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Mental Health Act 1983

CHAPTER 20

MENTAL HEALTH ACT 1983

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- 2 Admission for assessment.
- 3 Admission for treatment.
- 4 Admission for assessment in cases of emergency.
- 5 Application in respect of patient already in hospital.
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- 7 Application for guardianship.
- 8 Effect of guardianship application, etc.
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- 11 General provisions as to applications.
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- 20 Duration of authority.
- 20A Community treatment period
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- 21A Patients who are taken into custody or return within 28 days.
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- 25D Requirements to secure receipt of after-care under supervision.
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- 27 Children and young persons in care.
- 28 Nearest relative of minor under guardianship, etc.
- 29 Appointment by court of acting nearest relative.
- 30 Discharge and variation of orders under s. 29.

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- 36 Remand of accused person to hospital for treatment.

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- 37 Powers of courts to order hospital admission or guardianship.
- 38 Interim hospital orders.
- 39 Information as to hospitals.
- 39A Information to facilitate guardianship orders.
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- 41 Power of higher courts to restrict discharge from hospital.
- 42 Powers of Secretary of State in respect of patients subject to restriction orders.
- 43 Power of magistrates' courts to commit for restriction order.
- 44 Committal to hospital under s. 43.
- 45 Appeals from magistrates' courts.

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- 45A Power of higher courts to direct hospital admission.
- 45B Effect of hospital and limitation directions.

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- 48 Removal to hospital of other prisoners.
- 49 Restriction on discharge of prisoners removed to hospital.
- 50 Further provisions as to prisoners under sentence.
- 51 Further provisions as to detained persons.
- 52 Further provisions as to persons remanded by magistrates' courts.
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- 54 Requirements as to medical evidence.
- 54A Reduction of period for making hospital orders.

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- 58 Treatment requiring consent or a second opinion.
- 58A Electro-convulsive therapy, etc.
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- 60 Withdrawal of consent.
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- 62 Urgent treatment.
- 62A Treatment on recall of community patient or revocation of order
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- 64 Supplementary provisions for Part IV.

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- 64B Adult community patients
- 64C Section 64B: supplemental
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65 Mental Health Review Tribunals.

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- 66 Applications to tribunals.
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- 70 Applications to tribunals concerning restricted patients.
- 71 References by Secretary of State concerning restricted patients.

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- 74 Restricted patients subject to restriction directions.
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- 80A Transfer of responsibility for patients to Scotland.
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- 81 Removal of patients to Northern Ireland.
- 81ZA Removal of community patients to Northern Ireland
- 81A Transfer of responsibility for patients to Northern Ireland.
- 82 Removal to England and Wales of patients from Northern Ireland.
- 82A Transfer of responsibility for patients to England and Wales from Northern Ireland.

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- 83 Removal of patients to Channel Islands or Isle of Man.
- 83ZA Removal or transfer of community patients to Channel Islands or Isle of Man
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- 84 Removal to England and Wales of offenders found insane in Channel Islands and Isle of Man.
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- 86 Removal of alien patients.

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- 87 Patients absent from hospitals in Northern Ireland.
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- 94 Exercise of the judge's functions: "the patient".
- 95 General functions of the judge with respect to property and affairs of patient.
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- 97 Supplementary provisions as to wills executed under s. 96.
- 98 Judge's powers in cases of emergency.
- 99 Power to appoint receiver.
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- 101 Preservation of interests in patient's property.
- 102 Lord Chancellor's Visitors.
- 103 Functions of Visitors.
- 104 General powers of the judge with respect to proceedings.
- 105 Appeals.
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- 111 Construction of references in other Acts to judge or authority having jurisdiction under Part VII.
- 112 Interpretation of Part VII.
- 113 Disapplication of certain enactments in relation to persons within the jurisdiction of the judge.

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- 114 Appointment of approved social workers.
- 114A Approval of courses etc for approved mental health professionals
- 115 Powers of entry and inspection.

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117 After-care.

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- 122 Provision of pocket money for in-patients in hospital.
- 123 Transfers to and from special hospitals.
- 124 Default powers of Secretary of State.
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- 126 Forgery, false statements, etc.
- 127 Ill-treatment of patients.
- 128 Assisting patients to absent themselves without leave, etc.
- 129 Obstruction.
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- 130B Arrangements under section 130A
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- 130D Duty to give information about independent mental health advocates
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- 131A Accommodation, etc. for children
- 132 Duty of managers of hospitals to give information to detained patients.
- 132A Duty of managers of hospitals to give information to community patients
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- 134 Correspondence of patients.
- 134A Review of decisions to withhold correspondence
- 135 Warrant to search for and remove patients.
- 136 Mentally disordered persons found in public places.
- 137 Provisions as to custody, conveyance and detention.
- 138 Retaking of patients escaping from custody.
- 139 Protection for acts done in pursuance of this Act.
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- 141 Members of Parliament suffering from mental illness.
- 142 Pay, pensions, etc., of mentally disordered persons.

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- 142A Regulations as to approvals in relation to England and Wales
- 142B Delegation of powers of managers of NHS foundation trusts

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- 143 General provisions as to regulations, orders and rules.
- 144 Power to amend local Acts.
- 145 Interpretation.
- 146 Application to Scotland.
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- 148 Consequential and transitional provisions and repeals.
- 149 Short title, commencement and application to Scilly Isles.

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SCHEDULE 1 — Application of Certain Provisions to Patients Subject to Hospital and Guardianship Orders

Part I — PATIENTS NOT SUBJECT TO SPECIAL RESTRICTIONS

- 1 Sections 9, 10, 17, 21 to 21B, 24(3) and (4),...
- 2 Sections 16, 18, 19, 20, 22, 23, 25A, 25B...
- 2A In section 17D(2)(a) for the reference to section 6(2) above...
- 2B In section 17G— (a) in subsection (2) for the reference...
- 3 In section 16(1) for references to an application for admission...
- 4 In section 18 subsection (5) shall be omitted.
- 5 In section 19(2) for the words from “as follows” to...
- 5A In section 19A(2), paragraph (b) shall be omitted.
- 6 In subsection 20— (a) in subsection (1) for the words...
- 6A In section 20B(1), for the reference to the application for...
- 7 In section 22 for references to an application for admission...
- 8 In section 23(2)— (a) in paragraph (a) the words “for...
- 8A In sections 25A(1)(a) and 25B(5)(a) for the words “in pursuance...
- 9 In section 66— (a) in subsection (1), paragraphs (a), (b),...
- 10 In section 68— (a) in subsection (1) paragraph (a) shall...

Part II — PATIENTS SUBJECT TO SPECIAL RESTRICTIONS

- 1 Sections 24(3) and (4), 32 and 76 shall apply in...
- 2 Sections 17 to 19, 22, 23 and 34 shall apply...
- 3 In section 17— (a) in subsection (1) after the word...
- 4 In section 18 there shall be omitted—
- 5 In section 19— (a) in subsection (1) after the word...
- 6 In section 22 subsection (1) and paragraph (a) of subsection...
- 7 In section 23— (a) in subsection (1) references to guardianship...
- 8 In section 34, in subsection (1) the definition of “the...

SCHEDULE 2 — Mental Health Review Tribunals

- 1 Each of the Mental Health Review Tribunals shall consist of—...
- 1A As part of the selection process for an appointment under...
- 2 Subject to paragraph 2A below, the members of Mental Health Review...
- 2A A member of a Mental Health Review Tribunal shall vacate...
- 3 One of the legal members of each Mental Health Review...
- 4 Subject to rules made by the Lord Chancellor under section...
- 5 A member of a Mental Health Review Tribunal for any...
- 6 Subject to any rules made by the Lord Chancellor under...

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SCHEDULE 3 — Enactments Disapplied in Respect of Persons Within Jurisdiction Under Part VII

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- 1 In the Fines and Recoveries Act 1833—
- 2 In section 68 of the Improvement of Land Act 1864...
- 3 In section 10(3) of the Colonial Prisoners Removal Act 1884...
- 4 In the Trustee Act 1925— (a) in section 36(9) for...
- 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...
- 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...
- 31
- 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...
- 35
- 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
- 44
- 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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- 50
- 51
- 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 Supreme Court 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—

SCHEDULE 5 — Transitional and Saving Provisions

- 1 Where any period of time specified in an enactment repealed...
- 2 Nothing in this Act shall affect the interpretation of any...
- 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...
- 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...
- 28 References to applications, recommendations, reports and other documents in section...
- 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...
- 32 Any patient who immediately before the commencement of this Act...
- 33 (1) This paragraph applies to patients who at the commencement...
- 34 (1) Any patient who is liable to be detained in...
- 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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- 39 Upon a restriction direction in respect of a patient who...
- 40 A person who immediately before the commencement of this Act...
- 41 Any opinion recorded by the responsible medical officer under the...
- 42 (1) In the foregoing provisions of this Schedule—
- 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

Status:

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