

*Status: Point in time view as at 03/11/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Health Authorities Act 1995, Cross Heading: The Mental Health Act 1983. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### AMENDMENTS

##### Extent Information

- E1** Sch. 1 does not extend to the Colonies; the amending/repealing provisions within Sch. 1 are co-extensive with the enactments they affect see s.9(2).

### PART III

#### AMENDMENTS OF OTHER ENACTMENTS

##### Extent Information

- E1** Part III does not extend to the Colonies.

#### *The Mental Health Act 1983*

- 107 (1) The <sup>M1</sup>Mental Health Act 1983 shall be amended as follows.
- (2) In section 23 (discharge of patients)—
- (a) in subsection (3), for the words from “Regional” to the end substitute “, Health Authority or Special Health Authority, by that National Health Service trust, Health Authority or Special Health Authority.”, and
  - (b) in subsection (5)(a), for—
    - (i) “a District or Special Health Authority”, and
    - (ii) “such an authority”,substitute “ a Health Authority or Special Health Authority ”.
- (3) In section 24 (visiting and examination of patients), in subsection (3)—
- (a) for “Regional Health Authority, District Health Authority National Health Service trust or special health authority” substitute “ Health Authority, Special Health Authority or National Health Service trust ”, and
  - (b) for “authority or trust” substitute “ Health Authority, Special Health Authority or National Health Service trust ”.
- (4) In section 32 (regulations), in subsection (3), for “Regional Health Authorities, District Health Authorities National Health Service trusts or special health authorities” substitute “ Health Authorities, Special Health Authorities or National Health Service trusts ”.
- (5) In section 39 (information as to hospitals)—

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- (a) in subsection (1)—
- (i) for “Regional Health Authority” (in both places) substitute “ Health Authority ”,
  - (ii) for “the region” substitute “ the area ”,
  - (iii) for “that Authority has” substitute “ that Health Authority have ”,
  - (iv) for “its region” substitute “ their area ”, and
  - (v) for “that Authority shall” substitute “ that Health Authority shall ”, and
- (b) omit subsection (2).
- (6) In section 65 (Mental Health Review Tribunals), for subsection (1) substitute—
- “(1) There shall be tribunals, known as Mental Health Review Tribunals, for the purpose of dealing with applications and references by and in respect of patients under the provisions of this Act.
- (1A) There shall be—
- (a) one tribunal for each region of England, and
  - (b) one tribunal for Wales.
- (1B) The Secretary of State—
- (a) shall by order determine regions for the purpose of subsection (1A) (a) above; and
  - (b) may by order vary a region determined for that purpose;
- and the Secretary of State shall act under this subsection so as to secure that the regions together comprise the whole of England.
- (1C) Any order made under subsection (1B) above may make such transitional, consequential, incidental or supplemental provision as the Secretary of State considers appropriate.”
- (7) In section 79 (interpretation of Part V), after subsection (6) insert—
- “(7) In this Part of this Act any reference to the area of a tribunal is—
- (a) in relation to a tribunal for a region of England, a reference to that region; and
  - (b) in relation to the tribunal for Wales, a reference to Wales.”
- (8) In section 117 (after-care)—
- (a) in subsection (2), for “District Health Authority” (in both places) substitute “ Health Authority ”, and
  - (b) in subsection (3), for the words from “section” to “for the area” substitute “ section “the Health Authority” means the Health Authority, and “the local social services authority” means the local social services authority, for the area ”.
- (9) In section 121 (Mental Health Act Commission)—
- (a) in subsection (1), for “special health authority” substitute “ Special Health Authority ”, and
  - (b) in subsection (11), for “health authorities” substitute “ Special Health Authorities ”.

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- (10) In section 134 (correspondence of patients), in subsection (3)(e), for “health authority within the meaning of the <sup>M2</sup>National Health Service Act 1977” substitute “ Health Authority or Special Health Authority ”.
- (11) In section 139 (protection for acts done in pursuance of that Act), in subsection (4), for “health authority within the meaning of the National Health Service Act 1977” substitute “ Health Authority or Special Health Authority ”.
- (12) In section 140 (notification of hospitals having arrangements for reception of urgent cases)—
- (a) for “Regional Health Authority and in Wales every District Health Authority” substitute “ Health Authority ”,
  - <sup>F1</sup>(b) . . . . .
  - (c) for “to the Authority” substitute “ to the Health Authority ”.
- <sup>F2</sup>(13) . . . . .
- (14) In section 145 (interpretation), in subsection (1)—
- (a) after the definition of “approved social worker” insert—

““Health Authority” means a Health Authority established under section 8 of the <sup>M3</sup>National Health Service Act 1977;”,
  - (b) in paragraph (a) of the definition of “the managers”, for “District Health Authority or special health authority” substitute “ Health Authority or Special Health Authority ”, and
  - (c) after the definition of “restriction order” insert—

““Special Health Authority” means a Special Health Authority established under section 11 of the National Health Service Act 1977;”.

**Textual Amendments**

**F1** Sch. 1 para. 107(12)(b) repealed (1.10.2002 for E. and 10.10.2002 for W.) by 2002 c. 17, s. 37, Sch. 8 para. 22, **Sch. 9 Pt. 3**; S.I. 2002/2478, **art. 3(1)(e)(ii)(f)(iv)** (subject (E.) to arts. 3(3), 4); S.I. 2002/2532, art. 2, **Sch.**

**F2** Sch. 1 para. 107(13) repealed (3.11.2008) by Mental Health Act 2007 (c. 12), s. 56(1), **Sch. 11 Pt. 6**; S.I. 2008/1900, art. 2(p) (with art. 3, Sch.)

**Marginal Citations**

**M1** 1983 c.20.

**M2** 1977 c.49.

**M3** 1977 c.49.

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