



Mental Health Act 1983

1983 CHAPTER 20

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

General provisions as to applications and recommendations

11 General provisions as to applications.

- (1) Subject to the provisions of this section, an application for admission for assessment, an application for admission for treatment and a guardianship application may be made either by the nearest relative of the patient or by an [^{F1}approved mental health professional] ; and every such application shall specify the qualification of the applicant to make the application.
- [^{F2}(1A) No application mentioned in subsection (1) above shall be made by an approved mental health professional if the circumstances are such that there would be a potential conflict of interest for the purposes of regulations under section 12A below.]
- (2) Every application for admission shall be addressed to the managers of the hospital to which admission is sought and every guardianship application shall be forwarded to the local social services authority named in the application as guardian, or, as the case may be, to the local social services authority for the area in which the person so named resides.
- (3) Before or within a reasonable time after an application for the admission of a patient for assessment is made by an [^{F3}approved mental health professional, that professional] 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 23(2)(a) below.
- [^{F4}(4) An approved mental health professional may not make an application for admission for treatment or a guardianship application in respect of a patient in either of the following cases—

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- (a) the nearest relative of the patient has notified that professional, or the local social services authority on whose behalf the professional is acting, that he objects to the application being made; or
 - (b) that professional has not consulted the person (if any) appearing to be the nearest relative of the patient, but the requirement to consult that person does not apply if it appears to the professional that in the circumstances such consultation is not reasonably practicable or would involve unreasonable delay.]
- (5) None of the applications mentioned in subsection (1) above shall be made by any person in respect of a patient unless that person has personally seen the patient within the period of 14 days ending with the date of the application.
- (6) ^{F5}.....
- (7) Each of the applications mentioned in subsection (1) above shall be sufficient if the recommendations on which it is founded are given either as separate recommendations, each signed by a registered medical practitioner, or as a joint recommendation signed by two such practitioners.

Annotations:

Amendments (Textual)

F1 Words in s. 11(1) substituted (3.11.2008) by

[Mental Health Act 2007 \(c. 12\)](#)

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ss. 21

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56

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Sch. 2 para. 4(2)

(with
Sch. 10

);
S.I. 2008/1900

,
art. 2(d)

(with
art. 3

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Sch.

);
S.I. 2008/2561

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art. 2(b)

(with
art. 3

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Sch.

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F2 S. 11(1A) inserted (3.11.2008) by

[Mental Health Act 2007 \(c. 12\)](#)

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ss. 22(2)

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56
(with
Sch. 10
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S.I. 2008/1900

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art. 2(e)

(with
art. 3

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Sch.

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F3 Words in s. 11(3) substituted (3.11.2008) by
Mental Health Act 2007 (c. 12)

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ss. 21

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56

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Sch. 2 para. 4(3)

(with
Sch. 10
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S.I. 2008/1900

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art. 2(d)

(with
art. 3

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Sch.

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S.I. 2008/2561

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art. 2(b)

(with
art. 3

,
Sch.

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F4 S. 11(4) substituted (3.11.2008) by
Mental Health Act 2007 (c. 12)

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ss. 21

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56

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Sch. 2 para. 4(4)

(with
Sch. 10
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S.I. 2008/1900

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art. 2(d)
(with
art. 3
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Sch.
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S.I. 2008/2561
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art. 2(b)
(with
art. 3
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Sch.
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F5 S. 11(6) repealed (3.11.2008) by
Mental Health Act 2007 (c. 12)
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ss. 55
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56
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Sch.11 Pt. 1
(with
Sch. 10
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S.I. 2008/1900
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art. 2(p)
(with
art. 3
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Sch.
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Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by
[1996 c. 46](#)
[Sch. 2 para.](#)
9(replacing1968 c 20
[s. 23](#)
) (Act applied (prosp.) by 1968 c. 20, s. 23(4) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 9 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act applied by
[1996 c. 46](#)
[Sch. 2 para.](#)
4(replacing1957 c 53
[s. 63](#)
) (Act applied (prosp.) by 1957 c. 53, s. 63C(6) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 4 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act applied by
[1996 c. 46](#)
[Sch. 2 para.](#)
1(replacing1955 c 19
[s. 116](#)
) (Act applied (prosp.) by 1955 c. 19, s. 116C(6) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2 para. 1 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act applied by
[1996 c. 46](#)
[Sch. 2 para.](#)
1(replacing1955 c 18 s 116) (Act applied (prosp.) by 1955 c. 18, s. 116C(6) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2 para. 1 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act power to applied by
[1996 c. 46](#)
[Sch. 2 para.](#)
4(replacing1957 c 53
[s. 63](#)
) (Act: Power to apply conferred (prosp.) by 1957 c. 53, s. 63B(4)(c) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 4 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix)))
- Act power to applied by
[1996 c. 46](#)
[Sch. 2 para.](#)
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[s. 116](#)
) (Act: Power to apply conferred (prosp.) by 1955 c. 19, s. 116B(4)(c) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2, para. 1 which said amending provision

was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix))

- Act power to applied by

1996 c. 46

Sch. 2 para.

1(replacing 1955 c 18 s 116) (Act: Power to apply conferred (prosp.) by 1955 c. 18, s. 116B(4)(c) (as substituted (prosp.) by 1996 c. 46, ss. 8, 36(2), Sch. 2 para. 1 which said amending provision was repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(2), 60, Sch. 11; S.I. 2005/579, art. 3(h)(i)(ix))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 74(8) inserted by

2015 c. 2

Sch. 3

para. 3(3)

- s. 114ZA(5)(6) inserted by

S.I. 2018/893

reg. 39(5)