



Mental Health (Amendment) Act 1982

1982 CHAPTER 51

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

Admission to hospital

3 Admission for assessment

- (1) In section 25 of the principal Act (under which a person may be detained in a hospital under observation if an application for admission for observation is made in accordance with that section)—
 - (a) for the words " application for admission for observation ", wherever they occur, there shall be substituted the words " application for admission for assessment "; and
 - (b) in subsection (2)(a) for the words "detention of the patient in a hospital under observation (with or without other medical treatment) " there shall be substituted the words " detention of the patient in a hospital for assessment (or for assessment followed by medical treatment) ".
- (2) In section 27 of the principal Act (general provisions as to applications) after subsection (1) there shall be inserted—

“(1A) Before or within a reasonable time after an application for the admission of a patient for assessment is made by a mental welfare officer, that officer shall take such steps as are practicable to inform the person (if any) appearing to be the nearest relative of the patient that the application is to be or has been made and of the power of the nearest relative under section 47 of this Act to discharge the patient.”
- (3) In section 29 of the principal Act (emergency application for admission for assessment)—

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- (a) in subsection (2) (persons by whom emergency application may be made) for the words " any relative of the patient" there shall be substituted the words " the nearest relative of the patient ";
- (b) for subsection (4) there shall be substituted—

“(4) In relation to an emergency application, section 27 of this Act shall have effect as if in subsection (3) of that section for the words " the period of fourteen days ending with the date of the application " there were substituted the words "the previous twenty-four hours.”

- (4) In section 31 of the principal Act—

- (a) for subsection (1)(b) (time limit for acting on emergency application for admission for assessment) there shall be substituted—

“(b) in the case of an emergency application, the period of twenty-four hours beginning at the time when the patient was examined by the practitioner giving the medical recommendation first referred to in subsection (3) of section 29 of this Act, or at the time when the application is made, whichever is the earlier”;

- (b) after subsection (3) there shall be inserted—

“(3A) A patient who is admitted to a hospital in pursuance of an application for admission for assessment may apply to a Mental Health Review Tribunal within the period of fourteen days beginning with the day on which he is so admitted.”

4 Admission for treatment

- (1) Section 26 of the principal Act (admission for treatment) shall be amended as follows.

- (2) For subsection (2) (a) and (b) (grounds for application for admission of patient) there shall be substituted—

“(a) that he is suffering from mental illness, severe mental impairment, psychopathic disorder or mental impairment, being a mental disorder of a nature or degree which makes it appropriate for him to receive medical treatment in a hospital; and

(b) in the case of psychopathic disorder or mental impairment, that such treatment is likely to alleviate or prevent a deterioration of his condition ; and

(c) that it is necessary for the health or safety of the patient or for the protection of other persons that he should receive such treatment and that it cannot be provided unless he is detained under this section.”

- (3) In subsection (3) (contents of medical recommendations) for the words " paragraphs (a) and (b)", " the said paragraph (a)" and "the said paragraph (b)" there shall be substituted respectively the words " paragraphs (a), (b) and (c) " , " the said paragraphs (a) and (b) " and " the said paragraph (c) " .

5 Medical recommendations

- (1) Section 28 of the principal Act (general provisions as to medical recommendations) shall be amended as follows.

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- (2) In subsection (1) (which requires the two practitioners making the recommendations to have examined the patient either together or at an interval of not more than seven days) for the words from " either together " onwards there shall be substituted the words " either together or separately but where they have examined the patient separately not more than five days must have elapsed between the days on which the separate examinations took place. "
- (3) At the beginning of subsection (3) (which provides that only one of the recommendations may be given by a practitioner on the staff of the hospital to which the patient is to be admitted) there shall be inserted the words " Subject to subsection (3A) of this section " and after that subsection there shall be inserted—
- “(3A) Subsection (3) of this section shall not preclude both the medical recommendations being given by practitioners on the staff of the hospital in question if—
- (a) compliance with that subsection would result in delay involving serious risk to the health or safety of the patient; and
 - (b) one of the practitioners giving the recommendations works at the hospital for less than half of the time which he is bound by contract to devote to work in the health service; and
 - (c) where one of those practitioners is a consultant, the other does not work (whether at the hospital or elsewhere) in a grade in which he is under that consultant's directions.”
- (4) In subsection (4)(e) after the words " subsection (3)" there shall be inserted the words " or (3A) ".
- (5) After subsection (4) there shall be inserted—
- “(5) A general practitioner who is employed part-time in a hospital shall not for the purposes of this section be regarded as a practitioner on its staff.”

6 Patients already in hospital

- (1) Section 30 of the principal Act (applications in respect of patients already in hospital) shall be amended as follows.
- (2) In subsection (2) (detention for three days on report by medical practitioner in charge of the treatment of the patient) for the words " a period of three days beginning with the day on which the report is so furnished " there shall be substituted the words " a period of seventy-two hours from the time when the report is so furnished. "
- (3) After subsection (2) there shall be inserted—
- “(3) The medical practitioner in charge of the treatment of a patient in a hospital may nominate one (but not more than one) other medical practitioner on the staff of that hospital to act for him under subsection (2) of this section in his absence.
- (4) If, in the case of a patient who is receiving treatment for mental disorder as an in-patient in a hospital and who is not liable to be detained therein under this Part of this Act, it appears to a nurse of the prescribed class—

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- (a) that the patient is suffering from mental disorder to such a degree that it is necessary for his health or safety or for the protection of others for him to be immediately restrained from leaving the hospital ; and
- (b) that it is not practicable to secure the immediate attendance of a practitioner for the purpose of furnishing a report under subsection (2) of this section,

the nurse may record that fact in writing; and in that event the patient may be detained in the hospital for a period of six hours from the time when that fact is so recorded or until the earlier arrival at the place where the patient is detained of a practitioner having power to furnish a report under that subsection.

- (5) A record made under subsection (4) of this section shall be delivered by the nurse (or by a person authorised by the nurse in that behalf) to the managers of the hospital as soon as possible after it is made; and where a record is made under that subsection the period mentioned in subsection (2) of this section shall begin at the time when it is made.
- (6) In subsection (4) of this section " prescribed " means prescribed by an order made by the Secretary of State.”