Mental Health Act 2007

CHAPTER 12

MENTAL HEALTH ACT 2007

PART 1
AMENDMENTS TO MENTAL HEALTH ACT 1983

CHAPTER 1

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4. Replacement of “treatability” and “care” tests with appropriate treatment test
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SCHEDULE 1 — Categories of mental disorder: further amendments etc

Part 1 — AMENDMENTS TO 1983 ACT

1 The 1983 Act is amended as follows.
2 In section 3(2) (grounds for application for admission for treatment),...
3 In section 7(2) (grounds for guardianship application), in paragraph (a),...
4 In section 20 (renewal of detention or guardianship)—
5 In section 35(3) (conditions for exercise of power to remand...
6 In section 36(1) (conditions for exercise of power to remand...
7 In section 37 (power to order hospital admission or guardianship)—...
8 In section 38(1) (conditions for exercise of power to make...
9 In section 45A(2) (conditions for exercise of power to direct...
10 In section 47(1) (power to make transfer direction), in paragraph...
11 In section 48 (further power to make transfer direction)—
12 In section 51(6) (further power to make hospital order), in...
13 In section 66(2) (time limits for applications to tribunals), in...
14 In section 72 (powers of tribunals)— (a) in subsection (1)(b)(i),...
15 (1) Section 86 (application of power to remove alien patients)...
16 (1) Section 141 (Members of Parliament etc) is amended as...
17 In section 145(1) (interpretation), for the definitions of “mental disorder”...

Part 2 — AMENDMENTS TO OTHER ACTS

18 Juries Act 1974
19 Contempt of Court Act 1981
20 Family Law Act 1996
21 Housing Act 1996
22 Care Standards Act 2000
23 Mental Capacity Act 2005
24 National Health Service Act 2006
25 National Health Service (Wales) Act 2006
26 Police and Justice Act 2006

SCHEDULE 2 — Approved mental health professionals: further amendments to 1983 Act

1 The 1983 Act is amended as follows.
2 In the following provisions, for “approved social worker” substitute “approved…
3 (1) Section 10 (transfer of guardianship) is amended as follows…
4 (1) Section 11 (general provisions as to applications) is amended…
5 (1) Section 13 (the title to which becomes “Duty of…
6 In section 14 (social reports), for “a social worker” substitute…
7 In the following provisions, for “approved social worker” substitute “approved…
8 For section 115 substitute— Powers of entry and inspection (1) An approved mental health professional may at all reasonable…
9 In section 118(1)(a) (application of code of practice), for “approved…
10 In the following provisions, for “approved social worker” substitute “approved…
11 (1) Section 145 (interpretation) is amended as follows.

SCHEDULE 3 — Supervised community treatment: further amendments to 1983 Act

1 The 1983 Act is amended as follows.
2 Application in respect of patient already in hospital
3 Return of patients absent without leave
4 Assignment of responsibility for community patients
5 Renewal of authority to detain patients
6 Special provisions as to patients absent without leave
7 In section 21A (patients who are taken into custody or…
8 (1) Section 21B (patients who are taken into custody or…
9 Patients sentenced to imprisonment etc
10 Discharge
11 (1) Section 24 (visiting and examination of patients) is amended…
12 (1) Section 25 (restrictions on discharge by nearest relative) is…
13 Orders appointing acting nearest relative
14 (1) Section 30 (discharge and variation of orders under section…
15 Regulations for purposes of Part 2
16 Wards of court
17 Restricted patients
18 Applications and references to Mental Health Review Tribunal
19 In section 67 (references to tribunals by Secretary of State…
20 In section 69 (applications to tribunals concerning patients subject to…
21 (1) Section 72 (powers of tribunals) is amended as follows…
22 In section 76 (visiting and examination of patients), in subsection…
23 In section 77 (general provisions concerning tribunal applications), in subsection…
24 After-care services
25 Code of practice
26 General protection of detained patients
27 In section 121 (Mental Health Act Commission), in subsection (4)…
28 Offences
29 Duty to give information
30 After section 132 insert— Duty of managers of hospitals to…
31 In section 133 (duty of managers of hospitals to inform...
32 Retaking of patients escaping from custody
33 Members of Parliament suffering from mental disorder
34 Interpretation
35 Extent
36 Application of certain provisions to patients concerned in criminal proceedings
37 (1) Part 2 of that Schedule (patients subject to special...

SCHEDULE 4 — Supervised community treatment: amendments to other Acts
1 Administration of Justice Act 1960
2 Criminal Appeal Act 1968
3 Courts-Martial (Appeals) Act 1968
4 Juries Act 1974

SCHEDULE 5 — Cross-border arrangements

Part 1 — AMENDMENTS TO PART 6 OF 1983 ACT
1 Introduction
2 Transfer of patients: Scotland
3 (1) After that section insert— Transfer of responsibility for community...
4 (1) After section 80A (the title to which becomes “Transfer...
5 Transfer of patients: Northern Ireland
6 After that section insert— Removal of community patients to Northern...
7 (1) Section 81A (transfer of responsibility for patients to Northern...
8 In section 82 (removal to England and Wales of patients...
9 In section 82A (the title to which becomes “Transfer of...
10 Transfer of patients: Channel Islands and Isle of Man
11 In section 85 (patients removed from Channel Islands or Isle...
12 Before section 85A (the title to which becomes “Responsibility for...
13 (1) Section 85A is amended as follows.
14 Patients absent from hospitals in England and Wales
15 Regulations for purposes of Part 6
16 General provisions as to patients removed from England and Wales
17 Interpretation

Part 2 — RELATED AMENDMENTS
18 The 1983 Act
19 (1) Section 79 of that Act (interpretation of Part 5)...
After section 41 insert— Removal of restriction
(1) This section applies if, in a case where section...
Transfer directions (with or without restriction directions)
After section 42 insert— Supplemental provision for case where no...
In section 43 (the title to which becomes “Representations where..."
After section 43 insert— Representations where restriction direction not
given...
In section 44 (the title to which becomes “Information where...
After section 44 insert — Information where restriction direction not...
Interpretation

SCHEDULE 7 — Mental Capacity Act 2005: new Schedule A1

SCHEDULE 8 — Mental Capacity Act 2005: new Schedule 1A

SCHEDULE 9 — Amendments relating to new section 4A of, & Schedule A1 to,
Mental Capacity Act 2005

Part 1 — OTHER AMENDMENTS TO MENTAL CAPACITY ACT 2005

Interpretation
New section 21A
Section 35: Appointment of independent mental capacity advocates
Section 38: IMCAs and provision of accommodation by NHS body
Section 39: IMCAs and provision of accommodation by local authority
New section 39A
Section 40: Exceptions to duty to appoint IMCAs
Section 42: Codes of practice
Section 50: Application to the Court of Protection
Section 64: Interpretation
Section 65: Rules, regulations and orders

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National Assistance Act 1948 (c. 29)
Local Authority Social Services Act 1970 (c. 42)

SCHEDULE 10 — Transitional provisions and savings

Interpretation
Authority to detain etc
Consent to treatment
Reclassification of patients
Supervised community treatment
Nearest relative
(1) If, by virtue of section 26 (civil partners) coming...
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SCHEDULE 11 — Repeals and revocations

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Part 4 — SAFEGUARDS FOR PATIENTS
Part 5 — SUPERVISED COMMUNITY TREATMENT
Part 6 — ORGANISATION OF TRIBUNALS
Part 7 — CROSS-BORDER ARRANGEMENTS
Part 8 — RESTRICTED PATIENTS
Part 9 — MISCELLANEOUS
Part 10 — DEPRIVATION OF LIBERTY