



# 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 (3D) 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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(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.]

[<sup>F10</sup>(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(l)** (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(l)** (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(l)** (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(l)** (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** 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](#)

#### 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>F11</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>F12</sup>“the appropriate tribunal” has the meaning given by section 66(4) above;]

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[<sup>F13</sup>“approved clinician” means a person approved by the Secretary of State (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>F14</sup>“approved mental health professional” has the meaning given in section 114 above;]

[<sup>F15</sup>“care home” has the same meaning as in the Care Standards Act 2000]

[<sup>F16</sup>“community patient” has the meaning given in section 17A above;]

[<sup>F17</sup>“community treatment order” and “the community treatment order” have the meanings given in section 17A above;]

[<sup>F18</sup>“the community treatment period” has the meaning given in section 20A above;]

[<sup>F19</sup>.....]

[<sup>F20</sup>“high security psychiatric services” has the same meaning as in the [<sup>F21</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>F22</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>F23</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>F24</sup>“hospital direction” has the meaning given in section 45A(3)(a) above;]

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

[<sup>F25</sup>“independent hospital” has the same meaning as in the Care Standards Act 2000;]

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

[<sup>F24</sup>“limitation direction” has the meaning given in section 45A(3)(b) above;]

[<sup>F26</sup>“Local Health Board” means a Local Health Board established under section 11 of the National Health Services (Wales) Act 2006;]

“local social services authority” means a council which is a local authority for the purpose of the <sup>M1</sup>Local Authority Social Services Act 1970;

“the managers” means—

- (a) in relation to a hospital vested in the Secretary of State for the purposes of his functions under the [<sup>F27</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>F28</sup>the National Health Service Act 2006, or of the Welsh Ministers under the National Health Service (Wales) Act 2006,] , the [<sup>F29</sup>[<sup>F30</sup>Primary Care Trust,]<sup>F31</sup>Strategic Health Authority,]<sup>F32</sup>Local Health Board]or Special Health Authority] responsible for the administration of the hospital;

[<sup>F33</sup>(b) .....]

- [<sup>F34</sup>(bb) in relation to a hospital vested in [<sup>F35</sup>a Primary Care Trust or] a National Health Service trust, <sup>F36</sup>. . . the trust]

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- [<sup>F37</sup>(bc) in relation to a hospital vested in an NHS foundation trust, the trust;]
- [<sup>F38</sup>(bd) in relation to a hospital vested in a Local Health Board, the Board;]
- [<sup>F39</sup>(c) in relation to a registered establishment, the person or persons registered in respect of the establishment;]

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

“medical treatment” includes nursing, [<sup>F40</sup>psychological intervention and specialist mental health habilitation, rehabilitation and care (but see also subsection (4) below);]

[<sup>F41</sup>“mental disorder” has the meaning given in section 1 above (subject to sections 86(4) and 141(6B));]

<sup>F42</sup> .....

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

“patient” <sup>F43</sup> . . . means a person suffering or appearing to be suffering from mental disorder;

[<sup>F44</sup>“Primary Care Trust” means a Primary Care Trust established under [<sup>F45</sup>section 18 of the National Health Service Act 2006];]

[<sup>F46</sup>“registered establishment” has the meaning given in section 34 above;]

<sup>F47</sup> .....

[<sup>F48</sup>“the regulatory authority” means—

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

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

[<sup>F49</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>F50</sup>“Special Health Authority” means a Special Health Authority established under [<sup>F51</sup>section 28 of the National Health Service Act 2006, or section 22 of the National Health Service (Wales) Act 2006];]

<sup>F52</sup> .....

[<sup>F53</sup>“Strategic Health Authority” means a Strategic Health Authority established under [<sup>F54</sup>section 13 of the National Health Service Act 2006];]

<sup>F55</sup> .....

<sup>F56</sup> .....

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

[<sup>F57</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>F58</sup>(1AB) References in this Act to appropriate medical treatment shall be construed in accordance with section 3(4) above.]

[<sup>F59</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.]

(1A) <sup>F60</sup> .....

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<sup>F61</sup>(2) .....

(3) In relation to a person who is liable to be detained or subject to guardianship [<sup>F62</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>F63</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.]

### Textual Amendments

- F11** 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.)
- F12** 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](#)
- F13** 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.)
- F14** 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.)
- F15** Definition of "care home" in s. 145(1) inserted (1.4.2002) by 2000 c. 14, s. 116, [Sch. 4 para. 9\(10\)\(a\)](#); 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))
- F16** 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.)
- F17** 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.)
- F18** 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.)
- F19** 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)
- F20** 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](#)
- F21** 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)
- F22** 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)
- F23** 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\(g\)](#)
- F24** 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](#)
- F25** S. 145: definition of "independent hospital" inserted (1.4.2002) by 2000 c. 14, s. 116, [Sch. 4 para. 9\(10\)\(b\)](#); 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))
- F26** 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\(13\)\(i\)](#)
- F27** 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)

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- F28** 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)
- F29** 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)**
- F30** Words in definition of "the managers" para. (a) in s. 145(1) inserted (1.10.2002) by 2002 c. 17, s. 2(5), **Sch. 2 Pt. 2 para. 49**; S.I. 2002/2478, **art. 3(1)(d)** (with saving in **art. 3(3)** and transitional provision in **art. 4**)
- F31** Words in definition of "the managers" para. (a) in s. 145(1) inserted (1.10.2002) by S.I. 2002/2469, **reg. 4, Sch. 1 Pt. 1 para. 10(4)(a)**
- F32** 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)**
- F33** 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**
- F34** 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)**
- F35** Words in definition of "the managers" para. (bb) in s. 145(1) inserted (8.2.2000) by S.I. 2000/90, **art. 3(1), Sch. 1 para. 16(9)(a)** (with **art. 2(5)**)
- F36** 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)**
- F37** 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**
- F38** 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)**
- F39** S. 145: in definition of "the managers" para. (c) substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(10)(c)**; 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)**)
- F40** 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.**)
- F41** 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.**)
- F42** 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)**)
- F43** 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)**
- F44** Definition of "Primary Care Trust" in s. 145(1) inserted (8.2.2000) by S.I. 2000/90, **art. 3(1), Sch. 1 para. 16(9)(b)**
- F45** Words in definition of "Primary Care Trust" 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(e)** (with **Sch. 3 Pt. 1**)
- F46** 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)**)
- F47** 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**)
- F48** 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**
- F49** 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.**)
- F50** 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)**

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- F51** 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)
- F52** 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**
- F53** Definition of "Strategic Health Authority" in s. 145(1) inserted (1.10.2002) by S.I. 2002/2469, reg. 4, **Sch. 2 Pt. 1 para. 10(4)(b)**
- F54** Words in definition of "Strategic 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(g)** (with Sch. 3 Pt. 1)
- F55** 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)
- F56** 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.
- F57** 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**
- F58** 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.)
- F59** 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.)
- F60** 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)
- F61** S. 145(2) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Gp. 2.
- F62** 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.)
- F63** 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.)

#### Marginal Citations

- M1** 1970 c. 42.

## 146 Application to Scotland.

Sections 42(6), 80, <sup>F64</sup> . . . <sup>F65</sup> . . . 116, 122, <sup>F66</sup> . . . 137, 139(1), 141, 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

- F64** 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)
- F65** 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
- F66** 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.

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Mental Health Act 1983, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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**)

**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>F67</sup> . . . section 128 (except so far as it relates to patients subject to guardianship), 137, 139, 141, 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 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**

**F67** 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)**

**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>M2</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>M3</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**

**M2** 1978 c. 30.  
**M3** 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>F68</sup> . . . . .
- (4) Section 130(4) of the <sup>M4</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.



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**Changes to legislation:** *Mental Health Act 1983, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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**Textual Amendments**

**F68** S. 149(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {Sch. 1 Pt. 17 Group 8}

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**Marginal Citations**

**M4** [1977 c. 49](#).

**Status:**

Point in time view as at 01/04/2009.

**Changes to legislation:**

Mental Health Act 1983, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.