Sch. 11 Pt. 5](#) (with Sch. 10); S.I. 2008/1210, [art. 2\(d\)](#) (with art. 4) and the same words repealed (S.) (3.11.2008) by [Adult Support and Protection Act 2007 \(asp. 10\)](#), ss. 77(2), 79, [Sch. 2](#); S.S.I. 2008/49, [art. 2](#) (as amended by S.S.I. 2008/116, [art. 2](#) and S.S.I. 2008/314, [art. 3](#))
- F72** Word in s. 146 omitted (28.4.2013) by virtue of [Mental Health \(Discrimination\) Act 2013 \(c. 8\)](#), s. 4(1), [Sch. para. 1\(2\)](#)

## 147 Application to Northern Ireland.

Sections 81, 82, 86, 87, 88 (and so far as applied by that section sections 18, 22 and 138), <sup>F73</sup> ... section 128 (except so far as it relates to patients subject to guardianship), 137, 139, <sup>F74</sup> ... 142, 143 (so far as applicable to any Order in Council extending to Northern Ireland) and 144 above shall extend to Northern Ireland together with any



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amendment or repeal by this Act of or any provision of Schedule 5 to this Act relating to any enactment which so extends; but except as aforesaid and except so far as it relates to the interpretation or commencement of the said provisions, this Act shall not extend to Northern Ireland.

**Textual Amendments**

- F73** Words in s. 147 repealed (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(1)(2), 68(1)-(3), Sch. 6 para. 29(9), [Sch 7](#) (with ss. 27, 28, 29, 62); S.I. 2007/1897, [art. 2\(1\)\(d\)](#)
- F74** Word in s. 147 omitted (28.4.2013) by virtue of [Mental Health \(Discrimination\) Act 2013 \(c. 8\)](#), s. 4(1), [Sch. para. 1\(3\)](#)

**148 Consequential and transitional provisions and repeals.**

- (1) Schedule 4 (consequential amendments) and Schedule 5 (transitional and saving provisions) to this Act shall have effect but without prejudice to the operation of sections 15 to 17 of the <sup>M1</sup>Interpretation Act 1978 (which relate to the effect of repeals).
- (2) Where any amendment in Schedule 4 to this Act affects an enactment amended by the <sup>M2</sup>Mental Health (Amendment) Act 1982 the amendment in Schedule 4 shall come into force immediately after the provision of the Act of 1982 amending that enactment.
- (3) The enactments specified in Schedule 6 to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

**Marginal Citations**

- M1** 1978 c. 30.
- M2** 1982 c. 51.

**149 Short title, commencement and application to Scilly Isles.**

- (1) This Act may be cited as the Mental Health Act 1983.
- (2) Subject to subsection (3) below and Schedule 5 to this Act, this Act shall come into force on 30th September 1983.
- (3) <sup>F75</sup> .....
- (4) Section 130(4) of the <sup>M3</sup>National Health Service Act 1977 (which provides for the extension of that Act to the Isles of Scilly) shall have effect as if the references to that Act included references to this Act.

**Textual Amendments**

- F75** S. 149(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {Sch. 1 Pt. 17 Group 8}

**Marginal Citations**

- M3** 1977 c. 49.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [1996 c. 46 Sch. 2 para. 9](#)(replacing [1968 c 20 s. 23](#)) (Act applied (prosp.) by [1968 c. 20, s. 23\(4\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 9](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing [1957 c 53 s. 63](#)) (Act applied (prosp.) by [1957 c. 53, s. 63C\(6\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 4](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 19 s. 116](#)) (Act applied (prosp.) by [1955 c. 19, s. 116C\(6\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2 para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 18 s 116](#)) (Act applied (prosp.) by [1955 c. 18, s. 116C\(6\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2 para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing [1957 c 53 s. 63](#)) (Act: Power to apply conferred (prosp.) by [1957 c. 53, s. 63B\(4\)\(c\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 4](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 19 s. 116](#)) (Act: Power to apply conferred (prosp.) by [1955 c. 19, s. 116B\(4\)\(c\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 18 s 116](#)) (Act: Power to apply conferred (prosp.) by [1955 c. 18, s. 116B\(4\)\(c\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2 para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 74(8) inserted by [2015 c. 2 Sch. 3 para. 3\(3\)](#)