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STATUTORY INSTRUMENTS

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**2008 No. 1210**

**The Mental Health Act 2007 (Commencement  
No. 6 and After-care under Supervision: Savings,  
Modifications and Transitional Provisions) Order 2008**

**PART 3**

**ACUS COMMUNITY PATIENTS: MODIFICATIONS  
AND TRANSITIONAL PROVISIONS**

**ACUS community patients**

**10.**—(1) This Part of this Order shall apply in relation to an ACUS community patient.

(2) An ACUS community patient is a patient in respect of whom a community treatment order made by the community responsible medical officer in accordance with the 1983 Act as modified by Part 2 of this Order is in force, including being in force by virtue of an extension to the community treatment period in accordance with section 20A of the 1983 Act (community treatment period).

**Modifications to the community treatment order provisions of the 1983 Act**

**11.** The following provisions of the 1983 Act shall be modified in their application to an ACUS community patient as follows—

(a) in section 17A(7) (community treatment orders), for the definition of “the responsible hospital”, substitute—

““the responsible hospital”, in relation to such a patient, means—

(a) the hospital in which he was liable to be detained immediately before being placed on after-care under supervision, and where such a hospital no longer exists, the successor hospital to that hospital; or

(b) such other hospital—

(i) as the community responsible medical officer, with the agreement of the managers of that hospital, may direct; or

(ii) where no hospital referred to in (a) is available and no agreement referred to in (i) can be reached, as the Secretary of State (where the patient lives in England) or the Welsh Ministers (where the patient lives in Wales) may direct.”;

(b) section 17C (duration of community treatment order) shall be read as if paragraph (c) were omitted;

(c) in section 17D (effect of community treatment order)—

(i) omit subsection (1);

(ii) for subsection (2), substitute—

“(2) While he remains a community patient, a reference (however expressed) in this or any other Act, or in any subordinate legislation (within the meaning of the Interpretation Act 1978), to patients liable to be detained, or detained, under this Act, shall not include him.”;

(iii) omit subsection (4);

(d) in section 17G (effect of revoking community treatment order)—

(i) for subsection (2), substitute—

“(2) For the purposes of section 6(2) above, the reference to the application under subsection (1) in that provision shall be taken to be a reference to the order made under section 17F(4) above”, and

(ii) for subsection (5), substitute—

“(5) For the purposes of this or any other Act, the patient shall be treated as if he had been admitted to hospital in pursuance of an application for admission for treatment on the day on which the order is revoked.”, and

(e) in section 20B(1) (effect of expiry of community treatment order), omit “, and the application for admission for treatment cease to have effect”.