

## SCHEDULES

### SCHEDULE 3

#### SUPERVISED COMMUNITY TREATMENT: FURTHER AMENDMENTS TO 1983 ACT

##### *Applications and references to Mental Health Review Tribunal*

- 21 (1) Section 72 (powers of tribunals) is amended as follows.
- (2) In subsection (1)—
- (a) after “this Act” insert “ or is a community patient ”, and
  - (b) after paragraph (b) insert—
    - “(c) the tribunal shall direct the discharge of a community patient if they are not satisfied—
      - (i) that he is then suffering from mental disorder or mental disorder of a nature or degree which makes it appropriate for him to receive medical treatment; or
      - (ii) that it is necessary for his health or safety or for the protection of other persons that he should receive such treatment; or
      - (iii) that it is necessary that the responsible clinician should be able to exercise the power under section 17E(1) above to recall the patient to hospital; or
      - (iv) that appropriate medical treatment is available for him; or
      - (v) in the case of an application by virtue of paragraph (g) of section 66(1) above, that the patient, if discharged, would be likely to act in a manner dangerous to other persons or to himself.”
- (3) After subsection (1) insert—
- “(1A) In determining whether the criterion in subsection (1)(c)(iii) above is met, the tribunal shall, in particular, consider, having regard to the patient's history of mental disorder and any other relevant factors, what risk there would be of a deterioration of the patient's condition if he were to continue not to be detained in a hospital (as a result, for example, of his refusing or neglecting to receive the medical treatment he requires for his mental disorder).”
- (4) For subsection (3A) substitute—
- “(3A) Subsection (1) above does not require a tribunal to direct the discharge of a patient just because they think it might be appropriate for the patient to be discharged (subject to the possibility of recall) under a community treatment order; and a tribunal—

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*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Paragraph 21. (See end of Document for details)*

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- (a) may recommend that the responsible clinician consider whether to make a community treatment order; and
- (b) may (but need not) further consider the patient's case if the responsible clinician does not make an order.”

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**Commencement Information**

- II** Sch. 3 para. 21 not in force at Royal Assent see s. 56(1); Sch. 3 para. 21(4) in force at 3.11.2008 by S.I. 2008/1210, arts. 1(1)(b), 2(b) (with art. 4); Sch. 3 in force insofar as not already in force at 3.11.2008 by S.I. 2008/1900, arts. 1(1), 2(i) (with art. 3, Sch.)

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health Act 2007, Paragraph 21.