



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART VIII

#### MISCELLANEOUS FUNCTIONS OF LOCAL AUTHORITIES AND THE SECRETARY OF STATE

##### *Functions of the Secretary of State*

#### **119 Practitioners approved for Part IV and s. 118.**

- (1) <sup>F1</sup>The regulatory authority] may make such provision as <sup>F2</sup>it] may with the approval of the Treasury determine for the payment of remuneration, allowances, pensions or gratuities to or in respect of registered medical practitioners appointed <sup>F3</sup>by the authority] for the purposes of Part IV of this Act and section 118 above and to or in respect of other persons appointed for the purposes of section 57(2)(a) above.
- (2) A registered medical practitioner or other person appointed <sup>F4</sup>... for the purposes of the provisions mentioned in subsection (1) above may, for the purpose of exercising his functions under those provisions <sup>F5</sup>or under Part 4A of this Act], at any reasonable time—
  - (a) visit and interview and, in the case of a registered medical practitioner, examine in private any patient detained <sup>F6</sup>in a hospital or registered establishment or any community patient in a hospital or <sup>F7</sup>regulated establishment (other than a hospital)] or (if access is granted) other place]; and
  - (b) require the production of and inspect any records relating to the treatment of the patient <sup>F8</sup>there].
- <sup>F9</sup>(3) In this section “regulated establishment” means—
  - (a) an establishment in respect of which a person is registered under Part 2 of the Care Standards Act 2000; <sup>F10</sup>...
  - (b) premises used for the carrying on of a regulated activity, within the meaning of Part 1 of the Health and Social Care Act 2008, in respect of which a person is registered under Chapter 2 of that Part <sup>F11</sup>; or
  - (c) premises at which—

*Changes to legislation: Mental Health Act 1983, Section 119 is up to date with all changes known to be in force on or before 17 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(i) a care home service,  
(ii) a secure accommodation service, or  
(iii) a residential family centre service,  
within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided by a person registered under Part 1 of that Act.]]

#### Textual Amendments

- F1** Words in s. 119(1) substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 52, 170, **Sch. 3 para. 7(2)(a)**; S.I. 2009/462, **arts. 1(1)(b)**, 2, Sch. 1 para. 33
- F2** Word in s. 119(1) substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 52, 170, **Sch. 3 para. 7(2)(b)**; S.I. 2009/462, **arts. 1(1)(b)**, 2, Sch. 1 para. 33
- F3** Words in s. 119(1) substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 52, 170, **Sch. 3 para. 7(2)(c)**; S.I. 2009/462, **arts. 1(1)(b)**, 2, Sch. 1 para. 33
- F4** Words in s. 119(2) repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 52, 166, 170, Sch. 3 para. 7(3), **Sch. 15 Pt. 1**; S.I. 2009/462, **arts. 1(1)(b)**, 2, Sch. 1 para. 36 (with Sch. 4)
- F5** Words in s. 119(2) inserted (3.11.2008) by Mental Health Act 2007 (c. 12), **ss. 35(2)(a)(i)**, 56 (with Sch. 10); S.I. 2008/1900, **art. 2(k)** (with art. 3, Sch.)
- F6** Words in s. 119(2)(a) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), **ss. 35(2)(a)(ii)**, 56 (with Sch. 10); S.I. 2008/1900, **art. 2(k)** (with art. 3, Sch.)
- F7** Words in s. 119(2)(a) substituted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813), arts. 1(1), **5(4)(a)**
- F8** Words in s. 119(2)(b) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), **ss. 35(2)(a)(iii)**, 56 (with Sch. 10); S.I. 2008/1900, **art. 2(k)** (with art. 3, Sch.)
- F9** S. 119(3) substituted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813), arts. 1(1), **5(4)(b)**
- F10** Word in s. 119(3)(a) omitted (2.4.2018) by virtue of The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 4(a)
- F11** S. 119(3)(c) and word inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 4(b)

#### Modifications etc. (not altering text)

- C1** S. 119(1): functions transferred (1.4.2009) by Health and Social Care Act 2008 (c. 14), **ss. 52(1)(h)**, 170 (with s. 96); S.I. 2009/462, **arts. 1(1)(b)**, 2, Sch. 1 para. 20

**Changes to legislation:**

Mental Health Act 1983, Section 119 is up to date with all changes known to be in force on or before 17 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

**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](#)(replacing [1968 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](#)(replacing [1957 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](#)(replacing [1955 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](#)(replacing [1955 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](#)(replacing [1957 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. 1](#)(replacing [1955 c 19 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\(3\)](#)