
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the seventh commencement order made under the Mental Health Act 2007 and brings into force on 3rd November 2008 the provisions set out in article 2.

The Order also makes transitional and saving provisions, which are set out in the Schedule to the Order.

Paragraphs 2 and 3 of the Schedule make provision for some modification of Schedule 4 to the Act pending the commencement of specified provisions in the Constitutional Reform Act 2005 and the Armed Forces Act 2006.

Paragraphs 4 and 5 require local social services authorities to treat as an approved mental health professional a person who had been approved as an approved social worker by an LSSA (Local Social Services Authority) in England immediately before 3rd November 2008. Paragraphs 6 to 11 apply parts of the Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008 to persons treated in England as AMHPs with specified modifications.

Paragraph 12 provides for certain decisions or actions taken before 3rd November 2008 to be treated as taken by other persons named in the third column of the table.

Paragraph 13 provides for certain persons under 18 to continue to have electro-convulsive treatment for a period of 14 days from 3rd November 2008, even though section 58A of the 1983 Act has not yet been complied with.