



Mental Health Act 2007

2007 CHAPTER 12

PART 1

AMENDMENTS TO MENTAL HEALTH ACT 1983

CHAPTER 7

RESTRICTED PATIENTS

40 Restriction orders

- (1) In section 41(1) of the 1983 Act (restriction orders) omit the words “, either without limit of time or during such period as may be specified in the order”.
- (2) In section 42(4)(b) of the 1983 Act (powers in respect of patients subject to restriction orders) omit the words from “, and, if the restriction order was made for a specified period,” to the end.
- (3) In the following provisions omit the words “, made without limitation of time”—
 - (a) section 44(3) of the 1983 Act (committal to hospital),
 - (b) section 84(2) of the 1983 Act (removal from Islands), and
 - (c) section 10(3)(a) of the Colonial Prisoners Removal Act 1884 (c. 31) (criminal lunatics).
- (4) In section 81(7) of the 1983 Act (removal to Northern Ireland: expiry of restriction order or direction) omit (in each place) “restriction order or”.
- (5) In section 81A(3) of the 1983 Act (transfer of responsibility for patient to Northern Ireland: expiry of restriction order or direction)—
 - (a) omit (in each place) “restriction order or”, and
 - (b) omit “order or”.

Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Section 40. (See end of Document for details)

- (6) In section 91(2) of the 1983 Act (patients removed from England and Wales: revival of order on return) omit the words “at any time before the end of the period for which those orders would have continued in force”.
- (7) But subsections (3) to (6) shall have no effect in respect of—
- (a) a restriction order for a specified period made before subsection (1) comes into force, or
 - (b) an order made outside England and Wales which is treated under the 1983 Act as if it were a restriction order for a specified period.

Changes to legislation:

There are currently no known outstanding effects for the Mental Health Act 2007, Section 40.