

1984 No. 1357 (C. 30)

MENTAL HEALTH

**The Mental Health Act 1983 Commencement
Order 1984**

Made - - - - *21st August 1984*

The Secretary of State for Social Services, in exercise of powers conferred on him by section 149(3) of the Mental Health Act 1983 **(a)**, and of all other powers enabling him in that behalf, hereby makes the following order:—

1. This order may be cited as the Mental Health Act 1983 Commencement Order 1984.
2. The day appointed for the coming into force of sections 35, 36, 38 and 40(3) of the Mental Health Act 1983 is 1st October 1984.

Signed by authority of the Secretary of State for Social Services.

Glenarthur,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

21st August 1984.

(a) 1983 c. 20.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force on 1st October 1984 sections 35, 36, 38 and 40(3) of the Mental Health Act 1983. Section 35 enables a Crown Court or a magistrates' court to remand an accused person to hospital for a report on his mental condition. Section 36 enables a Crown Court to remand an accused person to hospital, rather than in custody, if it is satisfied that he is suffering from specified forms of mental disorder. Section 38 enables a Crown Court or a magistrates' court to make an interim hospital order in respect of a convicted person in certain circumstances where there is reason to suppose that a hospital order under section 37 may be appropriate. Section 40(3) concerns the effect of an interim hospital order.

All other provisions of the Mental Health Act 1983 came into force on 30th September 1983 (subject to transitional provisions contained in that Act) by virtue of section 149(2) of that Act.

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