

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: National Health Service and Community Care Act 1990, Cross Heading: The Mental Health Act 1983 is up to date with all changes known to be in force on or before 24 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)*

## SCHEDULES

### SCHEDULE 9

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Mental Health Act 1983*

- 24 (1) In section 12 of the <sup>M1</sup>Mental Health Act 1983 (general provisions as to medical recommendations), in subsection (3) after the words “National Health Service Act 1977” there shall be inserted “or paragraph 14 of Schedule 2 to the National Health Service and Community Care Act 1990”.
- (2) In section 19 of that Act (regulations as to transfer of patients), in subsection (3)—
- (a) after the words “such a hospital” there shall be inserted “or in a hospital vested in a National Health Service trust”, and
  - (b) for the words from “for which the managers” to “also the managers”, there shall be substituted “which is managed by the managers of, or is vested in the National Health Service trust for, the first-mentioned hospital”.
- (3) In section 23 of that Act (discharge of patients)—
- (a) in subsection (3) after the words “a contract with a” there shall be inserted “National Health Service trust”<sup>F1</sup>. . . , and
  - (b) in subsection (4), after the word “exercised” there shall be inserted “subject to subsection (5) below” and after the word “authority”, in each place in which it occurs, there shall be inserted “trust”, and
  - (c) after subsection (4) there shall be inserted the following subsection—
- “(5) The reference in subsection (4) above to the members of an authority, trust or body or the members of a committee or sub-committee of an authority, trust or body,—
- (a) in the case of a District or Special Health Authority or a committee or sub-committee of such an authority, is a reference only to the chairman of the authority and such members (of the authority, committee or sub-committee, as the case may be) as are not also officers of the authority, within the meaning of the National Health Service Act 1977; and
  - (b) in the case of a National Health Service trust or a committee or sub-committee of such a trust, is a reference only to the chairman of the trust and such directors or (in the case of a committee or sub-committee) members as are not also employees of the trust.”
- <sup>F1</sup>(4) . . . . .
- (5) In section 32 of that Act (regulations for purposes of Part II), in subsection (3) <sup>F1</sup>. . . and for the words “and authorities” there shall be inserted “authorities and trusts”.

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<sup>F1</sup>(6) .....

- (7) In section 139 of that Act (protection for acts done in pursuance of the Act), at the end of subsection (4) there shall be inserted “or against a National Health Service trust established under the National Health Service and Community Care Act 1990”.
- (8) In section 140 of that Act (notification of hospitals having arrangements for reception of urgent cases) after the words “administered by” there shall be inserted “or otherwise available to”.
- (9) In section 145(1) of that Act (definitions) in the definition of “the managers”, after paragraph (b) there shall be inserted the following paragraph—
  - “(bb) in relation to a hospital vested in a National Health Service trust, the directors of the trust”.

<p>.....</p> <p><b>Textual Amendments</b></p> <p><b>F1</b> Sch. 9 para. 24(4)(6) and words in sub-paras. (3)(a), (5) repealed (1.4.1996) by <a href="#">1995 c. 17, s. 5(1)(2)</a>, <a href="#">Sch. 3</a> (with <a href="#">Sch. 2 para. 6</a>)</p> <p>.....</p> <p><b>Marginal Citations</b></p> <p><b>M1</b> <a href="#">1983 c. 20</a>.</p>
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