



Mental Health Act 1983

1983 CHAPTER 20

PART IV

CONSENT TO TREATMENT

58 Treatment requiring consent or a second opinion.

- (1) This section applies to the following forms of medical treatment for mental disorder—
 - (a) such forms of treatment as may be specified for the purposes of this section by regulations made by the Secretary of State;
 - (b) the administration of medicine to a patient by any means (not being a form of treatment specified under paragraph (a) above or section 57 above [^{F1}or section 58A(1)(b) below]) at any time during a period for which he is liable to be detained as a patient to whom this Part of this Act applies if three months or more have elapsed since the first occasion in that period when medicine was administered to him by any means for his mental disorder.
- (2) The Secretary of State may by order vary the length of the period mentioned in subsection (1)(b) above.
- (3) Subject to section 62 below, a patient shall not be given any form of treatment to which this section applies unless—
 - (a) he has consented to that treatment and either the [^{F2}approved clinician in charge of it] or a registered medical practitioner appointed for the purposes of this Part of this Act by [^{F3}the regulatory authority] has certified in writing that the patient is capable of understanding its nature, purpose and likely effects and has consented to it; or
 - (b) a registered medical practitioner appointed as aforesaid (not being the [^{F4}responsible clinician or the approved clinician in charge of the treatment in question]) has certified in writing that the patient is not capable of understanding the nature, purpose and likely effects of that treatment or [^{F5}being so capable] has not consented to it but that [^{F6}it is appropriate for the treatment to be given.]

Changes to legislation: Mental Health Act 1983, Section 58 is up to date with all changes known to be in force on or before 03 January 2024. 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

- (4) Before giving a certificate under subsection (3)(b) above the registered medical practitioner concerned shall consult two other persons who have been professionally concerned with the patient's medical treatment [^{F7} but, of those persons—
- (a) one shall be a nurse and the other shall be neither a nurse nor a registered medical practitioner; and
 - (b) neither shall be the responsible clinician or the approved clinician in charge of the treatment in question.]
- (5) Before making any regulations for the purposes of this section the Secretary of State shall consult such bodies as appear to him to be concerned.

Textual Amendments

- F1** Words in s. 58(1)(b) inserted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 28(2)(a), 56 (with Sch. 10); S.I. 2008/1900, art. 2(g) (with art. 3, Sch.)
- F2** Words in s. 58(3)(a) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 12(3)(a)(i), 56 (with Sch. 10); S.I. 2008/1900, art. 2(b) (with art. 3, Sch.)
- F3** Words in s. 58(3)(a) substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 52, 170, Sch. 3 para. 3; S.I. 2009/462, art. 2, Sch. 1 para. 33
- F4** Words in s. 58(3)(b) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 12(3)(a)(ii), 56 (with Sch. 10); S.I. 2008/1900, art. 2(b) (with art. 3, Sch.)
- F5** Words in s. 58(3)(b) inserted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 28(2)(b), 56 (with Sch. 10); S.I. 2008/1900, art. 2(g) (with art. 3, Sch.)
- F6** Words in s. 58(3)(b) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 6(2)(b), 56 (with Sch. 10); S.I. 2008/1900, art. 2(b) (with art. 3, Sch.)
- F7** Words in s. 58(4) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 12(3)(b), 56 (with Sch. 10); S.I. 2008/1900, art. 2(b) (with art. 3, Sch.)
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Modifications etc. (not altering text)

- C1** S. 58(3)(a): functions transferred (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 52(1)(b), 170 (with s. 96); S.I. 2009/462, art. 2, Sch. 1 para. 20

Changes to legislation:

Mental Health Act 1983, Section 58 is up to date with all changes known to be in force on or before 03 January 2024. 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 :

- s. 58 modified (temp.) by [2020 c. 7 Sch. 8 para. 9](#)

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\(3\)](#)