
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**

Consequential modifications to the 1983 Act

6. The following provisions of the 1983 Act shall be modified in their application to an ACUS patient as follows—

- (a) insofar as it relates to sections 25A(4), 25G(4) and 72(4A), in section 1(2), in the definition of “mental disorder”, for “any disorder or disability of the mind” substitute “mental illness, arrested or incomplete development of mind, psychopathic disorder and any other disorder or disability of mind”;
- (b) in section 17A (community treatment orders)—
 - (i) in subsection (1), for “responsible clinician” substitute “community responsible medical officer” and for “discharge a detained patient from hospital” substitute “direct that a patient subject to after-care under supervision cease to be subject to such supervision.”;
 - (ii) in subsection (4), for “responsible clinician” substitute “community responsible medical officer”;
 - (iii) in subsection (5)(c), for “without his continuing to be detained in hospital” substitute “without his being detained in hospital”; and
 - (iv) in subsection (6), for “responsible clinician” substitute “community responsible medical officer”;
- (c) in section 17B(2) (conditions in community treatment orders), for “responsible clinician” substitute “community responsible medical officer”;
- (d) in section 32(2)(c) (regulations for purposes of Part 2), after “guardianship” insert “or to after-care under supervision”;
- (e) in section 33 (special provisions as to wards of court), after subsection (4), insert—

“(5) Where a supervision application has been made in respect of a minor who is a ward of court, the provisions of this Part of this Act relating to after-care under supervision have effect in relation to the minor subject to any order which the court may make in the exercise of its wardship jurisdiction.”;
- (f) in section 66 (applications to tribunals)—

- (i) in subsection (1)(i), at end, insert “or, in the cases mentioned in paragraphs (ga), (gb) and (gc), by his nearest relative if he has been (or was entitled to be) informed under this Act of the report or acceptance, and”;
- (ii) in subsection (2)(c), after “paragraph (c)” insert “or (ga)”;
- (iii) in subsection (2)(d), for “in the case mentioned in paragraph (g)” substitute “in the cases mentioned in paragraphs (g) and (gb)”;
- (g) in section 67(1) (references to tribunals by Secretary of State concerning Part 2 patients), after “or subject to guardianship” insert “or to after-care under supervision”;
- (h) in section 76(1) (visiting and examination of patients), after “subject to guardianship” insert “or to after-care under supervision (or, if he has not yet left hospital, is to be subject to after-care under supervision after he leaves hospital)”;
- (i) in section 77(3) (general provisions concerning tribunal applications), in paragraph (c), after “subject to guardianship” insert “or to after-care under supervision”;
- (j) in section 117(2) (after-care), after “such a patient” insert “or in the case of a patient subject to after-care under supervision at any time while he remains so subject”;
- (k) in section 118(1)(a) (code of practice), after “guardianship” insert “, after-care under supervision”, and
- (l) in Schedule 1 (application of certain provisions to patients subject to hospital and guardianship orders), Part 1 (patients not subject to special restrictions)—
 - (i) paragraph 1, after “24(3) and (4),” insert “25C(6) and (7),” and
 - (ii) paragraph 2, after “23,” insert “25A(2), (4) (insofar as it relates to section 72(4A)) and (8)”.