



Mental Health Act 2007

2007 CHAPTER 12

PART 1

AMENDMENTS TO MENTAL HEALTH ACT 1983

CHAPTER 2

PROFESSIONAL ROLES

Approved clinicians and responsible clinicians

12 Amendments to Part 4 of 1983 Act

- (1) Part 4 of the 1983 Act (consent to treatment) is amended as follows.
- (2) In section 57 (requirements as to certification for treatment requiring consent and a second opinion)—
 - (a) in subsection (2)(a), for “responsible medical officer” substitute “responsible clinician (if there is one) or the person in charge of the treatment in question”, and
 - (b) in subsection (3), for the words from “, and of those persons” to the end substitute “but, of those persons—
 - (a) one shall be a nurse and the other shall be neither a nurse nor a registered medical practitioner; and
 - (b) neither shall be the responsible clinician (if there is one) or the person in charge of the treatment in question.”
- (3) In section 58 (requirements as to certification for treatment requiring consent or a second opinion)—
 - (a) in subsection (3)—
 - (i) in paragraph (a), for “responsible medical officer” substitute “approved clinician in charge of it”, and

Status: This is the original version (as it was originally enacted).

- (ii) in paragraph (b), for “responsible medical officer” substitute “responsible clinician or the approved clinician in charge of the treatment in question”, and
 - (b) in subsection (4), for the words from “, and of those persons” to the end substitute “but, of those persons—
 - (a) one shall be a nurse and the other shall be neither a nurse nor a registered medical practitioner; and
 - (b) neither shall be the responsible clinician or the approved clinician in charge of the treatment in question.”
- (4) In section 61 (review of treatment)—
- (a) in subsection (1)—
 - (i) for “by the responsible medical officer” substitute “by the approved clinician in charge of the treatment”, and
 - (ii) in paragraph (a), for “responsible medical officer” substitute “responsible clinician”,
 - (b) in subsection (2)(b), for “responsible medical officer” substitute “responsible clinician”,
 - (c) in subsection (3), omit the words “to the responsible medical officer”, and
 - (d) after that subsection insert—

“(3A) The notice under subsection (3) above shall be given to the approved clinician in charge of the treatment.”
- (5) In section 62(2) (exception to discontinuance of treatment), for “responsible medical officer” substitute “approved clinician in charge of the treatment”.
- (6) In section 63 (treatment not requiring consent), for “responsible medical officer” substitute “approved clinician in charge of the treatment”.
- (7) In section 64 (supplementary provisions for Part 4)—
- (a) in subsection (1), for the words from ““the responsible” to “treatment” substitute ““the responsible clinician” means the approved clinician with overall responsibility for the case”, and
 - (b) after that subsection insert—

“(1A) References in this Part of this Act to the approved clinician in charge of a patient’s treatment shall, where the treatment in question is a form of treatment to which section 57 above applies, be construed as references to the person in charge of the treatment.”