



Health and Social Care Act 2012

2012 CHAPTER 7

PART 1

THE HEALTH SERVICE IN ENGLAND

Functions relating to mental health matters

42 Transfers to and from special hospitals

- (1) Omit section 123 of the Mental Health Act 1983 (transfers to and from special hospitals).
- (2) In section 68A of that Act (power to reduce periods after which cases must be referred to tribunal), in subsection (4)—
 - (a) after paragraph (c), insert “or”,
 - (b) omit the “or” following paragraph (d), and
 - (c) omit paragraph (e).
- (3) In section 138 of that Act (retaking of patients escaping from custody), in subsection (4)(a), omit “or under section 123 above”.
- (4) In consequence of the repeal made by subsection (1), omit paragraph 67 of Schedule 4 to the Health Act 1999.
- (5) This section does not affect—
 - (a) the authority for the detention of a person who is liable to be detained under the Mental Health Act 1983 before the commencement of this section,
 - (b) that Act in relation to any application, order or direction for admission or removal to a hospital made under that Act before that commencement, or
 - (c) the authority for the retaking of a person who, before that commencement, escapes while being taken to or from a hospital as mentioned in section 138(4)(a) of that Act.