



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART III

#### PATIENTS CONCERNED IN CRIMINAL PROCEEDINGS OR UNDER SENTENCE

##### *Supplemental*

#### **54 Requirements as to medical evidence.**

- (1) The registered medical practitioner whose evidence is taken into account under section 35(3)(a) above and at least one of the registered medical practitioners whose evidence is taken into account under sections 36(1), 37(2)(a), 38(1) [<sup>F1</sup>45A(2)] and 51(6)(a) above and whose reports are taken into account under sections 47(1) and 48(1) above shall be a practitioner approved for the purposes of section 12 above by the Secretary of State [<sup>F2</sup>, or by another person by virtue of section 12ZA or 12ZB above,] as having special experience in the diagnosis or treatment of mental disorder.
- [<sup>F3</sup>(2) For the purposes of any provision of this Part of this Act under which a court may act on the written evidence of any person, a report in writing purporting to be signed by that person may, subject to the provisions of this section, be received in evidence without proof of the following—
  - (a) the signature of the person; or
  - (b) his having the requisite qualifications or approval or authority or being of the requisite description to give the report.
- (2A) But the court may require the signatory of any such report to be called to give oral evidence.]
- (3) Where, in pursuance of a direction of the court, any such report is tendered in evidence otherwise than by or on behalf of the person who is the subject of the report, then—
  - (a) if that person is represented by [<sup>F4</sup>an authorised person], a copy of the report shall be given to [<sup>F5</sup>that authorised person];

*Changes to legislation: Mental Health Act 1983, Section 54 is up to date with all changes known to be in force on or before 27 November 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*

- (b) if that person is not so represented, the substance of the report shall be disclosed to him or, where he is a child or young person, to his parent or guardian if present in court; and
- (c) except where the report relates only to arrangements for his admission to a hospital, that person may require the signatory of the report to be called to give oral evidence, and evidence to rebut the evidence contained in the report may be called by or on behalf of that person.

#### Textual Amendments

- F1** Words in s. 54 inserted (1.10.1997) by 1997 c. 43, s. 55, **Sch. 4**, para. 12(6); S.I. 1997/2200, **art. 2**
- F2** Words in s. 54(1) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), **ss. 38(2)**, 306(4); S.I. 2013/160, **art. 2(2)** (with **arts. 7-9**)
- F3** S. 54(2)(2A) substituted (3.11.2008) for s. 54(2) by Mental Health Act 2007 (c. 12), **ss. 11(6)**, 56 (with **Sch. 10**); S.I. 2008/1900, **art. 2(b)** (with **art. 3**, **Sch.**)
- F4** Words in s. 54(3)(a) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), **ss. 208**, 211, **Sch. 21 para. 58(a)** (with **ss. 29**, 192, 193); S.I. 2009/3250, **art. 2(h)** (subject to **arts. 6**, 9)
- F5** Words in s. 54(3)(a) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), **ss. 208**, 211, **Sch. 21 para. 58(b)** (with **ss. 29**, 192, 193); S.I. 2009/3250, **art. 2(h)** (subject to **arts. 6**, 9)

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

- C1** S. 54(2)(3) extended (30.9.1998) by 1969 c. 54, **s. 12B(3)** (as inserted by 1998 c. 37, **ss. 106**, **Sch. 7**, para. 5(3)); S.I. 1998/2327, **art. 2(1)(w)** (as amended by S.I. 1998/2412, **art. 2** and S.I. 1998/2906, **art. 2**)
- C2** S. 54(2)(3) extended (E.W.) (1.1.1992) by Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25, SIF 39:1), **s. 1(2)** (with saving in s. 8); S.I. 1991/2488, **art. 2**  
 S. 54(2)(3) applied (25.8.2000) by 2000 c. 6, **ss. 42**, 168(1), **Sch. 2 para. 5(9)**  
 S. 54(2)(3) extended (E.W.) (1.1.1992) by Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25, SIF 39:1), **s. 5(3)**, **Sch. 2 para. 2(3)** (with saving in s. 8); S.I. 1991/2488, **art. 2**  
 S. 54(2)(3) extended (1.10.1992) by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **s. 3(3)**, **Sch. 1A para. 5(9)** (as inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **ss. 8(3)**, 9(2), 101(1), **Sch. 1 Pt. II**, **Sch. 12 para. 1**; S.I. 1992/333, **art. 2(2)**, **Sch. 2**.
- C3** S. 54(2)(3) applied (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 1**, 153, **Sch. 1 para. 20(5)**; S.I. 2009/3074, **art. 2(a)(m)**

**Changes to legislation:**

Mental Health Act 1983, Section 54 is up to date with all changes known to be in force on or before 27 November 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\(3\)](#)