

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Wales) Measure 2010. (See end of Document for details)

SCHEDULE 1

(introduced by section 53(1))

CONSEQUENTIAL AMENDMENTS TO THE MENTAL HEALTH ACT 1983

1 Amend the Mental Health Act 1983 as follows.

Commencement Information

- I1** Sch. 1 para. 1 in force in so far as not already in force at 2.4.2012 by S.I. 2011/3046, art. 3(j) (with art. 5)
I2 Sch. 1 para. 1 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

2 At the end of the title of section 130A insert “ : England ”.

Commencement Information

- I3** Sch. 1 para. 2 in force in so far as not already in force at 2.4.2012 by S.I. 2011/3046, art. 3(j) (with art. 5)
I4 Sch. 1 para. 2 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

3 In section 130A(1), (2) and (4) for “appropriate national authority” substitute “ Secretary of State ”.

Commencement Information

- I5** Sch. 1 para. 3 in force in so far as not already in force at 2.4.2012 by S.I. 2011/3046, art. 3(j) (with art. 5)
I6 Sch. 1 para. 3 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

4 For section 130C(2) substitute—

“(2) A patient is a qualifying patient if he is—

- (a) liable to be detained under this Act (otherwise than by virtue of section 4 or 5(2) or (4) above or section 135 or 136 below) and the hospital or registered establishment in which he is liable to be detained is situated in England;
- (b) subject to guardianship under this Act and the area of the responsible local social services authority within the meaning of section 34(3) above is situated in England;
- (c) a community patient and the responsible hospital is situated in England.”

Commencement Information

- I7** Sch. 1 para. 4 in force in so far as not already in force at 2.4.2012 by S.I. 2011/3046, art. 3(j) (with art. 5)
I8 Sch. 1 para. 4 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

5 In section 130C(3) after “qualifying patient if” insert “ the patient is to be regarded as being in England for the purposes of this subsection and ”.

Commencement Information

- I9** Sch. 1 para. 5 in force in so far as not already in force at 2.4.2012 by S.I. 2011/3046, art. 3(j) (with art. 5)
I10 Sch. 1 para. 5 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

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6 After section 130C(3) insert–

“(3A) For the purposes of subsection (3), a patient is to be regarded as being in England if that has been determined in accordance with arrangements made for the purposes of that subsection and section 130I(4), and published, by the Secretary of State and the Welsh Ministers.”

Commencement Information

I11 Sch. 1 para. 6 in force in so far as not already in force at 2.4.2012 by S.I. 2011/3046, art. 3(j) (with art. 5)

I12 Sch. 1 para. 6 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

7 Omit section 130C(5) and (6).

Commencement Information

I13 Sch. 1 para. 7 in force in so far as not already in force at 2.4.2012 by S.I. 2011/3046, art. 3(j) (with art. 5)

I14 Sch. 1 para. 7 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

8 In section 134(3A)(b)(i) after “130A” insert “ or section 130E ”.

Commencement Information

I15 Sch. 1 para. 8 in force in so far as not already in force at 2.4.2012 by S.I. 2011/3046, art. 3(j) (with art. 5)

I16 Sch. 1 para. 8 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(k) (with art. 5)

SCHEDULE 2

(introduced by section 54)

REPEALS

Commencement Information

I17 Sch. 2 in force in so far as not already in force at 2.4.2012 by S.I. 2011/3046, art. 3(k) (with art. 5)

I18 Sch. 2 in force for specified purposes at 3.1.2012 by S.I. 2011/3046, art. 2(l) (with art. 5)

Short title and chapter	Extent of repeal
Mental Health Act 1983 (c. 20)	In section 130C, subsections (5) and (6).

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There are currently no known outstanding effects for the Mental Health (Wales) Measure 2010.