



# Mental Health Act 1959

1959 CHAPTER 72 7 and 8 Eliz 2

## PART II

### LOCAL AUTHORITY SERVICES

#### Modifications etc. (not altering text)

C1 Pt. II amended by [Local Authority Social Services Act 1970 \(c. 42\), s. 2\(1\), Sch. 1](#)

#### *General Provisions*

6, 7. ....<sup>F1</sup>

#### Textual Amendments

F1 Ss. 6, 7 repealed by [Health Services and Public Health Act 1968 \(c. 46\), s. 12\(7\), Sch. 4](#)

#### 8 Functions of welfare authorities.

[<sup>F2</sup>(1) For the purposes of subsection (8) of section twenty-one of the <sup>M1</sup> National Assistance Act 1948 (which restricts the duties of local authorities in respect of the provision of accommodation under that section by reference to the provision authorised or required to be made under other enactments) no account shall be taken of the provision authorised or required to be made by [<sup>F3</sup> local social services authorities ] under [<sup>F4</sup> paragraph 2 of Schedule 8 to the <sup>M2</sup> National Health Service Act 1977 ], with respect to residential accommodation for persons who are or have been suffering from mental disorder. ]

(2) [<sup>F5</sup>The persons referred to in subsection (1) of section twenty-nine of the said Act of 1948 (which section enables local authorities to make arrangements for promoting the welfare of blind persons and other disabled persons described in the

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959, Part II. (See end of Document for details)*

said subsection (1)) shall include mentally disordered persons of any description; and] for the purposes of subsection (6) of that section (which, among other things, excludes from that section the provision of accommodation or services required to be provided under the <sup>M3</sup>National Health Service Act 1946), no account shall be taken of the provisions of [<sup>F6</sup>Schedule 20 to the National Health Service Act 2006 or Schedule 15 to the National Health Service (Wales) Act 2006], with respect to the provision of accommodation or services for such persons.

<sup>F7</sup>(3) .....

(4) Nothing in this section shall be construed as requiring a local authority to make provision for the same purposes both under . . . <sup>F8</sup> Part III of the <sup>M4</sup>National Assistance Act 1948 [<sup>F9</sup>and under [<sup>F10</sup>Schedule 20 to the National Health Service Act 2006 or Schedule 15 to the National Health Service (Wales) Act 2006]].

**Textual Amendments**

- F2** S. 8(1) repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), **Sch. 10**
- F3** Words substituted by Local Government Act 1972 (c. 70), **Sch. 23 para. 9(1)**
- F4** Words substituted by National Health Service Act 1977 (c. 49), s. 129, **Sch. 15 para. 24(1)**
- F5** Words repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), **Sch. 10**
- F6** Words in s. 8(2) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 23(a)** (with Sch. 3 Pt. 1)
- F7** S. 8(3) repealed (1.9.1992) by Charities Act 1992 (c. 41), s. 78(2), **Sch. 7**; S.I. 1992/1900, art. 2(1), **Sch. 1**
- F8** Words repealed by National Health Service Act 1977 (c. 49), s. 129, **Sch. 16**
- F9** Words added by National Health Service Act 1977 (c. 49), s. 129, **Sch. 15 para. 24(3)**
- F10** Words in s. 8(4) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 23(b)** (with Sch. 3 Pt. 1)

**Marginal Citations**

- M1** 1948 c. 29.
- M2** 1977 c. 49.
- M3** 1946 c. 81.
- M4** 1948 c. 29.

<sup>F11</sup>9 .....

**Textual Amendments**

- F11** S. 9 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1) and 27(4)); S.I. 1991/828, **art. 3(2)**

10 ..... <sup>F12</sup>

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**Textual Amendments**

**F12** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**11—** ..... **F13**  
**13.**

.....

**Textual Amendments**

**F13** Ss. 11–13, Sch. 2 repealed by [Education \(Handicapped Children\) Act 1970 \(c. 52\)](#), **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health Act 1959, Part II.