



# Mental Health Act 2007

## 2007 CHAPTER 12

### PART 1

#### AMENDMENTS TO MENTAL HEALTH ACT 1983

#### CHAPTER 1

##### CHANGES TO KEY PROVISIONS

##### *Mental disorder*

### **1 Removal of categories of mental disorder**

- (1) Section 1(2) of the 1983 Act (key definitions) is amended as set out in subsections (2) and (3).
- (2) For the definitions of “mental disorder” and “mentally disordered” substitute—  
““mental disorder” means any disorder or disability of the mind; and  
“mentally disordered” shall be construed accordingly;”.
- (3) The following definitions are omitted—
  - (a) those of “severe mental impairment” and “severely mentally impaired”,
  - (b) those of “mental impairment” and “mentally impaired”, and
  - (c) that of “psychopathic disorder”.
- (4) Schedule 1 (which contains further amendments to the 1983 Act and amendments to other Acts) has effect.

### **2 Learning disability**

- (1) Section 1 of the 1983 Act (application of Act) is amended as follows.

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*Status: This is the original version (as it was originally enacted).*

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(2) After subsection (2) insert—

“(2A) But a person with learning disability shall not be considered by reason of that disability to be—

- (a) suffering from mental disorder for the purposes of the provisions mentioned in subsection (2B) below; or
- (b) requiring treatment in hospital for mental disorder for the purposes of sections 17E and 50 to 53 below,

unless that disability is associated with abnormally aggressive or seriously irresponsible conduct on his part.

(2B) The provisions are—

- (a) sections 3, 7, 17A, 20 and 20A below;
- (b) sections 35 to 38, 45A, 47, 48 and 51 below; and
- (c) section 72(1)(b) and (c) and (4) below.”

(3) After subsection (3) insert—

“(4) In subsection (2A) above, “learning disability” means a state of arrested or incomplete development of the mind which includes significant impairment of intelligence and social functioning.”

### **3 Changes to exclusions from operation of 1983 Act**

In section 1 of the 1983 Act (application of Act), for subsection (3) substitute—

“(3) Dependence on alcohol or drugs is not considered to be a disorder or disability of the mind for the purposes of subsection (2) above.”