

SCHEDULES

SCHEDULE 1

APPLICATION OF CERTAIN PROVISIONS TO PATIENTS  
SUBJECT TO HOSPITAL AND GUARDIANSHIP ORDERS

PART II

PATIENTS SUBJECT TO SPECIAL RESTRICTIONS

- 3
- In section 17—
- (a)

in subsection (1) after the word “may” there shall be inserted the words “with the consent of the Secretary of State”;
- [<sup>F1</sup>(aa)]

subsections (2A) and (2B) shall be omitted;
- (b)

in subsection (4) after the words [<sup>F2</sup>“the responsible clinician” and after the words “that clinician”] there shall be inserted the words “or the Secretary of State”; and
- (c)

in subsection (5) after the word “recalled” there shall be inserted the words [<sup>F3</sup>“by the responsible clinician”], and for the words from “he has ceased” to the end of the subsection there shall be substituted the words “the expiration of the period of [<sup>F4</sup>twelve] months beginning with the first day of his absence on leave”.

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| Textual Amendments |  |
| F1                 | Sch. 1 Pt. 2 para. 3(aa) inserted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 33(3), 56 (with Sch. 10); S.I. 2008/1900, art. 2(j) (with art. 3, Sch.)               |
| F2                 | Words in Sch. 1 Pt. 2 para. 3(b) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 11(8)(a), 56 (with Sch. 10); S.I. 2008/1900, art. 2(b) (with art. 3, Sch.) |
| F3                 | Words in Sch. 1 Pt. 2 para. 3(c) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 11(8)(b), 56 (with Sch. 10); S.I. 2008/1900, art. 2(b) (with art. 3, Sch.) |
| F4                 | Words in Sch. 1, Pt. II, para. 3(c) substituted (1.4.1996 with application as mentioned in s. 3(3) of substituting Act) by 1995 c. 52, ss. 3(2)(3), 7(2)                   |

**Changes to legislation:**

Mental Health Act 1983, Paragraph 3 is up to date with all changes known to be in force on or before 02 April 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.

[View outstanding changes](#)

**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 by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 9 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))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\(3\)](#)