

Status: Point in time view as at 01/05/2004.

Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 30 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 4

Section 148.

CONSEQUENTIAL AMENDMENTS

- 1 In the ^{M1}Fines and Recoveries Act 1833—
- (a) in section 33 for the words “the ^{M2}Mental Health Act 1959” and “Part VIII” there shall be substituted respectively the words “ the Mental Health Act 1983 ”and “ Part VII ”;
 - (b) in sections 48 and 49 for the references to the judge having jurisdiction under Part VIII of the Mental Health Act 1959 there shall be substituted references to the judge having jurisdiction under Part VII of this Act.

Marginal Citations

M1 1833 c. 74.

M2 1959 c. 72.

- 2 In section 68 of the ^{M3}Improvement of Land Act 1864 for the words “Part VIII of the Mental Health Act 1959” there shall be substituted the words “ Part VII of the Mental Health Act 1983 ”.

Marginal Citations

M3 1864 c. 114.

- 3 In section 10(3) of the ^{M4}Colonial Prisoners Removal Act 1884 for the words “section seventy-one of the Mental Health Act 1959”, “section seventy-two” and “section seventy-four” there shall be substituted respectively the words “ section 46 of the Mental Health Act 1983 ”, “ section 47 ”and “ section 49 ”.

Marginal Citations

M4 1884 c. 31.

- 4 In the ^{M5}Trustee Act 1925—
- (a) in section 36(9) for the words “the Mental Health Act 1959” and “Part VIII of the Mental Health Act 1959” there shall be substituted respectively the words “ the Mental Health Act 1983 ”and “ Part VII of the Mental Health Act 1983 ”;

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- (b) in section 41(1) for the words “the Mental Health Act 1959” there shall be substituted the words “ the Mental Health Act 1983 ”;
- (c) in section 54—
 - (i) in subsection (1) for the words “Part VIII of the Mental Health Act 1959” there shall be substituted the words “ Part VII of the Mental Health Act 1983 ”; and
 - (ii) in subsection (3) for the words “section one hundred and one of the Mental Health Act 1959” and “exercisable and have been exercised under section one hundred and four” there shall be substituted respectively the words “ section 94 of the Mental Health Act 1983 ”and “ exercisable under section 98 of that Act and have been exercised under that section or section 104 of the Mental Health Act 1959 ”;
- (d) in section 55 except so far as it applies to existing orders made before the commencement of this Act, for the words “Part VIII of the Mental Health Act 1959” there shall be substituted the words “ Part VII of the Mental Health Act 1983 ”.

Marginal Citations
M5 1925 c. 19.

- 5 In the ^{M6}Law of Property Act 1925—
- (a) in section 22(1) for the words “Part VIII of the Mental Health Act 1959” there shall be substituted the words “ Part VII of the Mental Health Act 1983 ; ”
 - (b) in section 205(1)(xiii) for the words “section four of the Mental Health Act 1959” and “Part VIII” there shall be substituted respectively the words “ section 1 of the Mental Health Act 1983 ”and “ Part VIII of the Mental Health Act 1959 or Part VII of the said Act of 1983 . ”

Marginal Citations
M6 1925 c. 20.

6 ^{F1}

Textual Amendments
F1 Sch. 4 para. 6 repealed (13.10.2003) by 2002 c. 9, ss. 135, 136(2), Sch. 13 (with s. 129, Sch. 12 para. 1), S.I. 2003/1725, art. 2(1)

- 7 In paragraph (ii) of the proviso to section 41(1) of the ^{M7}Administration of Estates Act 1925 for the words “the Mental Health Act 1959” there shall be substituted the words “ the Mental Health Act 1983 ”.

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Marginal Citations

M7 1925 c. 23.

- 8 In sections 4(1) and 11(3)(b) of the ^{M8}Polish Resettlement Act 1947 for the words “the Mental Health Act 1959” there shall be substituted the words “ the Mental Health Act 1983 ”.

Marginal Citations

M8 1947 c. 19.

- 9 In section 1(4) of the ^{M9}U.S.A. Veterans’ Pensions (Administration) Act 1949 after the words “curator bonis” there shall be inserted the words “ or for whom a receiver has been appointed under section 105 of the Mental Health Act 1959 or section 99 of the Mental Health Act 1983 ”.

Marginal Citations

M9 1949 c. 45.

- 10 In section 116(7) of the ^{M10}Army Act 1955 for the words “section 71 of the Mental Health Act 1959” and “within the meaning of the Mental Health Act 1959” there shall be substituted respectively the words “ section 46 of the Mental Health Act 1983 ”and “ within the meaning of the Mental Health Act 1983 ”.

Marginal Citations

M10 1955 c. 18.

- 11 In section 116(7) of the ^{M11}Air Force Act 1955 for the words “section 71 of the Mental Health Act 1959” and “within the meaning of the Mental Health Act 1959” there shall be substituted respectively the words “ section 46 of the Mental Health Act 1983 ” and “ within the meaning of the Mental Health Act 1983 ”.

Marginal Citations

M11 1955 c. 19.

- ^{F2}12

Textual Amendments

F2 Sch. 4 para. 12 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

- 13 In section 71(6) of the ^{M12}Naval Discipline Act 1957 for the words “section 71 of the Mental Health Act 1959” and “within the meaning of the Mental Health Act

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1959” there shall be substituted respectively the words “ section 46 of the Mental Health Act 1983 ” and “ within the meaning of the Mental Health Act 1983 ”.

Marginal Citations
M12 1957 c. 53.

- 14 In section 1 of the ^{M13}Variation of Trusts Act 1958—
 - (a) in subsection (3) for the words “Part VIII of the Mental Health Act 1959” and “the said Part VIII” there shall be substituted respectively the words “ Part VII of the Mental Health Act 1983 ” and “ the said Part VII ”; and
 - (b) in subsection (6) for the words “Part VIII of the Mental Health Act 1959” there shall be substituted the words “ Part VII of the Mental Health Act 1983 ”.

Marginal Citations
M13 1958 c. 53.

15 ^{F3}

Textual Amendments
F3 Sch. 4 para. 15 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, Sch. 7; S.I. 2004/874, art. 2

16 ^{F4}

Textual Amendments
F4 Sch. 4 para. 16 repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), s. 127(2), Sch. 5

- 17 In section 5 of the ^{M14}Administration of Justice Act 1960—
 - (a) in subsection (4) for the words “Part V of the Mental Health Act 1959” and the words “the said Part V” there shall be substituted respectively the words “ Part III of the Mental Health Act 1983 (other than under section 35, 36 or 38) ” and “ the said Part III ”; and
 - (b) in subsection (4A) for the words “section 31 of the Mental Health (Amendment) Act 1982”, “Part V of the said Act of 1959” and “the said section 31” there shall be substituted respectively “ section 38 of the Mental Health Act 1983 ”, “ Part III of the said Act of 1983 ” and “ the said section 38 ”.

Marginal Citations
M14 1960 c. 65.

18 In the ^{M15}Criminal Procedure (Insanity) Act 1964—

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- (a) in section 8(2) for the words “the Mental Health Act 1959”, “Part V” and “sections 139 to 141” there shall be substituted respectively the words “ the Mental Health Act 1983 ”, “ Part III ” and “ sections 137 to 139 ”;
- ^{F5}(b)

Textual Amendments

F5 Sch. 4 para. 18(b) repealed (1.1.1992) by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991](#) (c. 25, SIF 39:1), s. 8(3), [Sch.4](#) (with saving in s. 8); S.I. 1991/2488, [art. 2](#)

Marginal Citations

M15 1964 c. 84.

- 19 In section 18 of the ^{M16}Administration of Justice Act 1965 for the words “Part VIII of the Mental Health Act 1959” there shall be substituted the words “ Part VII of the Mental Health Act 1983 ”.

Marginal Citations

M16 1965 c. 2.

- 20 In paragraph 1(2)(b) of Schedule 1 to the ^{M17}Compulsory Purchase Act 1965 at the end there shall be inserted the words “ or section 98 of the Mental Health Act 1983 ”.

Marginal Citations

M17 1965 c. 56.

- 21 In the ^{M18}Criminal Justice Act 1967—
 - (a) in section 72(1)(b) for the words “section 40 or 140 of the Mental Health Act 1959 or section 31(8) of the Mental Health (Amendment) Act 1982” there shall be substituted the words “ section 18, 38(7) or 138 of the Mental Health Act 1983 ”;
 - (b) in section 72(3) for the words “Section 139 of the Mental Health Act 1959” and “the said Act of 1959” there shall be substituted respectively the words “ Section 137 of the Mental Health Act 1983 ” and “ the said Act of 1983 ”;
 - (c) in section 72(4) for the words “Part V of the Mental Health Act 1959”, “section 31 of the Mental Health (Amendment) Act 1982” and “Part V of the said Act of 1959” there shall be substituted respectively the words “ Part III of the Mental Health Act 1983 ”, “ section 38 of the said Act of 1983 ” and “ Part III of the said Act of 1983 ”.

Marginal Citations

M18 1967 c. 80.

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- 22 In section 26(2) of the ^{M19}Leasehold Reform Act 1967 for the words “the Mental Health Act 1959”, “appointed under Part VIII of that Act” and “having jurisdiction under Part VIII of that Act” there shall be substituted respectively the words “Mental Health Act 1983”, “appointed under Part VII of the said Act of 1983 or Part VIII of the Mental Health Act 1959” and “having jurisdiction under Part VII of the said Act of 1983”.

<p>Marginal Citations</p> <p>M19 1967 c. 88.</p>
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- 23 In the ^{M20}Criminal Appeal Act 1968—
 - ^{F6}(a)
 - (b) in section 8(3) after the words “Part V of the Mental Health Act 1959” there shall be inserted the words “or under Part III of the Mental Health Act 1983 (other than under section 35, 36 or 38 of that Act)”;
 - (c) in section 8(3A)—
 - (i) for the words “section 30 of the Mental Health (Amendment) Act 1982” there shall be substituted the words “section 36 of the Mental Health Act 1983”;
 - (ii) for the words “section 31 of that Act” there shall be substituted the words “section 38 of that Act”; and
 - (iii) for the words “Part V of the Mental Health Act 1959” there shall be substituted the words “Part III of that Act”;
 - (d) in section 11—
 - (i) in subsection (5) for the words “the Mental Health (Amendment) Act 1982” there shall be substituted the words “the Mental Health Act 1983”; and
 - (ii) in subsection (6)(b) for the words “section 31(8) of the said Act of 1982” there shall be substituted the words “section 38(7) of the said Act of 1983”.
 - ^{F6}(e)
 - ^{F6}(f)
 - (g) in section 37(4) for the words “Part V of the Mental Health Act 1959” and “the Mental Health Act 1959” there shall be substituted respectively the words “Part III of the Mental Health Act 1983 (otherwise than under section 35, 36 or 38 of that Act)” and “the Mental Health Act 1983”;
 - (h) in section 37(4A) for the words “section 30 of the Mental Health (Amendment) Act 1982”, “section 31” and “Part V of the said Act of 1959” wherever they occur there shall be substituted respectively the words “section 36 of the Mental Health Act 1983”, “section 38” and “Part III of the said Act of 1983”;
 - (i) in section 50(1), for the words from “Part V” to “1982” there shall be substituted the words “Part III of the Mental Health Act 1983, with or without a restriction order, and an interim hospital order under that Part”;

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- (j) in section 51(2) for the words “section 147(1) of the Mental Health Act 1959” there shall be substituted the words “ section 145(1) of the Mental Health Act 1983 ”;
- ^{F6}(k)
- ^{F6}(l)
- ^{F6}(m)
- (n) in Schedule 3—
 - (i) in the heading to the Schedule for the words “PART V OF MENTAL HEALTH ACT 1959” there shall be substituted the words “ PART III OF MENTAL HEALTH ACT 1983 ”; and
 - (ii) for paragraph 2 there shall be substituted—

Order for continued detention under Act of 1983

“2 Where an order is made by the Court of Appeal under section 16(3) of this Act for a person’s continued detention under the Mental Health Act 1983, Part III of that Act (patients concerned in criminal proceedings or under sentence) shall apply to him as if he had been ordered under the said section 16(3) to be kept in custody pending trial and were detained in pursuance of a transfer direction together with a restriction direction.”

Textual Amendments

F6 Sch. 4 para. 23 (a)(e)(f)(k)-(m) repealed (1.1.1992) by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25, SIF 39:1\)](#), s. 8(3), [Sch.4](#) (with saving in s. 8); S.I. 1991/2488, [art. 2](#)

Marginal Citations

M20 1968 c. 19.

- 24 In the ^{M21}Courts-Martial (Appeals) Act 1968—
- (a) in sections 20(4) and 43(4) for the words “Part V of the Mental Health Act 1959” there shall be substituted the words “ Part III of the Mental Health Act 1983 ”;
 - (b) in section 23, in subsection (1) for the words “section 71 of the Mental Health Act 1959” there shall be substituted the words “ section 46 of the Mental Health Act 1983 ” and in subsection (2) for the words “the Mental Health Act 1959” there shall be substituted the words “ the Mental Health Act 1983 ”;
 - (c) in section 25(4) for the words “the Mental Health Act 1959” there shall be substituted the words “ the Mental Health Act 1983 ”.

Marginal Citations

M21 1968 c. 20.

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25 In section 21(4) of the ^{M22}Family Law Reform Act 1969 for the words “the Mental Health Act 1959” there shall be substituted the words “ the Mental Health Act 1983 ”;

Marginal Citations
M22 1969 c. 46.

26 In the ^{M23}Children and Young Persons Act 1969— ^{F7}

- (a)
- ^{F7}(b)
- ^{F7}(c)
- (d) in section 12(4) for the words “section 28 of the Mental Health Act 1959”, “Part V” and “the said Act of 1959” there shall be substituted respectively the words “ section 12 of the Mental Health Act 1983 ”, “ Part III ” and “ the said Act of 1983 ”;
- (e) in paragraph 7(7) of Schedule 4 for the words from the beginning to “1959” there shall be substituted the words “ A restriction direction which was given under section 49 of the Mental Health Act 1983 ”.

Textual Amendments
F7 Sch. 4 para. 26(a)–(c) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), Sch.15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

Marginal Citations
M23 1969 c. 54.

27 In Schedule 1 to the ^{M24}Local Authorities Social Services Act 1970—

- (a) in the entry relating to the Mental Health Act 1959, in the first column for the words “Parts II to VI and IX” there shall be substituted the words “ sections 8 and 9 ” and for the entry in the second column there shall be substituted the words “ Welfare and accommodation of mentally disordered persons. ”;
- (b) there shall be inserted at the end—

“Mental Health Act 1983 (c. 20)

Parts II, III and VI

Welfare of the mentally disordered; guardianship of persons suffering from mental disorder including such persons removed to England and Wales from Scotland or Northern Ireland; exercise of functions of nearest relative of person so suffering.

Sections 66, 67, 69(1)

Exercise of functions of nearest relative in relation to applications and references to Mental Health Review Tribunals.

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Section 114	Appointment of approved social workers.
Section 115	Entry and inspection.
Section 116	Welfare of certain hospital patients.
Section 117	After-care of detained patients.
Section 130	Prosecutions.”;

(c) the entry relating to the ^{M25}Mental Health (Amendment) Act 1982 shall cease to have effect.

Marginal Citations

- M24** 1970 c. 42.
- M25** 1982 c. 51.

28 In section 57(1) of the ^{M26}Courts Act 1971 for the words “Part V of the Mental Health Act 1959” there shall be substituted the words “ Part III of the Mental Health Act 1983 ”.

Marginal Citations

- M26** 1971 c. 23.

^{F8}29

Textual Amendments

- F8** Sch. 4 para. 29 repealed (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), Sch. 4 Pt.I.

30 In section 30(2) of the ^{M27}Immigration Act 1971 for the words from the beginning to “1960” there shall be substituted the words “ Under section 82 of the Mental Health (Scotland) Act 1960 ” and the words from “and accordingly” onwards shall be omitted.

Marginal Citations

- M27** 1971 c. 77.

31 ^{F9}

Textual Amendments

- F9** Sch. 4 para. 31 repealed by Parliamentary and other Pensions Act 1987 (c. 45, SIF 89), s. 6, Sch. 4

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- 32 In section 118 of the ^{M28}Local Government Act 1972—
 - (a) in subsection (1) for the words “the Mental Health Act 1959” there shall be substituted the words “ the Mental Health Act 1983 ”; and
 - (b) in subsection (4) for the words “Part VIII of the said Act of 1959” there shall be substituted the words “ Part VII of the said Act of 1983 ”.

Marginal Citations
 M28 1972 c. 70.

- 33 In the ^{M29}Costs in Criminal Cases Act 1973—
 - (a) in section 3(7) for the words from “under Part V” to “1982” there shall be substituted the words “ and an interim hospital order under Part III of the Mental Health Act 1983 ”; and
 - (b) in section 18(1)(c) for the words “Part V of the Mental Health Act 1959” there shall be substituted the words “ Part III of the Mental Health Act 1983 ”.

Marginal Citations
 M29 1973 c. 14.

- 34 In section 12(d) of the ^{M30}Matrimonial Causes Act 1973 for the words “the Mental Health Act 1959” there shall be substituted the words “ the Mental Health Act 1983 ”.

Marginal Citations
 M30 1973 c. 18.

^{F10}35

Textual Amendments
 F10 Sch. 4 para. 35 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), Sch.15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

- 36 In section 3 of the ^{M31}Powers of Criminal Courts Act 1973—
 - (a) in subsection (1) for the words “section 28 of the Mental Health Act 1959” and “Part V of that Act” there shall be substituted respectively the words “ section 12 of the Mental Health Act 1983 ” and “ Part III of that Act ”;
 - (b) in subsection (2) for the words “hospital or mental nursing home within the meaning of the Mental Health Act 1959” and “that Act” there shall be substituted respectively the words “ hospital within the meaning of the Mental Health Act 1983 or mental nursing home within the meaning of the

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Nursing Homes Act 1975 ” and “ the National Health Service Act 1977 ”; and

- (c) in subsection (7) for the words “Subsections (2) and (3) of section 62 of the Mental Health Act 1959” and “section 60(1)(a)” there shall be substituted respectively the words “ Subsections (2) and (3) of section 54 of the Mental Health Act 1983 ” and “ section 37(2)(a) ”.

Marginal Citations

M31 1973 c. 62.

37 **F11**

Textual Amendments

F11 Sch. 4 para. 37 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336; Sch. 37 Pt. 10; S.I. 2004/829, art. 2(2)(I)(iv) (subject to art. 2(3)-(6))

38 In the ^{M32}Solicitors Act 1974—

- (a) in section 12(1)(j) for the words “section 101 of the Mental Health Act 1959” and “section 104 of that Act” there shall be substituted respectively the words “ section 94 of the Mental Health Act 1983 ” and “ section 104 of the Mental Health Act 1959 or section 98 of the said Act of 1983 ”;
- (b) in section 62(4)(c) for the words “under Part VIII of the Mental Health Act 1959” there shall be substituted the words “ appointed under Part VII of the Mental Health Act 1983 ”;
- (c) in paragraph 1(1)(f) of Schedule 1 for the words “section 104 (emergency powers) or 105 (appointment of receiver) of the Mental Health Act 1959” there shall be substituted the words “ section 104 of the Mental Health Act 1959 or section 98 of the Mental Health Act 1983 (emergency powers) or section 105 of the said Act of 1959 or section 99 of the said Act of 1983 (appointment of receiver) ”.

Marginal Citations

M32 1974 c. 47.

39 In section 5(7) of the ^{M33}Rehabilitation of Offenders Act 1974 for the words “Part V of the Mental Health Act 1959” there shall be substituted the words “ Part III of the Mental Health Act 1983 ”.

Marginal Citations

M33 1974 c. 53.

40 **F12**

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Textual Amendments

F12 Sch. 4 para. 40 repealed by Capital Transfer Tax Act 1984 (c. 51, SIF 65), ss. 274, 277, Schs. 7, 9

- 41 In the ^{M34}Criminal Procedure (Scotland) Act 1975—
- (a) in sections 13(1)(b) and 322(1)(b) for the words “section 40 or 140 of the Mental Health Act 1959, section 31(8) of the Mental Health (Amendment) Act 1982” there shall be substituted the words “ section 18, 38(7) or 138 of the Mental Health Act 1983 ”;
 - (b) in sections 13(3) and 322(3) for the words “Section 139 of the Mental Health Act 1959” and “the said Act of 1959” there shall be substituted respectively “ Section 137 of the Mental Health Act 1983 ” and “ the said Act of 1983 ”;
 - (c) in sections 13(4) and 322(4) for the words “Part V of the Mental Health Act 1959”, “section 31 of the Mental Health (Amendment) Act 1982” and “Part V of the said Act of 1959” there shall be substituted respectively the words “ Part III of the Mental Health Act 1983 ”, “ section 38 of the said Act of 1983 ” and “ Part III of the said Act of 1983 ”.

Marginal Citations

M34 1975 c. 21.

- 42 In Part II of Schedule 1 to the ^{M35}House of Commons Disqualification Act 1975 in the entry relating to Mental Health Review Tribunals for the words “constituted under the Mental Health Act 1959” there shall be substituted the words “ constituted or having effect as if constituted under the Mental Health Act 1983 ”.

Marginal Citations

M35 1975 c. 24.

- 43 ^{F13}

Textual Amendments

F13 Sch. 4 para. 43 repealed by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **Sch. 3**

- ^{F14}44

Textual Amendments

F14 Sch. 4 para. 44 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

- 45 In section 32(6)(c) of the ^{M36}Adoption Act 1976 for the words “the Mental Health Act 1959 or the Mental Health (Amendment) Act 1982” there shall be substituted the words “the Mental Health Act 1983”.

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Marginal Citations

M36 1976 c. 36.

- 46 In section 3(6B) of the ^{M37}Bail Act 1976 for the words “section 28 of the Mental Health Act 1959” there shall be substituted the words “ section 12 of the Mental Health Act 1983 ”.

Marginal Citations

M37 1976 c. 63.

- 47 In the ^{M38}National Health Service Act 1977—
- (a) in section 4 for the words “the Mental Health Act 1959 or the Mental Health (Amendment) Act 1982” there shall be substituted the words “ the Mental Health Act 1983 ”;
 - (b) in section 105(1) for the words “Part IV of the Mental Health Act 1959” there shall be substituted the words “ Part II of the Mental Health Act 1983 ”;
 - (c) in section 105(3) the words “or the Mental Health Act 1959” shall be omitted;
 - (d) in section 128(1), in the definition of “illness”, for the words “the Mental Health Act 1959” there shall be substituted the words “ the Mental Health Act 1983 ”;
 - (e) in paragraph 2 of Schedule 8—
 - (i) for sub-paragraph (1)(d) there shall be substituted—

“(d) for the exercise of the functions of the authority in respect of persons suffering from mental disorder who are received into guardianship under Part II or III of the Mental Health Act 1983 (whether the guardianship of the local social services authority or of other persons).”;
 - (ii) in sub-paragraph (2)(b)(i) for the words “the Mental Health Act 1959” there shall be substituted the words “ the Mental Health Act 1983 ”; and
 - (iii) in sub-paragraph (3) for the words “that Act of 1959” there shall be substituted the words “ that Act of 1983 ”;
- ^{F15}(f)

Textual Amendments

F15 Sch. 4, para. 47(f) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3

Marginal Citations

M38 1977 c. 49.

- 48 In section 16A(1)(b)(ii) of the ^{M39}National Health Service (Scotland) Act 1978 for the words “section 10 of the Mental Health Act 1959” there shall be substituted the words “ section 116 of the Mental Health Act 1983 ”.

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Marginal Citations

M39 1978 c. 29.

^{F16}49

Textual Amendments

F16 Sch. 4 para. 49 repealed (6.3.1992 with effect as mentioned in s. 289(1)(2) of the repealing Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290, **Sch.12** (with s. 201(3), Sch. 11 paras. 20, 22, 26(2), 27)

^{F17}50

Textual Amendments

F17 Sch. 4 para. 50 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

^{F18}51

Textual Amendments

F18 Sch. 4 para. 51 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

52 In the ^{M40}Residential Homes Act 1980—
(a) in section 1(3)(a) for the words “section 147(1) of the Mental Health Act 1959” there shall be substituted the words “ section 145(1) of the Mental Health Act 1983 ”; and
(b) in section 10(1) for the words “the Mental Health Act 1959” there shall be substituted the words “ the Mental Health Act 1983 ”.

Marginal Citations

M40 1980 c. 7.

53 In paragraph 2(a) of Schedule 2 to the ^{M41}Reserve Forces Act 1980 for the words “the Mental Health Act 1959” there shall be substituted the words “ the Mental Health Act 1983 ”.

Marginal Citations

M41 1980 c. 9.

Status: Point in time view as at 01/05/2004.

Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 30 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)

- 54 In section 31(2)(c) of the ^{M42}Transport Act 1980 for the words “Part VIII of the Mental Health Act 1959” there shall be substituted the words “ Part VII of the Mental Health Act 1983 ”.

Marginal Citations

M42 1980 c. 34.

- 55 In section 38 of the ^{M43}Limitation Act 1980—
- (a) in subsection (3) for the words “Mental Health Act 1959” there shall be substituted the words “ Mental Health Act 1983 ”; and
 - (b) in subsection (4)—
 - (i) in paragraph (a), for the words “the Mental Health Act 1959 or section 30 or 31 of the Mental Health (Amendment) Act 1982” there shall be substituted the words “ the Mental Health Act 1983 (otherwise than by virtue of section 35 or 89) ”; and
 - (ii) for paragraph (b) there shall be substituted—

“(b) while he is receiving treatment as an in-patient in any hospital within the meaning of the Mental Health Act 1983 or mental nursing home within the meaning of the ^{M44}Nursing Homes Act 1975 without being liable to be detained under the said Act of 1983 (otherwise than by virtue of section 35 or 89), being treatment which follows without any interval a period during which he was liable to be detained or subject to guardianship under the Mental Health Act 1959, or the said Act of 1983 (otherwise than by virtue of section 35 or 89) or by virtue of any enactment repealed or excluded by the Mental Health Act 1959”.

Marginal Citations

M43 1980 c. 58.

M44 1975 c. 37.

- 56 In section 57(2)(c) of the ^{M45}Public Passenger Vehicles Act 1981 for the words “Part VIII of the Mental Health Act 1959” there shall be substituted the words “ Part VII of the Mental Health Act 1983 ”.

Marginal Citations

M45 1981 c. 14.

- 57 In the ^{M46}Contempt of Court Act 1981—
- (a) in section 14(4) for the words “section 60 of the Mental Health Act 1959” and “section 31 of the Mental Health (Amendment) Act 1982” there shall be substituted respectively the words “ section 37 of the Mental Health Act 1983 ” and “ section 38 of that Act ”; and
 - (b) in section 14(4A) for the words “section 29 of the said Act of 1982” there shall be substituted the words “ section 35 of the said Act of 1983 ”.

Status: Point in time view as at 01/05/2004.

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- (c) in paragraph 10(b) of Schedule 1 for the words “paragraph (b) of subsection (2) of section 76 of the Mental Health Act 1959” there shall be substituted the words “ section 51(5) of the Mental Health Act 1983 ”.

Marginal Citations

M46 1981 c. 49.

58 In the ^{M47}Supreme Court Act 1981—

- (a) in section 48(6)(a) for the words “Part V of the Mental Health Act 1959” and “the Mental Health (Amendment) Act 1982” there shall be substituted respectively the words “ Part III of the Mental Health Act 1983 ”; and “ that Act ”;
- (b) in section 48(7) for the words “the said Act of 1982” there shall be substituted the words “ the said Act of 1983 ”; and
- (c) in section 48(8)(b) for the words “section 31(8) of the said Act of 1982” there shall be substituted the words “ section 38(7) of the said Act of 1983 ”.

Marginal Citations

M47 1981 c. 54.

59 In section 13(9) of the ^{M48}Armed Forces Act 1981 or the words “the Mental Health Act 1959” there shall be substituted the words “ the Mental Health Act 1983 ”.

Marginal Citations

M48 1981 c. 55.

60 In paragraph 9 of Schedule 1 to the ^{M49}British Nationality Act 1981—

- (a) in sub-paragraph (1)(b) for the words “Part V of the Mental Health Act 1959” there shall be substituted the words “ Part III of the Mental Health Act 1983 ”; and
- (b) in sub-paragraph (2)(b) for the words “Part V of the Mental Health Act 1959” there shall be substituted the words “ Part III of the Mental Health Act 1983 ”.

Marginal Citations

M49 1981 c. 61.

61 In the ^{M50}Mental Health (Amendment) Act 1982—

- (a) ^{F19}
- (b) in section 70(3) for the words “Section 154(2) of the principal Act” there shall be substituted the words “ Section 149(4) of the Mental Health Act 1983 ”.

Status: Point in time view as at 01/05/2004.

Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 30 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)

Textual Amendments

F19 Sch. para. 61(a) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XIII**

Marginal Citations

M50 1982 c. 51.

Status:

Point in time view as at 01/05/2004.

Changes to legislation:

Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 30 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.