
Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross Heading: Orders, appointments etc.. (See end of Document for details)

SCHEDULES

SCHEDULE 5

TRANSITIONAL PROVISIONS AND SAVINGS

PART 1

REPEAL OF PART 7 OF THE MENTAL HEALTH ACT 1983

Orders, appointments etc.

- 2 (1) Any order or appointment made, direction or authority given or other thing done which has, or by virtue of Schedule 5 to the Mental Health Act was deemed to have, effect under Part 7 of the Act immediately before the commencement day is to continue to have effect despite the repeal of Part 7.
- (2) In so far as any such order, appointment, direction, authority or thing could have been made, given or done under sections 15 to 20 if those sections had then been in force—
- (a) it is to be treated as made, given or done under those sections, and
 - (b) the powers of variation and discharge conferred by section 16(7) apply accordingly.
- (3) Sub-paragraph (1)—
- (a) does not apply to nominations under section 93(1) or (4) of the Mental Health Act, and
 - (b) as respects receivers, has effect subject to paragraph 1.
- (4) This Act does not affect the operation of section 109 of the Mental Health Act (effect and proof of orders etc.) in relation to orders made and directions given under Part 7 of that Act.
- (5) This paragraph is without prejudice to section 16 of the Interpretation Act 1978 (c. 30) (general savings on repeal).

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