

## SCHEDULES

### SCHEDULE 1

Section 40(4), 41(3) and (5), and 55(4).

#### APPLICATION OF CERTAIN PROVISIONS TO PATIENTS SUBJECT TO HOSPITAL AND GUARDIANSHIP ORDERS

#### PART I

##### PATIENTS NOT SUBJECT TO SPECIAL RESTRICTIONS

- 1 Sections 9, 10, 17, 21, 24(3) and (4), 26 to 28, 31, 32, 34, 67 and 76 shall apply in relation to the patient without modification.
- 2 Sections 16, 18, 19, 20, 22, 23 and 66 shall apply in relation to the patient with the modifications specified in paragraphs 3 to 9 below.
- 3 In section 16(1) for references to an application for admission or a guardianship application there shall be substituted references to the order or direction under Part III of this Act by virtue of which the patient is liable to be detained or subject to guardianship.
- 4 In section 18 subsection (5) shall be omitted.
- 5 In section 19(2) for the words from " as follows " to the end of the subsection there shall be substituted the words " as if the order or direction under Part III of this Act by virtue of which he was liable to be detained or subject to guardianship before being transferred were an order or direction for his admission or removal to the hospital to which he is transferred, or placing him under the guardianship of the authority or person into whose guardianship he is transferred, as the case may be " .
- 6 In section 20—
  - (a) in subsection (1) for the words from " day on which he was " to " as the case may be " there shall be substituted the words " date of the relevant order or direction under Part III of this Act " ; and
  - (b) in subsection (9) for the words " the application for admission for treatment or, as the case may be, in the guardianship application, that application " there shall be substituted the words " the relevant order or direction under Part III of this Act, that order or direction " .
- 7 In section 22 for references to an application for admission or a guardianship application there shall be substituted references to the order or direction under Part III of this Act by virtue of which the patient is liable to be detained or subject to guardianship.
- 8 In section 23(2)—
  - (a) in paragraph (a) the words " for assessment or" shall be omitted; and
  - (b) in paragraphs (a) and (b) the references to the nearest relative shall be omitted.
- 9 In section 66—

- (a) in subsection (1), paragraphs (a), (b), (c), (g) and (h), the words in parenthesis in paragraph (i) and paragraph (ii) shall be omitted; and
- (b) in subsection (2), paragraphs (a), (b) (c) and (g) shall be omitted and in paragraph (d) for the words " cases mentioned in paragraphs (d) and (g) " there shall be substituted the words " case mentioned in paragraph (d) " .

## PART II

### PATIENTS SUBJECT TO SPECIAL RESTRICTIONS

- 1 Sections 24(3) and (4), 32 and 76 shall apply in relation to the patient without modification.
- 2 Sections 17 to 19, 22, 23 and 34 shall apply in relation to the patient with the modifications specified in paragraphs 3 to 8 below.
- 3 In section 17—
  - (a) in subsection (1) after the word "may" there shall be inserted the words " with the consent of the Secretary of State " ;
  - (b) in subsection (4) after the words "the responsible medical officer " and after the words " that officer " there shall be inserted the words " or the Secretary of State " ; and
  - (c) in subsection (5) after the word " recalled " there shall be inserted the words " by the responsible medical officer " ,  
 and for the words from " he has ceased" to the end of the subsection there shall be substituted the words " the expiration of the period of six months beginning with the first day of his absence on leave " .
- 4 In section 18 there shall be omitted—
  - (a) in subsection (1) the words "subject to the provisions of this section " ; and
  - (b) subsections (3), (4) and (5).
- 5 In section 19—
  - (a) in subsection (1) after the word " may " in paragraph (a) there shall be inserted the words " with the consent of lie Secretary of State " , and the words from "or into" to the end of the subsection shall be omitted; and
  - (b) in subsection (2) for the words from " as follows " to the end of the subsection there shall be substituted the words " as if the order or direction under Part III of this Act by virtue of which he was liable to be detained before being transferred were an order or direction for his admission or removal to the hospital to which he is transferred " .
- 6 In section 22 subsection (1) and paragraph (a) of subsection (2) shall not apply.
- 7 In section 23—
  - (a) in subsection (1) references to guardianship shall be omitted and after the word " made " there shall be inserted the words " with the consent of the Secretary of State and " , and
  - (b) in subsection (2)—
    - (i) in paragraph (a) the words " for assessment or" and " or by the nearest relative of the patient" shall be omitted ; and
    - (ii) paragraph (b) shall be omitted.

- 8            In section 34, in subsection (1) the definition of " the nominated medical attendant"  
and subsection (3) shall be omitted.