



# 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 [<sup>F10</sup>(3DB)] 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.

*Changes to legislation: Mental Health Act 1983, Section 143 is up to date with all changes known to be in force on or before 16 January 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) View outstanding changes*

[ Subsection (3C) does not apply to regulations to which subsection (3DB) applies.  
F11(3DA)

(3DB) A statutory instrument which contains (alone or with other provisions) the first regulations to be made under any of the following provisions—

- (a) section 130E(2),
- (b) section 130E(4)(b),
- (c) section 130E(5)(b),
- (d) section 130F(2)(d),
- (e) section 130G(2)(c), or
- (f) section 130H(1)(b)(ii),

must not be made unless a draft of the instrument containing the regulations has been laid before, and approved by resolution of, the National Assembly for Wales.]

(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.]

[F12(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\(1\)](#) (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\(1\)](#) (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\(1\)](#) (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\(1\)](#) (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** Word in s. 143(3A) substituted (3.1.2012 for specified purposes, 2.4.2012 in so far as not already in force) by [Mental Health \(Wales\) Measure 2010 \(nawm 7\)](#), **ss. 40(2)**, 55(3); [S.I. 2011/3046, arts. 2\(g\), 3\(g\)](#) (with [art. 5](#))
- F11** S. 143(3DA)(3DB) inserted (3.1.2012 for specified purposes, 2.4.2012 in so far as not already in force) by [Mental Health \(Wales\) Measure 2010 \(nawm 7\)](#), **ss. 40(3)**, 55(3); [S.I. 2011/3046, arts. 2\(g\), 3\(g\)](#) (with [art. 5](#))
- F12** 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](#)

**Changes to legislation:**

Mental Health Act 1983, Section 143 is up to date with all changes known to be in force on or before 16 January 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\(3\)](#)