
Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Paragraph 2. (See end of Document for details)

SCHEDULES

SCHEDULE 10

TRANSITIONAL PROVISIONS AND SAVINGS

Authority to detain etc

- 2 (1) The provisions mentioned in sub-paragraph (4) do not affect—
- (a) the authority for the detention or guardianship of a person who is liable to be detained or subject to guardianship under the 1983 Act immediately before the date on which those provisions come into force,
 - (b) the 1983 Act in relation to any application, order or direction for admission or removal to a hospital, or any guardianship application or order, made under that Act before that date or the exercise, before that date, of any power to remand,
 - (c) the power to make on or after that date an application for the admission of a person to a hospital, or a guardianship application, where all the recommendations on which the application is to be founded are signed before that date, or
 - (d) the authority for the detention or guardianship of a person in pursuance of such an application.
- (2) But those provisions do apply to the following events occurring on or after that date—
- (a) any renewal of the authority for the person's detention or guardianship,
 - (b) any consideration of his case by [^{F1}the First-tier Tribunal or the Mental Health Review Tribunal for Wales]^{F1}, and
 - (c) any decision about the exercise of any power to discharge him from detention or guardianship.
- (3) Sub-paragraph (2)(b) is subject to paragraph 4.
- (4) The provisions are—
- (a) section 1 and Schedule 1 (removal of categories of mental disorder),
 - (b) section 2 (special provision for persons with learning disability),
 - (c) section 3 (exclusions),
 - (d) section 4 (replacement of “treatability” and “care” tests with appropriate treatment test),
 - (e) section 5 (addition of appropriate treatment test),
 - (f) section 7 (definition of “medical treatment”), and
 - (g) the repeals in Schedule 11 which are consequential on any of those sections or that Schedule.

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Textual Amendments

- F1** Words in Sch. 10 para. 2(2)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 223**

Changes to legislation:

There are currently no known outstanding effects for the Mental Health Act 2007, Paragraph 2.