Draft Order laid before Parliament under section 54(5) of the Mental Health Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No. 000

MENTAL HEALTH

The Mental Health Act 2007 (Consequential Amendments) Order 2008

Made - - - -	*2008*
Coming into force - -	*As provided in article 1*

Whereas a draft of this instrument was laid before Parliament in accordance with section 54(5) of the Mental Health Act 2007(**1**) and approved by resolution of each House of Parliament.

The Secretary of State for Health, in exercise of the powers conferred by section 54(1) and (2) of the Mental Health Act 2007, and with the agreement of the Welsh Ministers, makes the following Order:

PART 1

Preliminary

Citation and commencement

1.—(1) This Order may be cited as the Mental Health Act 2007 (Consequential Amendments) Order 2008.

(2) Subject to paragraph (3), this Order comes into force on 3 November 2008.

(3) Articles 11, 12, 13, 14, 17(b), 18(b) and 19(b) come into force on 4 May 2009.

Extent

2.—(1) Subject to paragraphs (2), (3), (4) and (5), this Order extends to England and Wales only.

(2) Article 4 also extends to Scotland and Northern Ireland.

(3) Article 6 also extends to Scotland.

(4) Article 16 extends to England only.

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

(5) Article 17 extends to Scotland only.

(6) Article 20 also extends to Northern Ireland.

PART 2

Amendment of primary legislation

Amendment of the Local Authority Social Services Act 1970

3. In Schedule 1 to the Local Authority Social Services Act 1970(**2**) (social services functions), in the entry relating to section 114 of the Mental Health Act 1983(**3**), for "approved social workers" substitute "approved mental health professionals".

Amendment of the Disability Discrimination Act 1995

4. In section 68(1) of the Disability Discrimination Act 1995(**4**) (interpretation), the definition of "mental impairment" is repealed.

Amendment of the Family Law Act 1996

5. In section 63L(4) of the Family Law Act 1996(**5**) (remand: medical examination and report), for "mental illness or severe mental impairment" substitute "mental disorder within the meaning of the Mental Health Act 1983".

Amendment of the Disability Discrimination Act 2005

6. Paragraph 34(4) of Schedule 1 to the Disability Discrimination Act 2005(**6**) (minor and consequential amendments) is repealed.

PART 3

Amendment of subordinate legislation

Amendment of the Mental Health Act Commission (Establishment and Constitution) Order 1983

7. In article 3 of the Mental Health Act Commission (Establishment and Constitution) Order 1983(**7**) (functions of the Commission), after paragraph (2)(b) insert—

"(ba) the function of giving notice disapplying a Part 4A certificate under section 64H(5) of the Act(**8**);".

(**2**) 1970 c. 42.
(**3**) 1983 c. 20.
(**4**) 1995 c. 50.
(**5**) 1996 c. 27. Section 63L was inserted by section 1 of the Forced Marriage (Civil Protection) Act 2007 (c.20).
(**6**) 2005 c. 13.
(**7**) S.I. 1983/892.
(**8**) Section 64H was inserted by section 35(1) of the Mental Health Act 2007.

Amendment of the Family Proceedings Courts (Matrimonial Proceedings etc) Rules 1991

8. In Schedule 1 to the Family Proceedings Courts (Matrimonial Proceedings etc) Rules 1991(**9**) (Forms), in Forms FL409 (Remand Order), FL413 (Hospital Order/Interim Hospital Order) and FL 414 (Guardianship Order), for "(mental illness) (severe mental impairment)" substitute "mental disorder".

Revocation of the Mental Health (Patients in the Community) (Transfers from Scotland) Regulations 1996

9. The Mental Health (Patients in the Community) (Transfers from Scotland) Regulations 1996(**10**) are revoked.

Amendment of the Teachers' Pensions Regulations 1997

10. In Schedule 2 to the Teachers' Pensions Regulations 1997(**11**) (pensionable employment), in paragraph 12, for "impairment, severe mental impairment, psychopathic disorder or mental illness" substitute "disorder".

Amendment of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000

11. In regulation 5(b) of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000(**12**) (functions of NHS bodies), for "sections 25A to 25H and" substitute "section".

Amendment of the National Health Service (Payments by Local Authorities to NHS Bodies) (Prescribed Functions) Regulations 2000

12. In regulation 2(1)(b) of the National Health Service (Payments by Local Authorities to NHS Bodies) (Prescribed Functions) Regulations 2000(**13**) (prescribed functions of NHS bodies), for "sections 25A to 25H and" substitute "section".

Amendment of the National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000

13. In regulation 5(b) of the National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000(**14**) (functions of National Health Service bodies), for "sections 25A to 25H and" substitute "section".

Amendment of the National Health Service (Payments by Local Authorities to Health Authorities) (Prescribed Functions) (Wales) Regulations 2001

14. In regulation 2(1)(b) of the National Health Service (Payments by Local Authorities to Health Authorities) (Prescribed Functions) (Wales) Regulations 2001(**15**) (prescribed functions of Health Authorities in Wales), for "sections 25A to 25H and" substitute "section".

(**9**) S.I. 1991/1991. These Forms were inserted by S.I. 1997/1894.
(**10**) S.I. 1996/295.
(**11**) S.I. 1997/3001.
(**12**) S.I. 2000/617.
(**13**) S.I. 2000/618.
(**14**) S.I. 2000/2993.
(**15**) S.I. 2001/1543.