



Mental Health Act 2007

2007 CHAPTER 12

PART 1

AMENDMENTS TO MENTAL HEALTH ACT 1983

CHAPTER 7

RESTRICTED PATIENTS

40 Restriction orders

- (1) In section 41(1) of the 1983 Act (restriction orders) omit the words “, either without limit of time or during such period as may be specified in the order”.
- (2) In section 42(4)(b) of the 1983 Act (powers in respect of patients subject to restriction orders) omit the words from “, and, if the restriction order was made for a specified period,” to the end.
- (3) In the following provisions omit the words “, made without limitation of time”—
 - (a) section 44(3) of the 1983 Act (committal to hospital),
 - (b) section 84(2) of the 1983 Act (removal from Islands), and
 - (c) section 10(3)(a) of the Colonial Prisoners Removal Act 1884 (c. 31) (criminal lunatics).
- (4) In section 81(7) of the 1983 Act (removal to Northern Ireland: expiry of restriction order or direction) omit (in each place) “restriction order or”.
- (5) In section 81A(3) of the 1983 Act (transfer of responsibility for patient to Northern Ireland: expiry of restriction order or direction)—
 - (a) omit (in each place) “restriction order or”, and
 - (b) omit “order or”.

Status: This is the original version (as it was originally enacted).

- (6) In section 91(2) of the 1983 Act (patients removed from England and Wales: revival of order on return) omit the words “at any time before the end of the period for which those orders would have continued in force”.
- (7) But subsections (3) to (6) shall have no effect in respect of—
- (a) a restriction order for a specified period made before subsection (1) comes into force, or
 - (b) an order made outside England and Wales which is treated under the 1983 Act as if it were a restriction order for a specified period.

41 Conditionally discharged patients subject to limitation directions

In section 75(3) of the 1983 Act (power of Mental Health Review Tribunal to direct that restriction order, etc. is to cease to have effect)—

- (a) in paragraph (b), after “restriction order”, insert “, limitation direction”, and
- (b) after “hospital order”, insert “, hospital direction”.