
Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Part 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

CATEGORIES OF MENTAL DISORDER: FURTHER AMENDMENTS ETC

PART 1

AMENDMENTS TO 1983 ACT

- 1 The 1983 Act is amended as follows.
- 2 In section 3(2) (grounds for application for admission for treatment), in paragraph (a), for “mental illness, severe mental impairment, psychopathic disorder or mental impairment and his mental disorder is” substitute “ mental disorder ”.
- 3 In section 7(2) (grounds for guardianship application), in paragraph (a), omit the words “, being mental illness, severe mental impairment, psychopathic disorder or mental impairment and his mental disorder is”.
- 4 In section 20 (renewal of detention or guardianship)—
 - (a) in subsection (4)(a), for “mental illness, severe mental impairment, psychopathic disorder or mental impairment, and his mental disorder is” substitute “ mental disorder ”, and
 - (b) in subsection (7)(a), for “mental illness, severe mental impairment, psychopathic disorder or mental impairment and his mental disorder is” substitute “ mental disorder ”.
- 5 In section 35(3) (conditions for exercise of power to remand accused to hospital for report), in paragraph (a), for “mental illness, psychopathic disorder, severe mental impairment or mental impairment” substitute “ mental disorder ”.
- 6 In section 36(1) (conditions for exercise of power to remand accused to hospital for medical treatment), for the words from “he is suffering” to the end substitute—
 - “(a) he is suffering from mental disorder of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment;”.
- 7 In section 37 (power to order hospital admission or guardianship)—
 - (a) in subsection (2)(a), for “mental illness, psychopathic disorder, severe mental impairment or mental impairment” substitute “ mental disorder ”, and
 - (b) in subsection (3), omit the words “as being a person suffering from mental illness or severe mental impairment”.
- 8 In section 38(1) (conditions for exercise of power to make interim hospital order), in paragraph (a), for “mental illness, psychopathic disorder, severe mental impairment or mental impairment” substitute “ mental disorder ”.

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- 9 In section 45A(2) (conditions for exercise of power to direct hospital admission), in paragraph (a), for “psychopathic disorder” substitute “ mental disorder ”.
- 10 In section 47(1) (power to make transfer direction), in paragraph (a), for “mental illness, psychopathic disorder, severe mental impairment or mental impairment” substitute “ mental disorder ”.
- 11 In section 48 (further power to make transfer direction)—
 - (a) in subsection (1), for the words from “that person is suffering” to “such treatment,” substitute—
 - “(a) that person is suffering from mental disorder of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment; and
 - (b) he is in urgent need of such treatment;”, and
 - (b) in subsection (3), for “to (4)” substitute “ and (3) ”.
- 12 In section 51(6) (further power to make hospital order), in paragraph (a), for the words from “the detainee” to the end substitute—
 - “(i) the detainee is suffering from mental disorder of a nature or degree which makes it appropriate for the patient to be detained in a hospital for medical treatment;”.
- 13 In section 66(2) (time limits for applications to tribunals), in paragraph (d), for “in the cases mentioned in paragraphs (d), (fb), (g)” substitute “ in the case mentioned in paragraph (g) ”.

Commencement Information

II Sch. 1 para. 13 not in force at Royal Assent see s. 56(1); Sch. 1 para. 13 in force for specified purposes at 3.11.2008 by S.I. 2008/1210, arts. 1(1)(b), 2(a)

- 14 In section 72 (powers of tribunals)—
 - (a) in subsection (1)(b)(i), for “mental illness, psychopathic disorder, severe mental impairment or mental impairment or from any of those forms of disorder” substitute “ mental disorder or from mental disorder ”,
 - (b) in subsection (4)(a), for “mental illness, psychopathic disorder, severe mental impairment or mental impairment” substitute “ mental disorder ”, and
 - (c) in subsection (6), for “(5)” substitute “ (4) ”.
- 15 (1) Section 86 (application of power to remove alien patients) is amended as follows.
 - (2) In subsection (1), for “mental illness” substitute “ mental disorder ”.
 - (3) After subsection (3) insert—
 - “(4) In relation to a patient receiving treatment in a hospital within the meaning of the Mental Health (Northern Ireland) Order 1986, the reference in subsection (1) above to mental disorder shall be construed in accordance with that Order.”

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Textual Amendments

F1 Sch. 1 para. 16 omitted (28.4.2013) by virtue of [Mental Health \(Discrimination\) Act 2013 \(c. 8\), s. 4\(1\)](#), [Sch. para. 6\(1\)](#)

17 In section 145(1) (interpretation), for the definitions of “mental disorder”, “severe mental impairment”, “mental impairment” and “psychopathic disorder” substitute—

““mental disorder” has the meaning given in section 1 above (subject to sections 86(4) and 141(6B));”.

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