

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Patients in the Community) Act 1995, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1(2).

AFTER-CARE UNDER SUPERVISION: SUPPLEMENTARY

Records

- 1 In section 24 of the ^{M1}Mental Health Act 1983 (visiting and examination of patients), in each of subsections (2) and (4) (records) at the end there shall be inserted the words “ or to any after-care services provided for the patient under section 117 below. ”

Marginal Citations

M1 1983 c. 20.

Regulations

- 2 In section 32 of that Act (regulations for purposes of Part II), in subsection (2)(c) (records etc.)—
- (a) for the words “the managers of hospitals and local social services authorities” there shall be substituted “ such bodies as may be prescribed by the regulations ”;
 - (b) for the words “prescribed by the regulations” there shall be substituted “ so prescribed ”; ^{F1}...
 - ^{F1}(c)

Textual Amendments

F1 Sch. 1 para. 2(c) and preceding word repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\), s. 56\(1\), Sch. 11 Pt. 5; S.I. 2008/1210, art. 2\(d\)](#)

Wards of court

- ^{F23}

Textual Amendments

F2 Sch. 1 para. 3 repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\), s. 56\(1\), Sch. 11 Pt. 5; S.I. 2008/1210, art. 2\(d\)](#)

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Medical officers and supervisors

F3 4

Textual Amendments
F3 Sch. 1 para. 4 repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\), s. 56\(1\)](#), [Sch. 11 Pt. 5](#); S.I. 2008/1210, art. 2(d)

Part III patients

5 In section 41 of that Act (power of higher courts to restrict discharge from hospital of persons subject to hospital order), in subsection (3) (nature of special restrictions), after paragraph (a) there shall be inserted the following paragraph—
“(aa) none of the provisions of Part II of this Act relating to after-care under supervision shall apply;”.

F4 6

Textual Amendments
F4 Sch. 1 para. 6 repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\), s. 56\(1\)](#), [Sch. 11 Pt. 5](#); S.I. 2008/1210, art. 2(d)

Mental Health Review Tribunals

F5 7

Textual Amendments
F5 Sch. 1 para. 7 repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\), s. 56\(1\)](#), [Sch. 11 Pt. 5](#); S.I. 2008/1210, art. 2(d)

8 (1) Section 67 of that Act (references to tribunals by Secretary of State) shall be amended in accordance with sub-paragraphs (2) and (3) below.

F6 (2)

(3) In subsection (2) (power of registered medical practitioner to require records), at the end there shall be inserted the words “ or to any after-care services provided for the patient under section 117 below ”.

Textual Amendments
F6 Sch. 1 para. 8(2) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\), s. 56\(1\)](#), [Sch. 11 Pt. 5](#); S.I. 2008/1210, art. 2(d)

9 In section 68 of that Act (duty of managers of hospitals to refer cases to tribunal), in subsection (3) (power of registered medical practitioner to require records), at the end there shall be inserted the words “ or to any after-care services provided for the patient under section 117 below ”.

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- 10 F7(1)
F7(2)
F7(3)
F8(4)

Textual Amendments

- F7** Sch. 1 para. 10(1)-(3) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), s. 56(1), [Sch. 11 Pt. 5](#); [S.I. 2008/1210](#), art. 2(d)
F8 Sch. 1 para. 10(4) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), s. 56(1), [Sch. 11 Pt. 1](#); [S.I. 2008/1900](#), art. 2(p) (with art. 3Sch.)

- 11 In section 76(1) of that Act (visiting and examination of patients)—
F9(a)
(b) in paragraph (b), at the end there shall be inserted the words “ or to any after-care services provided for the patient under section 117 below. ”

Textual Amendments

- F9** Sch. 1 para. 11(a) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), s. 56(1), [Sch. 11 Pt. 5](#); [S.I. 2008/1210](#), art. 2(d)

- F10 12

Textual Amendments

- F10** Sch. 1 para. 12 repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), s. 56(1), [Sch. 11 Pt. 5](#); [S.I. 2008/1210](#), art. 2(d)

- F11 13

Textual Amendments

- F11** Sch. 1 para. 13 repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), s. 56(1), [Sch. 11 Pt. 5](#); [S.I. 2008/1210](#), art. 2(d)

- 14 In Schedule 1 to that Act (application of provisions to patients subject to hospital and guardianship orders), in Part I (patients not subject to special restrictions), in paragraph 9(b) (modifications of section 66(2)), for the words from “shall be omitted” to the end there shall be substituted “ , and in paragraph (d) “ , (g)”, shall be omitted. ”

After-care services

- 15 (1) Section 117 of that Act (after-care services) shall be amended in accordance with sub-paragraphs (2) to (4) below.

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- (2) In subsection (1) (persons to whom section 117 applies), after the words “detained and” there shall be inserted “ (whether or not immediately after so ceasing) ”.
- (3) In subsection (2) (duty of authorities to provide after-care services), at the end there shall be inserted the words “ ; but they shall not be so satisfied in the case of a patient who is subject to after-care under supervision at any time while he remains so subject. ”
- (4) After that subsection there shall be inserted the following subsections—
 - “(2A) It shall be the duty of the Health Authority to secure that at all times while a patient is subject to after-care under supervision—
 - (a) a person who is a registered medical practitioner approved for the purposes of section 12 above by the Secretary of State as having special experience in the diagnosis or treatment of mental disorder is in charge of the medical treatment provided for the patient as part of the after-care services provided for him under this section; and
 - (b) a person professionally concerned with any of the after-care services so provided is supervising him with a view to securing that he receives the after-care services so provided.
 - (2B) Section 32 above shall apply for the purposes of this section as it applies for the purposes of Part II of this Act.”

Code of practice

16 In section 118 of that Act (code of practice), in subsection (1)(a) (guidance to medical practitioners, social workers etc.), after the word “Act” there shall be inserted “ and to guardianship and after-care under supervision under this Act ”.

Offences

17 In section 126 of that Act (forgery, false statements etc.), in subsection (3)(b) (subsection (1) to apply to medical recommendations and reports), after the word “medical” there shall be inserted “ or other ”.

F12 18

Textual Amendments
F12 Sch. 1 para. 18 repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), s. 56(1), [Sch. 11 Pt. 5](#); [S.I. 2008/1210](#), art. 2(d)

19 In section 129 of that Act (obstruction), in subsection (1)(b) (refusal to allow visiting, interviewing or examination by a person authorised by or under the Act), after the word “Act” there shall be inserted “ or to give access to any person to a person so authorised ”.

Interpretation

F13 20

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Textual Amendments

F13 Sch. 1 para. 20 repealed (3.11.2008) by Mental Health Act 2007 (c. 12), s. 56(1), **Sch. 11 Pt. 5**; S.I. 2008/1210, art. 2(d)

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