

## SCHEDULES

### SCHEDULE 1

#### AFTER-CARE UNDER SUPERVISION: SUPPLEMENTARY

##### *Mental Health Review Tribunals*

- 7 (1) Section 66 of that Act (applications to tribunals) shall be amended in accordance with sub-paragraphs (2) to (4) below.
- (2) In subsection (1) (cases where application may be made), after paragraph (g) there shall be inserted the following paragraphs—
- “(ga) a supervision application is accepted in respect of a patient; or
  - (gb) a report is furnished under section 25F above in respect of a patient; or
  - (gc) a report is furnished under section 25G above in respect of a patient; or”.
- (3) In that subsection, in paragraph (i), for the words “case mentioned in paragraph (d) above, by his nearest relative” there shall be substituted “cases mentioned in paragraphs (d), (ga), (gb) and (gc), by his nearest relative if he has been (or was entitled to be) informed under this Act of the report or acceptance”.
- (4) In subsection (2) (period within which application may be made)—
- (a) in paragraph (c), for the words “case mentioned in paragraph (c)” there shall be substituted “cases mentioned in paragraphs (c) and (ga)”;
  - (b) in paragraph (d), for the words “and (g)” there shall be substituted “, (g) and (gb)”;
  - (c) after paragraph (f) there shall be inserted the following paragraph—
    - “(fa) in the case mentioned in paragraph (gc) of that subsection, the further period for which the patient is made subject to after-care under supervision by virtue of the report;”.
- 8 (1) Section 67 of that Act (references to tribunals by Secretary of State) shall be amended in accordance with sub-paragraphs (2) and (3) below.
- (2) In subsection (1) (power of Secretary of State to refer), after the word “guardianship” there shall be inserted “or to after-care under supervision”.
- (3) In subsection (2) (power of registered medical practitioner to require records), at the end there shall be inserted the words “or to any after-care services provided for the patient under section 117 below”.
- 9 In section 68 of that Act (duty of managers of hospitals to refer cases to tribunal), in subsection (3) (power of registered medical practitioner to require records), at the end there shall be inserted the words “or to any after-care services provided for the patient under section 117 below”.

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*Status: This is the original version (as it was originally enacted).*

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- 10 (1) Section 72 of that Act (powers of tribunal) shall be amended in accordance with sub-paragraphs (2) to (4) below.
- (2) After subsection (3) there shall be inserted the following subsection—
- “(3A) Where, in the case of an application to a tribunal by or in respect of a patient who is liable to be detained in pursuance of an application for admission for treatment or by virtue of an order or direction for his admission or removal to hospital under Part III of this Act, the tribunal do not direct the discharge of the patient under subsection (1) above, the tribunal may—
- (a) recommend that the responsible medical officer consider whether to make a supervision application in respect of the patient; and
- (b) further consider his case in the event of no such application being made.”
- (3) After subsection (4) there shall be inserted the following subsection—
- “(4A) Where application is made to a Mental Health Review Tribunal by or in respect of a patient who is subject to after-care under supervision (or, if he has not yet left hospital, is to be so subject after he leaves hospital), the tribunal may in any case direct that the patient shall cease to be so subject (or not become so subject), and shall so direct if they are satisfied—
- (a) in a case where the patient has not yet left hospital, that the conditions set out in section 25A(4) above are not complied with; or
- (b) in any other case, that the conditions set out in section 25G(4) above are not complied with.”
- (4) In subsection (5) (power of tribunal to amend application, order or direction where satisfied that patient is suffering from a form of mental disorder different from that specified in it), after the word “discharged” there shall be inserted “or, if he is (or is to be) subject to after-care under supervision, that he cease to be so subject (or not become so subject)”.
- 11 In section 76(1) of that Act (visiting and examination of patients)—
- (a) after the word “guardianship” there shall be inserted “or to after-care under supervision (or, if he has not yet left hospital, is to be subject to after-care under supervision after he leaves hospital)”; and
- (b) in paragraph (b), at the end there shall be inserted the words “or to any after-care services provided for the patient under section 117 below.”
- 12 In section 77(3) of that Act (tribunal applications), after the word “guardianship” there shall be inserted “or when subject to after-care under supervision (or in which he is to reside on becoming so subject after leaving hospital)”.
- 13 In section 79(6) of that Act (interpretation of Part V), after the words “a hospital” there shall be inserted “, and “the responsible medical officer” means the responsible medical officer.”
- 14 In Schedule 1 to that Act (application of provisions to patients subject to hospital and guardianship orders), in Part I (patients not subject to special restrictions), in paragraph 9(b) (modifications of section 66(2)), for the words from “shall be omitted” to the end there shall be substituted “, and in paragraph (d) “, (g)”, shall be omitted.”