Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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

#### CCHEDIII E 4

	SCHEDULE 4	Section 148
	CONSEQUENTIAL AMENDMENTS	
1	F1	
Textu	tual Amendments	
F1	Sch. 4 para. 1 repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(2), 68(1)-(3), S ss. 27, 28, 29, 62); S.I. 2007/1897, art. 2(d)	<b>ch. 7</b> (with
2	F2	
Textu	tual Amendments	
F2	Sch. 4 para. 2 repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(2), 68(1)-(3), S ss. 27, 28, 29, 62); S.I. 2007/1897, art. 2	<b>ch.</b> 7 (with
3	In section 10(3) of the M¹Colonial Prisoners Removal Act 1884 for "section seventy-one of the Mental Health Act 1959", "section seventy "section seventy-four" there shall be substituted respectively the words " of the Mental Health Act 1983", " section 47 "and " section 49".	-two" and
_	rginal Citations 1884 c. 31.	
4	F3	
Textu	cual Amendments	
F3	Sch. 4 para. 4 repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(2), 68(1)-(3), S ss. 27, 28, 29, 62); S.I. 2007/1897, art. 2	<b>ch.</b> 7 (with
5	F4	
Textu	cual Amendments	
F4	Sch. 4 para. 5 repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(2), 68(1)-(3), S ss. 27, 28, 29, 62); S.I. 2007/1897, art. 2	<b>ch.</b> 7 (with

Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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**

F5 Sch. 4 para. 6 repealed (13.10.2003) by 2002 c. 9, ss. 135, 136(2), Sch. 13 (with s. 129, Sch. 12 para. 1), S.I. 2003/1725, art. 2(1)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 F6

#### **Textual Amendments**

F6 Sch. 4 para. 7 repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(2), 68(1)-(3), Sch. 7 (with ss. 27, 28, 29, 62); S.I. 2007/1897, art. 2

In sections 4(1) and 11(3)(b) of the M2Polish Resettlement Act 1947 for the words "the Mental Health Act 1959" there shall be substituted the words "the Mental Health Act 1983".

#### **Marginal Citations**

**M2** 1947 c. 19.

9 F7

#### **Textual Amendments**

F7 Sch. 4 para. 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 11

In section 116(7) of the Marmy 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**

**M3** 1955 c. 18.

In section 116(7) of the M4Air 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**

**M4** 1955 c. 19.

<sup>F8</sup>12 .....

Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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**

- **F8** 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)**
- In section 71(6) of the M5Naval Discipline Act 1957 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 M5 1957 c. 53.

14 F9 .....

#### **Textual Amendments**

**F9** Sch. 4 para. 14 repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(2), 68(1)-(3), **Sch. 7** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2** 

15 F10

#### **Textual Amendments**

**F10** 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 F1

#### **Textual Amendments**

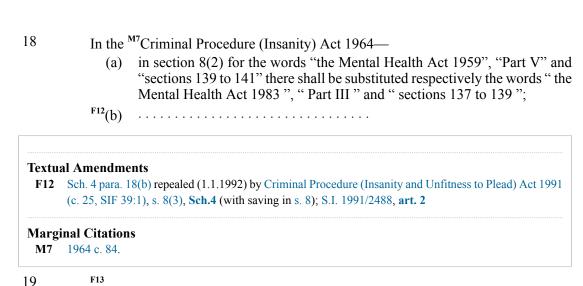
F11 Sch. 4 para. 16 repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), s. 127(2), Sch. 5

- 17 In section 5 of the M6Administration 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**

M6 1960 c. 65.

Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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**

**F13** Sch. 4 para. 19 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 17 Group 8}

20 F14.....

#### **Textual Amendments**

**F14** Sch. 4 para. 20 repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(2), 68(1)-(3), **Sch. 7** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2** 

#### In the M8Criminal 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 M8 1967 c. 80.

22 F15

Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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**

F15 Sch. 4 para. 22 repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(2), 68(1)-(3), Sch. 7

	(with ss. 27,	28, 29, 62); S.I. 2007/1897, art. 2
23	In the <sup>M</sup>	Criminal Appeal Act 1968—
	F16(a)	Crimmar repour net 1900
	(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) Ac 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 shal 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".
	F16(e)	
	F16(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 II 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 "
	(j)	in section 51(2) for the words "section 147(1) of the Mental Health Ac 1959" there shall be substituted the words "section 145(1) of the Menta Health Act 1983";
	F16(k)	,
	F16(1)	
	F16(m)	
	(n)	in Schedule 3—

Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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)

- (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

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**

F16 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**

**M9** 1968 c. 19.

- In the M10 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 M10 1968 c. 20.			
25	F17		
Textu	al Amendments		
F17	Sch. 4 para. 25 repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(2), 68(1)-(3), Sch. 7 (with ss. 27, 28, 29, 62); S.I. 2007/1897, art. 2		

Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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)

F18(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**

**F18** 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**

M11 1969 c. 54.

- 27 In Schedule 1 to the M12Local 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 n

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.

Section 114 Appointment of approved social

workers.

Section 115 Entry and inspection.

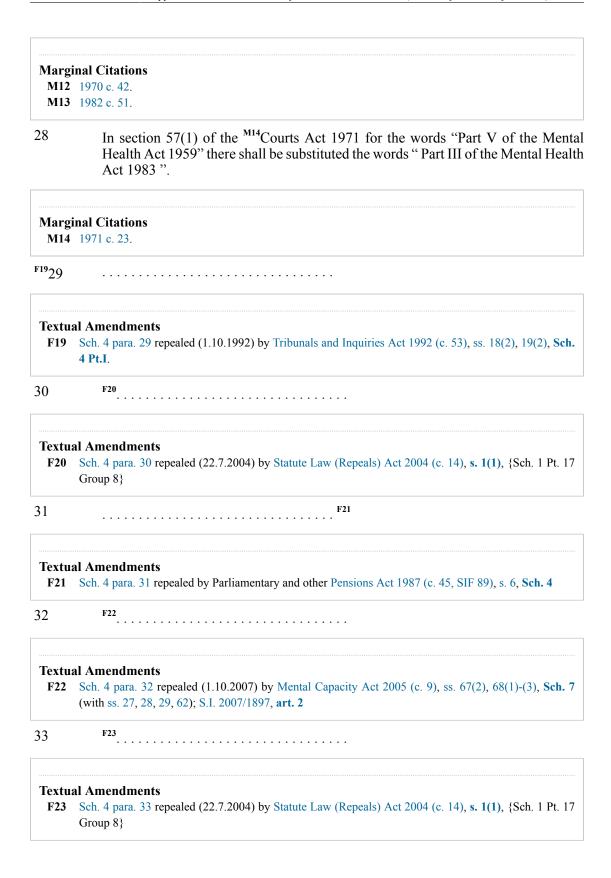
Section 116 Welfare of certain hospital patients.

Section 117 After-care of detained patients.

Section 130 Prosecutions.";

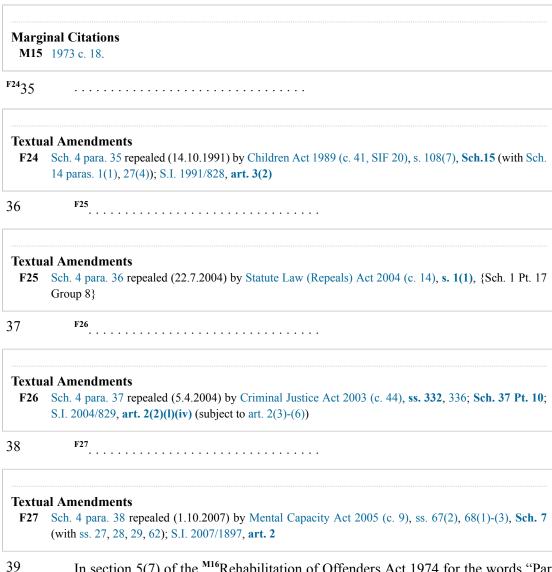
(c) the entry relating to the MI3Mental Health (Amendment) Act 1982 shall cease to have effect.

Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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)



Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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)

In section 12(d) of the M15 Matrimonial Causes Act 1973 for the words "the Mental Health Act 1959" there shall be substituted the words "the Mental Health Act 1983"



In section 5(7) of the M16Rehabilitation 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".

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Marginal Citations
M16 1974 c. 53.
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40 F2

#### **Textual Amendments**

F28 Sch. 4 para. 40 repealed by Capital Transfer Tax Act 1984 (c. 51, SIF 65), ss. 274, 277, Schs. 7, 9

Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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)

- In the M17Criminal 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**

M17 1975 c. 21.

In Part II of Schedule 1 to the M18 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 M18 1975 c. 24. 43 F29 Textual Amendments F29 Sch. 4 para. 43 repealed by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, Sch. 3 F30 44 Textual Amendments F30 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)

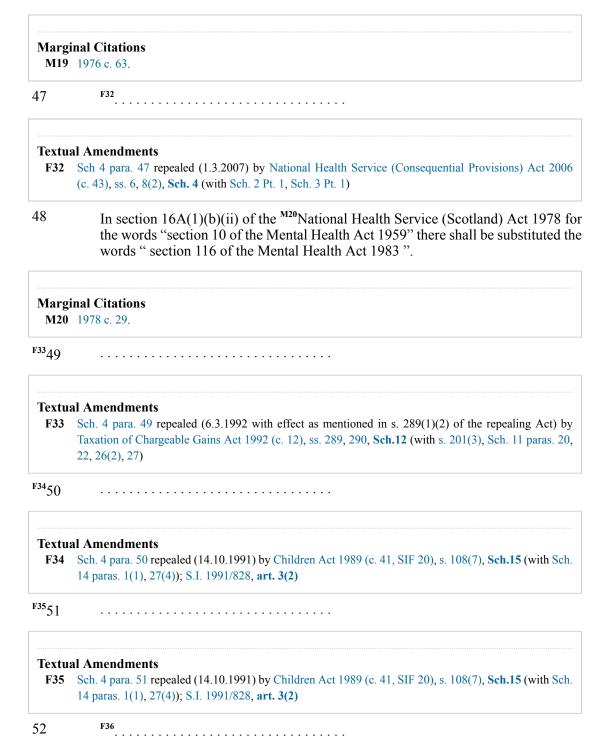
#### **Textual Amendments**

45

F31 Sch. 4 para. 45 repealed (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 5 (with Sch. 4 paras. 6-8); S.I. 2005/2897, art. 2

Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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)

In section 3(6B) of the M19Bail 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".



Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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** Sch. 4 para. 52 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 17 Group 8} 53 **Textual Amendments** Sch. 4 para. 53 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 17 Group 8} 54 **Textual Amendments** F38 Sch. 4 para. 54 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 17 Group 8} 55 **Textual Amendments F39** Sch. 4 para. 55 repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(2), 68(1)-(3), Sch. 7 (with ss. 27, 28, 29, 62); S.I. 2007/1897, art. 2 56

#### **Textual Amendments**

**F40** Sch. 4 para. 56 repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(2), 68(1)-(3), **Sch. 7** (with ss. 27, 28, 29, 62); S.I. 2007.1897, {art. 2}

#### 57 In the M21 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".
- (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**

**M21** 1981 c. 49.

Changes to legislation: Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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)

- In the M22 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**

**M22** 1981 c. 54.

In section 13(9) of the M23Armed Forces Act 1981 or the words "the Mental Health Act 1959" there shall be substituted the words "the Mental Health Act 1983".

#### **Marginal Citations**

**M23** 1981 c. 55.

- In paragraph 9 of Schedule 1 to the M24British 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**

**M24** 1981 c. 61.

- In the M25Mental Health (Amendment) Act 1982—
  - (a) .....F41
  - (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"."

#### **Textual Amendments**

**F41** Sch. para. 61(a) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XIII** 

#### **Marginal Citations**

**M25** 1982 c. 51.

#### **Status:**

Point in time view as at 01/12/2007.

#### **Changes to legislation:**

Mental Health Act 1983, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 August 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.