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STATUTORY INSTRUMENTS

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**2008 No. 2788 (C.124)**

**MENTAL HEALTH, ENGLAND AND WALES**

The Mental Health Act 2007  
(Commencement No.9) Order 2008

Made - - - - 22nd October 2008

The Secretary of State for Health, in exercise of the power conferred by section 56(1) of the Mental Health Act 2007<sup>(1)</sup>, makes the following Order:

**Citation and extent**

1.—(1) This Order may be cited as the Mental Health Act 2007 (Commencement No. 9) Order 2008.

(2) This Order extends to England and Wales.

**Commencement of provisions**

2. The following provisions of the Mental Health Act 2007 shall come into force on 28th October 2008—

- (a) section 39 (cross-border arrangements) insofar as it gives effect to Schedule 5 and is not already in force;
- (b) section 55 (repeals and revocations) insofar as it gives effect to Part 7 of Schedule 11.

Signed by authority of the Secretary of State for Health.

22nd October 2008

*Phil Hope*  
Minister of State,  
Department of Health

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(1) 2007 c.12.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is the ninth commencement order made under the [Mental Health Act 2007\(c.12\)](#) and brings into force the provisions set out in article 2 on 28th October 2008. These provisions amend section 88 of the [Mental Health Act 1983\(c.20\)](#), so that that section only applies to the return from Northern Ireland of patients absent from hospitals in England and Wales, and make related repeals and revocations. Provisions about the return of patients from Scotland, the Isle of Man and the Channel Islands are now to be found in the legislation of the jurisdiction in question.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Mental Health Act 2007 have been, or are being, brought into force in England and Wales by commencement order made before the date of this Order—

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Section 1 and Schedule 1	03.11.2008	<a href="#">2008/1210(C.52)</a>
	03.11.2008	<a href="#">2008/1900(C.84)</a>
Sections 2 to 16	03.11.2008	<a href="#">2008/1900(C.84)</a>
Section 17	01.04.2008	<a href="#">2008/745(C.30)</a>
Section 18	01.04.2008	<a href="#">2008/745(C.30)</a>
	03.11.2008	<a href="#">2008/1900(C.84)</a>
	03.11.2008	<a href="#">2008/2561(C.113)</a>
Sections 19 and 20	01.10.2007	<a href="#">2007/2798(C.108)</a>
Section 21 and Schedule 2	03.11.2008	<a href="#">2008/1900(C.84)</a>
	03.11.2008	<a href="#">2008/2561(C.113)</a>
Section 22	01.04.2008	<a href="#">2008/745(C.30)</a>
	03.11.2008	<a href="#">2008/1900(C.84)</a>
Sections 23 to 25	03.11.2008	<a href="#">2008/1900(C.84)</a>
Section 26	01.12.2007	<a href="#">2007/2798(C.108)</a>
Sections 27 to 29	03.11.2008	<a href="#">2008/1900(C.84)</a>
Section 30 (partially)	01.04.2008	<a href="#">2008/745(C.30)</a>
	03.11.2008	<a href="#">2008/2561(C.113)</a>

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<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Section 31 (partially)	03.11.2008	2008/1900(C.84)
Section 32 and Schedules 3 and 4	01.04.2008	2008/745(C.30)
	03.11.2008	2008/1210(C.52)
	03.11.2008	2008/1900(C.84)
Sections 33 and 34	03.11.2008	2008/1900(C.84)
Section 35	01.04.2008	2008/745(C.30)
	03.11.2008	2008/1900(C.84)
Section 36	03.11.2008	2008/1210(C.52)
Section 37	03.11.2008	2008/1900(C.84)
Section 38 (partially)	03.11.2008	2008/1900(C.84)
Section 39 and Schedule 5 (partially)	01.10.2007	2007/2798(C.108)
	01.04.2008	2008/745(C.30)
	03.11.2008	2008/1900(C.84)
Sections 40 to 42	01.10.2007	2007/2798(C.108)
Section 43	01.01.2008	2007/2798(C.108)
Section 44	30.04.2008	2008/800(C.39)
Section 45	24.07.2007	2007/2156(C.80)
Section 46	01.10.2007	2007/2798(C.108)
Section 47	01.04.2008	2008/745(C.30)
Section 48 and Schedule 6	03.11.2008	2008/1900(C.84)
Section 49	01.10.2007	2007/2798(C.108)
Section 50 and Schedules 7 and 9 (partially)	01.04.2008	2008/745(C.30)
Section 51	01.10.2007	2007/2635(C.102)
Section 54	01.04.2008	2008/745(C.30)
Section 55 and Schedule 11 (partially)	03.11.2008	2008/1210(C.52)2008/1900(C.84)
	03.11.2008	