

## 1983 No. 892

## NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The Mental Health Act Commission (Establishment and  
Constitution) Order 1983**

<i>Made - - - -</i>	17th June 1983
<i>Laid before Parliament</i>	1st July 1983
<i>Coming into Operation</i>	
<i>Articles 1, 2 and 4</i>	1st September 1983
<i>Remainder</i>	30th September 1983

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 11 of the National Health Service Act 1977(a), and of all other powers enabling him in that behalf, hereby makes the following order:

*Citation, commencement and interpretation*

1.—(1) This order may be cited as the Mental Health Act Commission (Establishment and Constitution) Order 1983 and shall come into operation on 1st September 1983 except that Article 3 shall come into operation on 30th September 1983.

(2) In this order—

“the Act” means the Mental Health Act 1983(b);

“the Commission” means the Commission established by Article 2 of this Order.

*Establishment of the Commission*

2. There is hereby established a special health authority which shall be known as the Mental Health Act Commission.

*Functions of the Commission*

3.—(1) Subject to and in accordance with such directions as the Secretary of State may give to the Commission, the Commission shall, in addition to performing its functions specified in the Act, perform on behalf of the Secretary of State the functions specified in paragraph (2) of this Article and such other functions as the Secretary of State may direct.

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(a) 1977 c. 49; section 11(1) was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 31.

(b) 1983 c. 20.

(2) The functions of the Secretary of State referred to in paragraph (1) above are—

(a) the function of appointing registered medical practitioners for the purposes of Part IV of the Act (consent to treatment) and section 118 of the Act (practitioners required to certify consent and to give second opinion) and of appointing other persons for the purposes of section 57(2)(a) of the Act (persons required to certify consent);

(b) the functions of the Secretary of State under section 61 of the Act (review of treatment);

(c) the functions of the Secretary of State under section 120(1) and (4) of the Act (general protection of patients detained under the Act); and

(d) the function of submitting to the Secretary of State proposals as to the content of the code of practice which he shall prepare, and from time to time revise, under section 118(1) of the Act, and in particular to propose, for the purposes of section 118(2) of the Act, forms of medical treatment in addition to any specified in regulations made for the purposes of section 57 of the Act which in the opinion of the Commission give rise to special concern.

*Constitution of the Commission*

4. The Commission shall consist of such number of members as the Secretary of State may from time to time determine of whom one shall be the chairman and one the vice-chairman.

*Norman Fowler,*  
Secretary of State for Social Services.

17th June 1983.

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EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order provides for the establishment, as required by section 56(1) of the Mental Health (Amendment) Act 1982 (c. 51), and the constitution of a special health authority, to be known as the Mental Health Act Commission, to exercise functions under the Mental Health Act 1983, including the appointment of medical practitioners and other persons for the purposes of that Act, the review of treatment, the general protection of patients detained under that Act and the submission to the Secretary of State of proposals for the preparation and revision of a Code of Practice.



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