
STATUTORY INSTRUMENTS

2001 No. 3712

The Mental Health Act 1983 (Remedial) Order 2001

Amendment of section 73 of the Act

4. In section 73 of the Act (power to discharge restricted patients) for subsections (1) and (2) there shall be substituted—

“(1) Where an application to a Mental Health Review Tribunal is made by a restricted patient who is subject to a restriction order, or where the case of such a patient is referred to such a tribunal, the tribunal shall direct the absolute discharge of the patient if—

- (a) the tribunal are not satisfied as to the matters mentioned in paragraph (b)(i) or (ii) of section 72(1) above; and
- (b) the tribunal are satisfied that it is not appropriate for the patient to remain liable to be recalled to hospital for further treatment.

(2) Where in the case of any such patient as is mentioned in subsection (1) above—

- (a) paragraph (a) of that subsection applies; but
- (b) paragraph (b) of that subsection does not apply,

the tribunal shall direct the conditional discharge of the patient.”.