



Mental Health (Amendment) Act 1982

1982 CHAPTER 51

PART VII

MISCELLANEOUS AND SUPPLEMENTARY

52 Correspondence of patients.

- (1) A postal packet addressed to any person by a patient detained in a hospital under the principal Act or this Act and delivered by the patient for despatch may be withheld from the Post Office—
 - (a) if that person has requested that communications addressed to him by the patient should be withheld; or
 - (b) subject to subsection (3) below, if the hospital is a special hospital and the managers of the hospital consider that the postal packet is likely—
 - (i) to cause distress to the person to whom it is addressed or to any other person (not being a person on the staff of the hospital); or
 - (ii) to cause danger to any person;and any request for the purposes of paragraph (a) above shall be made by a notice in writing given to the managers of the hospital, the medical practitioner in charge of the treatment of the patient or the Secretary of State.
- (2) Subject to subsection (3) below, a postal packet addressed to a patient detained in a special hospital under the principal Act or this Act may be withheld from the patient if, in the opinion of the managers of the hospital, it is necessary to do so in the interests of the safety of the patient or for the protection of other persons.
- (3) Subsections (1)(b) and (2) above do not apply to any postal packet addressed by a patient to, or sent to a patient by or on behalf of—
 - (a) any Minister of the Crown or Member of either house of Parliament
 - (b) the Master or Deputy Master or any other officer of the Court of Protection or any of the Lord Chancellor's Visitors;
 - (c) the Parliamentary Commissioner for Administration, the Health Service Commissioner for England, the Health Service Commissioner for Wales

Changes to legislation: There are currently no known outstanding effects for the Mental Health (Amendment) Act 1982, Section 52. (See end of Document for details)

- or a Local Commissioner within the meaning of Part III of the ^{M1}Local Government Act 1974;
- (d) a Mental Health Review Tribunal;
 - (e) a health authority within the meaning of the ^{M2}National Health Service Act 1977, a local social services authority, a Community Health Council or a probation and after-care committee appointed under paragraph 2 of Schedule 3 to the ^{M3}Powers of Criminal Courts Act 1973;
 - (f) the managers of the hospital in which the patient is detained;
 - (g) any legally qualified person instructed by the patient to act as his legal adviser; or
 - (h) the European Commission of Human Rights or the European Court of Human Rights.
- (4) The managers of a hospital may inspect and open any postal packet for the purposes of determining whether it is one to which subsection (1) or (2) above applies and, if so, for determining whether or not it should be withheld under that sub-section; and the power to withhold a postal packet under either of those subsections includes power to withhold anything contained in it.
- (5) Where a postal packet or anything contained in it is withheld under subsection (1) or (2) above the managers of the hospital shall record that fact in writing.
- (6) Where a postal packet or anything contained in it is withheld under subsection (1)(b) or (2) above the managers of the hospital shall within seven days give notice of that fact to the patient and, in a case under subsection (2) above, to the person (if known) by whom the postal packet was sent; and any such notice shall be in writing and shall contain a statement of the effect of section 56(7) and (8) below.
- (7) The functions of the managers of a hospital under this section shall be discharged on their behalf by a person on the staff of the hospital appointed by them for that purpose, and different persons may be appointed to discharge different functions.
- (8) The Secretary of State may make regulations with respect to the exercise of the powers conferred by this section.
- (9) In this section “postal packet” has the same meaning as in the ^{M4}Post Office Act 1953 and the provisions of this section shall have effect notwithstanding anything in section 56 of that Act.
- (10) References in this section to a hospital shall be construed as references to a hospital within the meaning of Part IV of the principal Act.
- (11) Section 36 of the principal Act (which is superseded by this section) and section 134 of that Act (restriction on correspondence of patients not subject to detention) shall cease to have effect.

Marginal Citations

- M1** 1974 c. 7.
M2 1977 c. 49.
M3 1973 c. 62.
M4 1953 c. 36.

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