

SCHEDULES

SCHEDULE 9

MINOR AND CONSEQUENTIAL AMENDMENTS

The Mental Health Act 1983

- 24 (1) In section 12 of the Mental Health Act 1983 (general provisions as to medical recommendations), in subsection (3) after the words “National Health Service Act 1977” there shall be inserted “or paragraph 14 of Schedule 2 to the National Health Service and Community Care Act 1990”.
- (2) In section 19 of that Act (regulations as to transfer of patients), in subsection (3)—
- (a) after the words “such a hospital” there shall be inserted “or in a hospital vested in a National Health Service trust”, and
 - (b) for the words from “for which the managers” to “also the managers”, there shall be substituted “which is managed by the managers of, or is vested in the National Health Service trust for, the first-mentioned hospital”.
- (3) In section 23 of that Act (discharge of patients)—
- (a) in subsection (3) after the words “a contract with a” there shall be inserted “National Health Service trust”, and after the words “by that” there shall be inserted “trust or”, and
 - (b) in subsection (4), after the word “exercised” there shall be inserted “subject to subsection (5) below” and after the word “authority”, in each place in which it occurs, there shall be inserted “trust”, and
 - (c) after subsection (4) there shall be inserted the following subsection—
 - “(5) The reference in subsection (4) above to the members of an authority, trust or body or the members of a committee or sub-committee of an authority, trust or body,—
 - (a) in the case of a District or Special Health Authority or a committee or sub-committee of such an authority, is a reference only to the chairman of the authority and such members (of the authority, committee or sub-committee, as the case may be) as are not also officers of the authority, within the meaning of the National Health Service Act 1977; and
 - (b) in the case of a National Health Service trust or a committee or sub-committee of such a trust, is a reference only to the chairman of the trust and such directors or (in the case of a committee or sub-committee) members as are not also employees of the trust.”
- (4) In section 24 of that Act (visiting and examination of patients), in subsection (3) after the words “District Health Authority” there shall be inserted “National Health

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Service trust”; and in paragraph (a) of that subsection after the word “authority” there shall be inserted “or trust”.

- (5) In section 32 of that Act (regulations for purposes of Part II), in subsection (3) after the words “District Health Authorities” there shall be inserted “National Health Service trusts” and for the words “and authorities” there shall be inserted “authorities and trusts”.
- (6) In section 117 of that Act (after-care) in subsection (3) for the words “the District Health Authority for the district” there shall be substituted “such District Health Authority as may be determined in accordance with regulations made by the Secretary of State”.
- (7) In section 139 of that Act (protection for acts done in pursuance of the Act), at the end of subsection (4) there shall be inserted “or against a National Health Service trust established under the National Health Service and Community Care Act 1990”.
- (8) In section 140 of that Act (notification of hospitals having arrangements for reception of urgent cases) after the words “administered by” there shall be inserted “or otherwise available to”.
- (9) In section 145(1) of that Act (definitions) in the definition of “the managers”, after paragraph (b) there shall be inserted the following paragraph—
 - “(bb) in relation to a hospital vested in a National Health Service trust, the directors of the trust”.