



Mental Health Act 1983

1983 CHAPTER 20

PART VII

MANAGEMENT OF PROPERTY AND AFFAIRS OF PATIENTS

96 Powers of the judge as to patient's property and affairs

- (1) Without prejudice to the generality of section 95 above, the judge shall have power to make such orders and give such directions and authorities as he thinks fit for the purposes of that section and in particular may for those purposes make orders or give directions or authorities for—
- (a) the control (with or without the transfer or vesting of property or the payment into or lodgment in the Supreme Court of money or securities) and management of any property of the patient;
 - (b) the sale, exchange, charging or other disposition of or dealing with any property of the patient;
 - (c) the acquisition of any property in the name or on behalf of the patient;
 - (d) the settlement of any property of the patient, or the gift of any property of the patient to any such persons or for any such purposes as are mentioned in paragraphs (b) and (c) of section 95(1) above ;
 - (e) the execution for the patient of a will making any provision (whether by way of disposing of property or exercising a power or otherwise) which could be made by a will executed by the patient if he were not mentally disordered;
 - (f) the carrying on by a suitable person of any profession, trade or business of the patient;
 - (g) the dissolution of a partnership of which the patient is a member;
 - (h) the carrying out of any contract entered into by the patient;
 - (j) the conduct of legal proceedings in the name of the patient or on his behalf ;
 - (j) the reimbursement out of the property of the patient, with or without interest, of money applied by any person either in payment of the patient's debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or members of his family or in making provision for other persons

Status: This is the original version (as it was originally enacted).

- or purposes for whom or which he might be expected to provide if he were not mentally disordered;
- (k) the exercise of any power (including a power to consent) vested in the patient, whether beneficially, or as guardian or trustee, or otherwise.
- (2) If under subsection (1) above provision is made for the settlement of any property of a patient, or the exercise of a power vested in a patient of appointing trustees or retiring from a trust, the judge may also make as respects the property settled or trust property such consequential vesting or other orders as the case may require, including (in the case of the exercise of such a power) any order which could have been made in such a case under Part IV of the Trustee Act 1925.
- (3) Where under this section a settlement has been made of any property of a patient, and the Lord Chancellor or a nominated judge is satisfied, at any time before the death of the patient, that any material fact was not disclosed when the settlement was made, or that there has been any substantial change in circumstances, he may by order vary the settlement in such manner as he thinks fit, and give any consequential directions.
- (4) The power of the judge to make or give an order, direction or authority for the execution of a will for a patient—
- (a) shall not be exercisable at any time when the patient is a minor, and
 - (b) shall not be exercised unless the judge has reason to believe that the patient is incapable of making a valid will for himself.
- (5) The powers of a patient as patron of a benefice shall be exercisable by the Lord Chancellor only.