



Mental Health Act 1983

1983 CHAPTER 20

PART X

MISCELLANEOUS AND SUPPLEMENTARY

Supplemental

143 General provisions as to regulations, orders and rules

- (1) Any power of the Secretary of State or the Lord Chancellor to make regulations, orders or rules under this Act shall be exercisable by statutory instrument.
- (2) Any Order in Council under this Act and any statutory instrument containing regulations or rules made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No order shall be made under section 68(4) or 71(3) above unless a draft of it has been approved by a resolution of each House of Parliament.

144 Power to amend local Acts

Her Majesty may by Order in Council repeal or amend any local enactment so far as appears to Her Majesty to be necessary in consequence of this Act.

145 Interpretation

- (1) In this Act, unless the context otherwise requires—
 - " absent without leave " has the meaning given to it by section 18 above and related expressions shall be construed accordingly;
 - " application for admission for assessment" has the meaning given in section 2 above ;
 - " application for admission for treatment" has the meaning given in section 3 above ;

Status: This is the original version (as it was originally enacted).

" approved social worker " means an officer of a local social services authority appointed to act as an approved social worker for the purposes of this Act;

" hospital" means—

- (a) any health service hospital within the meaning of the National Health Service Act 1977 ; and
- (b) any accommodation provided by a local authority and used as a hospital by or on behalf of the Secretary of State under that Act;

and " hospital within the meaning of Part II of this Act" has the meaning given in section 34 above ;

" hospital order " and " guardianship order " have the meanings respectively given in section 37 above ;

" interim hospital order " has the meaning given in section 38 above;

" local social services authority " means a council which is a local authority for the purpose of the Local Authority Social Services Act 1970 ;

" the managers " means—

- (a) in relation to a hospital vested in the Secretary of State for the purposes of his functions under the National Health Service Act 1977, and in relation to any accommodation provided by a local authority and used as a hospital by or on behalf of the Secretary of State under that Act, the District Health Authority or special health authority responsible for the administration of the hospital;
- (b) in relation to a special hospital, the Secretary of State;
- (c) in relation to a mental nursing home registered in pursuance of the Nursing Homes Act 1975, the person or persons registered in respect of the home;

and in this definition " hospital" means a hospital within the meaning of Part II of this Act;

"medical treatment" includes nursing, and also includes care, habilitation and rehabilitation under medical supervision;

" mental disorder ", " severe mental impairment", " mental impairment" and "psychopathic disorder" have the meanings given in section 1 above ;

" mental nursing home " has the same meaning as in the Nursing Homes Act 1975 ;

" nearest relative ", in relation to a patient, has the meaning given in Part II of this Act;

" patient" (except in Part VII of this Act) means a person suffering or appearing to be suffering from mental disorder;

" restriction direction " has the meaning given to it by section 49 above;

" restriction order" has the meaning given to it by section 41 above;

" special hospital " has the same meaning as in the National Health Service Act 1977 ;

" standard scale " has the meaning given in section 75 of the Criminal Justice Act 1982 ;

" transfer direction " has the meaning given to it by section 47 above.

- (2) " Statutory maximum " has the meaning given in section 74 of the Criminal Justice Act 1982 and for the purposes of section 128(4)(a) above—

- (a) subsection (1) of section 74 shall have effect as if after the words " England and Wales " there were inserted the words " or Northern Ireland " ; and
 - (b) section 32 of the Magistrates' Courts Act 1980 shall extend to Northern Ireland.
- (3) In relation to a person who is liable to be detained or subject to guardianship by virtue of an order or direction under Part III of this Act (other than under section 35, 36 or 38), any reference in this Act to any enactment contained in Part II of this Act or in section 66 or 67 above shall be construed as a reference to that enactment as it applies to that person by virtue of Part III of this Act.

146 Application to Scotland

Sections 42(6), 80, 88 (and so far as applied by that section sections 18, 22 and 138), 104(4), 110 (and so much of Part VII of this Act as is applied in relation to Scotland by that section), 116, 122, 128 (except so far as it relates to patients subject to guardianship), 137, 139(1), 141, 142, 143 (so far as applicable to any Order in Council extending to Scotland) and 144 above shall extend to Scotland together with any amendment or repeal by this Act of or any provision of Schedule 5 to this Act relating to any enactment which so extends; but, except as aforesaid and except so far as it relates to the interpretation or commencement of the said provisions, this Act shall not extend to Scotland.

147 Application to Northern Ireland

Sections 81, 82, 86, 87, 88 (and so far as applied by that section sections 18, 22 and 138), 104(4), 110 (and so much of Part VII as is applied in relation to Northern Ireland by that section), section 128 (except so far as it relates to patients subject to guardianship), 137, 139, 141, 142, 143 (so far as applicable to any Order in Council extending to Northern Ireland) and 144 above shall extend to Northern Ireland together with any amendment or repeal by this Act of or any provision of Schedule 5 to this Act relating to any enactment which so extends; but except as aforesaid and except so far as it relates to the interpretation or commencement of the said provisions, this Act shall not extend to Northern Ireland.

148 Consequential and transitional provisions and repeals

- (1) Schedule 4 (consequential amendments) and Schedule 5 (transitional and saving provisions) to this Act shall have effect but without prejudice to the operation of sections 15 to 17 of the Interpretation Act 1978 (which relate to the effect of repeals).
- (2) Where any amendment in Schedule 4 to this Act affects an enactment amended by the Mental Health (Amendment) Act 1982 the amendment in Schedule 4 shall come into force immediately after the provision of the Act of 1982 amending that enactment.
- (3) The enactments specified in Schedule 6 to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

149 Short title, commencement and application to Scilly Isles

- (1) This Act may be cited as the Mental Health Act 1983.

Status: This is the original version (as it was originally enacted).

- (2) Subject to subsection (3) below and Schedule 5 to this Act, this Act shall come into force on 30th September 1983.
- (3) Sections 35, 36, 38 and 40(3) above shall come into force on such day (not being earlier than the said 30th September) as may be appointed by the Secretary of State and a different day may be appointed for each of those sections or for different purposes of any of those sections.
- (4) Section 130(4) of the National Health Service Act 1977 (which provides for the extension of that Act to the Isles of Scilly) shall have effect as if the references to that Act included references to this Act.