



Mental Health Act 1983

1983 CHAPTER 20

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

Guardianship

10 Transfer of guardianship in case of death, incapacity, etc., of guardian

- (1) If any person (other than a local social services authority) who is the guardian of a patient received into guardianship under this Part of this Act—
 - (a) dies; or
 - (b) gives notice in writing to the local social services authority that he desires to relinquish the functions of guardian,the guardianship of the patient shall thereupon vest in the local social services authority, but without prejudice to any power to transfer the patient into the guardianship of another person in pursuance of regulations under section 19 below.
- (2) If any such person, not having given notice under subsection (1)(b) above, is incapacitated by illness or any other cause from performing the functions of guardian of the patient, those functions may, during his incapacity, be performed on his behalf by the local social services authority or by any other person approved for the purposes by that authority.
- (3) If it appears to the county court, upon application made by an approved social worker, that any person other than a local social services authority having the guardianship of a patient received into guardianship under this Part of this Act has performed his functions negligently or in a manner contrary to the interests of the welfare of the patient, the court may order that the guardianship of the patient be transferred to the local social services authority or to any other person approved for the purpose by that authority.
- (4) Where the guardianship of a patient is transferred to a local social services authority or other person by or under this section, subsection (2)(c) of section 19 below shall

Status: This is the original version (as it was originally enacted).

apply as if the patient had been transferred into the guardianship of that authority or person in pursuance of regulations under that section.