

*Status: Point in time view as at 25/05/2007.*

*Changes to legislation: Care Standards Act 2000, Cross Heading: Mental Health Act 1983 (c.20) is up to date with all changes known to be in force on or before 23 June 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

### SCHEDULE 4

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Mental Health Act 1983 (c.20)*

- 9 (1) The Mental Health Act 1983 shall be amended as follows.
- (2) In sections 12(3), 23(3), 24(3), 46(1), 64(1), 119(2), 120(1) and (4), 131(1), 132(1), (2) and (4) and 133(1), for “mental nursing home” and “mental nursing homes” in each place where they occur, there shall be substituted, respectively, “registered establishment” and “registered establishments”.
- (3) In paragraph (b) of section 24(3) (visiting and examination of patients), for “Part II of the Registered Homes Act 1984” there shall be substituted “Part II of the Care Standards Act 2000”.
- (4) In section 34—
- (a) in subsection (1), after the definition of “the nominated medical attendant” there shall be inserted—
- ““registered establishment” means an establishment—
- (a) which would not, apart from subsection (2) below, be a hospital for the purposes of this Part; and
- (b) in respect of which a person is registered under Part II of the Care Standards Act 2000 as an independent hospital in which treatment or nursing (or both) are provided for persons liable to be detained under this Act;”
- and
- (b) in subsection (2), for the words from “a mental” to “1984” there shall be substituted “a registered establishment”.
- (5) In section 116(1) (welfare of certain hospital patients), for “or nursing home” there shall be substituted “, independent hospital or care home”.
- (6) In section 118(1) (code of practice)—
- (a) for the first “and mental nursing homes” there shall be substituted “, independent hospitals and care homes”; and
- (b) for the second “and mental nursing homes” there is substituted “and registered establishments”.
- (7) In section 121 (Mental Health Act Commission)—
- (a) in subsection (4), for “and mental nursing homes” there shall be substituted “, independent hospitals and care homes”; and
- (b) in subsection (5), in paragraphs (a) and (b), for “a mental nursing home” there shall be substituted “an independent hospital or a care home”.

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- (8) In section 127(1) (ill-treatment of patients), for “or mental nursing home” there shall be substituted “, independent hospital or care home”.
- (9) In section 135(6) (warrant to search for and remove patients) for “a mental nursing home or residential home” there shall be substituted “ an independent hospital or care home”.
- (10) In section 145(1) (interpretation)—
- (a) after the definition of “approved social worker” there shall be inserted—
- ““care home” has the same meaning as in the Care Standards Act 2000”;
- (b) after the definition of “hospital order” and “guardianship order” there shall be inserted—
- ““independent hospital” has the same meaning as in the Care Standards Act 2000;”
- (c) in the definition of “the managers”, for paragraph (c) there shall be substituted—
- “(c) in relation to a registered establishment, the person or persons registered in respect of the establishment;”
- and
- (d) after the definition of “Primary Care Trust” there shall be inserted—
- ““registered establishment” has the meaning given in section 34 above;”.

#### Commencement Information

- II** Sch. 4 para. 9 wholly in force at 1.4.2002; Sch. 4 para. 9 not in force at Royal Assent see s. 122; Sch. 4 para. 9 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 9 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), 3(3) (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

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