



Mental Health Act 1983

CHAPTER 20

MENTAL HEALTH ACT 1983

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- 4 In section 18 subsection (5) shall be omitted.
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- 5A In section 19A(2), paragraph (b) shall be omitted.
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- 6A In section 20B(1), for the reference to the application for...
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- 5 In the Law of Property Act 1925—
- 6 In section 111 of the Land Registration Act 1925—
- 7 In paragraph (ii) of the proviso to section 41(1) of...
- 8 In sections 4(1) and 11(3)(b) of the Polish Resettlement Act...
- 9 In section 1(4) of the U.S.A. Veterans’ Pensions (Administration) Act...
- 10 In section 116(7) of the Army Act 1955 for the...
- 11 In section 116(7) of the Air Force Act 1955 for...
- 12
- 13 In section 71(6) of the Naval Discipline Act 1957 for...
- 14 In section 1 of the Variation of Trusts Act 1958—...
- 15 In section 128(1)(b) of the Mental Health Act 1959 for...
- 16
- 17 In section 5 of the Administration of Justice Act 1960—...
- 18 In the Criminal Procedure (Insanity) Act 1964—
- 19 In section 18 of the Administration of Justice Act 1965...
- 20 In paragraph 1(2)(b) of Schedule 1 to the Compulsory Purchase...
- 21 In the Criminal Justice Act 1967— (a) in section 72(1)(b)...
- 22 In section 26(2) of the Leasehold Reform Act 1967 for...
- 23 In the Criminal Appeal Act 1968— (a)
- 24 In the Courts-Martial (Appeals) Act 1968— (a) in sections 20(4)...
- 25 In section 21(4) of the Family Law Reform Act 1969...
- 26 In the Children and Young Persons Act 1969—
- 27 In Schedule 1 to the Local Authorities Social Services Act...

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- 28 In section 57(1) of the Courts Act 1971 for the...
- 29
- 30 In section 30(2) of the Immigration Act 1971 for the...
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- 32 In section 118 of the Local Government Act 1972—
- 33 In the Costs in Criminal Cases Act 1973—
- 34 In section 12(d) of the Matrimonial Causes Act 1973 for...
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- 36 In section 3 of the Powers of Criminal Courts Act...
- 37 In Group D in Schedule 1 to the Juries Act...
- 38 In the Solicitors Act 1974— (a) in section 12(1)(j) for...
- 39 In section 5(7) of the Rehabilitation of Offenders Act 1974...
- 40
- 41 In the Criminal Procedure (Scotland) Act 1975—
- 42 In Part II of Schedule 1 to the House of...
- 43
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- 45 In section 32(6)(c) of the Adoption Act 1976 for the...
- 46 In section 3(6B) of the Bail Act 1976 for the...
- 47 In the National Health Service Act 1977—
- 48 In section 16A(1)(b)(ii) of the National Health Service (Scotland) Act...
- 49
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- 52 In the Residential Homes Act 1980— (a) in section 1(3)(a)...
- 53 In paragraph 2(a) of Schedule 2 to the Reserve Forces...
- 54 In section 31(2)(c) of the Transport Act 1980 for the...
- 55 In section 38 of the Limitation Act 1980—
- 56 In section 57(2)(c) of the Public Passenger Vehicles Act 1981...
- 57 In the Contempt of Court Act 1981—
- 58 In the Senior Courts Act 1981— (a) in section 48(6)(a)...
- 59 In section 13(9) of the Armed Forces Act 1981 or...
- 60 In paragraph 9 of Schedule 1 to the British Nationality...
- 61 In the Mental Health (Amendment) Act 1982—

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- 3 Where, apart from this paragraph, anything done under or for...
- 4 (1) Until the expiration of the period of two years...
- 5 If no order has been made under section 11 of...
- 6 This Act shall apply in relation to any authority for...
- 7 This Act shall apply to any application made before 30th...
- 8 (1) Where on 30th September 1983 a person who has...
- 9 (1) Section 20(1) of this Act shall have effect in...
- 10 Section 23(2)(a) of this Act shall have effect in relation...
- 11 Where at any time before 30th September 1983 an application...
- 12 A person— (a) who was admitted to hospital in pursuance...
- 13 Subsection (1) of section 68 of this Act does not...
- 14 Section 69(1)(b) of this Act shall have effect in relation...
- 15 The provisions of this Act which derive from sections 24...
- 16 The words in section 42(1) of this Act which derive...
- 17 Section 91(2) of this Act shall not apply in relation...

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- 18 (1) Subsection (3) of section 58 of this Act shall...
- 19 In the case of a patient who is detained at...
- 20 The repeal by the Mental Health (Amendment) Act 1982 of...
- 21 Any direction to which section 71(4) of the Mental Health...
- 22 Notwithstanding the repeal by this Act of section 53(5) of...
- 23 For any reference in any enactment, instrument, deed or other...
- 24 Nothing in this Act shall affect the operation of the...
- 25 Nothing in this Act shall affect the operation of subsection...
- 26 If the person who is the Master of the Court...
- 27 Nothing in this Act shall affect the operation of section...
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- 29 The repeal by the Mental Health Act 1959 of the...
- 30 The repeal by the Mental Health Act 1959 of the...
- 31 (1) Any patient who immediately before the commencement of this...
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- 35 (1) The responsible medical officer may record for the purposes...
- 36 Any person who immediately before the commencement of this Act...
- 37 (1) This paragraph applies to patients who immediately before the...
- 38 Any patient who immediately before the commencement of this Act...
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- 41 Any opinion recorded by the responsible medical officer under the...
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- 43 (1) Any order or appointment made, direction or authority given,...
- 44 Where a person who immediately before 1st November 1960 was...
- 45 Section 101(1) of this Act shall apply in relation to...
- 46 For the purposes of section 15 of the National Health...

SCHEDULE 6 — Repeals

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Changes and effects yet to be applied to :

- s. 2 modified (temp.) by [2020 c. 7 Sch. 8 para. 3\(1\)\(2\)](#)
- s. 3 modified (temp.) by [2020 c. 7 Sch. 8 para. 3\(1\)\(2\)](#)
- s. 5(2) words substituted (temp.) by [2020 c. 7 Sch. 8 para. 4\(1\)\(2\)](#)
- s. 5(4) words substituted (temp.) by [2020 c. 7 Sch. 8 para. 4\(3\)](#)
- s. 11(7) modified (temp.) by [2020 c. 7 Sch. 8 para. 3\(5\)](#)
- s. 12(1)(2) modified (temp.) by [2020 c. 7 Sch. 8 para. 3\(6\)-\(8\)](#)
- s. 15(3) excluded (temp.) by [2020 c. 7 Sch. 8 para. 3\(9\)](#)
- s. 35(7) words omitted (temp.) by [2020 c. 7 Sch. 8 para. 5](#)
- s. 35(9) modified (temp.) by [2020 c. 7 Sch. 8 para. 8\(1\)\(2\)\(4\)](#)
- s. 36(1) modified (temp.) by [2020 c. 7 Sch. 8 para. 6](#)
- s. 36(6) words omitted (temp.) by [2020 c. 7 Sch. 8 para. 5](#)
- s. 37(1) modified (temp.) by [2020 c. 7 Sch. 8 para. 6](#)
- s. 37(1A) amendment to earlier affecting provision [2020 c. 17, Sch. 22 para. 101\(2\)](#) by [2022 c. 32 s. 3\(15\)\(c\)](#)
- s. 37(1A) words omitted by [2020 c. 17 Sch. 22 para. 101\(2\)](#)
- s. 37(1B)(b) omitted by [2020 c. 17 Sch. 22 para. 101\(3\)\(b\)](#)
- s. 37(1B)(aa) words omitted by virtue of [2020 c. 17 Sch. 22 para. 101\(3\)\(a\)](#) (as inserted) by [2021 c. 11 Sch. 13 para. 11\(20\)\(n\)\(iii\)](#)
- s. 38(1) modified (temp.) by [2020 c. 7 Sch. 8 para. 6](#)
- s. 40(1) modified (temp.) by [2020 c. 7 Sch. 8 para. 8\(1\)\(2\)\(4\)](#)
- s. 40(3) modified (temp.) by [2020 c. 7 Sch. 8 para. 8\(1\)\(2\)\(4\)](#)
- s. 43(5) repealed by [2003 c. 44 Sch. 37 Pt. 9](#)
- s. 43(5) repealed by [2022 c. 32 s. 81\(3\)\(e\)](#)
- s. 45A(3)(4) modified (temp.) by [2020 c. 7 Sch. 8 para. 6](#)
- s. 45B(1) modified (temp.) by [2020 c. 7 Sch. 8 para. 8\(1\)\(2\)\(4\)](#)
- s. 47(1) modified (temp.) by [2020 c. 7 Sch. 8 para. 7](#)
- s. 47(2) words substituted (temp.) by [2020 c. 7 Sch. 8 para. 8\(3\)\(4\)](#)
- s. 48(1) modified (temp.) by [2020 c. 7 Sch. 8 para. 7](#)
- s. 48(2)(a) words repealed by [2000 c. 43 Sch. 7 para. 73](#)
- s. 50(3)(a) words inserted by [2015 c. 2 Sch. 3 para. 2](#)
- s. 51(5) modified (temp.) by [2020 c. 7 Sch. 8 para. 6](#)
- s. 58 modified (temp.) by [2020 c. 7 Sch. 8 para. 9](#)
- s. 74(5A)(a) words inserted by [2015 c. 2 Sch. 3 para. 3\(1\)](#)
- s. 74(5A)(b) words inserted by [2015 c. 2 Sch. 3 para. 3\(2\)](#)
- s. 78(2)(a) words substituted by [2007 c. 12 s. 38\(3\)\(b\)](#) (This amendment is not applied to legislation.gov.uk. S. 38(3)(b) repealed (3.11.2008) without ever being in force by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), Sch. 3 para. 228(p))
- s. 78(2)(b) words substituted by [2007 c. 12 s. 38\(3\)\(c\)](#) (This amendment is not applied to legislation.gov.uk. S. 38(3)(c) repealed (3.11.2008) without ever being in force by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), Sch. 3 para. 228(p))
- s. 78(4)(b) words substituted by [2007 c. 12 s. 38\(3\)\(c\)](#) (This amendment is not applied to legislation.gov.uk. S. 38(3)(c) repealed (3.11.2008) without ever being in force by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), Sch. 3 para. 228(p))
- s. 79(7) substituted by [2007 c. 12 s. 38\(4\)](#) (This amendment is not applied to legislation.gov.uk. S. 38(4) repealed (3.11.2008) without ever being in force by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), Sch. 3 para. 228(p))

- s. 103(9) words repealed by 2003 c. 44 Sch. 37 Pt. 9
- s. 129(3) words repealed by 2003 c. 44 Sch. 37 Pt. 9
- s. 135(3ZA) words substituted (temp.) by 2020 c. 7 Sch. 8 para. 10
- s. 136(2A) words substituted (temp.) by 2020 c. 7 Sch. 8 para. 10
- s. 139(4) words omitted by 2012 c. 7 Sch. 14 para. 50
- Sch. 2 para. 5 words substituted by 2007 c. 12 s. 38(8)(a) (This amendment is not applied to legislation.gov.uk. S. 38(8) repealed (3.11.2008) without ever being in force by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), Sch. 3 para. 228(p))
- Sch. 2 para. 5 words substituted by 2007 c. 12 s. 38(8)(b) (This amendment is not applied to legislation.gov.uk. S. 38(8) repealed (3.11.2008) without ever being in force by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), Sch. 3 para. 228(p))
- Sch. 4 para. 38(a) repealed by 2007 c. 29 Sch. 23 (This amendment not applied to legislation.gov.uk. Sch. 4 para. 38 already repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(2), 68(1)-(3), Sch. 7 (with ss. 27, 28, 29, 62); S.I. 2007/1897, art. 2)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by 1996 c. 46 Sch. 2 para. 9(replacing 1968 c 20 s. 23) (Act applied (prosp.) by 1968 c. 20, s. 23(4) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 9 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act applied by 1996 c. 46 Sch. 2 para. 4(replacing 1957 c 53 s. 63) (Act applied (prosp.) by 1957 c. 53, s. 63C(6) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 4 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act applied by 1996 c. 46 Sch. 2 para. 1(replacing 1955 c 19 s. 116) (Act applied (prosp.) by 1955 c. 19, s. 116C(6) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2 para. 1 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act applied by 1996 c. 46 Sch. 2 para. 1(replacing 1955 c 18 s 116) (Act applied (prosp.) by 1955 c. 18, s. 116C(6) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2 para. 1 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act power to applied by 1996 c. 46 Sch. 2 para. 4(replacing 1957 c 53 s. 63) (Act: Power to apply conferred (prosp.) by 1957 c. 53, s. 63B(4)(c) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 4 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act power to applied by 1996 c. 46 Sch. 2 para. 1(replacing 1955 c 19 s. 116) (Act: Power to apply conferred (prosp.) by 1955 c. 19, s. 116B(4)(c) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 1 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act power to applied by 1996 c. 46 Sch. 2 para. 1(replacing 1955 c 18 s 116) (Act: Power to apply conferred (prosp.) by 1955 c. 18, s. 116B(4)(c) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2 para. 1 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 74(8) inserted by [2015 c. 2 Sch. 3 para. 3\(3\)](#)