



Mental Health Act 2007

2007 CHAPTER 12

PART 1

AMENDMENTS TO MENTAL HEALTH ACT 1983

CHAPTER 8

MISCELLANEOUS

45 Delegation of powers of managers of NHS foundation trusts

- (1) In section 23(6) of the 1983 Act (delegation of NHS foundation trust's power to discharge patients), for the words from “non-executive directors” to the end substitute “ persons authorised by the board of the trust in that behalf each of whom is neither an executive director of the board nor an employee of the trust. ”
- (2) In section 32(3) of the 1983 Act (power to make provision about how hospital managers' functions under Part 2 of that Act are to be exercised), after “23(4)” insert “ and (6) ”.
- (3) After section 142A of the 1983 Act (inserted by section 17 of this Act), insert—

“142B Delegation of powers of managers of NHS foundation trusts

- (1) The constitution of an NHS foundation trust may not provide for a function under this Act to be delegated otherwise than in accordance with provision made by or under this Act.
- (2) Paragraph 15(3) of Schedule 7 to the National Health Service Act 2006 (which provides that the powers of a public benefit corporation may be delegated to a committee of directors or to an executive director) shall have effect subject to this section.”

Changes to legislation:

There are currently no known outstanding effects for the Mental Health Act 2007, Section 45.