



# Mental Health Act 1959

1959 CHAPTER 72 7 and 8 Eliz 2

**E+W+S**

An Act to repeal the Lunacy and Mental Treatment Acts 1890 to 1930, and the Mental Deficiency Acts 1913 to 1938, and to make fresh provision with respect to the treatment and care of mentally disordered persons and with respect to their property and affairs; and for purposes connected with the matters aforesaid. [29th July 1959]

## PART I **E+W**

### PRELIMINARY

1—5. .... <sup>F1</sup> **E+W**

#### Textual Amendments

**F1** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), [Sch. 7 Part II](#) entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

## PART II **E+W**

### LOCAL AUTHORITY SERVICES

#### Modifications etc. (not altering text)

**C2** Pt. II amended by [Local Authority Social Services Act 1970 \(c. 42\)](#), s. 2(1), [Sch. 1](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

## General Provisions

6, 7. ....<sup>F2</sup> **E+W**

### Textual Amendments

**F2** Ss. 6, 7 repealed by Health Services and Public Health Act 1968 (c. 46), s. 12(7), **Sch. 4**

**8** **Functions of welfare authorities.** **E+W**

<sup>F3</sup>(1) For the purposes of subsection (8) of section twenty-one of the <sup>M1</sup>National Assistance Act 1948 (which restricts the duties of local authorities in respect of the provision of accommodation under that section by reference to the provision authorised or required to be made under other enactments) no account shall be taken of the provision authorised or required to be made by [<sup>F4</sup>local social services authorities] under [<sup>F5</sup>paragraph 2 of Schedule 8 to the <sup>M2</sup>National Health Service Act 1977], with respect to residential accommodation for persons who are or have been suffering from mental disorder.]

(2) [<sup>F6</sup>The persons referred to in subsection (1) of section twenty-nine of the said Act of 1948 (which section enables local authorities to make arrangements for promoting the welfare of blind persons and other disabled persons described in the said subsection (1)) shall include mentally disordered persons of any description; and] for the purposes of subsection (6) of that section (which, among other things, excludes from that section the provision of accommodation or services required to be provided under the <sup>M3</sup>National Health Service Act 1946), no account shall be taken of the provisions of [<sup>F7</sup>Schedule 8 to the <sup>M4</sup>National Health Service Act 1977], with respect to the provision of [<sup>F6</sup>accommodation or]services for such persons.

<sup>F3</sup>(3) Subsection (2) of this section shall not affect the operation of the provisions of Part IV of the <sup>M5</sup>National Assistance Act 1948, relating to disabled persons' homes or charities for disabled persons, but without prejudice to the provisions of Part III of this Act with respect to the registration of such homes.]

(4) Nothing in this section shall be construed as requiring a local authority to make provision for the same purposes both under . . . <sup>F8</sup> Part III of the <sup>M6</sup>National Assistance Act 1948 [<sup>F9</sup>and under Schedule 8 to the <sup>M7</sup>National Health Service Act 1977].

### Textual Amendments

**F3** S. 8(1)(3) repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), **Sch. 10**

**F4** Words substituted by Local Government Act 1972 (c. 70), **Sch. 23 para. 9(1)**

**F5** Words substituted by National Health Service Act 1977 (c. 49), s. 129, **Sch. 15 para. 24(1)**

**F6** Words repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), **Sch. 10**

**F7** Words substituted by National Health Service Act 1977 (c. 49), s. 129, **Sch. 15 para. 24(2)**

**F8** Words repealed by National Health Service Act 1977 (c. 49), s. 129, **Sch. 16**

**F9** Words added by National Health Service Act 1977 (c. 49), s. 129, **Sch. 15 para. 24(3)**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

#### Marginal Citations

- M1 1948 c. 29.
- M2 1977 c. 49.
- M3 1946 c. 81.
- M4 1977 c. 49.
- M5 1948 c. 29.
- M6 1948 c. 29.
- M7 1977 c. 49.

#### [<sup>F109</sup> **Functions of children authorities.** **E+W**

(1) [<sup>F11</sup>A local social services authority] may accommodate in homes [<sup>F12</sup>provided under section 38 of the <sup>M8</sup>Children and Young Persons Act 1969] any child who, not being in their care within the meaning of Part II of [<sup>F12</sup>the <sup>M9</sup>Children Act 1948], is a person whose care or after-care is for the time being undertaken by that or any other authority . . . <sup>F13</sup> in pursuance of arrangements made under [<sup>F14</sup>paragraph 2 of Schedule 8 to the <sup>M10</sup>National Health Service Act 1977], [<sup>F15</sup>or under section twenty-seven of the <sup>M11</sup>National Health Service (Scotland) Act 1947] for the care or after-care of persons who are or have been suffering from mental disorder.

[ Where any such child as is referred to in subsection (1) of this section is accommodated <sup>F16</sup>(2) as mentioned in that subsection by a local social services authority; the authority may make such adjustments of their accounts as they consider appropriate.]

(3) Nothing in this Act, or in any other enactment, shall be construed as preventing a [<sup>F11</sup>local social services authority] from receiving into their care under section one of the <sup>M12</sup>Children Act 1948, a child who is mentally disordered, nor as preventing a [<sup>F11</sup>local social services authority] from accommodating in pursuance of such arrangements as aforesaid any child who is in the care of that or any other authority . . . <sup>F13</sup>

(4) In this section “child” has the same meaning as in the <sup>M13</sup>Children Act 1948.]

#### Textual Amendments

- F10 S. 9 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(7), **Sch. 15**
- F11 Words substituted by Local Government Act 1972 (c. 70), **Sch. 23 para. 9(3)**
- F12 Words substituted by Children and Young Persons Act 1969 (c. 54), **Sch. 5 para. 37**
- F13 Words repealed by Local Government Act 1972 (c. 70), **Sch. 30**
- F14 Words substituted by National Health Service Act 1977 (c. 49), s. 129, **Sch. 15 para. 25**
- F15 Words inserted by Mental Health (Scotland) Act 1960 (c. 61), **Sch. 4**
- F16 S. 9(2) substituted by Local Government Act 1972 (c. 70), **Sch. 23 para. 9(3)**

#### Marginal Citations

- M8 1969 c. 54.
- M9 1948 c. 43.
- M10 1977 c. 49.
- M11 1947 c. 27.
- M12 1948 c. 43.
- M13 1948 c. 43.

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*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

10 ..... F17 **E+W**

**Textual Amendments**

**F17** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), [U.S.A. Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**

11— ..... F18 **E+W**  
13.

**Textual Amendments**

**F18** Ss. 11–13, Sch. 2 repealed by [Education \(Handicapped Children\) Act 1970](#) (c. 52), **Sch.**

**PART III E+W**

MENTAL NURSING HOMES, RESIDENTIAL HOMES, ETC.

14— ..... F19 **E+W**  
18.

**Textual Amendments**

**F19** Ss. 14–18, 23(2) repealed by [Nursing Homes Act 1975](#) (c. 37), s. 22(3), **Sch. 3**

19— ..... F20 **E+W**  
21.

**Textual Amendments**

**F20** Ss. 19–21, 23(1), Sch. 7 Part II entry relating to: [National Assistance Act 1948](#) (c. 29), **s. 37** repealed by [Residential Homes Act 1980](#) (c. 7), **Sch. 2**

22 ..... F21 **E+W**

**Textual Amendments**

**F21** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries

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relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), [U.S.A. Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**23** **E+W**

- (1) ..... **F22**
- (2) ..... **F23**

**Textual Amendments**

- F22** Ss. 19–21, 23(1), Sch. 7 Part II entry relating to: [National Assistance Act 1948 \(c. 29\)](#), s. 37 repealed by [Residential Homes Act 1980 \(c. 7\)](#), **Sch. 2**
- F23** Ss. 14–18, 23(2) repealed by [Nursing Homes Act 1975 \(c. 37\)](#), s. 22(3), **Sch. 3**

**24** ..... **F24** **E+W**

**Textual Amendments**

- F24** S. 24 repealed by [London Government Act 1963 \(c. 33\)](#), **Sch. 18 Pt. II**

**PART IV** **E+W**

**COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP**

**25—** ..... **F25** **E+W**  
**35.**

**Textual Amendments**

- F25** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), [U.S.A. Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**36** ..... **F26** **E+W**

**Textual Amendments**

- F26** S. 36 repealed and superseded by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), **Sch. 4 Pt. I**

**37—** ..... **F27** **E+W**  
**43.**

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**Textual Amendments**

**F27** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**44** ..... **F28** **E+W**

**Textual Amendments**

**F28** Ss. 44, 77, 78, 131(2), 134, 144(2), 146, Sch. 7 Part II entry relating to: [Representation of the People Act 1949 \(c. 68\)](#) repealed by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), **Sch. 4 Pt. I**

**45—** ..... **F29** **E+W**  
**59.**

**Textual Amendments**

**F29** Ss. 45-59 repealed by [Mental Health Act 1983 \(c.20, SIF 85\)](#), **Sch. 6**

**PART V** **E+W**

ADMISSION OF PATIENTS CONCERNED IN CRIMINAL PROCEEDINGS,  
ETC., AND TRANSFER OF PATIENTS UNDER SENTENCE

**60** ..... **F30** **E+W**

**Textual Amendments**

**F30** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**61** ..... **F31** **E+W**

**Textual Amendments**

**F31** Ss. 61, 79 repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 6**

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62— ..... F32 **E+W**  
68.

**Textual Amendments**

**F32** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

69 ..... F33 **E+W**

**Textual Amendments**

**F33** S. 69 repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**

70— ..... F34 **E+W**  
76.

**Textual Amendments**

**F34** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

77, 78. .... F35 **E+W**

**Textual Amendments**

**F35** Ss. 44, 77, 78, 131(2), 134, 144(2), 146, Sch. 7 Part II entry relating to: [Representation of the People Act 1949 \(c. 68\)](#) repealed by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), **Sch. 4 Pt. I**

79 ..... F36 **E+W**

**Textual Amendments**

**F36** Ss. 61, 79 repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 6**

80 ..... F37 **E+W**

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**Textual Amendments**

**F37** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**PART VI E+W**

REMOVAL AND RETURN OF PATIENTS WITHIN UNITED KINGDOM, ETC.

**81** ..... **F38 E+W**

**Textual Amendments**

**F38** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**82—** ..... **F39 E+W**  
**84.**

**Textual Amendments**

**F39** Ss. 82–84, 91 repealed by [Mental Health \(Scotland\) Act 1960 \(c. 61\)](#), **Sch. 5**

**85** ..... **F40 E+W**

**Textual Amendments**

**F40** S. 85 (which was substituted for ss. 85 and 86 by [Mental Health Act \(Northern Ireland\) 1961 \(c. 15\)](#), **Sch. 5 Pt. I**) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**87** ..... **F41 E+W**

**Textual Amendments**

**F41** S. 87 (which was substituted for ss. 87 and 88 by [Mental Health Act \(Northern Ireland\) 1961 \(c. 15\)](#), **Sch. 5 Pt. I**) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**



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**89, 90.** ..... <sup>F42</sup> **E+W**

**Textual Amendments**

**F42** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), [U.S.A. Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**

**91** ..... <sup>F43</sup> **E+W**

**Textual Amendments**

**F43** Ss. 82–84, 91 repealed by [Mental Health \(Scotland\) Act 1960](#) (c. 61), **Sch. 5**

**92—** ..... <sup>F44</sup> **E+W**  
**96.**

**Textual Amendments**

**F44** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), [U.S.A. Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**

**PART VII** **E+W**

SPECIAL HOSPITALS

**97, 98.** ..... <sup>F45</sup> **E+W**

**Textual Amendments**

**F45** Ss. 97, 98 repealed by [National Health Service Reorganisation Act 1973](#) (c. 32), **Sch. 5**

**99** ..... <sup>F46</sup> **E+W**

**Textual Amendments**

**F46** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry

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relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), U.S.A. [Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**

**PART VIII E+W**

MANAGEMENT OF PROPERTY AND AFFAIRS OF PATIENTS

**100**— ..... <sup>F47</sup> **E+W**  
**119.**

**Textual Amendments**

**F47** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), U.S.A. [Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**

**120** ..... <sup>F48</sup> **E+W**

**Textual Amendments**

**F48** S. 120, Sch. 4 repealed by S.I. 1986/595 (N.I. 4), art. 138, **Sch. 7**

**121** ..... <sup>F49</sup> **E+W**

**Textual Amendments**

**F49** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), U.S.A. [Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**

**PART IX E+W**

MISCELLANEOUS AND GENERAL

**Modifications etc. (not altering text)**

**C3** Pt. IX amended by [Local Authority Social Services Act 1970](#) (c. 42), s. 2(1), **Sch. 1**

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*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

122— ..... F50 **E+W**  
124.

**Textual Amendments**

**F50** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

*Offences*

125, ..... F51 **E+W**  
126.

**Textual Amendments**

**F51** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

127 **Amendment of Sexual Offences Act, 1956.** **E+W**

- (1) The Sexual Offences Act, 1956, shall be amended as follows:—  
(a) For section seven there shall be substituted the following section:—

**“7 Intercourse with defective.**

- (1) It is an offence, subject to the exception mentioned in this section, for a man to have unlawful sexual intercourse with a woman who is a defective.  
(2) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with a woman if he does not know and has no reason to suspect her to be a defective.”

- (b) for section forty-five there shall be substituted the following section:—

**“45 Meaning of “defective”.**

In this Act “defective” means a person suffering from severe subnormality within the meaning of the Mental Health Act, 1959.”

and section eight of that Act shall cease to have effect.

(2) ..... F52

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

### Textual Amendments

**F52** S. 127(2) repealed by [Guardianship Act 1973 \(c. 29\)](#), [Sch. 3](#)

### Modifications etc. (not altering text)

**C4** The text of s. 127(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 128 Sexual intercourse with patients. **E+W**

- (1) Without prejudice to section seven of the <sup>M14</sup>Sexual Offences Act 1956, it shall be an offence, subject to the exception mentioned in this section,—
- (a) for a man who is an officer on the staff of or is otherwise employed in, or is one of the managers of, a hospital or mental nursing home to have unlawful sexual intercourse with a woman who is for the time being receiving treatment for mental disorder in that hospital or home, or to have such intercourse on the premises of which the hospital or home forms part with a woman who is for the time being receiving such treatment there as an out-patient;
  - (b) for a man to have unlawful sexual intercourse with a woman who is a mentally disordered patient and who is subject to his guardianship under [<sup>F53</sup>the Mental Health Act 1983] or is otherwise in his custody or care under [<sup>F53</sup>the Mental Health Act 1983] or in pursuance of arrangements under . . . <sup>F54</sup>, or Part III of the <sup>M15</sup>National Assistance Act 1948, [<sup>F55</sup>or the <sup>M16</sup>National Health Service Act 1977] or as a resident in a residential [<sup>F56</sup>care home within the meaning of Part I of the Registered Homes Act 1984]
- (2) It shall not be an offence under this section for a man to have sexual intercourse with a woman if he does not know and has no reason to suspect her to be a mentally disordered patient.
- (3) Any person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding two years.
- (4) No proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.
- (5) This section shall be construed as one with the <sup>M17</sup>Sexual Offences Act 1956; and section forty-seven of that Act (which relates to the proof of exceptions) shall apply to the exception mentioned in this section.

### Textual Amendments

**F53** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 4 para. 15](#)

**F54** Words repealed by [National Health Service Act 1977 \(c. 49\)](#), s. 129, [Sch. 16](#)

**F55** Words inserted by [National Health Service Act 1977 \(c. 49\)](#), s. 129, [Sch. 15 para. 29](#)

**F56** Words substituted by [Registered Homes Act 1984 \(c. 23, SIF 113:3\)](#), s. 57, [Sch. 1 para. 2](#)

### Marginal Citations

**M14** 1956 c. 69.

**M15** 1948 c. 29.

**M16** 1977 c. 49.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

M17 1956 c. 69.

129, ..... F57 **E+W**  
130.

**Textual Amendments**

**F57** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), U.S.A. [Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**

131 **Prosecutions by local authorities.** **E+W**

(1) A [<sup>F58</sup>local social services authority] may institute proceedings for any offence under this Part of this Act, but without prejudice to any provision of this Part of this Act requiring the consent of the Director of Public Prosecutions for the institution of such proceedings.

(2) ..... F59

**Textual Amendments**

**F58** Words substituted by [Local Government Act 1972](#) (c. 70), **Sch. 23 para. 9(2)**

**F59** Ss. 44, 77, 78, 131(2), 134, 144(2), 146, Sch. 7 Part II entry relating to: [Representation of the People Act 1949](#) (c. 68) repealed by [Mental Health \(Amendment\) Act 1982](#) (c. 51, SIF 85), **Sch. 4 Pt. I**

*Miscellaneous provisions*

132, ..... F60 **E+W**  
133.

**Textual Amendments**

**F60** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), U.S.A. [Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**

134 ..... F61 **E+W**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

#### Textual Amendments

**F61** Ss. 44, 77, 78, 131(2), 134, 144(2), 146, Sch. 7 Part II entry relating to: Representation of the People Act 1949 (c. 68) repealed by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), **Sch. 4 Pt. I**

**135—** ..... **F62** **E+W**  
**138.**

#### Textual Amendments

**F62** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the Fines and Recoveries Act 1983 (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: Polish Resettlement Act 1947 (c. 19), U.S.A. Veterans' Pensions (Administration) Act 1949 (c. 45) repealed by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 6**

**139—** **Supplemental** **E+W**  
**141.**

**F63**

#### Textual Amendments

**F63** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the Fines and Recoveries Act 1983 (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: Polish Resettlement Act 1947 (c. 19), U.S.A. Veterans' Pensions (Administration) Act 1949 (c. 45) repealed by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 6**

**142** **Default powers of Minister.** **E+W**

- (1) Where the Minister is of opinion, on complaint or otherwise, that a [<sup>F64</sup>local social services authority] have failed to carry out functions conferred or imposed on the authority by or under this Act or have in carrying out those functions failed to comply with any regulations relating thereto, he may after such inquiry as he thinks fit make an order declaring the authority to be in default.
- (2) Subsections (3) to (5) of [<sup>F65</sup>section 85 of the <sup>M18</sup>National Health Service Act 1977] (which relates to orders declaring, among others, a local authority to be in default under that Act) shall apply in relation to an order under this section as they apply in relation to an order under that section.

#### Textual Amendments

**F64** Words substituted by Local Government Act 1972 (c. 70), **Sch. 23 para. 9(2)**

**F65** Words substituted by National Health Service Act 1977 (c. 49), s. 129, **Sch. 15 para. 32**

#### Marginal Citations

**M18** 1977 c. 49.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

**143 Inquiries. E+W**

The Minister may cause an inquiry to be held in any case where he thinks it advisable to do so in connection with any matter arising under this Act, and [<sup>F66</sup>subsections (2) to (5) of section 250 of the <sup>M19</sup>Local Government Act 1972] shall apply to any inquiry held under this Act, except that no local authority shall be ordered to pay costs under subsection (4) of that section in the case of any inquiry unless the authority is a party thereto.

**Textual Amendments**

**F66** Words substituted by virtue of [Local Government Act 1972 \(c. 70\), s. 272\(2\)](#)

**Modifications etc. (not altering text)**

**C5** [S. 143](#) extended by [Nursing Homes Act 1975 \(c. 37\), s. 21](#)

**Marginal Citations**

**M19** [1972 c. 70.](#)

**144 Expenses. E+W**

- (1) There shall be defrayed out of moneys provided by Parliament—
- (a) any expenses incurred by the Minister or a Secretary of State under this Act;
  - (b) .....<sup>F67</sup>
  - (c) any increase attributable to this Act in the sums payable out of moneys provided by Parliament under any other enactment.
- (2) .....<sup>F68</sup>

**Textual Amendments**

**F67** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), [Sch. 7 Part II](#) entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), [U.S.A. Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

**F68** Ss. 44, 77, 78, 131(2), 134, 144(2), 146, Sch. 7 Part II entry relating to: [Representation of the People Act 1949 \(c. 68\)](#) repealed by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), [Sch. 4 Pt. I](#)

**145 General provisions as to regulations, orders and rules. E+W+S**

- (1) Any power of the Minister or the Lord Chancellor to make regulations, orders or rules under this Act shall be exercisable by statutory instrument.
- (2) .....<sup>F69</sup>

**Textual Amendments**

**F69** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), [Sch. 7 Part II](#) entries

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

relating to: Polish Resettlement Act 1947 (c. 19), U.S.A. Veterans' Pensions (Administration) Act 1949 (c. 45) repealed by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 6**

146 ..... <sup>F70</sup> **E+W**

**Textual Amendments**

**F70** Ss. 44, 77, 78, 131(2), 134, 144(2), 146, Sch. 7 Part II entry relating to: Representation of the People Act 1949 (c. 68) repealed by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), **Sch. 4 Pt. I**

147, ..... <sup>F71</sup> **E+W**  
 148.

**Textual Amendments**

**F71** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the Fines and Recoveries Act 1983 (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: Polish Resettlement Act 1947 (c. 19), U.S.A. Veterans' Pensions (Administration) Act 1949 (c. 45) repealed by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 6**

149 **Minor and consequential amendments and repeals.** **E+W**

(1) The enactments described in the first column of the Seventh Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) ..... <sup>F72</sup>

(3) ..... <sup>F73</sup>

**Textual Amendments**

**F72** S. 149(2) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. 1 Pt. XI**

**F73** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the Fines and Recoveries Act 1983 (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: Polish Resettlement Act 1947 (c. 19), U.S.A. Veterans' Pensions (Administration) Act 1949 (c. 45) repealed by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 6**

**Modifications etc. (not altering text)**

**C6** The text of s. 149(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

150 **Application to Scotland.** **U.K.**

The following provisions of this Act shall extend to Scotland, that is to say—



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

..... F74  
..... F75  
section one hundred and forty-five so far as applicable to any Order in Council extending to Scotland;  
..... F75  
Part II of the Seventh Schedule;  
Part II of the Eighth Schedule;  
but except as aforesaid, and except so far as it relates to the interpretation or commencement of the said provisions, this Act shall not extend to Scotland.

**Textual Amendments**

- F74 Words repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), **Sch. 3**
- F75 Words repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**151** ..... F76 **E+W**

**Textual Amendments**

- F76 S. 151 repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

**152** **Application to Northern Ireland.** **E+W**

..... F77, this Act shall not extend to Northern Ireland.

**Textual Amendments**

- F77 Words repealed by [S.I. 1986/595 \(N.I. 4\)](#), art. 138, **Sch. 7**

**153** ..... F78 **E+W**

**Textual Amendments**

- F78 Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), [U.S.A. Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**154** **Short title and application to Scilly Isles.** **E+W**

- (1) This Act may be cited as the Mental Health Act 1959.
- (2) [<sup>F79</sup>Section 130(4) of the <sup>M20</sup>National Health Service Act 1977] (which provides for the extension of that Act to the Isles of Scilly) shall have effect as if the references to that Act included references to this Act.

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

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**Textual Amendments**

**F79** Words substituted by [National Health Service Act 1977 \(c. 49\), s. 129](#). Sch. 15 para. 34

**Modifications etc. (not altering text)**

**C7** [S. 154\(2\)](#) extended by [Mental Health \(Amendment\) Act 1975 \(c. 29\), s. 2\(4\)](#)

**Marginal Citations**

**M20** [1977 c. 49](#).

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

## SCHEDULES

### FIRST SCHEDULE **E+W**

. . . **F80**

#### Textual Amendments

**F80** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), U.S.A. [Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**

### SECOND SCHEDULE **E+W**

. . . **F81**

#### Textual Amendments

**F81** Ss. 11–13, Sch. 2 repealed by [Education \(Handicapped Children\) Act 1970](#) (c. 52), **Sch.**

### THIRD SCHEDULE **E+W**

. . . **F82**

#### Textual Amendments

**F82** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), U.S.A. [Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

FOURTH  
SCHEDULE **E+W**

F83  
. . .

**Textual Amendments**

**F83** S. 120, Sch. 4 repealed by S.I. 1986/595 (N.I. 4), art. 138, **Sch. 7**

FIFTH SCHEDULE **E+W**

F84  
. . .

**Textual Amendments**

**F84** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the *Fines and Recoveries Act 1983* (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: *Polish Resettlement Act 1947* (c. 19), *U.S.A. Veterans' Pensions (Administration) Act 1949* (c. 45) repealed by *Mental Health Act 1983* (c. 20, SIF 85), **Sch. 6**

SIXTH SCHEDULE **E+W**

Section 148.

TRANSITIONAL PROVISIONS

**PART I E+W**

1, 2. . . . . F85

**Textual Amendments**

**F85** Sch. 6 (except paragraph 15(4)) repealed by *Mental Health Act 1983* (c. 20, SIF 85), **Sch. 6**

**PART II E+W**

3–6. . . . . F86

**Textual Amendments**

**F86** Sch. 6 (except paragraph 15(4)) repealed by *Mental Health Act 1983* (c. 20, SIF 85), **Sch. 6**

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

### PART III **E+W**

#### PROVISIONS RELATING TO PARTS IV AND V

7—14. . . . . F87

#### Textual Amendments

F87 Sch. 6 (except paragraph 15(4)) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

#### *Transferred patients*

15 (1) . . . . . F88

(4) Section eighty-four of this Act shall apply to a transferred patient who having been a state mental patient in Scotland was immediately before the commencement of this Act liable to be detained in a hospital in England and Wales by virtue of subsection (3) of section sixty-three of the <sup>M21</sup>Criminal Justice Act 1948, or subsection (2) of section sixty-four of the <sup>M22</sup>Criminal Justice (Scotland) Act 1949, as if he had been removed to such a hospital from Scotland in pursuance of an order under the said subsection (2); and where he is treated by virtue of the said section eighty-four as if he had been removed to a hospital in pursuance of a transfer direction, he shall also be treated as if a direction restricting his discharge had been given as aforesaid.

(5) . . . . . F88

#### Textual Amendments

F88 Sch. 6 (except paragraph 15(4)) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

#### Marginal Citations

M21 1948 c. 58.

M22 1949 c. 94.

16—23. . . . . F89

#### Textual Amendments

F89 Sch. 6 (except paragraph 15(4)) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

### PART IV **E+W**

24—28. . . . . F90

#### Textual Amendments

F90 Sch. 6 (except paragraph 15(4)) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

SEVENTH  
 SCHEDULE **E+W+S**

Sections 149, 150, 152.

MINOR AND CONSEQUENTIAL AMENDMENTS

**Modifications etc. (not altering text)**

- C8** The text of Sch. 7 Pts. I and II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**PART I **E+W****

*AMENDMENTS EXTENDING TO ENGLAND AND WALES ONLY*

<b>Enactment</b>	<b>Amendment</b>
The Fines and Recoveries Act , 1833, 3 & 4 Will,4. c. 74.	In section thirty-three, for the words from “lunatic” where it first occurs to “unsound mind as aforesaid” there shall be substituted the words “incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing and administering his property and affairs, the judge having jurisdiction under Part VIII of that Act shall be the protector of the settlement in his stead so long as he is incapable as aforesaid”.
. . . <b>F91</b>	. . . <b>F91</b>
. . . <b>F92</b>	. . . <b>F92</b>
The Improvement of Land Act, 1864, 27 & 28 Vict. c. 114.	In section sixty-eight, for the words “committee, or trustee” there shall be substituted the words “or receiver” and for the words “lunatic, idiot” there shall be substituted the words “or patient within the meaning of Part VIII of the Mental Health Act, 1959”.
. . . <b>F93</b>	. . . <b>F93</b>
The Colonial Prisoners Removal Act, 1884, 47 & 48 Vict. c. 31.	In section ten, after subsection (2), there shall be added the following subsection—
. . . <b>F94</b>	. . . <b>F94</b>

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

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- “(3) Without prejudice to the foregoing provisions of this section, where a criminal lunatic is removed to England and Wales, then—
- (a) except where he is a criminal lunatic by virtue of having been convicted of an offence and afterwards certified or otherwise lawfully proved to be insane, the Secretary of State may give the like direction in respect of him under section seventy-one of the Mental Health Act, 1959, as may be given in the case of a person to whom that section applies;
  - (b) in the said excepted case, the Secretary of State may give the like direction in respect of him under section seventy-two of that Act (with or without a direction under section seventy-four thereof) as may be given in the case of a person serving a sentence of imprisonment with respect to whom the Secretary of State is satisfied as mentioned in subsection (1) of that section”

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<b>Enactment</b>	<b>Amendment</b>
... F95	... F95
The Settled Land Act, 1925, 15 & 16 Geo. 5. c. 18.	In section sixty-eight, in subsection (3), for the words “a lunatic, or a defective” there shall be substituted the words “suffering from mental disorder”.
The Trustee Act, 1925, 15 & 16 Geo. 5. c. 19.	In section thirty-six, the following subsection shall be substituted for subsection (9)—  “(9) Where a trustee is incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of exercising his functions as trustee and is also entitled in possession to some beneficial interest in the trust property, no appointment of a new trustee in his place shall be

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

made by virtue of paragraph (b) of subsection (1) of this section unless leave to make the appointment has been given by the authority having jurisdiction under Part VIII of the Mental Health Act, 1959”

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## Enactment

## Amendment

In section forty-one, in subsection (1), for the words “a lunatic or a defective” there shall be substituted the words “incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of exercising his functions as a trustee”.

The following section shall be substituted for section fifty-four—

### “54 Jurisdiction in regard to mental patients.

- (1) Subject to the provisions of this section, the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, shall not have power to make any order, or give any direction or authority, in relation to a patient who is a trustee if the High Court has power under this Act to make an order to the like effect.
- (2) Where a patient is a trustee and a receiver appointed by the said authority is acting for him or an application for the appointment of a receiver has been made but not determined, then, except as respects a trust which is subject to an order for administration made by the High Court, the said authority shall have concurrent jurisdiction with the High Court in relation to—
  - (a) mortgaged property of which the patient has become a trustee merely by reason of the mortgage having been paid off;
  - (b) matters consequent on the making of provision by the said authority for the exercise of a power



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*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

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- of appointing trustees or retiring from a trust;
- (c) matters consequent on the making of provision by the said authority for the carrying out of any contract entered into by the patient;
- (d) property to some interest in which the patient is beneficially entitled but which, or some interest in which, is held by the patient under an express, implied or constructive trust.

The Lord Chancellor may make rules with respect to the exercise of the jurisdiction referred to in this subsection.

- (3) In this section “patient” means a patient as defined by section one hundred and one of the Mental Health Act, 1959, or a person as to whom powers are exercisable and have been exercised under section one hundred and four of that Act.”

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**Enactment**

The Law of Property Act, 1925, 15 & 16  
Geo. 5. c. 20.

**Amendment**

In section fifty-five (except so far as it applies to vesting orders made before the commencement of this Act), for the words “the Lunacy Act, 1890” there shall be substituted the words “Part VIII of the Mental Health Act, 1959”

The following section shall be substituted for section twenty-two—

**“22 Conveyances on behalf of persons suffering from mental disorder and as to land held by them on trust for sale.**

- (1) Where a legal estate in land (whether settled or not) is vested in a person suffering from mental disorder, either solely or jointly with any other person or persons, his receiver or (if no receiver is acting for him) any person authorised in that behalf shall, under an order of the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, or

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of the court, or under any Statutory power, make or concur in making all requisite dispositions for conveying or creating a legal estate in his name and on his behalf.

- (2) If land held on trust for sale is vested, either solely or jointly with any other person or persons, in a person who is incapable, by reason of mental disorder, of exercising his functions as trustee, a new trustee shall be appointed in the place of that person, or he shall be otherwise discharged from the trust, before the legal estate is dealt with under the trust for sale or under the powers vested in the trustees for sale.”

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## Enactment

## Amendment

In section twenty-six, in subsection (2), the words “committee or” shall be omitted, and for the words “lunatic or defective” there shall be substituted the words “person suffering from mental disorder”.

In section twenty-eight, in proviso (i) of subsection (3), for the words “lunatic or defective” there shall be substituted the words “person suffering from mental disorder”, and the words “committee or” shall be omitted.

In section two hundred and five, in subsection (1), the following paragraph shall be substituted for paragraph (xiii)—

“(xiii) “mental disorder” has the meaning assigned to it by section four of the Mental Health Act, 1959, and “receiver”, in relation to a person suffering from mental disorder, means a receiver appointed for that person under Part VIII of that Act;”

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## Enactment

## Amendment

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The Land Registration Act, 1925, 15 & 16  
Geo. 5. c. 21.

In section one hundred and eleven, in subsection (5), for the words from “a lunatic” to the words “lunacy or” there shall be substituted the words “incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing and administering his property and affairs, his receiver or (if no receiver is acting for him) any person authorised in that behalf shall, under an order of the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, or” and for the words “lunatic or defective” in each place where they occur there shall be substituted the words “the proprietor”, and in subsection (6), for the words “the lunacy Act, 1890” there shall be substituted the words “Part VIII of the Mental Health Act, 1959”.

The Administration of Estates Act, 1925, 15  
& 16 Geo. 5. c.23.

In section forty-one, in subsection (1), in paragraph (ii) of the proviso, for the words “a lunatic or defective” there shall be substituted the words “is incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing and administering his property and affairs” and the word “committee” shall be omitted, and in paragraph (iv) of the proviso, for the words from “committee” to “appointed” there shall be substituted the words “receiver is acting for a person suffering from mental disorder”, and for the words “lunatic or defective” in the second place where they occur there shall be substituted the words “said person”.

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F96

The Children and Young Persons Act, 1933,  
23 & 24 Goe. 5. c.12.

In section ninety-two, for the words from “but does not include” to the end of the section there shall be substituted the words “but does not include any mental nursing home or residential home for mentally disordered persons within the meaning of Part III of the Mental Health Act, 1959”.

In the Fourth Schedule, in paragraph 4, the words from “and shall” to the end of the paragraph shall be omitted.

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F98	F98
. . . F99	. . . F99
. . . F98	. . . F98
. . . F100	. . . F100
. . . F101	. . . F101
. . . F102	. . . F102
. . . F103	. . . F103
The National Assistance Act, 1948, 11 & 12 Geo. 6. c. 29.	In section forty-nine, for the words from “section one” to “that section” there shall be substituted the words “Part VIII of the Mental Health Act, 1959, as receiver for a patient or as a person otherwise having functions in relation to the property and affairs of a patient”, and for the words “the said powers” there shall be substituted the words “such functions”.
. . . F104	. . . F104
. . . F105	. . . F105
. . . F106	. . . F106
. . . F107	. . . F107
. . . F103	. . . F103
. . . F108	. . . F108
. . . F109	. . . F109
. . . F110	. . . F110
. . . F111	. . . F111
The Sexual Offences Act, 1956, 4 & 5 Eliz. 2. c. 69.	In the Second Schedule, in paragraph 1, in the fourth column, for the words “an idiot

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	or imbecile” there shall be substituted the words “a defective”; in paragraph 11 in the first column, for the words “idiot or imbecile” there shall be substituted the word “defective”; and in paragraph 14, in the fourth column, for the words “an idiot or imbecile” there shall be substituted the words “a defective”.
⋮ F112	⋮ F112
⋮ F113	⋮ F113
The Variation of Trusts Act, 1958, 6 & 7 Eliz. 2. c. 53.	In section one, in subsection (3), for the words from “the Judge” to the end of the subsection there shall be substituted the words “the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, if that person is a patient within the meaning of the said Part VIII”, and in subsection (6), for the words from “section one hundred and seventy-one” to the end of the subsection there shall be substituted the words “the powers of the authority having jurisdiction under Part VIII of the Mental Health Act, 1959”.
The Local Government Act, 1958, 6 & 7 Eliz. 2. c. 55.	In section forty-six, in subsection (1), references to Part III of the National Health service Act, 1946, and to section twenty-eight of that Act, and references to sections twenty-nine and thirty of the National Assistance Act, 1948, shall include references to those enactments as amended by this Act; and for paragraphs (d) and (e) there shall be substituted the following paragraph— “(d) the Mental Health Act, 1959, except so far as it amends Part III of the National Health Service Act, 1946”

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**Enactment**

**Amendment**

In Part III of the First Schedule, in paragraph 4, in sub-paragraph (1), for the words “occupation centres provided for the purposes of paragraph (cc) of section thirteen of the Mental Deficiency Act, 1913” there shall be substituted the words “centres

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provided under section twenty-eight of the National Health Service Act, 1946, for the occupation or training of persons who are or have been suffering from mental disorder” and, in paragraph (2), after “occupation” there shall be inserted “or training”.

### Textual Amendments

- F91** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), [U.S.A. Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**
- F92** Sch. 7 entry relating to the [Fines and Recoveries Act 1833](#), the words from “In section ninety-one” onwards repealed by [Statute Law \(Repeals\) Act 1969](#)
- F93** Sch. 7 entry relating to the amendments of the [Court of Chancery of Lancaster Act 1850](#) repealed by [Courts Act 1971 \(c. 23\)](#) s. 56(4), Sch. 11 Pt. II
- F94** Sch. 7 entry relating to the [Habitual Drunkards Act 1879](#) repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), **Sch. I Pt. II**
- F95** Sch. 7 Pt. I entry relating to: [Forgery Act 1913 \(c. 27\)](#) repealed by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), **Sch. Pt. I**
- F96** Sch. 7 Pt. I entry relating to: [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#) repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), **Sch. 7**
- F97** Sch. 7 entry relating to the [Public Health Act 1936](#) repealed with (saving) by [Nursing Homes Act 1975 \(c. 37\)](#), s. 22(2)(3), [Sch. 2 paras. 3, 5](#), **Sch. 3**
- F98** Sch. 7 entries relating to the [Public Health \(London\) Act 1936](#) and the [London Government Act 1939](#) repealed by [London Government Act 1963 \(c. 33\)](#), s. 93(1), **Sch. 18 Pt. II**
- F99** Sch. 7 Pt. I entry relating to: [Limitation Act 1939 \(c. 21\)](#) repealed by [Limitation Act 1980 \(c. 58, SIF 79\)](#), **Sch. 4**
- F100** Sch. 7 entry relating to [Education Act 1944](#) repealed by [Education \(Handicapped Children\) Act 1970 \(c. 52\)](#), s. 2, **Sch.**
- F101** Sch. 7 entry relating to [The Teachers' Superannuation Act 1945](#) repealed by [The Teachers' Superannuation Act 1965 \(c. 83\)](#), **ss. 2(1)(c)**, 8(1)(b), Sch. 3 Pt. II
- F102** Sch. 7 entry relating to the amendment of s. 63 of the [National Health Service Act 1946](#) repealed by [Health Services and Public Health Act 1968 \(c. 46\)](#), s. 78(2), **Sch. 4**
- F103** Sch. 7 entries relating to the [National Health Service Act 1946](#), and the [National Health Service \(Amendment\) Act 1949](#) repealed by [National Health Service Act 1977 \(c. 49\)](#), s. 129, **Sch. 16**
- F104** Sch. 7 entry relating to the [Children Act 1948](#) repealed by [Children Act 1975 \(c. 72\)](#), **s. 108(1)(b)**, Sch. 4 Pt. V
- F105** Sch. 7 entry relating to the [Criminal Justice Act 1948](#) repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), s. 56(2), **Sch. 6**
- F106** Sch. 7 entry relating to the [National Service Act 1948](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), s. 1(1), **Sch. 1 Pt. I**
- F107** Sch. 7 entries relating to the [Recall of Army and Air Force Pensioners Act 1948](#), the [Naval Enlistment Act 1884](#), the [Army Act 1955](#), the [Air Force Act 1955](#), and the [Revision of the Army and Air Force Acts \(Transitional Provisions\) Act 1955](#) repealed by [Mental Health \(Scotland\) Act 1960 \(c. 61\)](#), s. 113(2), **Sch. 5**
- F108** Sch. 7 entry relating to the [Matrimonial Causes Act 1950](#) repealed by [Matrimonial Causes Act 1965 \(c. 72\)](#), s. 45, **Sch. 2**
- F109** Sch. 7 entry relating to the [Costs in Criminal Cases Act 1952](#) repealed by [Costs in Criminal Cases Act 1973 \(c. 14\)](#), s. 21(2), **Sch. 2**

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*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

- F110** Sch. 7 Pt. I entry relating to: [Magistrates' Courts Act 1952 \(c. 55\)](#) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**
- F111** Sch. 7 entry relating to the [Local Government Superannuation Act 1953](#) repealed by [Superannuation Act 1972 \(c. 11\)](#), s. 29(4), **Sch. 8**
- F112** Sch. 7 Pt. I entry relating to: [Nurses Act 1957 \(c. 15\)](#) repealed by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36, SIF 83:1\)](#), **Sch. 8**
- F113** Sch. 7 entry relating to the amendment of the [Solicitors Act 1957](#) repealed by [Solicitors \(Amendment\) Act 1974 \(c. 26\)](#), s. 19(5)(6), **Sch. 3 Pt. I**

## PART II **E+W+S**

### OTHER AMENDMENTS

Enactment	Amendments
...	...
<b>F114</b>	<b>F114</b>
...	...
<b>F115</b>	<b>F115</b>
...	...
<b>F116</b>	<b>F116</b>
...	...
<b>F117</b>	<b>F117</b>
...	...
<b>F118</b>	<b>F118</b>
...	...
<b>F116</b>	<b>F116</b>
...	...
<b>F119</b>	<b>F119</b>
...	...
<b>F120</b>	<b>F120</b>
...	...
<b>F114</b>	<b>F114</b>
...	...
<b>F121</b>	<b>F121</b>
The Adoption Act, 1958, 7 & 8 Eliz. 2. c. 5.	In section thirty-seven, in subsection (3), at the end there shall be added the words “nor while he is liable to be detained, subject to guardianship or resident as mentioned in subsection (4) of that section”.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 1959. (See end of Document for details)*

### Textual Amendments

- F114** Sch. 7 entries relating to the Recall of Army and Air Force Pensioners Act 1948, the Naval Enlistment Act 1884, the Army Act 1955, the Air Force Act 1955, and the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955 repealed by [Mental Health \(Scotland\) Act 1960 \(c. 61\)](#), s. 113(2), [Sch. 5](#)
- F115** Sch. 7 entry relating to the Pharmacy and Poisons Act 1933 repealed by [Poisons Act 1972 \(c. 66\)](#), s. 12(1), [Sch. 3](#)
- F116** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), [Sch. 7 Part II](#) entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)
- F117** Ss. 19–21, 23(1), Sch. 7 Part II entry relating to: [National Assistance Act 1948 \(c. 29\)](#), s. 37 repealed by [Residential Homes Act 1980 \(c. 7\)](#), [Sch. 2](#)
- F118** Sch. 7 entry relating to the Children Act 1948 repealed by [Local Authority Social Services Act 1970 \(c. 42\)](#), s. 14(2), [Sch. 3](#)
- F119** Ss. 44, 77, 78, 131(2), 134, 144(2), 146, Sch. 7 Part II entry relating to: [Representation of the People Act 1949 \(c. 68\)](#) repealed by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), [Sch. 4 Pt. I](#)
- F120** Sch. 7 Part II entry relating to: [Administration of Justice \(Pensions\) Act 1950 \(c. 11\)](#) repealed by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), [Sch. 4](#)
- F121** Sch. 7 Part II entry relating to: [Children Act 1958 \(c. 65\)](#) repealed by [Foster Children Act 1980 \(c. 6\)](#), [Sch. 2](#)

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SCHEDULE **E+W+S**

### Textual Amendments

- F122** Sch. 8 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. 1 Pt. XI](#)

F122



**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health Act 1959.