
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 1

GENERAL AND COMMENCEMENT OF 2007 ACT

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Mental Health Act 2007 (Commencement No. 6 and After-care under Supervision: Savings, Modifications and Transitional Provisions) Order 2008 and shall come into force—

- (a) in respect of article 12, on 4th May 2009; and
- (b) in all other respects, on 3rd November 2008 immediately after the coming into force of the Mental Health (Hospital, Guardianship and Treatment) (England) Regulations 2008(1) .

(2) In this Order—

“the 1983 Act” means the Mental Health Act 1983(2);

“the 2007 Act” means the Mental Health Act 2007;

“ACUS community patient” has the meaning given by article 10(2) of this Order;

“ACUS patient” means any patient who was subject to after-care under supervision immediately before the commencement day and who remains so subject in accordance with provision made by this Order;

“commencement day” means the day that section 36 of the 2007 Act comes into force in accordance with article 2 of this Order;

“community responsible medical officer” has the meaning given by section 34(1) of the 1983 Act immediately before the coming into force of this Order; and

“subject to after-care under supervision” has the meaning given by section 25A(2) of the 1983 Act immediately before the coming into force of this Order.

(3) An expression used in this Order and in the 1983 Act has the same meaning in this Order as it has in that Act.

(4) In any of the provisions of the 1983 Act which are saved or which are modified in relation to an ACUS patient or an ACUS community patient by this Order, a reference to—

- (a) the approved social worker shall be construed as a reference to the approved mental health professional;

(1) [S.I. 2008/ 1184](#).

(2) [1983 c.20](#). The provisions of the Mental Health Act 1983 Act about after-care under supervision were inserted by section 1(1) of the Mental Health (Patients in the Community) Act [1995 \(c.52\)](#).

- (b) the responsible medical officer shall be construed as a reference to the responsible clinician.

Commencement of provisions of the 2007 Act and consequential amendments and repeals

- 2. The following provisions of the 2007 Act shall come into force on 3rd November 2008—
 - (a) section 1(4) (removal of categories of mental disorder), insofar as it gives effect to paragraph 13 of Schedule 1;
 - (b) section 32(4) (community treatment orders, etc), insofar as it gives effect to paragraphs 16, 17, 21(4), 23, 24 and 25 of Schedule 3;
 - (c) section 36 (repeal of provisions for after-care under supervision);
 - (d) section 55 (repeals and revocations), insofar as it gives effect to Part 5 of Schedule 11.