



# Mental Health Act 1959

## CHAPTER 72

### MENTAL HEALTH ACT 1959

#### PART I

##### PRELIMINARY

- 1 Repeal of Lunacy and Mental Treatment Acts and Mental Deficiency Acts
- 2 Dissolution of Board of Control
- 3 Mental Health Review Tribunals
- 4 Definition and classification of mental disorder
- 5 Informal admission of patients

#### PART II

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- 7 Conduct of premises of local health authorities
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- 9 Functions of children authorities
- 10 Welfare of certain hospital patients

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- 11 Examination and classification under Education Act, 1944
- 12 Power to compel attendance at training centres
- 13 Provisions as to regular attendance for training

*Status: This is the original version (as it was originally enacted).*

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### **PART III**

#### MENTAL NURSING HOMES, RESIDENTIAL HOMES, ETC.

##### *Nursing Homes*

- 14 Registration of nursing homes under Public Health Act
- 15 Special provisions as to registration of nursing homes
- 16 Conduct of mental nursing homes
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- 18 Continuance of special registration on cancellation or death

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- 23 Prosecution of offences
- 24 Application to London

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##### *Procedure for hospital admission*

- 25 Admission for observation
- 26 Admission for treatment
- 27 General provisions as to applications
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- 29 Admission for observation in case of emergency
- 30 Applications in respect of patients already in hospital
- 31 Effect of application for admission
- 32 Rectification of application and recommendations

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- 35 Regulations as to guardianship
- 36 Correspondence of patients
- 37 Visiting and examination of patients
- 38 Re-classification of patients
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- 41 Regulations as to transfer of patients
- 42 Transfer of guardianship in case of death, incapacity, etc., of guardian

##### *Duration of authority for detention or guardianship and discharge of patients*

- 43 Duration of authority

- 44 Special provisions as to psychopathic and subnormal patients
- 45 Special provisions as to patients absent without leave
- 46 Special provisions as to patients sentenced to imprisonment, etc.
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- 48 Restrictions on discharge by nearest relative

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- 49 Definition of relative and nearest relative
- 50 Children and young persons in care of local authority
- 51 Nearest relative of infant under guardianship, etc.
- 52 Appointment by court of acting nearest relative
- 53 Discharge and variation of orders under s. 52

*Supplemental*

- 54 Duty of mental welfare officer to make application for admission or guardianship
- 55 Procedure on applications to county court
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- 57 Power of Minister to refer to Tribunal
- 58 Special provisions as to wards of court
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ETC., AND TRANSFER OF PATIENTS UNDER SENTENCE

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- 60 Powers of courts to order hospital admission or guardianship
- 61 Additional powers in respect of children and young persons
- 62 Requirements as to medical evidence
- 63 Effects of hospital orders and guardianship orders
- 64 Supplementary provisions as to hospital orders
- 65 Power of higher courts to restrict discharge from hospital
- 66 Powers of Secretary of State in respect of patients subject to restriction orders
- 67 Power of magistrates' courts to commit for restriction order
- 68 Committal to hospital under s. 67
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- 70 Appeals from magistrates' courts
- 71 Persons ordered to be kept in custody during Her Majesty's pleasure

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- 72 Removal to hospital of persons serving sentences of imprisonment etc.
- 73 Removal to hospital of other prisoners
- 74 Restriction on discharge of prisoners removed to hospital
- 75 Further provisions as to prisoners under sentence
- 76 Further provisions as to persons committed for trial or sentence, etc.
- 77 Further provisions as to persons remanded by magistrates' courts
- 78 Further provisions as to civil prisoners
- 79 Reception into guardianship of persons sent to approved schools

*Supplemental*

80 Interpretation of Part V

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*Removal to and from Scotland*

- 81 Removal to Scotland of patients not subject to restriction
- 82 Removal to Scotland of patients subject to restriction on discharge
- 83 Application of Scottish enactments to patients removed under s. 82
- 84 Removal to England and Wales of state mental patients

*Removal to and from Northern Ireland*

- 85 Removal to Northern Ireland of patients not subject to restriction
- 86 Removal to Northern Ireland of patients subject to restriction on discharge
- 87 Removal to England and Wales of patients other than criminal patients
- 88 Removal to England and Wales of criminal patients

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- 89 Removal of certain patients from Channel Islands and Isle of Man to England and Wales
- 90 Removal of alien patients

*Return of patients absent without leave*

- 91 Persons absent from Scottish institutions
- 92 Patients absent from Northern Irish institutions
- 93 Patients absent from hospitals in England and Wales

*Supplemental*

- 94 Regulations for purposes of Part VI
- 95 General provisions as to patients removed from England and Wales
- 96 Interpretation of Part VI

**PART VII**

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- 97 Provision of institutions for treatment under conditions of special security
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- 99 Transfers to and from special hospitals

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- 100 Judicial authorities and Court of Protection
- 101 Persons within the jurisdiction of the judge: "the patient"
- 102 General functions of the judge with respect to property and affairs of patient
- 103 Powers of the judge as to patient's property and affairs

- 104 Judge's powers in cases of emergency
- 105 Power to appoint receiver
- 106 Vesting of stock in curator appointed outside England and Wales
- 107 Preservation of interests in patient's property
- 108 Lord Chancellor's Visitors
- 109 Functions of Visitors
- 110 General powers of the judge with respect to proceedings
- 111 Appeals
- 112 Rules of procedure
- 113 Security and accounts
- 114 General provisions as to rules under Part VIII
- 115 Supplementary provisions as to Court of Protection
- 116 Effect and proof of orders, etc.
- 117 Reciprocal arrangements in relation to Scotland and Northern Ireland as to exercise of powers
- 118 Construction of references in other Acts to judge or authority having jurisdiction under Part VIII
- 119 Interpretation of Part VIII
- 120 Modifications of Lunacy Regulation (Ireland) Act, 1871
- 121 Repeal of certain enactments in relation to persons within the jurisdiction of the judge

## **PART IX**

### MISCELLANEOUS AND GENERAL

#### *Powers and proceedings of Mental Health Review Tribunals*

- 122 Applications to tribunals
- 123 Powers of tribunals
- 124 Rules as to procedure

#### *Offences*

- 125 Forgery, false statements, etc.
- 126 Ill-treatment of patients
- 127 Amendment of Sexual Offences Act, 1956
- 128 Sexual intercourse with patients
- 129 Assisting patients to absent themselves without leave, etc.
- 130 Obstruction
- 131 Prosecutions by local authorities

#### *Miscellaneous provisions*

- 132 Notification of hospitals having arrangements for reception of urgent cases
- 133 Provision of pocket money for in-patients in hospital
- 134 Correspondence of patients not subject to detention
- 135 Warrant to search for and remove patients
- 136 Mentally disordered persons found in public places
- 137 Amendment of provisions as to members of Parliament
- 138 Pay, pensions, etc., of mentally disordered persons

#### *Supplemental*

- 139 Provisions as to custody, conveyance and detention

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- 140 Retaking of patients escaping from custody
- 141 Protection for acts done in pursuance of this Act
- 142 Default powers of Minister
- 143 Inquiries
- 144 Expenses
- 145 General provisions as to regulations, orders and rules
- 146 Warrants of Secretary of State
- 147 Interpretation
- 148 Transitional provisions
- 149 Minor and consequential amendments and repeals
- 150 Application to Scotland
- 151 Power of Parliament of Northern Ireland to make consequential amendments of this Act
- 152 Application to Northern Ireland
- 153 Commencement
- 154 Short title and application to Stilly Isles

## SCHEDULES

### FIRST SCHEDULE — Mental Health Review Tribunals

- 1 Each of the Mental Health Review Tribunals shall consist of—...
- 2 The members of Mental Health Review Tribunals shall hold and...
- 3 One of the legal members of each Mental Health Review...
- 4 Subject to rules made by the Lord Chancellor under paragraph...
- 5 A member of a Mental Health Review Tribunal for any...
- 6 Where the chairman of the Tribunal is included among the...

### SECOND — Sections Substituted for Education Act, 1944, s. 57 SCHEDULE

### THIRD SCHEDULE — Application of Part IV to Patients Admitted to Hospital or Placed under Guardianship under Part V

### FOURTH SCHEDULE — Modifications of Provisions of Lunacy Regulation (Ireland) Act, 1871

- 1 In the definitions in section two of the Lunacy Regulation...
- 2 Section eighteen of the Act (which contains provisions requiring an...
- 3 In section sixty-eight of the Act (which provides that where...
- 4 For section ninety-one of the Act (which authorises the making...
- 5 In section ninety-six of the Act (which prescribes the extent...

### FIFTH SCHEDULE — General Enactments Ceasing to Have Effect in Relation to persons within jurisdiction under part VIII

### SIXTH SCHEDULE — Transitional Provisions

#### PART I — PROVISIONS RELATING TO PART II

- 1 Without prejudice to the power of the Minister to give...
- 2 Anything done before the commencement of this Act under any...

#### PART II — PROVISIONS RELATING TO PART III

- 3 (1) Until the expiration of the period of six months...
- 4 During the period of six months beginning with the commencement...
- 5 During the period of six months beginning with the commencement...

- 6 Where, by virtue of this Schedule any person is treated...  
PART III — PROVISIONS RELATING TO PARTS IV AND V

*Patients other than transferred patients and short-period patients*

- 7 (1) This paragraph applies to patients who immediately before the...  
8 (1) In relation to any patient who by virtue of...  
9 (1) A patient to whom paragraph 7 of this Schedule...  
10 (1) The period for which a patient may by virtue...  
11 (1) Authority for the detention or guardianship of a patient...  
12 (1) In relation to any patient who by virtue of...  
13 (1) The responsible medical officer may record for the purposes...  
14 Any person who immediately before the commencement of this Act...

*Transferred patients*

- 15 (1) This paragraph applies to patients who immediately before the...  
16 (1) References in the last foregoing paragraph to a patient...  
17 Upon a direction restricting the discharge of a transferred patient...

*Short-period patients*

- 18 A person who immediately before the commencement of this Act...  
19 A person who immediately before the commencement of this Act...  
20 A person who immediately before the commencement of this Act—...

*Patients on leave or absent without leave*

- 21 (1) Sections thirty-nine and forty of this Act shall apply...

*Supplemental*

- 22 Any opinion recorded by the responsible medical officer under this...  
23 (1) In this Part of this Schedule the following expressions...  
PART IV — PROVISIONS RELATING TO PART VIII  
24 (1) The persons who immediately before the commencement of this...  
25 Any order or appointment made, direction or authority given, or...  
26 A person who, immediately before the commencement of this Act,...  
27 Subsection (1) of section one hundred and seven of this...  
28 Rules under Part VIII of this Act may contain transitional...

- SEVENTH — Minor and Consequential Amendments  
SCHEDULE  
PART I — AMENDMENTS EXTENDING TO ENGLAND AND WALES ONLY  
PART II — OTHER AMENDMENTS

- EIGHTH SCHEDULE — Enactments Repealed  
PART I — REPEALS EXTENDING TO ENGLAND AND WALES ONLY  
PART II — OTHER REPEALS