

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959, Seventh Schedule. (See end of Document for details)

SCHEDULES

SEVENTH SCHEDULE

Sections 149, 150, 152.

MINOR AND CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C1** The text of Sch. 7 Pts. I and II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

AMENDMENTS EXTENDING TO ENGLAND AND WALES ONLY

Enactment	Amendment
The Fines and Recoveries Act , 1833, 3 & 4 Will,4. c. 74.	In section thirty-three, for the words from “lunatic” where it first occurs to “unsound mind as aforesaid” there shall be substituted the words “incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing and administering his property and affairs, the judge having jurisdiction under Part VIII of that Act shall be the protector of the settlement in his stead so long as he is incapable as aforesaid”.
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F1	F1
...	...
F2	F2
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F3	F3
The Improvement of Land Act, 1864, 27 & 28 Vict. c. 114.	In section sixty-eight, for the words “committee, or trustee” there shall be substituted the words “or receiver” and for the words “lunatic, idiot” there shall be substituted the words “or patient within the meaning of Part VIII of the Mental Health Act, 1959”.
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F4

The Colonial Prisoners Removal Act, 1884,
47 & 48 Vict. c. 31.

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In section ten, after subsection (2), there shall be added the following subsection—

“(3) Without prejudice to the foregoing provisions of this section, where a criminal lunatic is removed to England and Wales, then—

- (a) except where he is a criminal lunatic by virtue of having been convicted of an offence and afterwards certified or otherwise lawfully proved to be insane, the Secretary of State may give the like direction in respect of him under section seventy-one of the Mental Health Act, 1959, as may be given in the case of a person to whom that section applies;
- (b) in the said excepted case, the Secretary of State may give the like direction in respect of him under section seventy-two of that Act (with or without a direction under section seventy-four thereof) as may be given in the case of a person serving a sentence of imprisonment with respect to whom the Secretary of State is satisfied as mentioned in subsection (1) of that section”

Enactment

Amendment

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The Settled Land Act, 1925, 15 & 16 Geo. 5.
c. 18.

In section sixty-eight, in subsection (3), for the words “a lunatic, or a defective” there shall be substituted the words “suffering from mental disorder”.

The Trustee Act, 1925, 15 & 16 Geo. 5.
c. 19.

In section thirty-six, the following subsection shall be substituted for subsection (9)—

“(9) Where a trustee is incapable, by reason of mental disorder within the meaning of the Mental Health Act,

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1959, of exercising his functions as trustee and is also entitled in possession to some beneficial interest in the trust property, no appointment of a new trustee in his place shall be made by virtue of paragraph (b) of subsection (1) of this section unless leave to make the appointment has been given by the authority having jurisdiction under Part VIII of the Mental Health Act, 1959”

Enactment

Amendment

In section forty-one, in subsection (1), for the words “a lunatic or a defective” there shall be substituted the words “incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of exercising his functions as trustee”.

The following section shall be substituted for section fifty-four—

“54 Jurisdiction in regard to mental patients.

- (1) Subject to the provisions of this section, the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, shall not have power to make any order, or give any direction or authority, in relation to a patient who is a trustee if the High Court has power under this Act to make an order to the like effect.
- (2) Where a patient is a trustee and a receiver appointed by the said authority is acting for him or an application for the appointment of a receiver has been made but not determined, then, except as respects a trust which is subject to an order for administration made by the High Court, the said authority shall have concurrent jurisdiction with the High Court in relation to—
 - (a) mortgaged property of which the patient has become a trustee merely by reason of

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- the mortgage having been paid off;
- (b) matters consequent on the making of provision by the said authority for the exercise of a power of appointing trustees or retiring from a trust;
- (c) matters consequent on the making of provision by the said authority for the carrying out of any contract entered into by the patient;
- (d) property to some interest in which the patient is beneficially entitled but which, or some interest in which, is held by the patient under an express, implied or constructive trust.

The Lord Chancellor may make rules with respect to the exercise of the jurisdiction referred to in this subsection.

- (3) In this section “patient” means a patient as defined by section one hundred and one of the Mental Health Act, 1959, or a person as to whom powers are exercisable and have been exercised under section one hundred and four of that Act.”

Enactment

The Law of Property Act, 1925, 15 & 16 Geo. 5. c. 20.

Amendment

In section fifty-five (except so far as it applies to vesting orders made before the commencement of this Act), for the words “the Lunacy Act, 1890” there shall be substituted the words “Part VIII of the Mental Health Act, 1959”

The following section shall be substituted for section twenty-two—

“22 Conveyances on behalf of persons suffering from mental disorder and as to land held by them on trust for sale.

- (1) Where a legal estate in land (whether settled or not) is vested in a person suffering from mental disorder, either solely or jointly with any other

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person or persons, his receiver or (if no receiver is acting for him) any person authorised in that behalf shall, under an order of the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, or of the court, or under any Statutory power, make or concur in making all requisite dispositions for conveying or creating a legal estate in his name and on his behalf.

- (2) If land held on trust for sale is vested, either solely or jointly with any other person or persons, in a person who is incapable, by reason of mental disorder, of exercising his functions as trustee, a new trustee shall be appointed in the place of that person, or he shall be otherwise discharged from the trust, before the legal estate is dealt with under the trust for sale or under the powers vested in the trustees for sale.”

Enactment

Amendment

In section twenty-six, in subsection (2), the words “committee or” shall be omitted, and for the words “lunatic or defective” there shall be substituted the words “person suffering from mental disorder”.

In section twenty-eight, in proviso (i) of subsection (3), for the words “lunatic or defective” there shall be substituted the words “person suffering from mental disorder”, and the words “committee or” shall be omitted.

In section two hundred and five, in subsection (1), the following paragraph shall be substituted for paragraph (xiii)—

“(xiii) “mental disorder” has the meaning assigned to it by section four of the Mental Health Act, 1959, and “receiver”, in relation to a person suffering from mental disorder, means a receiver

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appointed for that
 person under Part
 VIII of that Act;”

Enactment

Amendment

The Land Registration Act, 1925, 15 & 16
 Geo. 5. c. 21.

In section one hundred and eleven, in subsection (5), for the words from “a lunatic” to the words “lunacy or” there shall be substituted the words “incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing and administering his property and affairs, his receiver or (if no receiver is acting for him) any person authorised in that behalf shall, under an order of the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, or” and for the words “lunatic or defective” in each place where they occur there shall be substituted the words “the proprietor”, and in subsection (6), for the words “the lunacy Act, 1890” there shall be substituted the words “Part VIII of the Mental Health Act, 1959”.

The Administration of Estates Act, 1925, 15
 & 16 Geo. 5. c.23.

In section forty-one, in subsection (1), in paragraph (ii) of the proviso, for the words “a lunatic or defective” there shall be substituted the words “is incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing and administering his property and affairs” and the word “committee” shall be omitted, and in paragraph (iv) of the proviso, for the words from “committee” to “appointed” there shall be substituted the words “receiver is acting for a person suffering from mental disorder”, and for the words “lunatic or defective” in the second place where they occur there shall be substituted the words “said person”.

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The Children and Young Persons Act, 1933,
 23 & 24 Goe. 5. c.12.

In section ninety-two, for the words from “but does not include” to the end of the section there shall be substituted the words “but does not include any mental nursing home or residential home for mentally disordered persons within the meaning of Part III of the Mental Health Act, 1959”.

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In the Fourth Schedule, in paragraph 4, the words from “and shall” to the end of the paragraph shall be omitted.

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The National Assistance Act, 1948, 11 & 12
Geo. 6. c. 29.

In section forty-nine, for the words from “section one” to “that section” there shall be substituted the words “Part VIII of the Mental Health Act, 1959, as receiver for a patient or as a person otherwise having functions in relation to the property and affairs of a patient”, and for the words “the said powers” there shall be substituted the words “such functions”.

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The Sexual Offences Act, 1956, 4 & 5 Eliz. 2. c. 69.

In the Second Schedule, in paragraph 1, in the fourth column, for the words “an idiot or imbecile” there shall be substituted the words “a defective”; in paragraph 11 in the first column, for the words “idiot or imbecile” there shall be substituted the word “defective”; and in paragraph 14, in the fourth column, for the words “an idiot or imbecile” there shall be substituted the words “a defective”.

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The Variation of Trusts Act, 1958, 6 & 7 Eliz. 2. c. 53.

In section one, in subsection (3), for the words from “the Judge” to the end of the subsection there shall be substituted the words “the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, if that person is a patient within the meaning of the said Part VIII”, and in subsection (6), for the words from “section one hundred and seventy-one” to the end of the subsection there shall be substituted the words “the powers of the authority having jurisdiction under Part VIII of the Mental Health Act, 1959”.

The Local Government Act, 1958, 6 & 7 Eliz. 2. c. 55.

In section forty-six, in subsection (1), references to Part III of the National Health service Act, 1946, and to section twenty-eight of that Act, and references to sections twenty-nine and thirty of the National Assistance Act, 1948, shall include references to those enactments as amended by this Act; and for paragraphs (d) and (e) there shall be substituted the following paragraph—

“(d) the Mental Health Act, 1959, except so far as it amends Part III of the National Health Service Act, 1946”

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Enactment

Amendment

In Part III of the First Schedule, in paragraph 4, in sub-paragraph (1), for the words “occupation centres provided for the purposes of paragraph (cc) of section thirteen of the Mental Deficiency Act, 1913” there shall be substituted the words “centres provided under section twenty-eight of the National Health Service Act, 1946, for the occupation or training of persons who are or have been suffering from mental disorder” and, in paragraph (2), after “occupation” there shall be inserted “or training”.

Textual Amendments

- F1** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), U.S.A. [Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**
- F2** Sch. 7 entry relating to the Fines and Recoveries Act 1833, the words from “In section ninety-one” onwards repealed by Statute Law (Repeals) Act 1969
- F3** Sch. 7 entry relating to the amendments of the Court of Chancery of Lancaster Act 1850 repealed by [Courts Act 1971](#) (c. 23) s. 56(4), Sch. 11 Pt. II
- F4** Sch. 7 entry relating to the Habitual Drunkards Act 1879 repealed by [Statute Law \(Repeals\) Act 1976](#) (c. 16), **Sch. I Pt. II**
- F5** Sch. 7 Pt. I entry relating to: [Forgery Act 1913](#) (c. 27) repealed by [Forgery and Counterfeiting Act 1981](#) (c. 45, SIF 39:7), **Sch. Pt. I**
- F6** Sch. 7 Pt. I entry relating to: [Supreme Court of Judicature \(Consolidation\) Act 1925](#) (c. 49) repealed by [Supreme Court Act 1981](#) (c. 54, SIF 37), **Sch. 7**
- F7** Sch. 7 entry relating to the Public Health Act 1936 repealed with (saving) by [Nursing Homes Act 1975](#) (c. 37), s. 22(2)(3), Sch. 2 paras. 3, 5, **Sch. 3**
- F8** Sch. 7 entries relating to the Public Health (London) Act 1936 and the London Government Act 1939 repealed by [London Government Act 1963](#) (c. 33), s. 93(1), **Sch. 18 Pt. II**
- F9** Sch. 7 Pt. I entry relating to: [Limitation Act 1939](#) (c. 21) repealed by [Limitation Act 1980](#) (c. 58, SIF 79), **Sch. 4**
- F10** Sch. 7 entry relating to Education Act 1944 repealed by [Education \(Handicapped Children\) Act 1970](#) (c. 52), s. 2, **Sch.**
- F11** Sch. 7 entry relating to The Teachers' Superannuation Act 1945 repealed by [The Teachers' Superannuation Act 1965](#) (c. 83), **ss. 2(1)(c)**, 8(1)(b), Sch. 3 Pt. II
- F12** Sch. 7 entry relating to the amendment of s. 63 of the National Health Service Act 1946 repealed by [Health Services and Public Health Act 1968](#) (c. 46), s. 78(2), **Sch. 4**
- F13** Sch. 7 entries relating to the National Health Service Act 1946, and the National Health Service (Amendment) Act 1949 repealed by [National Health Service Act 1977](#) (c. 49), s. 129, **Sch. 16**
- F14** Sch. 7 entry relating to the Children Act 1948 repealed by [Children Act 1975](#) (c. 72), **s. 108(1)(b)**, Sch. 4 Pt. V
- F15** Sch. 7 entry relating to the Criminal Justice Act 1948 repealed by [Powers of Criminal Courts Act 1973](#) (c. 62), s. 56(2), **Sch. 6**
- F16** Sch. 7 entry relating to the National Service Act 1948 repealed by [Statute Law \(Repeals\) Act 1977](#) (c. 18), s. 1(1), **Sch. 1 Pt. I**

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- F17** Sch. 7 entries relating to the Recall of Army and Air Force Pensioners Act 1948, the Naval Enlistment Act 1884, the Army Act 1955, the Air Force Act 1955, and the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955 repealed by [Mental Health \(Scotland\) Act 1960 \(c. 61\)](#), s. 113(2), [Sch. 5](#)
- F18** Sch. 7 entry relating to the Matrimonial Causes Act 1950 repealed by [Matrimonial Causes Act 1965 \(c. 72\)](#), s. 45, [Sch. 2](#)
- F19** Sch. 7 entry relating to the Costs in Criminal Cases Act 1952 repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), s. 21(2), [Sch. 2](#)
- F20** Sch. 7 Pt. I entry relating to: [Magistrates' Courts Act 1952 \(c. 55\)](#) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)
- F21** Sch. 7 entry relating to the Local Government Superannuation Act 1953 repealed by [Superannuation Act 1972 \(c. 11\)](#), s. 29(4), [Sch. 8](#)
- F22** Sch. 7 Pt. I entry relating to: [Nurses Act 1957 \(c. 15\)](#) repealed by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36, SIF 83:1\)](#), [Sch. 8](#)
- F23** Sch. 7 entry relating to the amendment of the Solicitors Act 1957 repealed by [Solicitors \(Amendment\) Act 1974 \(c. 26\)](#), s. 19(5)(6), [Sch. 3 Pt. I](#)

PART II

OTHER AMENDMENTS

Enactment	Amendments
... F24	... F24
... F25	... F25
... F26	... F26
... F27	... F27
... F28	... F28
... F26	... F26
... F29	... F29
... F30	... F30
... F24	... F24
... F31	... F31
The Adoption Act, 1958, 7 & 8 Eliz. 2. c. 5.	In section thirty-seven, in subsection (3), at the end there shall be added the words “nor

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while he is liable to be detained, subject to guardianship or resident as mentioned in subsection (4) of that section”.

Textual Amendments

- F24** Sch. 7 entries relating to the Recall of Army and Air Force Pensioners Act 1948, the Naval Enlistment Act 1884, the Army Act 1955, the Air Force Act 1955, and the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955 repealed by [Mental Health \(Scotland\) Act 1960 \(c. 61\)](#), s. 113(2), [Sch. 5](#)
- F25** Sch. 7 entry relating to the Pharmacy and Poisons Act 1933 repealed by [Poisons Act 1972 \(c. 66\)](#), s. 12(1), [Sch. 3](#)
- F26** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), [Sch. 7 Part II](#) entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)
- F27** Ss. 19–21, 23(1), Sch. 7 Part II entry relating to: [National Assistance Act 1948 \(c. 29\)](#), s. 37 repealed by [Residential Homes Act 1980 \(c. 7\)](#), [Sch. 2](#)
- F28** Sch. 7 entry relating to the Children Act 1948 repealed by [Local Authority Social Services Act 1970 \(c. 42\)](#), s. 14(2), [Sch. 3](#)
- F29** Ss. 44, 77, 78, 131(2), 134, 144(2), 146, Sch. 7 Part II entry relating to: [Representation of the People Act 1949 \(c. 68\)](#) repealed by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), [Sch. 4 Pt. I](#)
- F30** Sch. 7 Part II entry relating to: [Administration of Justice \(Pensions\) Act 1950 \(c. 11\)](#) repealed by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), [Sch. 4](#)
- F31** Sch. 7 Part II entry relating to: [Children Act 1958 \(c. 65\)](#) repealed by [Foster Children Act 1980 \(c. 6\)](#), [Sch. 2](#)

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