The Mental Health Act Commission (Establishment and Constitution) Order 1983

Made - 17th June 1983
Laid before Parliament 1st July 1983
Coming into Operation
Articles 1, 2 and 4 1st September 1983
Remainder 30th September 1983

Citation and commencement and interpretation

1.—(1) This order may be cited as the Mental Health Act Commission (Establishment and Constitution) Order 1983 and shall come into operation on 1st September 1983 except that Article 3 shall come into operation on 30th September 1983.

(2) In this order—

"the Act" means the Mental Health Act 1983;
"the Commission" means the Commission established by Article 2 of this Order.

Establishment of the Commission

2. There is hereby established a special health authority which shall be known as the Mental Health Act Commission.

Functions of the Commission

3.—(1) Subject to and in accordance with such directions as the Secretary of State may give to the Commission, the Commission shall, in addition to performing its functions specified in the Act, perform on behalf of the Secretary of State the functions specified in paragraph (2) of this Article and such other functions as the Secretary of State may direct.

(2) The functions of the Secretary of State referred to in paragraph (1) above are—

(a) the function of appointing registered medical practitioners for the purposes of Part IV of the Act (consent to treatment) and section 118 of the Act (practitioners required to certify consent and to give second opinion) and of appointing other persons for the purposes of section 57(2)(a) of the Act (persons required to certify consent);
THE MENTAL HEALTH ACT COMMISSION
(ESTABLISHMENT AND CONSTITUTION) ORDER 1983

(b) the functions of the Secretary of State under section 61 of the Act
(review of treatment);

(c) the functions of the Secretary of State under section 120(1) and
(4) of the Act (general protection of patients detained under the Act);

and

(d) the function of submitting to the Secretary of State proposals as to
the content of the code of practice which he shall prepare, and from
time to time revise, under section 118(1) of the Act, and in particular
to propose, for the purposes of section 118(2) of the Act, forms of
medical treatment in addition to any specified in regulations made for
the purposes of section 57 of the Act which in the opinion of the
Commission give rise to special concern.

Constitution of the Commission

4. The Commission shall consist of such number of members as the Secretary
of State may from time to time determine of whom one shall be the chairman
and one the vice-chairman.

Norman Fowler,
Secretary of State for Social Services.

17th June 1983.