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STATUTORY INSTRUMENTS

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**2008 No. 1184**

**MENTAL HEALTH, ENGLAND**

**The Mental Health (Hospital, Guardianship  
and Treatment) (England) Regulations 2008**

*Made* - - - - - *28th April 2008*

*Laid before Parliament* *7th May 2008*

*Coming into force* *3rd November 2008*

**THE MENTAL HEALTH (HOSPITAL, GUARDIANSHIP  
AND TREATMENT) (ENGLAND) REGULATIONS 2008**

PART 1

GENERAL

1. Citation and commencement
2. Interpretation
3. Documents

PART 2

Procedures and Records Relating to Hospital Admissions,  
Guardianship and Community Treatment Orders

4. Procedure for and record of hospital admissions
5. Procedure for and acceptance of guardianship applications
6. Procedure for and records relating to community treatment orders
7. Transfer from hospital to hospital or guardianship
8. Transfer from guardianship to guardianship or hospital
9. Transfer of community patients recalled to hospital
10. Transfers from England to Wales and from Wales to England
11. Conveyance to hospital on transfer from hospital or guardianship
12. Conveyance from hospital to hospital following recall of community patients
13. Renewal of authority for detention or guardianship and extension of community treatment period
14. Detention, guardianship or community treatment after absence without leave for more than 28 days
15. Removal to England
16. Removal to England of patients subject to compulsion in the community

17. Assignment of responsibility for community patients
18. Discharge of patients
19. Delegation of hospital managers' functions under the Act
20. Delegation of managers' functions under the Domestic Violence, Crime and Victims Act 2004
21. Delegation by local social services authorities

PART 3

Functions of Guardians and Nearest Relatives

22. Duties of private guardians
23. Visits to patients subject to guardianship
24. Performance of functions of nearest relative
25. Discharge by nearest relative

PART 4

Provision of Information

26. (1) Unless the patient requests otherwise, where —

PART 5

Consent to Treatment

27. Consent to treatment

PART 6

Treatment of Community Patients not Recalled to Hospital

28. (1) For the purposes of Part 4A of the Act...

PART 7

Correspondence of Patients

29. Inspection and opening of postal packets
30. Review of decisions to withhold postal packets
31. Patient advocacy and liaison services and independent mental capacity advocate services

PART 8

Revocations

32. Revocations  
Signature

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SCHEDULE 1 — FORMS FOR USE IN CONNECTION WITH COMPULSORY  
ADMISSION TO HOSPITAL, GUARDIANSHIP AND  
TREATMENT

SCHEDULE 2 — REVOCATIONS

Explanatory Note