Mental Health Act 1983 (c. 20)
SCHEDULE 1 – Application of Certain Provisions to Patients Subject to Hospital and Guardianship Orders
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S C H E D U L E S

SCHEDULE 1

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, [**F1** 21 to 21B], 24(3) and (4), [**F2**25C] to 28, 31, 32, 67 and 76 shall apply in relation to the patient without modification.

Textual Amendments
F1   Words in Sch. 1 Pt. I para. 1 substituted (1.4.1996) by 1995 c. 52, **ss. 2(8)**, 7(2)
F2   Words in Sch. 1 Pt. I para. 1 substituted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1 para. 6(a)**

2   Sections 16, 18, 19, 20, 22, 23 [**F3**, 25A, 25B] and 66 shall apply in relation to the patient with the modifications specified in paragraphs 3 to 9 below.

Textual Amendments
F3   Words in Sch. 1, para. 2 inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1**, para. 6(b)

VALID FROM 03/11/2008

[**F4**2A   In section 17D(2)(a) for the reference to section 6(2) above there shall be substituted a reference to section 40(1)(b) below.

Textual Amendments
F4   Sch. 1 Pt. 1 paras. 2A, 2B inserted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 32, 56, **Sch. 3 para. 36(4)** (with Sch. 10); S.I. 2008/1900, **art. 2(i)** (with art. 3, Sch.)

VALID FROM 03/11/2008

2B   In section 17G—

2   *Mental Health Act 1983 (c. 20)*
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> (a)   in subsection (2) for the reference to section 6(2) above there shall be substituted a reference to section 40(1)(b) below;
>
> (b)   in subsection (4) for paragraphs (a) and (b) there shall be substituted the words the order or direction under Part 3 of this Act in respect of him were an order or direction for his admission or removal to that other hospital; and
>
> (c)   in subsection (5) for the words from "the patient" to the end there shall be substituted the words the date of the relevant order or direction under Part 3 of this Act were the date on which the community treatment order is revoked.**]**

Textual Amendments

F4   Sch. 1 Pt. 1 paras. 2A, 2B inserted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 32, 56, **Sch. 3 para. 36(4)** (with Sch. 10); S.I. 2008/1900, **art. 2(i)** (with art. 3, Sch.)

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".

> ### VALID FROM 03/11/2008
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> **[**^{F5}5A   In section 19A(2), paragraph (b) shall be omitted.**]**

Textual Amendments

F5   Sch. 1 Pt. 1 para. 5A inserted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 32, 56, **Sch. 3 para. 36(5)** (with Sch. 10); S.I. 2008/1900, **art. 2(i)** (with art. 3, Sch.)

6   In subsection 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".

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[F6 6A   In section 20B(1), for the reference to the application for admission for treatment there shall be substituted a reference to the order or direction under Part 3 of this Act by virtue of which the patient is liable to be detained.**]**

Textual Amendments

F6   Sch. 1 Pt. 1 para. 6A inserted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 32, 56, **Sch. 3 para. 36(6)** (with Sch. 10); S.I. 2008/1900, **art. 2(i)** (with art. 3, Sch.)

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.

[F7 8A   In sections 25A(1)(a) and 25B(5)(a) for the words "in pursuance of an application for admission for treatment" there shall be substituted the words "by virtue of an order or direction for his admission or removal to hospital under Part III of this Act".**]**

Textual Amendments

F7   S. 8A inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1**, para. 6(c)

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) **[F8** , and in paragraph (d) ", (g)", shall be omitted.**]**.

Textual Amendments

F8   Words in Sch. 1, para. 9(b) substituted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1**, para. 14

	VALID FROM 03/11/2008

[F9 10   In section 68—
     (a)   in subsection (1) paragraph (a) shall be omitted; and
     (b)   subsections (2) to (5) shall apply if the patient falls within paragraph (e) of subsection (1), but not otherwise.**]**

Textual Amendments

F9   Sch. 1 Pt. 1 para. 10 inserted (3.11.2008) by Mental Health Act 2007 (c. 12), **ss. 37(6)(b)**, 56 (with Sch. 10); S.I. 2008/1900, **art. 2(l)** (with art. 3, Sch.)

Status:
Point in time view as at 22/07/2004. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:
Mental Health Act 1983, Part I is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.