

*Status: Point in time view as at 10/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health (Amendment) Act 1982. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

. . . F1

#### Textual Amendments

**F1** Sch. 1 repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

### SCHEDULE 2

. . . F2

#### Textual Amendments

**F2** Sch. 2 repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 9 Pt. II](#)

### SCHEDULE 3

Section 65(1).

## CONSEQUENTIAL AMENDMENTS

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

**C1** The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## PART I

1—26. . . . . F3

#### Textual Amendments

**F3** Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

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*M1 The Army Act 1955*

**Marginal Citations**

**M1** 1955 c. 18.

- 27 In section 116(7)—
- (a) for the words “detention in a hospital under observation (with or without other medical treatment)” there shall be substituted the words “detention in a hospital for assessment (or for assessment followed by medical treatment)”;
  - (b) for the words “admission for observation” there shall be substituted the words “admission for assessment”.

*M2 The Air Force Act 1955*

**Marginal Citations**

**M2** 1955 c. 19.

- 28 In section 116(7)—
- (a) for the words “detention in a hospital under observation (with or without other medical treatment)” there shall be substituted the words “detention in a hospital for assessment (or for assessment followed by medical treatment)”;
  - (b) for the words “admission for observation” there shall be substituted the words “admission for assessment”.

*M3 The Sexual Offences Act 1956*

**Marginal Citations**

**M3** 1956 c. 69.

F429 .....

**Textual Amendments**

**F4** Sch. 3 para. 29 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 7; S.I. 2004/874, art. 2

*M4 The Naval Discipline Act 1957*

**Marginal Citations**

**M4** 1957 c. 53.

30 In section 71(6)—

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- (a) for the words “detention in a hospital under observation (with or without other medical treatment)” there shall be substituted the words “detention in a hospital for assessment (or for assessment followed by medical treatment)”;
- (b) for the words “admission for observation” there shall be substituted the words “admission for assessment”.

31 ..... F5

**Textual Amendments**

F5 Sch. 3 Pt. I para. 31 repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), s. 127(2), Sch. 5

*M5 The Administration of Justice Act 1960*

**Marginal Citations**

M5 1960 c. 65.

32 In section 5—

- (a) after subsection (4) there shall be inserted—

“(4A) Where an order is made under the said subsection (1) in the case of a defendant who, but for the decision of the court below, would be liable to be detained in pursuance of an interim hospital order under section 31 of the Mental Health (Amendment) Act 1982, the order may, if the court thinks fit, be one authorising his continued detention in a hospital or mental nursing home and in that event—

- (a) subsection (3) of this section shall not apply to the order ;
  - (b) Part V of the said Act of 1959 shall apply as if he had been ordered under this section to be detained in custody so long as any appeal under section 1 of this Act is pending and were detained in pursuance of a transfer direction together with a restriction direction ; and
  - (c) if the defendant is detained by virtue of this subsection and the appeal to the prosecutor succeeds, subsection (2) of the said section 31 (power of court to make hospital order in the absence of an offender who is subject to an interim hospital order) shall apply as if the defendant were still subject to an interim hospital order.” ;
- (b) in subsection (5) for the words “subsection (3) or subsection (4)” there shall be substituted the words “subsection (3), (4) or (4A)”.

*M6 The Criminal Procedure (Insanity) Act 1964*

**Marginal Citations**

M6 1964 c. 84.

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F<sup>6</sup>33 .....

**Textual Amendments**

F6 Sch. 3 para. 33 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 17 Group 8

*M<sup>7</sup>The Sexual Offences Act 1967*

**Marginal Citations**

M7 1967 c. 60.

F<sup>7</sup>34 .....

**Textual Amendments**

F7 Sch. 3 para. 34 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 7; S.I. 2004/874, art. 2

*M<sup>8</sup>The Criminal Justice Act 1967*

**Marginal Citations**

M8 1967 c. 80.

35 In section 72—

- (a) ..... F<sup>8</sup>
- (b) in subsection (4) at the end of the definition of “convicted mental patient” there shall be inserted the words “ or a person liable to be detained under section 31 of the Mental Health (Amendment) Act 1982 ”.

**Textual Amendments**

F8 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by Mental Health Act 1983 (c. 20, SIF 85), Sch. 6

*M<sup>9</sup>The Criminal Appeal Act 1968*

**Marginal Citations**

M9 1968 c. 19.

36 In section 8 after subsection (3) there shall be inserted—

- “(3A) If the person ordered to be retired was, immediately before the determination of his appeal, liable to be detained in pursuance of a remand under section 30 of the Mental Health (Amendment) Act 1982 or an interim hospital order

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under section 31 of that Act, the Court of Appeal may, if they think fit, order that he shall continue to be detained in a hospital or mental nursing home, and in that event Part V of the Mental Health Act 1959 shall apply as if he had been ordered under this section to be kept in custody pending his retrial and were detained in pursuance of a transfer direction together with a restriction direction.”

37 In section 11 after subsection (4) there shall be inserted—

“(5) The fact that an appeal is pending against an interim hospital order under the Mental Health (Amendment) Act 1982 shall not affect the power of the court below to renew or terminate the order or to deal with the appellant on its termination ; and where the Court of Appeal quash such an order but do not pass any sentence or make any other order in its place the Court may direct the appellant to be kept in custody or released on bail pending his being dealt with by the court below.

(6) Where the Court of Appeal make an interim hospital order by virtue of subsection (3) of this section—

- (a) the power of renewing or terminating it and of dealing with the appellant on its termination shall be exercisable by the court below and not be the Court of Appeal ; and
- (b) the court below shall be treated for the purposes of section 31(8) of the said Act of 1982 (absconding offender) as the court that made the order.”

38 In section 14(2)—

- (a) for the words “detention in a hospital under observation (with or without other medical treatment)” there shall be substituted the words “detention in a hospital for assessment (or for assessment followed by medical treatment)” ;
- (b) for the words “admitted for observation” there shall be substituted the words “admitted for assessment”.

39 In section 37—

(a) after subsection (4) there shall be inserted—

“(4A) Where an order is made under this section in the case of a defendant who, but for the decision of the Court of Appeal, would be liable to be detained in pursuance of a remand under section 30 of the Mental Health (Amendment) Act 1983 or an interim hospital order under section 31 of that Act, the order may, if the Court of Appeal thinks fit, be one authorising his continued detention in a hospital or mental nursing home and in that event—

- (a) subsection (3) of this section shall not apply to the order ;
- (b) Part V of the said Act of 1959 shall apply to him as if he had been ordered under this section to be detained in custody so long as an appeal to the House of Lords is pending and were detained in pursuance of a transfer direction together with a restriction direction ; and
- (c) if the defendant, having been subject to an interim hospital order, is detained by virtue of this subsection and the appeal by the prosecutor succeeds, subsection (2) of the said section 31 (power of court to make hospital order in

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the absence of an offender who is subject to an interim hospital order) shall apply as if the defendant were still subject to an interim hospital order.” ;

- (b) in subsection (5) for the words “subsection (3) or (4)” there shall be substituted the words “ subsection (3), (4) or (4A) ”.

40 ..... F9

**Textual Amendments**  
**F9** Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

- 41 In Schedule 1—
  - (a) in paragraph 2 for the words “an order restricting discharge” there shall be substituted the words “ a restriction order ” ;
  - (b) in paragraph 3 for the word “observation” there shall be substituted the word “ assessment ”.

42 ..... F10

**Textual Amendments**  
**F10** Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

*M10 The Courts-Martial (Appeals) Act 1968*

**Marginal Citations**  
**M10** 1968 c. 20.

- 43 In section 23—
  - (a) in subsection (2)(a) for the words “detention in a hospital under observation (with or without other medical treatment)” there shall be substituted the words “ detention in a hospital for assessment (or for assessment followed by medical treatment) ” ;
  - (b) in subsection (3) for the words “admission for observation” there shall be substituted the words “ admission for assessment ”.

*M11 The Children and Young Persons Act 1969*

**Marginal Citations**  
**M11** 1969 c. 54.

F1144 .....

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**Textual Amendments**

**F11** Sch. 3 para. 44 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 17 Group 8

45 ..... **F12**

**Textual Amendments**

**F12** Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by Mental Health Act 1983 (c. 20, SIF 85), Sch. 6

*M12* *The Costs in Criminal Cases Act 1973*

**Marginal Citations**

**M12** 1973 c. 14.

46 ..... **F13**

**Textual Amendments**

**F13** Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by Mental Health Act 1983 (c. 20, SIF 85), Sch. 6

**F14** 47 .....

**Textual Amendments**

**F14** Sch. 3 para. 47 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 17 Group 8

*M13* *The Juries Act 1974*

**Marginal Citations**

**M13** 1974 c. 23.

**F15** 48 .....

**Textual Amendments**

**F15** Sch. 3 para. 48 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 10; S.I. 2004/829, art. 2(1)(2)(l)(iv)

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*M14 The Rehabilitation of Offenders Act 1974*

**Marginal Citations**

M14 1974 c. 53.

49 [F16]In section 5(7) for the words “an order restricting discharge” there shall be substituted the words “ a restriction order ”.]

**Textual Amendments**

F16 Sch. 3 para. 49 repealed (E.W.) (10.3.2014) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 25 Pt. 2 (with s. 141(1)-(6)); S.I. 2014/423, art. 2(c) (with art. 3)

*M15 The Criminal Procedure (Scotland) Act 1975*

**Marginal Citations**

M15 1975 c. 21.

F17 50 .....

**Textual Amendments**

F17 Sch. 3 para. 50 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 17 Group 8

F18 51 .....

**Textual Amendments**

F18 Sch. 3 para. 51 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 17 Group 8

52—54. .... F19

**Textual Amendments**

F19 Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by Mental Health Act 1983 (c. 20, SIF 85), Sch. 6

*M16 The National Health Service Act 1977*

**Marginal Citations**

M16 1977 c. 49.

55 .....

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**Textual Amendments**

**F20** Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

**F21** 56 . . . . .

**Textual Amendments**

**F21** Sch. 3 para. 56 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1 Sch. 3 Pt. 1](#))

57, 58. . . . . **F22**

**Textual Amendments**

**F22** Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

*<sup>M17</sup>The Contempt of Court Act 1981*

**Marginal Citations**

**M17** 1981 c. 49.

59 In section 14(4)—  
(a) after “1959” there shall be inserted the words “ or an interim hospital order under section 31 of the Mental Health (Amendment) Act 1982 ” ;  
(b) for the words “severe subnormality” there shall be substituted the words “ severe mental impairment ” .

60 After section 14(4) there shall be inserted—  
“(4A) Each of the superior courts shall have the like power to make an order under section 29 of the said Act of 1982 (remand for report on accused’s mental condition) where there is reason to suspect that a person who could be committed to prison for contempt of court is suffering from mental illness or severe mental impairment as the Crown Court has under that section in the case of an accused person within the meaning of that section.”

*<sup>M18</sup>[<sup>F23</sup> Senior Courts Act 1981 ]*

**Textual Amendments**

**F23** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, art. 2(d)

**Marginal Citations**

**M18** 1981 c. 54.

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- 61 In section 48—
- (a) in subsection (6)(a) for the words “an order restricting discharge” there shall be substituted the words “ a restriction order, and an interim hospital order under the Mental Health (Amendment) Act 1982 ” ;
  - (b) after subsection (6) there shall be inserted—
    - “(7) The fact that an appeal is pending against an interim hospital order under the said Act of 1982 shall not affect the power of the magistrates’ court that made it to renew or terminate the order or to deal with the appellant on its termination ; and where the Crown Court quashes such an order but does not pass any sentence or make any other order in its place the Court may direct the appellant to be kept in custody or released on bail pending his being dealt with by that magistrates’ court.
    - (8) Where the Crown Court makes an interim hospital order by virtue of subsection (2)—
      - (a) the power of renewing or terminating the order and of dealing with the appellant on its termination shall be exercisable by the magistrates’ court whose decision is appealed against and not by the Crown Court ; and
      - (b) that magistrates’ court shall be treated for the purposes of section 31(8) of the said Act of 1982 (absconding offenders) as the court that made the order.”

*M19* *The Armed Forces Act 1981*

#### Marginal Citations

**M19** 1981 c. 55.

- 62 In section 139(1), (2)(a) and (6)(c) for the word “observation” there shall be substituted the word “ assessment ”.

## PART II

F24

#### Textual Amendments

**F24** Sch. 3 Pt. I paras. 1–26, 35(a), 40, 42, 45, 46, 50(a), 51(a), 52–55, 57, 58 and Pt. II repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

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## SCHEDULE 4

Section 65(2).

### REPEALS

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

- C2** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### PART I

Chapter	Short title	Extent of repeal
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	Section 26(5). In section 31(4) the words “or with the day on which he attains the age of sixteen years, whichever is the later”. In section 34(5) the words “or on the day on which he attains the age of sixteen years, whichever is the later”. Section 36. In section 38(2) the words “who has attained the age of sixteen years”. In section 41(5) the words “having attained the age of sixteen years”. In section 43(6) the words “who has attained the age of sixteen years”. Section 44. In section 45, in subsection (2) the words “or subsection (2) of section forty-four” and in subsection (3) the words “or section forty-four”. Section 48(1). Section 62(2) to (4). In section 63, in subsection (3), paragraph (b) together with the word “and” preceding it and in subsection (4) the words

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“admitted to hospital in pursuance of a hospital order, or” and “or with the day on which he attains the age of sixteen years, whichever is the later”.

Section 66(6) to (8).

In section 75(1)(b) the words “or authorise” and “to exercise”.

Sections 77 and 78.

In section 103, in subsection (1)(d) and (dd) the words from “so however” onwards and in subsection (3) the words from the beginning to “and” where it first occurs.

Section 103A(5).

Section 131(2).

Section 134.

Section 137(6).

Section 144(2).

Section 146.

In section 147, in subsection (1), the definitions of “direction restricting discharge” and “order restricting discharge”, and subsection (5).

In section 152 the words “section one hundred and forty-six”.

In Schedule 3, the entries relating to section 36.

In Schedule 7, in Part II, the entry relating to the Representation of the People Act 1949.

8 & 9 Eliz. 2. c. 61.

The Mental Health (Scotland) Act 1960.

In Schedule 4, the entry relating to the Representation of the People Act 1949.

1961 c. 15 (N.I.).

The Mental Health Act (Northern Ireland) 1961.

In Schedule 5, paragraph 5.

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1967 c. 60.	The Sexual Offences Act 1967.	In section 1(3) the words “within the meaning of the Mental Health Act 1959”.
1968 c. 19.	The Criminal Appeal Act 1968.	In Schedule 3, paragraph 1.
1969 c. 48.	The Post Office Act 1969.	In Schedule 4, paragraph 66.
1969 c. 54.	The Children and Young Persons Act 1969.	In Schedule 5, paragraph 41.
1971 c. 23.	The Courts Act 1971.	In Schedule 8, in paragraph 38, the figures “73(2)(c)”, “77(1)” and “73(2)(b)”.
1975 c. 29.	The Mental Health (Amendment) Act 1975.	The whole Act.
1977 c. 49.	The National Health Service Act 1977.	In Schedule 14, in paragraph 13(1)(b) the figure “95”. In Schedule 15, paragraph 33(a).
1980 c. 43.	The Magistrates’ Courts Act 1980.	In Schedule 7, paragraphs 33 and 34.
1980 c. 53.	The Health Services Act 1980.	In Schedule 1, paragraph 13(8).
1981 c. 54.	The [ <sup>F23</sup> Senior Courts Act 1981].	In Schedule 5, paragraph 1 of the entry relating to the Mental Health Act 1959 and the entry relating to the Courts Act 1971.

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## PART II

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<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In section 147(1) the definition of “mental welfare officer”.
1982 c. 51.	The Mental Health (Amendment) Act 1982.	Section 64(5).

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SCHEDULE 5

Section 69(6).

TRANSITIONAL PROVISIONS AND SAVINGS

*Definition of mental disorder*

1 Sections 1 and 2 of this Act, and the amendments in Schedule 3 which are consequential on those sections, do not affect the authority for the detention or guardianship of a person who is liable to be detained or subject to guardianship under the principal Act immediately before the date on which those sections come into force but apply to any renewal of that authority on or after that date.

2—15. . . . . F25

**Textual Amendments**  
F25 Sch. 5 paras 2–15 repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

**Status:**

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**Changes to legislation:**

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