

Status: Point in time view as at 01/05/2004.

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Amendment) Act 1982, PART I. (See end of Document for details)

SCHEDULES

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C1** The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

1—26. ^{F1}

Textual Amendments

- F1** Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

^{M1}*The Army Act 1955*

Marginal Citations

- M1** 1955 c. 18.

- 27 In section 116(7)—
- (a) for the words “detention in a hospital under observation (with or without other medical treatment)” there shall be substituted the words “detention in a hospital for assessment (or for assessment followed by medical treatment)”;
 - (b) for the words “admission for observation” there shall be substituted the words “admission for assessment”.

^{M2}*The Air Force Act 1955*

Marginal Citations

- M2** 1955 c. 19.

28 In section 116(7)—

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- (a) for the words “detention in a hospital under observation (with or without other medical treatment)” there shall be substituted the words “ detention in a hospital for assessment (or for assessment followed by medical treatment) ” ;
- (b) for the words “admission for observation” there shall be substituted the words “ admission for assessment ”.

M³The Sexual Offences Act 1956

Marginal Citations
M3 1956 c. 69.

F²29

Textual Amendments
F2 Sch. 3 para. 29 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 7; S.I. 2004/874, art. 2

M⁴The Naval Discipline Act 1957

Marginal Citations
M4 1957 c. 53.

- 30 In section 71(6)—
- (a) for the words “detention in a hospital under observation (with or without other medical treatment)” there shall be substituted the words “ detention in a hospital for assessment (or for assessment followed by medical treatment) ”.
 - (b) for the words “admission for observation” there shall be substituted the words “ admission for assessment ”.

31 F³

Textual Amendments
F3 Sch. 3 Pt. I para. 31 repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), s. 127(2), Sch. 5

M⁵The Administration of Justice Act 1960

Marginal Citations
M5 1960 c. 65.

- 32 In section 5—
- (a) after subsection (4) there shall be inserted—

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- “(4A) Where an order is made under the said subsection (1) in the case of a defendant who, but for the decision of the court below, would be liable to be detained in pursuance of an interim hospital order under section 31 of the Mental Health (Amendment) Act 1982, the order may, if the court thinks fit, be one authorising his continued detention in a hospital or mental nursing home and in that event—
- (a) subsection (3) of this section shall not apply to the order ;
 - (b) Part V of the said Act of 1959 shall apply as if he had been ordered under this section to be detained in custody so long as any appeal under section 1 of this Act is pending and were detained in pursuance of a transfer direction together with a restriction direction ; and
 - (c) if the defendant is detained by virtue of this subsection and the appeal to the prosecutor succeeds, subsection (2) of the said section 31 (power of court to make hospital order in the absence of an offender who is subject to an interim hospital order) shall apply as if the defendant were still subject to an interim hospital order.” ;
- (b) in subsection (5) for the words “subsection (3) or subsection (4)” there shall be substituted the words “ subsection (3), (4) or (4A) ”.

^{M6}The Criminal Procedure (Insanity) Act 1964

Marginal Citations

M6 1964 c. 84.

- 33 In paragraph 2(1) of Schedule 1 for the words “an order restricting discharge” there shall be substituted the words “ a restriction order ”

^{M7}The Sexual Offences Act 1967

Marginal Citations

M7 1967 c. 60.

- ^{F4}34

Textual Amendments

F4 Sch. 3 para. 34 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 7; S.I. 2004/874, art. 2

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M⁸The Criminal Justice Act 1967

Marginal Citations

M8 1967 c. 80.

35 In section 72—

- (a) **F5**
- (b) in subsection (4) at the end of the definition of “convicted mental patient” there shall be inserted the words “ or a person liable to be detained under section 31 of the Mental Health (Amendment) Act 1982 ”.

Textual Amendments

F5 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

M⁹The Criminal Appeal Act 1968

Marginal Citations

M9 1968 c. 19.

36 In section 8 after subsection (3) there shall be inserted—

“(3A) If the person ordered to be retired was, immediately before the determination of his appeal, liable to be detained in pursuance of a remand under section 30 of the Mental Health (Amendment) Act 1982 or an interim hospital order under section 31 of that Act, the Court of Appeal may, if they think fit, order that he shall continue to be edtained in a hospital or mental nursing home, and in that event Part V of the Mental Health Act 1959 shall apply as if he had been ordered under this section to kept in custody pending his retrial and were detained in pursuance of a transfer direction together with a restriction direction.”

37 In section 11 after subsection (4) there shall be inserted—

“(5) The fact that an appeal is pending against an interim hospital order under the Mental Health (Amendment) Act 1982 shall not affect the power of the court below to renew or terminate the order or to deal with the appellant on its termination ; and where the Court of Appeal quash such an order but do not pass any sentence or make any other order in its place the Court may direct the appellant to be kept in custody or released on bail pending his beng dealt with by the court below.

(6) Where the Court of Appeal make an interim hospital order by virtue of subsection (3) of this section—

- (a) the power of renewing or terminating it and of dealing with the appellant on its termination shall be exercisable by the court below and not be the Court of Appeal ; and

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- (b) the court below shall be treated for the purposes of section 31(8) of the said Act of 1982 (absconding offender) as the court that made the order.”

38 In section 14(2)—

- (a) for the words “detention in a hospital under observation (with or without other medical treatment)” there shall be substituted the words “detention in a hospital for assessment (or for assessment followed by medical treatment)” ;
- (b) for the words “admitted for observation” there shall be substituted the words “admitted for assessment”.

39 In section 37—

- (a) after subsection (4) there shall be inserted—

“(4A) Where an order is made under this section in the case of a defendant who, but for the decision of the Court of Appeal, would be liable to be detained in pursuance of a remand under section 30 of the Mental Health (Amendment) Act 1983 or an interim hospital order under section 31 of that Act, the order may, if the Court of Appeal thinks fit, be one authorising his continued detention in a hospital or mental nursing home and in that event—

- (a) subsection (3) of this section shall not apply to the order ;
- (b) Part V of the said Act of 1959 shall apply to him as if he had been ordered under this section to be detained in custody so long as an appeal to the House of Lords is pending and were detained in pursuance of a transfer direction together with a restriction direction ; and
- (c) if the defendant, having been subject to an interim hospital order, is detained by virtue of this subsection and the appeal by the prosecutor succeeds, subsection (2) of the said section 31 (power of court to make hospital order in the absence of an offender who is subject to an interim hospital order) shall apply as if the defendant were still subject to an interim hospital order.” ;

- (b) in subsection (5) for the words “subsection (3) or (4)” there shall be substituted the words “subsection (3), (4) or (4A)”.

40 F6

Textual Amendments

F6 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

41 In Schedule 1—

- (a) in paragraph 2 for the words “an order restricting discharge” there shall be substituted the words “a restriction order” ;
- (b) in paragraph 3 for the word “observation” there shall be substituted the word “assessment”.

42 F7

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Textual Amendments

F7 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

M10 The Courts-Martial (Appeals) Act 1968

Marginal Citations

M10 1968 c. 20.

- 43 In section 23—
- (a) in subsection (2)(a) for the words “detention in a hospital under observation (with or without other medical treatment)” there shall be substituted the words “detention in a hospital for assessment (or for assessment followed by medical treatment) ” ;
 - (b) in subsection (3) for the words “admission for observation” there shall be substituted the words “ admission for assessment ”.

M11 The Children and Young Persons Act 1969

Marginal Citations

M11 1969 c. 54.

- 44 In section 2(10) for the words “the court may make an interim order in respect of him” there shall be substituted the words “the court may make—
- (a) an interim order ; or
 - (b) an interim hospital order within the meaning of section 31 of the Mental Health (Amendment) Act 1982,
- in respect of him ; but an order shall not be made in respect of the relevant infant in pursuance of paragraph (b) of this subsection unless the conditions which, under the said section 31, are required to be satisfied for the making of an interim hospital order in respect of a person convicted as mentioned in that section are satisfied on his case so far as they are applicable ”.

45 **F8**

Textual Amendments

F8 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

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M12 *The Costs in Criminal Cases Act 1973*

Marginal Citations

M12 1973 c. 14.

46 **F9**

Textual Amendments

F9 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

47 In section 18(1)(c) for the words “an order restricting his discharge” there shall be substituted the words “ a restriction order ”.

M13 *The Juries Act 1974*

Marginal Citations

M13 1974 c. 23.

F1048

Textual Amendments

F10 Sch. 3 para. 48 repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 10](#); S.I. 2004/829, art. 2(1)(2)(l)(iv)

M14 *The Rehabilitation of Offenders Act 1974*

Marginal Citations

M14 1974 c. 53.

49 In section 5(7) for the words “an order restricting discharge” there shall be substituted the words “ a restriction order ”.

M15 *The Criminal Procedure (Scotland) Act 1975*

Marginal Citations

M15 1975 c. 21.

50 In section 13—
(a) **F11**

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- (b) in subsection (4) at the end of the definition of “convicted mental patient” there shall be inserted the words “ or a person liable to be detained under section 31 of the Mental Health (Amendment) Act 1982 ”.

Textual Amendments

F11 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

51 In section 322—

- (a) **F12**
- (b) in subsection (4) at the end of the definition of “convicted mental patient” there shall be inserted the words “ , or a person liable to be detained under section 31 of the Mental Health (Amendment) Act 1982 ”.

Textual Amendments

F12 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

52—54. **F13**

Textual Amendments

F13 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

M16 *The National Health Service Act 1977*

Marginal Citations

M16 1977 c. 49.

55 **F14**

Textual Amendments

F14 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

56 In section 105(1) for the word “observation” there shall be substituted the word “ assessment ”.

57, 58. **F15**

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Textual Amendments

F15 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

M17 The Contempt of Court Act 1981

Marginal Citations

M17 1981 c. 49.

- 59 In section 14(4)—
- (a) after “1959” there shall be inserted the words “ or an interim hospital order under section 31 of the Mental Health (Amendment) Act 1982 ” ;
 - (b) for the words “severe subnormality” there shall be substituted the words “ severe mental impairment ”.
- 60 After section 14(4) there shall be inserted—
- “(4A) Each of the superior courts shall have the like power to make an order under section 29 of the said Act of 1982 (remand for report on accused’s mental condition) where there is reason to suspect that a person who could be committed to prison for contempt of court is suffering from mental illness or severe mental impairment as the Crown Court has under that section in the case of an accused person within the meaning of that section.”

M18 The Supreme Court Act 1981

Marginal Citations

M18 1981 c. 54.

- 61 In section 48—
- (a) in subsection (6)(a) for the words “an order restricting discharge” there shall be substituted the words “ a restriction order, and an interim hospital order under the Mental Health (Amendment) Act 1982 ” ;
 - (b) after subsection (6) there shall be inserted—
 - “(7) The fact that an appeal is pending against an interim hospital order under the said Act of 1982 shall not affect the power of the magistrates’ court that made it to renew or terminate the order or to deal with the appellant on its termination ; and where the Crown Court quashes such an order but does not pass any sentence or make any other order in its place the Court may direct the appellant to be kept in custody or released on bail pending his being dealt with by that magistrates’ court.
 - (8) Where the Crown Court makes an interim hospital order by virtue of subsection (2)—

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- (a) the power of renewing or terminating the order and of dealing with the appellant on its termination shall be exercisable by the magistrates' court whose decision is appealed against and not by the Crown Court ; and
- (b) that magistrates' court shall be treated for the purposes of section 31(8) of the said Act of 1982 (absconding offenders) as the court that made the order."

^{M19}The Armed Forces Act 1981

Marginal Citations

M19 1981 c. 55.

62 In section 139(1), (2)(a) and (6)(c) for the word "observation" there shall be substituted the word "assessment".

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