STATUTORY INSTRUMENTS

2017 No. 1038 (C. 95)

MENTAL HEALTH, ENGLAND AND WALES

The Mental Health Act 2007 (Commencement No. 12 and Transitional Provisions) Order 2017

Made - - - -	*26th October 2017*
Laid before Parliament	*31st October 2017*
Coming into force - -	*1st December 2017*

The Secretary of State makes this Order in exercise of the powers conferred by section 56(1) and (4)(b) of the Mental Health Act 2007(**1**):

Citation and interpretation

1.—(1) This Order may be cited as the Mental Health Act 2007 (Commencement No. 12 and Transitional Provisions) Order 2017.

(2) In this Order—

"the 2007 Act" means the Mental Health Act 2007, and

"the 1983 Act" means the Mental Health Act 1983(**2**).

Commencement of provisions in the 2007 Act

2. Section 38(3)(a) and (d), (5) (in so far as not already in force), (6), (7)(a) and (9) of the 2007 Act, come into force on 1st December 2017.

Transitional provisions

3. A person who immediately before the coming into force of section 38(6) of the 2007 Act held office as chairman of the Mental Health Review Tribunal for Wales under paragraph 3 of Schedule 2 to the 1983 Act, is, on the coming into force of that section, to hold office as President of that tribunal under that paragraph.

4. A person who immediately before the coming into force of section 38(9)(b) of the 2007 Act was by virtue of paragraph 6 of Schedule 2 to the 1983 Act, President of the Mental Health Review

(**1**) 2007 c. 12.

(**2**) 1983 c. 20. Paragraph 3 of Schedule 2 was substituted by section 38(1), (5), (6) of the Mental Health Act 2007 and amended by SI 2008/2833. Paragraph 6 of Schedule 2 was substituted by section 38(1), (5), (9)(a) and (b) of the Mental Health Act 2007. There are other amending instruments but none is relevant.

Tribunal for Wales for any proceedings or class or group of proceedings, or was nominated as such, shall, on the coming into force of that section, be deemed to have been nominated to chair that tribunal under that paragraph.

David Lidington
Secretary of State
Ministry of Justice

26th October 2017