

*Changes to legislation: There are currently no known outstanding effects for the Mental Health (Amendment) Act 1982, Paragraph 61. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### CONSEQUENTIAL AMENDMENTS

##### Modifications etc. (not altering text)

- C1** The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### PART I

##### *<sup>M1</sup> F1 Senior Courts Act 1981 ]*

##### Textual Amendments

- F1** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, art. 2(d)

##### Marginal Citations

- M1** [1981 c. 54](#).

- 61 In section 48—
- (a) in subsection (6)(a) for the words “an order restricting discharge” there shall be substituted the words “ a restriction order, and an interim hospital order under the Mental Health (Amendment) Act 1982 ”;
  - (b) after subsection (6) there shall be inserted—
    - “(7) The fact that an appeal is pending against an interim hospital order under the said Act of 1982 shall not affect the power of the magistrates’ court that made it to renew or terminate the order or to deal with the appellant on its termination ; and where the Crown Court quashes such an order but does not pass any sentence or make any other order in its place the Court may direct the appellant to be kept in custody or released on bail pending his being dealt with by that magistrates’ court.
    - (8) Where the Crown Court makes an interim hospital order by virtue of subsection (2)—
      - (a) the power of renewing or terminating the order and of dealing with the appellant on its termination shall be exercisable by the magistrates’ court whose decision is appealed against and not by the Crown Court ; and

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- (b) that magistrates' court shall be treated for the purposes of section 31(8) of the said Act of 1982 (absconding offenders) as the court that made the order.”

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