



Statutory Document No. 80/00

THE MENTAL HEALTH ACT 1998

THE MENTAL HEALTH CODE OF PRACTICE (APPROVAL)  
INSTRUMENT 2000

*Coming into operation*

*1st April 2000*

In exercise of the powers conferred on Department of Health and Social Security by section 116(1) of the Mental Health Act 1998<sup>1</sup>, and of all other enabling powers, and after consultation with the Mental Health Commission and with bodies appearing to it to be concerned, the following instrument is hereby made:—

**1. Citation and commencement**

This instrument may be cited as the Mental Health Code of Practice (Approval) Instrument 2000 and shall come into operation on the 1st April 2000.

**2. Approval of code of practice**

(1) The code of practice<sup>2</sup> issued by the Secretary of State under section 118 of the Mental Health Act 1983 (an Act of Parliament)<sup>3</sup> and laid before Parliament on the 3rd December 1998 is approved for the purpose of section 116 of the Mental Health Act 1998, subject to following modifications.

(2) Any reference to a matter specified in column 1 of the following table shall be construed as a reference to the corresponding matter specified in column 2 —

<i>Reference to</i>	<i>To be construed as a reference to</i>
the Mental Health Act 1983 (an Act of Parliament)	the Mental Health Act 1998
any provision of the Mental Health Act 1983 (an Act of Parliament)	the corresponding provision of the Mental Health Act 1998 or, as the case may be, the Summary Jurisdiction Act 1989 <sup>4</sup> or the Criminal Jurisdiction Act 1993 <sup>5</sup>

<sup>1</sup> 1998 c.3

<sup>2</sup> ISBN 0-11-322111-8

<sup>3</sup> 1983 c.20

<sup>4</sup> 1989 c.15

<sup>5</sup> 1993 c.9

Price 45p

any statutory instrument made under the Mental Health Act 1983 (an Act of Parliament)	the corresponding instrument made under the Mental Health Act 1998
the Family Law Reform Act 1969 (an Act of Parliament) <sup>6</sup>	the Family Law Reform (Isle of Man) Act 1971 <sup>7</sup>
any provision of the Police and Criminal Evidence Act 1984 <sup>8</sup> (an Act of Parliament)	the corresponding provision of the Police Powers and Procedures Act 1998 <sup>9</sup>
the Secretary of State, a health authority or trust or a local social services authority	the Department of Health and Social Security
the High Court (or any Division thereof) or a county court	the High Court
any procedure in the High Court or a county court	the corresponding procedure in the High Court
a mental health review tribunal	the Mental Health Review Tribunal
a solicitor	an advocate
the Mental Health Act Commission	the Mental Health Commission
the Official Solicitor	the Attorney General
any National Health Service complaints procedure	the corresponding procedure in force in the Island
a key worker	a care co-ordinator
the Home Office (or any division thereof)	the Department of Home Affairs
advice or assistance by way of representation	legal aid

- (3) Paragraphs 1.13, 3.12, 22.4 to 22.6 and 30.4 are omitted.
- (4) References to the following matters are omitted —
- (a) special hospitals;
  - (b) the Children Act 1989<sup>10</sup> (an Act of Parliament) and any instruments thereunder;
  - (c) a committee or panel of hospital managers.

<sup>6</sup> 1969 c.46

<sup>7</sup> 1971 c.26

<sup>8</sup> 1984 c.60

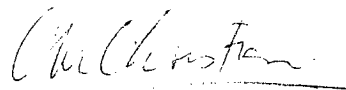
<sup>9</sup> 1998 c.9

<sup>10</sup> 1989 c.41

MADE

14<sup>th</sup> January

2000



Minister for Health and Social Security

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#### EXPLANATORY NOTE

*(This note is not part of the instrument.)*

Section 116 of the Mental Health Act 1998 provides for the issue or approval by the Department of Health and Social Security of a code of practice for the guidance of professionals in relation to the admission of patients to hospitals and mental nursing homes under the Act, guardianship and after-care under supervision under the Act, and the medical treatment of patients suffering from mental disorder.

This instrument approves for that purpose the Code of Practice issued by the Secretary of State under section 118 of the Mental Health Act 1983 (of Parliament) in England and Wales, subject to the modifications specified in paragraph 2. Copies of the Code may be obtained from the Stationery Office, price £7.50.