

Changes to legislation: Health and Social Care Act 2012, Cross Heading: Mental Health Act 1983 (c. 20) is up to date with all changes known to be in force on or before 28 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

PART 1: AMENDMENTS OF OTHER ENACTMENTS

Mental Health Act 1983 (c. 20)

24 The Mental Health Act 1983 is amended as follows.

Commencement Information

I1 Sch. 5 para. 24 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

25 In section 19 (regulations as to transfers of patients), in subsection (3)—

- (a) for “NHS foundation trust,”, in each place it appears, substitute “NHS foundation trust or”, and
- (b) omit “or Primary Care Trust” in each place it appears.

Commencement Information

I2 Sch. 5 para. 25 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

26 In section 23 (discharge of patients), in subsection (5)(a)—

- (a) for “, Special Health Authority”, in each place it appears, substitute “or Special Health Authority”,
- (b) omit “or Primary Care Trust” in each place it appears, and
- (c) omit “, trust” in each place it appears.

Commencement Information

I3 Sch. 5 para. 26 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

27 In section 32 (regulations for purposes of Part 2 of that Act), in subsection (3), omit “, Primary Care Trusts”.

Commencement Information

I4 Sch. 5 para. 27 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

28 (1) Section 39 (power of court to request information from hospitals) is amended as follows.

(2) In subsection (1)—

- (a) omit “Primary Care Trust or” in each place it appears,

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- (b) in paragraph (a), after the first “the” insert “clinical commissioning group or”;
 - (c) in paragraph (b), at the beginning insert “the National Health Service Commissioning Board or”;
 - (d) in that paragraph, after “or any other” insert “clinical commissioning group or”;
 - (e) after “such information as that” insert “clinical commissioning group or”;
 - (f) after “Local Health Board or”, in each place it appears, insert “the National Health Service Commissioning Board or the”, and
 - (g) after “order, and that” insert “clinical commissioning group or”.
- (3) After subsection (1) insert—
- “(1ZA) A request under this section to the National Health Service Commissioning Board may relate only to services or facilities the provision of which the Board arranges.”
- (4) In consequence of the repeals made by sub-paragraph (2), omit paragraph 46 of Schedule 2 to the National Health Service Reform and Health Care Professions Act 2002.

Commencement Information

I5 Sch. 5 para. 28 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 29 In section 134 (patients' correspondence), in subsection (3)(e)—
- (a) at the beginning insert “the National Health Service Commissioning Board, a clinical commissioning group,”;
 - (b) omit “Strategic Health Authority,”;
 - (c) for “, Special Health Authority” substitute “or Special Health Authority”, and
 - (d) omit “or Primary Care Trust”.

Commencement Information

I6 Sch. 5 para. 29 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 30 In section 139 (protection for acts done in pursuance of that Act), in subsection (4) —
- (a) after “the Secretary of State or against” insert “the National Health Service Commissioning Board, a clinical commissioning group,”;
 - (b) omit “Strategic Health Authority,”;
 - (c) for “, Special Health Authority” substitute “or Special Health Authority”, and
 - (d) omit “or Primary Care Trust”.

Commencement Information

I7 Sch. 5 para. 30 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-10](#), [Sch. paras. 1, 3](#))

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- 31 (1) In section 145 (interpretation), in subsection (1)—
- (a) in the definition of “the managers”, in paragraph (a)—
 - (i) after “the National Health Service (Wales) Act 2006,” (in the second place where it occurs) insert “the Secretary of State where the Secretary is responsible for the administration of the hospital or”,
 - (ii) omit “Primary Care Trust,”, and
 - (iii) omit “Strategic Health Authority,”,
 - (b) in paragraph (bb) of that definition, omit “a Primary Care Trust or”,
 - (c) omit the definition of “Primary Care Trust”, and
 - (d) omit the definition of “Strategic Health Authority”.
- (2) In consequence of the repeals made by sub-paragraph (1)—
- (a) omit paragraph 49 of Schedule 2 to the National Health Service Reform and Health Care Professions Act 2002, and
 - (b) omit paragraph 70(e) and (g) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006.

Commencement Information

18 Sch. 5 para. 31 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with arts. 7-9)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)