

Changes to legislation: Mental Health Act 1983, SCHEDULE 2 is up to date with all changes known to be in force on or before 22 November 2023. 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 2

Section 65(2).

MENTAL HEALTH REVIEW [F1TRIBUNAL FOR WALES]

Textual Amendments

- F1** Words in [Sch. 2](#) title substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), arts. 1(1), 6, [Sch. 3 para. 67\(b\)](#)

- 1 [F2The Mental Health Review Tribunal for Wales] shall consist of—
- (a) a number of persons (referred to in this Schedule as “the legal members”) appointed by the Lord Chancellor and having such legal experience as the Lord Chancellor considers suitable;
 - (b) a number of persons (referred to in this Schedule as “the medical members”) being registered medical practitioners appointed by the Lord Chancellor ^{F3}. . . ; and
 - (c) a number of persons appointed by the Lord Chancellor ^{F3}. . . and having such experience in administration, such knowledge of social services or such other qualifications or experience as the Lord Chancellor considers suitable.

Textual Amendments

- F2** Words in [Sch. 2 para. 1](#) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), arts. 1(1), 6, [Sch. 3 para. 67\(b\)](#)
- F3** Words in [Sch. 2 para. 1\(b\)\(c\)](#) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 146, 148, [Sch. 4 para. 158\(2\)](#), [Sch. 18 Pt. 2](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 paras. 10, 11\(q\), 29, 30\(b\)](#)

Modifications etc. (not altering text)

- C1** [Sch. 2 para. 1\(b\)\(c\)](#): Functions of the Lord Chancellor, so far as they are exercisable by him in relation to Wales, to be exercised only with the agreement of or after the consultation with the Assembly of Wales (1.7.1999) by [S.I. 1999/672](#), [art. 5](#), [Sch. 2](#)

- [F41A As part of the selection process for an appointment under paragraph 1(b) or (c) the Judicial Appointments Commission shall consult the Secretary of State.]

Textual Amendments

- F4** [Sch. 2 para. 1A](#) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 158\(3\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(q\)](#)

- 2 [F5Subject to paragraph 2A below,]the members of [F6the Mental Health Review Tribunal for Wales] shall hold and vacate office under the terms of the instrument

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under which they are appointed, but may resign office by notice in writing to the Lord Chancellor; and any such member who ceases to hold office shall be eligible for re-appointment.

Textual Amendments

- F5** Words in [Sch. 2 para. 2](#) inserted (31.3.1995) by 1993 c. 8, s. 26, [Sch. 6 para. 40](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); S.I. 1995/631, [art. 2](#)
- F6** Words in [Sch. 2 para. 2](#) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008](#) (S.I. 2008/2833), arts. 1(1), 6, [Sch. 3 para. 67\(c\)](#)

[^{F7}2A A member of [^{F8}the Mental Health Review Tribunal for Wales] shall vacate office on the day on which he attains the age of [^{F9}75].]

Textual Amendments

- F7** [Sch. 2 para. 2A](#) inserted (31.3.1995) by 1993 c. 8, s. 26, [Sch. 6 para. 40](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); S.I. 1995/631, [art. 2](#)
- F8** Words in [Sch. 2 para. 2A](#) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008](#) (S.I. 2008/2833), arts. 1(1), 6, [Sch. 3 para. 67\(d\)](#)
- F9** Word in [Sch. 2 para. 2A](#) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022](#) (c. 7), s. 131(4)(a), [Sch. 1 para. 18](#)

[^{F10}3 (1) The Lord Chancellor shall appoint one of the legal members of the Mental Health Review Tribunal for England to be the President of that tribunal.

(2) The Lord Chancellor shall appoint one of the legal members of the Mental Health Review Tribunal for Wales to be the President of that tribunal.]

Textual Amendments

- F10** [Sch. 2 para. 3](#) substituted (1.12.2017) by [Mental Health Act 2007](#) (c. 12), [ss. 38\(6\), 56\(1\)](#); S.I. 2017/1038, [art. 2](#) (with [art. 3](#))

4 Subject to rules made by the Lord Chancellor under section 78(2)(c) above, the members who are to constitute [^{F11}the Mental Health Review Tribunal for Wales] for the purposes of any proceedings or class or group of proceedings under this Act shall be appointed by the [^{F12}President] of the tribunal or ^{F13}..., by another member of the tribunal appointed for the purpose by the [^{F12}President]; and of the members so appointed—

- (a) one or more shall be appointed from the legal members;
- (b) one or more shall be appointed from the medical members; and
- (c) one or more shall be appointed from the members who are neither legal nor medical members.

Textual Amendments

- F11** Words in [Sch. 2 para. 4](#) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008](#) (S.I. 2008/2833), arts. 1(1), 6, [Sch. 3 para. 67\(g\)](#)
- F12** Word in [Sch. 2 para. 4](#) substituted (1.12.2017) by [Mental Health Act 2007](#) (c. 12), [ss. 38\(7\)\(a\), 56\(1\)](#); S.I. 2017/1038, [art. 2](#)

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F13 Words in Sch. 2 para. 4 repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 38(7)(b), 55, 56, [Sch. 11 Pt. 6](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(m\)\(p\)](#) (with [art. 3](#), [Sch.](#))

[^{F145} (1) A member of the First-tier Tribunal who is eligible to decide any matter in a case under this Act may, at the request of the President of the Mental Health Review Tribunal for Wales and with the approval of the Senior President of Tribunals, act as a member of the Mental Health Review Tribunal for Wales.

[A member of a tribunal listed in section 59 of the Wales Act 2017 (the Welsh
^{F15}(1A) tribunals) who is not a member of the Tribunal but who is eligible to decide any matter in a case under this Act may, at the request of the President of the Mental Health Review Tribunal for Wales and with the approval of the President of Welsh Tribunals, act as a member of the Mental Health Review Tribunal for Wales.]

(2) Every person while acting under this paragraph may perform any of the functions of a member of the Mental Health Review Tribunal for Wales.

(3) Until section 38(7) of the Mental Health Act 2007 comes into force, the reference in sub-paragraph (1) [^{F16}or (1A)] to the President of the Mental Health Review Tribunal for Wales is to be read as a reference to the chairman of the tribunal.]

Textual Amendments

F14 Sch. 2 para. 5 inserted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), [Sch. 1 para. 162](#) (with [Sch. 5](#))

F15 Sch. 2 para. 5(1A) inserted (coming into force in accordance with reg. 2(1) of the commencing S.I.) by [Wales Act 2017 \(c. 4\)](#), ss. [62\(3\)\(a\)](#), [71\(4\)](#) (with [Sch. 7 paras. 1, 6, 9](#)); S.I. 2017/351, reg. 2(2) [Editorial note: S.I. 2017/1282 was made under 2017 c. 4, Sch. 5 para. 7(1) and comes into force on 12.12.2017]

F16 Words in Sch. 2 para. 5(3) inserted (coming into force in accordance with reg. 2(1) of the commencing S.I.) by [Wales Act 2017 \(c. 4\)](#), ss. [62\(3\)\(b\)](#), [71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); S.I. 2017/351, reg. 2(2) [Editorial note: S.I. 2017/1282 was made under 2017 c. 4, Sch. 5 para. 7(1) and comes into force on 12.12.2017]

6 Subject to any rules made by the Lord Chancellor under section 78(4)(a) above, where the [^{F17}President] of the tribunal is included among the persons appointed under paragraph 4 above, he shall be [^{F18}chairman] of the tribunal; and in any other case the [^{F18}chairman] of the tribunal shall be such one of the members so appointed (being one of the legal members) as the [^{F17}President] may nominate.

Textual Amendments

F17 Word in Sch. 2 para. 6 substituted (1.12.2017) by [Mental Health Act 2007 \(c. 12\)](#), ss. [38\(9\)\(a\)](#), 56(1); S.I. 2017/1038, [art. 2](#)

F18 Word in Sch. 2 para. 6 substituted (1.12.2017) by [Mental Health Act 2007 \(c. 12\)](#), ss. [38\(9\)\(b\)](#), 56(1); S.I. 2017/1038, [art. 2](#) (with [art. 4](#))

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Changes and effects yet to be applied to :

- Sch. 2 para. 5 words substituted by [2007 c. 12 s. 38\(8\)\(a\)](#) (This amendment is not applied to legislation.gov.uk. S. 38(8) repealed (3.11.2008) without ever being in force by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), Sch. 3 para. 228(p))
- Sch. 2 para. 5 words substituted by [2007 c. 12 s. 38\(8\)\(b\)](#) (This amendment is not applied to legislation.gov.uk. S. 38(8) repealed (3.11.2008) without ever being in force by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), Sch. 3 para. 228(p))

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

- Act applied by [1996 c. 46 Sch. 2 para. 9](#)(replacing 1968 c 20 [s. 23](#)) (Act applied (prosp.) by 1968 c. 20, s. 23(4) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 9 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing 1957 c 53 [s. 63](#)) (Act applied (prosp.) by 1957 c. 53, s. 63C(6) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 4 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 19 [s. 116](#)) (Act applied (prosp.) by 1955 c. 19, s. 116C(6) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2 para. 1 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 18 s 116) (Act applied (prosp.) by 1955 c. 18, s. 116C(6) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2 para. 1 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act power to applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing 1957 c 53 [s. 63](#)) (Act: Power to apply conferred (prosp.) by 1957 c. 53, s. 63B(4)(c) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 4 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 19 [s. 116](#)) (Act: Power to apply conferred (prosp.) by 1955 c. 19, s. 116B(4)(c) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 1 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing 1955 c 18 s 116) (Act: Power to apply conferred (prosp.) by 1955 c. 18, s. 116B(4)(c) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2 para. 1 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))

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

– s. 74(8) inserted by [2015 c. 2 Sch. 3 para. 3\(3\)](#)