

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 **E+W+S**

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 I and II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.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 **E+W**

AMENDMENTS EXTENDING TO ENGLAND AND WALES ONLY

Enactment	Amendment
F1	F1
...	...
	F2
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	F3
...	...
F4	F4
F1	F1
...	...
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F5	F5
The Colonial Prisoners Removal Act, 1884, 47 & 48 Vict. c. 31.	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

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- 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
<p>... F6</p> <p>The Settled Land Act, 1925, 15 & 16 Geo. 5. c. 18.</p> <p>The Trustee Act, 1925, 15 & 16 Geo. 5. c. 19.</p>	<p>... F6</p> <p>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”.</p> <p>In section thirty-six, the following subsection shall be substituted for subsection (9)—</p> <p>“(9) Where a trustee is incapable, by reason of mental disorder within the meaning of the Mental Health Act, 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”</p>

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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 a 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 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;

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- (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	Amendment
<p>The Law of Property Act, 1925, 15 & 16 Geo. 5. c. 20.</p>	<p>F1</p> <p>...</p> <p>The following section shall be substituted for section twenty-two—</p> <p>“22 Conveyances on behalf of persons suffering from mental disorder and as to land held by them on trust for sale.</p> <p>(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 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.</p> <p>(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</p>

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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
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	F7
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	F8
	F1
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Enactment	Amendment
F9	F9
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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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F10	F10
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F26	F26

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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F27	F27
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F28	F28
F1	F1
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F11	F11
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Textual Amendments

- F1** Sch. 7 Pt. 1 entries repealed (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 7** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F2** 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**
- F3** 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](#)
- F4** 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
- F5** Sch. 7 entry relating to the [Habitual Drunkards Act 1879](#) repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), **Sch. I Pt. II**
- F6** 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**
- F7** Sch. 7 entry relating to the [Law of Property Act 1925](#) repealed (1.1.1997) by 1996 c. 47, ss. 25(2), **sch. 4** (with s. 24(2)); S.I.1996/2974, **art. 2**
- F8** Sch. 7 entry relating to the [Law of Property Act 1925](#) repealed (1.1.1997) by 1996 c. 47, ss. 25(2), **sch. 4** (with s. 24(2)); S.I.1996/2974, **art. 2**
- F9** Sch. 7 entry repealed (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), **Sch. 13** (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)
- F10** 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**
- F11** Sch. 7 entry repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 17** Group 8
- F12** 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**
- F13** 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**
- F14** Sch. 7 Pt. I entry relating to: [Limitation Act 1939 \(c. 21\)](#) repealed by [Limitation Act 1980 \(c. 58, SIF 79\)](#), **Sch. 4**
- F15** Sch. 7 entry relating to [Education Act 1944](#) repealed by [Education \(Handicapped Children\) Act 1970 \(c. 52\)](#), s. 2, **Sch.**
- F16** 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
- F17** 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**
- F18** 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**
- F19** Sch. 7 entry relating to the [Children Act 1948](#) repealed by [Children Act 1975 \(c. 72\)](#), s. 108(1)(b), Sch. 4 Pt. V

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- F20** 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**
- F21** 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**
- F22** 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**
- F23** Sch. 7 entry relating to the Matrimonial Causes Act 1950 repealed by Matrimonial Causes Act 1965 (c. 72), s. 45, **Sch. 2**
- F24** 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**
- F25** 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**
- F26** Sch. 7 entry relating to the Local Government Superannuation Act 1953 repealed by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 8**
- F27** 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**
- F28** 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**

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- F4** 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
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- F11** Sch. 7 entry repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 17** Group 8
- F12** 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**
- F13** 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**

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- F18** 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](#)
- F19** Sch. 7 entry relating to the [Children Act 1948](#) repealed by [Children Act 1975 \(c. 72\)](#), s. 108(1)(b), Sch. 4 Pt. V
- F20** 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](#)
- F21** 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](#)
- F22** 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](#)
- F23** Sch. 7 entry relating to the [Matrimonial Causes Act 1950](#) repealed by [Matrimonial Causes Act 1965 \(c. 72\)](#), s. 45, [Sch. 2](#)
- F24** 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](#)
- F25** 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](#)
- F26** Sch. 7 entry relating to the [Local Government Superannuation Act 1953](#) repealed by [Superannuation Act 1972 \(c. 11\)](#), s. 29(4), [Sch. 8](#)
- F27** 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](#)
- F28** 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 **E+W+S**

OTHER AMENDMENTS

Enactment	Amendments
... F29	... F29
... F30	... F30
... F31	... F31
... F32	... F32
... F33	... F33

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. . . F31	. . . F31
. . . F34	. . . F34
. . . F35	. . . F35
. . . F29	. . . F29
. . . F36	. . . F36
F11	F11
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Textual Amendments

- F29** 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](#)
- F30** Sch. 7 entry relating to the Pharmacy and Poisons Act 1933 repealed by [Poisons Act 1972 \(c. 66\)](#), s. 12(1), [Sch. 3](#)
- F31** 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](#)
- F32** 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](#)
- F33** Sch. 7 entry relating to the Children Act 1948 repealed by [Local Authority Social Services Act 1970 \(c. 42\)](#), s. 14(2), [Sch. 3](#)
- F34** 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](#)
- F35** 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](#)
- F36** 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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