



# Mental Health Act 2007

## 2007 CHAPTER 12

### PART 3

#### GENERAL

#### **57 Commencement of section 36**

- (1) An order under section 56 providing for the commencement of section 36 may, in particular, provide—
  - (a) for that section not to apply to or affect a patient who is subject to after-care under supervision immediately before that commencement, and
  - (b) for the patient to cease to be subject to after-care under supervision, and for his case to be dealt with, in accordance with provision made by the order.
- (2) The order may require—
  - (a) a Primary Care Trust or Local Health Board to secure that the patient is examined by a registered medical practitioner of a description specified in the order;
  - (b) the registered medical practitioner to examine the patient with a view to making a decision about his case by reference to criteria specified in the order.
- (3) The order may require the registered medical practitioner, having complied with provision made by virtue of subsection (2)(b)—
  - (a) to discharge the patient,
  - (b) to recommend that he be detained in hospital,
  - (c) to recommend that he be received into guardianship, or
  - (d) to make a community treatment order in respect of him.
- (4) The order may, in respect of a recommendation made by virtue of subsection (3)(b) or (c)—
  - (a) provide that the recommendation is to be made to a local social services authority determined in accordance with the order;

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*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Section 57. (See end of Document for details)*

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- (b) provide that the recommendation is to be made in accordance with any other requirements specified in the order;
  - (c) require the local social services authority determined in accordance with paragraph (a), in response to the recommendation, to make arrangements for an approved mental health professional to consider the patient's case on their behalf.
- (5) The order may provide that a registered medical practitioner shall not make a community treatment order in respect of a patient unless an approved mental health professional states in writing—
  - (a) that he agrees with the decision made by the practitioner about the patient's case, and
  - (b) that it is appropriate to make the order.
- (6) An order requiring a registered medical practitioner to make a community treatment order in respect of a patient shall include provision about—
  - (a) the effect of the community treatment order (in particular, replacing after-care under supervision with a contingent requirement to attend, and be detained at, a hospital), and
  - (b) the effect of its revocation (including, in particular, provision for detention under section 3 of the 1983 Act).
- (7) The order may modify a provision of the 1983 Act in its application in relation to a patient who is subject to after-care under supervision immediately before the commencement of section 36.
- (8) Provision made by virtue of subsection (7) may, in particular—
  - (a) modify any of sections 25A to 25J of the 1983 Act in their application in relation to a patient for so long as he is, by virtue of subsection (1)(a), subject to after-care under supervision after the commencement of section 36;
  - (b) modify any of sections 17A to 17G, 20A and 20B of that Act (inserted by section 32 of this Act) in their application in relation to a patient in respect of whom a community treatment order is made by virtue of subsection (3)(d).
- (9) A reference in this section to section 36 includes the amendments and repeals in Schedules 3 and 11 consequential on that section.
- (10) An expression used in this section and in the 1983 Act has the same meaning in this section as it has in that Act.

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health Act 2007, Section 57.