
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 30 in so far as not already in force and the remaining provisions of section 50 of the Mental Health Act 2007 (“the Act”) and its related consequential amendments and repeals.

Section 30 of the Act inserts provisions about independent mental health advocates into the Mental Health Act 1983 (c.20). This Order commences this section in so far as it is not already in force in England. It is already fully in force in Wales.

Section 50 of the Act makes amendments to provisions of the Mental Capacity Act 2005 (“the 2005 Act”) relating to deprivation of liberty safeguards.

This Commencement Order commences section 50 and Schedules 7 and 9 of the Act, in so far as not already in force and Schedule 8.

The Order also makes transitional provisions, which are set out in the Schedule. Paragraph 2 extends time for completing assessments for a standard authorisation from 21 days to 42 days provided that the request is received on or before the 30th April 2009; and paragraph 3 extends the period of an urgent authorisation from 7 to 21 days, provided it is given on or before the 30th April 2009. Paragraph 4 precludes requests for extensions of the duration of urgent authorisations given on or before the 30th April 2009.