
Changes to legislation: Constitutional Reform Act 2005, Cross Heading: Mental Health Act 1983 (c. 20) is up to date with all changes known to be in force on or before 24 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. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

OTHER FUNCTIONS OF THE LORD CHANCELLOR AND ORGANISATION OF THE COURTS

PART 1

AMENDMENTS

Mental Health Act 1983 (c. 20)

- 150 The Mental Health Act 1983 is amended as follows.
- 151 (1) Section 93 (judicial authorities and Court of Protection) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor shall” substitute “ Lord Chief Justice shall, after consulting the Lord Chancellor, ”.
- (3) In subsection (3) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (4) In subsection (4) after “Lord Chancellor may” insert “ , with the concurrence of the Lord Chief Justice, ”.
- (5) After subsection (4) insert—
- “(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1), (3) or (4).”
- 152 In section 94 (exercise of the judge's functions: the patient), in subsection (1) omit “by the Lord Chancellor or”.
- 153 In section 96 (powers of the judge as to the patient's property and affairs), in subsection (3) omit “the Lord Chancellor or”.
- 154 In section 104 (general powers of the judge with respect to proceedings), in subsection (3) omit “the Lord Chancellor or” in both places.
- 155 In section 105 (appeals), in subsection (2) omit “from any decision of the Lord Chancellor or”.
- 156 (1) Section 108 (general provisions as to rules under Part 7) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) Rules under section 106(5) are to be made by the Lord Chancellor after consulting the Lord Chief Justice.”
- (3) After subsection (2) insert—

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“(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.”

- (4) Paragraph 16 of Schedule 1 also amends section 108.
- 157 (1) Section 111 (construction of references in other Acts) is amended as follows.
- (2) In subsection (1) omit “by the Lord Chancellor or”.
- (3) In subsection (2) omit “the Lord Chancellor,”.
- (4) In subsection (4)—
- (a) in paragraph (a) omit “the Lord Chancellor or”;
- (b) in paragraph (b) omit “the Lord Chancellor,”.
- 158 (1) Schedule 2 (mental health review tribunals) is amended as follows.
- (2) In paragraph 1(b) and (c) omit “after consultation with the Secretary of State”.
- (3) After paragraph 1 insert—
- “1A As part of the selection process for an appointment under paragraph 1(b) or (c) the Judicial Appointments Commission shall consult the Secretary of State.”

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(2\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(3\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(4\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(6\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(8\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(9\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(10\)\(a\)](#)
- Sch. 7 para. 4Pt. A words substituted by [2007 c. 15 s. 144\(10\)\(b\)](#)