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*Status: Point in time view as at 03/11/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Cross Heading: Authority to detain etc. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 10

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *Authority to detain etc*

- 2 (1) The provisions mentioned in sub-paragraph (4) do not affect—
- (a) the authority for the detention or guardianship of a person who is liable to be detained or subject to guardianship under the 1983 Act immediately before the date on which those provisions come into force,
  - (b) the 1983 Act in relation to any application, order or direction for admission or removal to a hospital, or any guardianship application or order, made under that Act before that date or the exercise, before that date, of any power to remand,
  - (c) the power to make on or after that date an application for the admission of a person to a hospital, or a guardianship application, where all the recommendations on which the application is to be founded are signed before that date, or
  - (d) the authority for the detention or guardianship of a person in pursuance of such an application.
- (2) But those provisions do apply to the following events occurring on or after that date—
- (a) any renewal of the authority for the person's detention or guardianship,
  - (b) any consideration of his case by [<sup>F1</sup>the First-tier Tribunal or the Mental Health Review Tribunal for Wales]<sup>F1</sup>, and
  - (c) any decision about the exercise of any power to discharge him from detention or guardianship.
- (3) Sub-paragraph (2)(b) is subject to paragraph 4.
- (4) The provisions are—
- (a) section 1 and Schedule 1 (removal of categories of mental disorder),
  - (b) section 2 (special provision for persons with learning disability),
  - (c) section 3 (exclusions),
  - (d) section 4 (replacement of “treatability” and “care” tests with appropriate treatment test),
  - (e) section 5 (addition of appropriate treatment test),
  - (f) section 7 (definition of “medical treatment”), and
  - (g) the repeals in Schedule 11 which are consequential on any of those sections or that Schedule.

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### **Textual Amendments**

- F1** Words in Sch. 10 para. 2(2)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008](#) (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 223**

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