
STATUTORY INSTRUMENTS

2008 No. 1210

**The Mental Health Act 2007 (Commencement
No. 6 and After-care under Supervision: Savings,
Modifications and Transitional Provisions) Order 2008**

PART 2

ACUS PATIENTS: SAVINGS, MODIFICATIONS
AND TRANSITIONAL PROVISIONS

Savings

4.—(1) Notwithstanding the coming into force of the provisions of the 2007 Act specified in article 2 of this Order, the following provisions of the 1983 Act shall continue to have effect in relation to an ACUS patient—

- (a) the definitions of “severe mental impairment”, “mental impairment” and “psychopathic disorder” in section 1(2) (application of Act: “mental disorder”), insofar as they relate to sections 25A(4) (application for supervision), 25G(4) (duration and renewal of after-care under supervision) and 72(4A) (powers of tribunals);
- (b) subsections (2), (4) (insofar as it relates to section 72(4A)) and (8) of section 25A (application for supervision);
- (c) subsections (6) and (7) of section 25C (supervision applications: supplementary);
- (d) section 25D (requirement to secure receipt of after-care under supervision);
- (e) section 25E (review of after-care under supervision etc);
- (f) section 25F(1) (reclassification of patient subject to after-care under supervision), where a report referred to in that section was furnished by a responsible medical officer prior to the commencement day, insofar as it relates to sections 66(1)(gb) and 66(2)(d) (applications to tribunals);
- (g) subsections (2) and (4) of section 25F (reclassification of patient subject to after-care under supervision);
- (h) the following subsections of section 25G (duration and renewal of after-care under supervision)—
 - (i) subsection (1), subject to article 7;
 - (ii) subsections (2), (3) and (7) insofar as they operate to renew a period of after-care under supervision that would otherwise end prior to the commencement day, subject to article 7;
 - (iii) subsection (4), insofar as it relates to subsection (3) of that section and section 72(4A) (powers of tribunals);
- (i) section 25H (ending of after-care under supervision);

- (j) section 25I(1)(a) (special provisions as to patients sentenced to imprisonment etc) and subsection (2) of that section insofar as it relates to section 25I(1)(a);
 - (k) the definitions of “the community responsible medical officer” and “the supervisor” in section 34(1) (interpretation of Part 2);
 - (l) section 34(1A) (interpretation of Part 2);
 - (m) paragraphs (ga), (gb) and (gc) of section 66(1) (applications to tribunals);
 - (n) section 66(2)(fa) (applications to tribunals);
 - (o) section 72(4A) (powers of tribunals), subject to article 5;
 - (p) section 117(2A) (after-care);
 - (q) section 127(2A) (ill-treatment of patients);
 - (r) the definitions of “supervision application” and “responsible after-care bodies” in section 145(1) (interpretation), and
 - (s) section 145(1A) (interpretation).
- (2) None of the provisions saved by paragraph (1) shall operate to allow a Primary Care Trust or a Local Health Board to accept a supervision application on or after the commencement day.