

Status: Point in time view as at 01/02/1991.

Changes to legislation: Mental Health Act 1983, Part II is up to date with all changes known to be in force on or before 03 July 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. (See end of Document for details)

SCHEDULES

SCHEDULE 1

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

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.

Extent Information

E1 For extent of Sch. 1 Pt. II para. 2 see [ss. 146, 147](#)

- 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 the 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

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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.

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