

Status: Point in time view as at 10/05/2021. This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, SCHEDULE 8. (See end of Document for details)

SCHEDULES

SCHEDULE 8 **E+W**

Section 10

MENTAL HEALTH: ENGLAND AND WALES

[^{F1}PART 1 **E+W**

INTRODUCTORY PROVISION ETC

Textual Amendments

- F1** Sch. 8 Pt. 1 expires (E.) (10.12.2020) by [The Coronavirus Act 2020 \(Expiry of Mental Health Provisions\) \(England and Wales\) Regulations 2020 \(S.I. 2020/1467\)](#), **reg. 2(1)(a)** (with **reg. 2(2)**)
Sch. 8 Pt. 1 expires in part (W.) (10.12.2020) by [The Coronavirus Act 2020 \(Expiry of Mental Health Provisions\) \(England and Wales\) Regulations 2020 \(S.I. 2020/1467\)](#), **reg. 2(1)(b)(ii)**

Interpretation

- 1 (1) References in this Schedule to sections are to sections of the Mental Health Act 1983 (“the 1983 Act”).
- (2) Expressions used in this Schedule and in the 1983 Act have the same meaning as in that Act.

Commencement Information

- I1** Sch. 8 para. 1 in force at 27.3.2020 at 9.00 a.m. for W. by [S.I. 2020/366](#), **reg. 2(b)**

Forms

- 2 Where any form prescribed for use in connection with a provision of the 1983 Act is inconsistent with a modification made by Part 2 of this Schedule, the form—
- (a) may, in connection with the provision as so modified, be used with appropriate amendments;
 - (b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect the modification.]

Commencement Information

- I2** Sch. 8 para. 2 in force at 27.3.2020 at 9.00 a.m. for W. by [S.I. 2020/366](#), **reg. 2(b)**

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[^{F2}PART 2 E+W

MODIFICATIONS OF THE MENTAL HEALTH ACT 1983 AND RELATED PROVISION

Textual Amendments

F2 Sch. 8 Pt. 2 expires (E.) (10.12.2020) by [The Coronavirus Act 2020 \(Expiry of Mental Health Provisions\) \(England and Wales\) Regulations 2020 \(S.I. 2020/1467\)](#), **reg. 2(1)(a)** (with reg. 2(2))

PROSPECTIVE

^{F3}Applications for compulsory admission to hospital for assessment or treatment

Textual Amendments

F3 Sch. 8 Pt. 2 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), **s. 89** (with s. 90)

^{F3}₃

PROSPECTIVE

^{F3}Applications for compulsory admission of patients already in hospital

^{F3}₄

PROSPECTIVE

^{F3}Period of remand to hospital

^{F3}₅

PROSPECTIVE

^{F3}Court orders for the detention of accused or convicted persons in hospital

^{F3}₆

PROSPECTIVE

^{F3}Directions for the transfer of prisoners to hospital

^{F3}₇

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PROSPECTIVE

F³8

F³Conveyance of accused or convicted persons to hospital

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PROSPECTIVE

F³9

F³Administration of medicine to persons liable to detention in hospital

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PROSPECTIVE

F³10

F³Detention in place of safety

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Constitution and proceedings of the Mental Health Review Tribunal for Wales

- 11 (1) Sub-paragraph (2) applies if the President of the Mental Health Review Tribunal for Wales (“the Tribunal”), or another member of the Tribunal appointed by the President for the purpose referred to in paragraph 4 of Schedule 2 to the 1983 Act, considers that it is impractical or would involve undesirable delay for the Tribunal to be constituted, for the purposes of any proceedings or class or group of proceedings under the 1983 Act, by at least three members as provided for in that paragraph.
- (2) The President, or that other member, may instead appoint to constitute the Tribunal, for the purposes of those proceedings or that class or group of proceedings—
- (a) one of the legal members of the Tribunal, or
 - (b) one of the legal members of the Tribunal and one other member who is not a legal member.
- (3) Where the Tribunal is constituted by one or two members under sub-paragraph (2)(a) or (b), section 65(3) has effect as if the reference to any three or more of its members were a reference to that one member or those two members (as the case may be).
- (4) Paragraph 6 of Schedule 2 to the 1983 Act does not apply where the Tribunal is constituted by one or two members under sub-paragraph (2)(a) or (b).
- If the Tribunal is constituted by two members, the legal member is to be the chairman.
- (5) Where the Tribunal is constituted by a single member under sub-paragraph (2)(a), in rule 11(2) of the Mental Health Review Tribunal for Wales Rules 2008 (S.I. 2008/2705) (“the 2008 Rules”), the reference to the chairman is to be read as a reference to that member.
- (6) Where the Tribunal is constituted under sub-paragraph (2) without a medical member, rule 20(1) and (2) of the 2008 Rules does not apply.

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Commencement Information

I3 Sch. 8 para. 11 in force at 27.3.2020 at 9.00 a.m. by [S.I. 2020/366](#), [reg. 2\(c\)](#)

- 12 (1) The Mental Health Review Tribunal for Wales Rules 2008 (“the 2008 Rules”) have effect subject to this paragraph.
- (2) The Tribunal may determine an application or reference without a hearing if it considers that—
- (a) holding a hearing is impractical or would involve undesirable delay,
 - (b) having regard to the nature of the issues raised in the case, sufficient evidence is available to enable it to come to a decision without a hearing, and
 - (c) to dispense with a hearing would not be detrimental to the health of the patient.
- (3) The Tribunal must, as soon as reasonably practicable, give notice to each party of—
- (a) its decision to dispense with a hearing under sub-paragraph (2), and
 - (b) the earliest time at which it might determine the application or reference in accordance with that sub-paragraph (which must be such as to afford the parties reasonable notice).
- (4) Where an application or reference is to be determined in accordance with sub-paragraph (2)—
- (a) in rules 4, 15 and 20 of the 2008 Rules, references to a hearing (or its commencement) are to be read as references to the time notified under sub-paragraph (3)(b);
 - (b) in rule 24(1) and (2) of the 2008 Rules, references to the start of the hearing are to be read as references to the determination of the application or reference;
 - (c) in rule 28 of the 2008 Rules—
 - (i) paragraph (1) does not apply, and
 - (ii) in paragraph (3), references to the hearing are to be read as references to the determination of the application or reference.
- (5) The Tribunal may at any time reverse a decision to dispense with a hearing under sub-paragraph (2), and if it does so it must give notice to each party and make such consequential directions as it considers appropriate.
- (6) Expressions used in this paragraph and in the 2008 Rules have the same meaning as in those Rules.

Commencement Information

I4 Sch. 8 para. 12 in force at 27.3.2020 at 9.00 a.m. by [S.I. 2020/366](#), [reg. 2\(c\)](#)

- 13 (1) If the President of the Tribunal is temporarily unable to discharge the functions of the office, the President of the Welsh Tribunals may from time to time nominate another legal member of the Tribunal to act as the temporary deputy of the President of the Tribunal for the purpose of discharging those functions generally or certain of them specifically.

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- (2) While such a nomination remains in force, any reference to the President of the Tribunal in the 1983 Act or any other enactment or instrument is to be read accordingly.]

Commencement Information

I5 Sch. 8 para. 13 in force at 27.3.2020 at 9.00 a.m. by S.I. 2020/366, reg. 2(c)

PROSPECTIVE

PART 3 **E+W**

TRANSITIONAL PROVISION

- 14 Paragraph 4(2) or (3), 8(3) or 10 continues to apply after the end of a period for which it has effect for the purposes of determining the length of any period which has begun before the end of that period.
- 15 Where, by virtue of paragraph 5, a person has been remanded under section 35(7) or 36(6) for more than 12 weeks in all, the person may not be further remanded under that provision after the end of a period for which that paragraph has effect.
- 16 (1) Paragraph 8(1) continues to apply after the end of a period for which it has effect in relation to any order or direction made during that period, subject to sub-paragraph (2).
- (2) The constable or other person whose duty is modified by that provision must in any event convey the person concerned to the requisite hospital within the period of seven days beginning with the day on which the period referred to in sub-paragraph (1) ends.
- 17 Paragraph 11(3) to (6) continues to apply after the end of a period for which it has effect in relation to proceedings that are, when the period ends, before a constitution of the Mental Health Review Tribunal for Wales appointed under sub-paragraph (2) of that paragraph.
- 18 Paragraph 12 continues to apply after the end of a period for which it has effect in relation to any application or reference with respect to which, when the period ends, a decision to dispense with a hearing has been notified by the Mental Health Review Tribunal for Wales under sub-paragraph (3) of that paragraph and remains current
- 19 Paragraph 13 continues to apply after the end of a period for which it has effect in relation to any nomination of a temporary deputy that is in force when the period ends.

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