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STATUTORY INSTRUMENTS

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**2008 No. 1184**

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

**PART 4**

**Provision of Information**

- 26.—**(1) Unless the patient requests otherwise, where —
- (a) a patient is to be or has been transferred from hospital to hospital pursuant to section 19 or section 123 (regulations as to transfer of patients and transfer to and from special hospitals respectively), the managers of the hospital to which the patient is to be or has been transferred shall take such steps as are reasonably practicable to cause the person (if any) appearing to them to be the patient's nearest relative to be informed of that transfer before it takes place or as soon as practicable thereafter;
  - (b) a patient's detention is renewed pursuant to a report furnished under section 20 (duration of authority), the managers of the responsible hospital shall take such steps as are reasonably practicable to cause the person (if any) appearing to them to be the patient's nearest relative to be informed of that renewal as soon as practicable following their decision not to discharge the patient;
  - (c) by virtue of section 21B(7) (patients who are taken into custody or return after more than 28 days) a patient's detention is renewed pursuant to a report furnished under section 21B(2), the managers of the responsible hospital in which the patient is liable to be detained shall take such steps as are reasonably practicable to cause the person (if any) appearing to them to be the patient's nearest relative to be informed of that renewal as soon as practicable following their decision not to discharge the patient;
  - (d) by virtue of section 21B(5) and (6) (patients who are taken into custody or return after more than 28 days), a patient's detention is renewed retrospectively pursuant to a report furnished under section 21B(2), the managers of the hospital in which the patient is liable to be detained shall take such steps as are reasonably practicable to cause the patient and the person (if any) appearing to them to be the patient's nearest relative to be informed of that renewal as soon as practicable following their receipt of that report;
  - (e) a patient's period of community treatment is extended pursuant to a report furnished under section 20A (community treatment period), the managers of the responsible hospital shall take such steps as are reasonably practicable to cause the person (if any) appearing to them to be the patient's nearest relative to be informed of that extension as soon as practicable following their decision not to discharge the patient;
  - (f) by virtue of section 21B(7A) (patients who are taken into custody or return after more than 28 days) a patient's period of community treatment is extended pursuant to a report furnished under section 21B(2), the managers of the responsible hospital shall take such steps as are reasonably practicable to cause the person (if any) appearing to them to be the patient's nearest relative to be informed of that extension as soon as practicable following their decision not to discharge the patient;

- (g) by virtue of section 21B(6A) and (6B) (patients who are taken into custody or return after more than 28 days) a patient's period of community treatment is extended retrospectively pursuant to a report furnished under section 21B(2), the managers of the responsible hospital shall take such steps as are reasonably practicable to cause the patient and the person (if any) appearing to them to be the patient's nearest relative to be informed of that extension as soon as practicable following their receipt of that report;
  - (h) a patient is to be or has been assigned to another hospital which assumes responsibility for that patient as a community patient, the managers of the hospital to which the patient is to be or has been assigned shall take such steps as are reasonably practicable to cause the person (if any) appearing to them to be the patient's nearest relative to be informed of that assignment before or as soon as practicable following it taking place;
  - (i) a patient is to be or has been transferred from hospital to guardianship pursuant to section 19 (regulations as to transfer of patients), the responsible local social services authority shall take such steps as are reasonably practicable to cause the person appearing to it to be the patient's nearest relative to be informed of that transfer before it takes place or as soon as practicable thereafter;
  - (j) a patient is to be or has been transferred from the guardianship of one person to the guardianship of another person pursuant to section 19 (regulations as to transfer of patients), the new responsible local social services authority shall take such steps as are reasonably practicable to cause the person (if any) appearing to it to be the patient's nearest relative to be informed of that transfer before it takes place or as soon as practicable thereafter;
  - (k) a patient's guardianship becomes vested in the local social services authority or the functions of a guardian are, during the guardian's incapacity, transferred to the authority or a person approved by it under section 10 (transfer of guardianship in case of death, incapacity, etc of guardian), the responsible local social services authority shall take such steps as are reasonably practicable to cause the person (if any) appearing to it to be the patient's nearest relative to be informed of that vesting, or as the case may be, transfer before it takes place or as soon as practicable thereafter;
  - (l) a patient's guardianship is renewed pursuant to a report furnished under section 20 (duration of authority), the responsible local social services authority shall take such steps as are reasonably practicable to cause the person (if any) appearing to it to be the patient's nearest relative to be informed of that renewal as soon as practicable following the decision of the responsible local social services authority to discharge the patient;
  - (m) by virtue of section 21B(7) (patients who are taken into custody or return after more than 28 days) a patient's guardianship is renewed pursuant to a report furnished under section 21B(7), the responsible local social services authority shall take such steps as are reasonably practicable to cause the person (if any) appearing to it to be the patient's nearest relative to be informed of that renewal as soon as practicable following the decision of the responsible local social services authority not to discharge the patient;
  - (n) by virtue of section 21B(5) and (6) (patients who are taken into custody or return after more than 28 days) a patient's guardianship is renewed retrospectively pursuant to a report furnished under section 21B(2), the responsible local social services authority shall take such steps as are reasonably practicable to cause the patient and person (if any) appearing to it to be the patient's nearest relative to be informed of that renewal as soon as practicable following the receipt by the responsible local social services authority of that report.
- (2) Where paragraph (1)(m) or (n) applies, the responsible local social services authority shall, as soon as practicable inform the private guardian (if any) of its receipt of a report furnished under section 21B (patients who are taken into custody or return after more than 28 days).

(3) Upon a patient becoming subject to guardianship under the Act, the responsible local social services authority shall take such steps as are reasonably practicable to cause to be informed both the patient and the person (if any) appearing to the authority to be the patient's nearest relative of the rights referred to in paragraph (4).

(4) Those rights are—

(a) the patient's rights under section 66 (applications to tribunals),

(b) the nearest relative's right, as the case may be, to—

(i) discharge the patient under section 23 (discharge of patients), or

(ii) make an application under section 69 (application to tribunals concerning patients subject to hospital and guardianship orders where the patient is, or is treated as being, subject to guardianship under section 37).

(5) Where information referred to in paragraph (1)(d), (g) or (n), or in paragraph (3) is to be given to the patient, it shall be given both orally and in writing.

(6) Where information referred to in paragraph (1) is to be given to the person appearing to be the patient's nearest relative, it shall be given in writing.

(7) Where information referred to in paragraph (2) is to be given to the private guardian, it shall be given in writing.

(8) Information that is to be given in writing under paragraphs (6) and (7) may be transmitted by means of electronic communication if the recipient agrees.

(9) The functions of the managers referred to in this regulation may be performed by an officer authorised by them in that behalf.