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## SCHEDULES

### 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 <sup>F1</sup>to 17C, 17E, 17F, 20A] , <sup>F2</sup> 21 to 21B], <sup>F3</sup>... <sup>F4</sup>26] to 28, 31, 32, 67 and 76 shall apply in relation to the patient without modification.

#### Textual Amendments

- F1** Words in Sch. 1 Pt. 1 para. 1 inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 32, 56, [Sch. 3 para. 36\(2\)](#) (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(i\)](#) (with [art. 3](#), [Sch.](#))
- F2** Words in Sch. 1 Pt. 1 para. 1 substituted (1.4.1996) by [1995 c. 52](#), ss. [2\(8\)](#), [7\(2\)](#)
- F3** Words in Sch. 1 Pt. 1 para. 1 omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 39(3)(a); [S.I. 2012/1319](#), [art. 2\(3\)](#)
- F4** Word in Sch. 1 Pt. 1 para. 1 substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. [36\(4\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1210](#), [art. 2\(c\)](#) (with [art. 4](#))

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

- C1** Sch. 1 para. 1 modified (3.11.2008) by [The Mental Health Act 2007 \(Commencement No. 6 and After-care under Supervision: Savings, Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/1210\)](#), arts. [1\(1\)\(b\)](#), [6\(1\)\(i\)](#)

- 2 Sections <sup>F5</sup> . . . <sup>F6</sup>17D, 17G, 18 to 20, 20B], 22, 23 <sup>F7</sup> . . . <sup>F8</sup>, 66 and 68] shall apply in relation to the patient with the modifications specified in <sup>F9</sup>paragraphs 2A]<sup>F10</sup>to 10] below.

#### Textual Amendments

- F5** Word in [Sch. 1 Pt. 1 para. 2](#) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 55, 56, [Sch. 11 Pt. 1](#) (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(p\)](#) (with [art. 3](#), [Sch.](#))
- F6** Words in [Sch. 1 Pt. 1 para. 2](#) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 32, 56, [Sch. 3 para. 36\(3\)\(a\)](#) (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(i\)](#) (with [art. 3](#), [Sch.](#))
- F7** Words in [Sch. 1 Pt. 1 para. 2](#) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 55, 56, [Sch. 11 Pt. 5](#) (with [Sch. 10](#)); [S.I. 2008/1210](#), [art. 2\(d\)](#) (with [art. 4](#))
- F8** Words in [Sch. 1 Pt. 1 para. 2](#) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. [37\(6\)\(a\)\(i\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(1\)](#) (with [art. 3](#), [Sch.](#))
- F9** Words in [Sch. 1 Pt. 1 para. 2](#) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 32, 56, [Sch. 3 para. 36\(3\)\(b\)](#) (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(i\)](#) (with [art. 3](#), [Sch.](#))

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**F10** Words in Sch. 1 Pt. 1 para. 2 substituted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 37(6)(a)(ii), 56 (with Sch. 10); S.I. 2008/1900, art. 2(I) (with art. 3, Sch.)

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

**C2** Sch. 1 para. 2 modified (3.11.2008) by The Mental Health Act 2007 (Commencement No. 6 and After-care under Supervision: Savings, Modifications and Transitional Provisions) Order 2008 (S.I. 2008/1210), arts. 1(1)(b), 6(I)(ii)

[<sup>F11</sup>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**

**F11** 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.)

2B In section 17G—  
(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**

**F11** 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 <sup>F12</sup> .....

**Textual Amendments**

**F12** Sch. 1 Pt. 1 para. 3 repealed (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 55, 56, Sch. 11 Pt. 1 (with Sch. 10); S.I. 2008/1900, art. 2(p) (with art. 3, Sch.)

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”.

[<sup>F13</sup>5A In section 19A(2), paragraph (b) shall be omitted.]

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#### Textual Amendments

**F13** 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”; <sup>F14</sup> . . .
  - (b) <sup>F14</sup> . . .

#### Textual Amendments

**F14** Sch. 1 Pt. 1 para. 6(b) and preceding word repealed (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 55, 56, Sch. 11 Pt. 1 (with Sch. 10); S.I. 2008/1900, art. 2(p) (with art. 3, Sch.)

- [<sup>F15</sup>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

**F15** 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) [<sup>F16</sup>to (c)] the references to the nearest relative shall be omitted.

#### Textual Amendments

**F16** Words in Sch. 1 Pt. 1 para. 8(b) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 32, 56, Sch. 3 para. 36(7) (with Sch. 10); S.I. 2008/1900, art. 2(i) (with art. 3, Sch.)

- 8A <sup>F17</sup> . . . . .

#### Textual Amendments

**F17** Sch. 1 Pt. 1 para. 8A repealed (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 55, 56, Sch. 11 Pt. 5 (with Sch. 10); S.I. 2008/1210, art. 2(d) (with art. 4)

- 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

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- (b) in subsection (2), paragraphs (a), (b), (c) and (g) [<sup>F18</sup>, and in paragraph (d) “, (g)”, shall be omitted.]

**Textual Amendments**

**F18** Words in [Sch. 1, para. 9\(b\)](#) substituted (1.4.1996) by [1995 c. 52, ss. 1\(2\), 7\(2\)](#), [Sch. 1, para. 14](#)

[<sup>F19</sup>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**

**F19** [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\(1\)](#) (with [art. 3](#), [Sch.](#))

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