

*These notes refer to the Mental Health (Approval Functions) Act 2012 (c.18) which received Royal Assent on 31st October 2012*

# **MENTAL HEALTH (APPROVAL FUNCTIONS) ACT 2012**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON THE SECTIONS**

#### ***Section 1 - Authorisation of approvals given before this Act***

9. **Section 1** operates to give any person (which includes a body such as an NHS trust or NHS foundation trust) retrospective power under the Mental Health Act 1983 to approve a registered medical practitioner for the purposes of section 12 and to approve a clinician under section 145, where the approval was given before the Mental Health (Approval Functions) Act 2012 obtained Royal Assent. This means that bodies to which an SHA had no power to delegate these approval functions will be treated as if they had always had the power to give approvals for the purposes of section 12 and to approve persons as approved clinicians under section 145. The Act only has effect in relation to any approval given before Royal Assent (and so does not affect what SHAs or any other bodies can do in the future).