

Mental Health (Amendment) Act 1982

1982 CHAPTER 51

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

Admission to hospital

5 Medical recommendations

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

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- (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."