

2008 No. 745 (C.30)

MENTAL HEALTH, ENGLAND AND WALES

**The Mental Health Act 2007 (Commencement No. 4) Order
2008**

Made - - - -

13th March 2008

The Secretary of State, in exercise of the powers conferred by section 56(1) and (2) of the Mental Health Act 2007(a), and with the agreement of the Welsh Ministers, makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Mental Health Act 2007 (Commencement No.4) Order 2008.

(2) In this Order—

“the 1983 Act” means the Mental Health Act 1983(b);

“the 2007 Act” means the Mental Health Act 2007.

Commencement of provisions

2. The following provisions of the 2007 Act shall come into force on 1st April 2008 for the purpose only of making regulations—

- (a) section 18 (approved mental health professionals);
- (b) section 30 (independent mental health advocates) –
 - (i) subsection (2), insofar as it inserts a new section 130A into the 1983 Act;
 - (ii) subsection (3);
- (c) section 32 (community treatment orders, etc)—
 - (i) subsection (2), insofar as it inserts a new section 17F into the 1983 Act;
 - (ii) subsection (4), insofar as it gives effect to paragraph 4 of Schedule 3; and
- (d) section 35 (authority to treat) insofar as it inserts a new section 64H into the 1983 Act.

3. The following provisions come into force on 1st April 2008 –

- (a) section 17 (regulations as to approvals in relation to England and Wales);
- (b) section 18 (approved mental health professionals) insofar as it inserts a definition of “appropriate national authority” and “approved mental health professional” in subsections (9) and (10) of new section 114 of the 1983 Act;
- (c) section 22 (conflicts of interest), subsection (5), which inserts a new section 12A into the 1983 Act;

(a) 2007 (c.12).
(b) 1983 (c.20).

- (d) section 30 (independent mental health advocates), subsection (2), insofar as it inserts a definition of “appropriate national authority” in subsection (5) of new section 130C into the 1983 Act;
- (e) section 35 (authority to treat) insofar as it inserts a definition of “appropriate national authority” in subsection (9) of new section 64H into the 1983 Act;
- (f) section 39 (cross-border arrangements), subsection (2), insofar as it gives effect to paragraphs 2 and 5 of Schedule 5;
- (g) section 47 (Welsh Ministers: procedure for instruments); and
- (h) section 54 (consequential provisions).

Commencement of provisions relating to the Mental Capacity Act 2005

4. The following subsections of section 50 (Mental Capacity Act 2005: deprivation of liberty) of the 2007 Act shall come into force on 1st April 2008 –

- (a) subsection (5), which gives effect to Schedule 7 to the 2007 Act which inserts new Schedule A1 into the Mental Capacity Act 2005^(a) but for the purpose only of making regulations or directions and inserting any definition relevant to those regulations or directions;
- (b) subsection (7) insofar as it gives effect to paragraphs 8 (codes of practice), 10 (interpretation), and 11 (rules, regulations and orders) of Schedule 9 to the 2007 Act; and
- (c) subsections (8) to (13) which relate to Wales.

Signed by authority of the Secretary of State for Health.

13th March 2008

Ivan Lewis
Parliamentary Under-Secretary of State,
Department of Health

(a) 2005 (c.9).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fourth commencement order made under the Mental Health Act 2007 and brings into force on 1st April 2008, the sections of that Act set out in article 2 for the purposes only of making regulations, and the sections of that Act set out in article 3.

The Order also brings into force on 1st April 2008 the provisions of the Act set out in article 4 which relate to the Mental Capacity Act 2005.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2007 Act have been brought into force by—

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I Number</i>
Section 45	24.07.2007	2007/2156 (C.80)
Section 51	01.10.2007	2007/2635 (C.102)
Section 19	01.10.2007	2007/2798(C.108)
Section 20	01.10.2007	2007/2798(C.108)
Section 39 and Schedule 5 (partially)	01.10.2007	2007/2798(C.108)
Section 40	01.10.2007	2007/2798(C.108)
Section 41	01.10.2007	2007/2798(C.108)
Section 42	01.10.2007	2007/2798(C.108)
Section 46	01.10.2007	2007/2798(C.108)
Section 49	01.10.2007	2007/2798(C.108)
Section 26	01.12.2007	2007/2798(C.108)
Section 43	01.01.2008	2007/2798(C.108)

STATUTORY INSTRUMENTS

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