

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Mental Health (Hospital, Guardianship and Treatment) (England) Regulations 2008 (S.I. 2008/1184) (“the 2008 Regulations”).

Section 299 of the Health and Social Care Act 2012 (c.7) amended sections 64C and 64E of the Mental Health Act 1983 (c.20) to vary the certificate requirement where the patient has capacity to consent to the treatment and has consented, or if the patient is under 16, where the patient is competent to consent and does so. Regulation 2(2) amends regulation 28 of the 2008 Regulations to reflect this. Regulation 2(3) inserts the new form (Form CTO12) into Schedule 1 to the 2008 Regulations.