Status: Point in time view as at 03/04/2006. This version of this provision has been superseded.
Changes to legislation: Mental Health Act 1983, Section 111 is up to date with all changes known to be in force
on or before 10 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)

Mental Health Act 1983

1983 CHAPTER 20

PART VII

MANAGEMENT OF PROPERTY AND AFFAIRS OF PATIENTS

111 Construction of references in other Acts to judge or authority having jurisdiction under Part VII.

(1) The functions expressed to be conferred by any enactment not contained in this Part of this Act on the judge having jurisdiction under this Part of this Act shall be exercisable **F1**. . . by a nominated judge.

(2) Subject to subsection (3) **[F2**and (3A)]** below, the functions expressed to be conferred by any such enactment on the authority having jurisdiction under this Part of this Act shall, subject to any express provision to the contrary, be exercisable by **F3**. . . a nominated judge, the Master of the Court of Protection or a nominated officer.

[F4(2A) The exercise of the functions referred to in subsection (2) above by the Public Trustee shall be subject to any directions of the Master and they shall be excercisable so far only as may be provided by any rules made under this Part of this Act or (subject to any such rules) by directions of the Master.]

(3) The exercise of the functions referred to in subsection (2) above by a nominated officer shall be subject to any directions of the Master and they shall be exercisable so far only as may be provided by the instrument by which the officer is nominated.

[F5(3A) In such cases or circumstances as may be prescribed by any rules under this Part of this Act or (subject to any such rules) by directions of the Master, the functions referred to in subsection (2) above shall be exercised by the Public Trustee (but subject to any directions of the Master as to their exercise).]

(4) Subject to the foregoing provisions of this section—

    (a) references in any enactment not contained in this Part of this Act to the judge having jurisdiction under this Part of this Act shall be construed as references to **F6**. . . a nominated judge, and

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(b)   references in any such enactment to the authority having jurisdiction under this Part of this Act shall be construed as references to **F7**. . . a nominated judge, the Master of the Court of Protection or a nominated officer.

Textual Amendments

F1   Words in s. 111(1) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, 148, Sch. 4 para. 157(2), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 11(q), 30(b)

F2   Words inserted (E.W.) by Public Trustee and Administration of Funds Act 1986 (c. 57, SIF 57), **s.2(3)**(*a*)

F3   Words in s. 111(2) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, 148, Sch. 4 para. 157(2), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 11(q), 30(b)

F4   S. 111(2A) inserted (E.W.) by Public Trustee and Administration of Funds Act 1986 (c. 57, SIF 57), **s.2(3)**(*b*)

F5   S. 112(3A) inserted (E.W.) by Public Trustee and Administration of Funds Act 1986 (c. 57, SIF 57), **s.2(3)**(*c*)

F6   Words in s. 111(4)(a) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, 148, Sch. 4 para. 157(4)(a), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 11(q), 30(b)

F7   Words in s. 111(4)(b) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, 148, Sch. 4 para. 157(4)(b), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 11(q), 30(b)

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