

## SCHEDULES

### SCHEDULE 2

#### APPROVED MENTAL HEALTH PROFESSIONALS: FURTHER AMENDMENTS TO 1983 ACT

- 5 (1) Section 13 (the title to which becomes “Duty of approved mental health professionals to make applications for admission or guardianship”) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) If a local social services authority have reason to think that an application for admission to hospital or a guardianship application may need to be made in respect of a patient within their area, they shall make arrangements for an approved mental health professional to consider the patient's case on their behalf.
- (1A) If that professional is—
- (a) satisfied that such an application ought to be made in respect of the patient; and
- (b) of the opinion, having regard to any wishes expressed by relatives of the patient or any other relevant circumstances, that it is necessary or proper for the application to be made by him,
- he shall make the application.
- (1B) Subsection (1C) below applies where—
- (a) a local social services authority makes arrangements under subsection (1) above in respect of a patient;
- (b) an application for admission for assessment is made under subsection (1A) above in respect of the patient;
- (c) while the patient is liable to be detained in pursuance of that application, the authority have reason to think that an application for admission for treatment may need to be made in respect of the patient; and
- (d) the patient is not within the area of the authority.
- (1C) Where this subsection applies, subsection (1) above shall be construed as requiring the authority to make arrangements under that subsection in place of the authority mentioned there.”
- (3) In subsection (2), for “approved social worker” substitute “ approved mental health professional ”.
- (4) For subsection (3) substitute—
- “(3) An application under subsection (1A) above may be made outside the area of the local social services authority on whose behalf the approved mental health professional is considering the patient's case.”
- (5) In subsection (4)—

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*Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Paragraph 5. (See end of Document for details)*

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- (a) for the words from “direct” to “above” substitute “ make arrangements under subsection (1) above for an approved mental health professional to consider the patient's case ”, and
  - (b) for “that approved social worker” substitute “ that professional ”.
- (6) In subsection (5)—
- (a) for “approved social worker”, in each place, substitute “ approved mental health professional ”, and
  - (b) after “the power of” insert “ a local social services authority to make arrangements with an approved mental health professional to consider a patient's case or of ”.

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**Commencement Information**

- II** Sch. 2 para. 5 not in force at Royal Assent see s. 56(1); Sch. 2 para. 5 in force for E. at 3.11.2008 by S.I. 2008/1900, art. 2(d); Sch. 2 para. 5 in force insofar as not already in force for W. at 3.11.2008 by S.I. 2008/2561, art. 2(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health Act 2007, Paragraph 5.