

Status: Point in time view as at 03/01/2012.

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Wales) Measure 2010. (See end of Document for details)

SCHEDULE 1

(introduced by section 53(1))

CONSEQUENTIAL AMENDMENTS TO THE MENTAL HEALTH ACT 1983

1 Amend the Mental Health Act 1983 as follows.

Commencement Information

I1 Sch. 1 para. 1 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

2 At the end of the title of section 130A insert “ : England ”.

Commencement Information

I2 Sch. 1 para. 2 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

3 In section 130A(1), (2) and (4) for “appropriate national authority” substitute “ Secretary of State ”.

Commencement Information

I3 Sch. 1 para. 3 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

4 For section 130C(2) substitute—

“(2) A patient is a qualifying patient if he is—

- (a) liable to be detained under this Act (otherwise than by virtue of section 4 or 5(2) or (4) above or section 135 or 136 below) and the hospital or registered establishment in which he is liable to be detained is situated in England;
- (b) subject to guardianship under this Act and the area of the responsible local social services authority within the meaning of section 34(3) above is situated in England;
- (c) a community patient and the responsible hospital is situated in England.”

Commencement Information

I4 Sch. 1 para. 4 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

5 In section 130C(3) after “qualifying patient if” insert “ the patient is to be regarded as being in England for the purposes of this subsection and ”.

Commencement Information

I5 Sch. 1 para. 5 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

6 After section 130C(3) insert—

“(3A) For the purposes of subsection (3), a patient is to be regarded as being in England if that has been determined in accordance with arrangements made

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for the purposes of that subsection and section 130I(4), and published, by the Secretary of State and the Welsh Ministers.”

Commencement Information

I6 Sch. 1 para. 6 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

7 Omit section 130C(5) and (6).

Commencement Information

I7 Sch. 1 para. 7 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

8 In section 134(3A)(b)(i) after “130A” insert “ or section 130E ”.

Commencement Information

I8 Sch. 1 para. 8 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

SCHEDULE 2

(introduced by section 54)

REPEALS

Commencement Information

I9 Sch. 2 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(l) (with art. 5)

Short title and chapter	Extent of repeal
Mental Health Act 1983 (c. 20)	In section 130C, subsections (5) and (6).

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