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STATUTORY INSTRUMENTS

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**2009 No. 3112**

**The Care Quality Commission (Registration) Regulations 2009**

**PART 4**

**REGISTRATION REQUIREMENTS**

**Notification of death or unauthorised absence of a service user who is detained or liable to be detained under the Mental Health Act 1983**

**17.**—(1) The registered person must notify the Commission without delay of the death or unauthorised absence of a service user who is liable to be detained by the registered person—

- (a) under the Mental Health Act 1983(1) (“the 1983 Act”); or
- (b) pursuant to an order or direction made under another enactment (which applies in relation to England), where that detention takes effect as if the order or direction were made pursuant to the provisions of the 1983 Act.

(2) Notification of the death of a service user must include a description of the circumstances of the death.

(3) In this regulation—

- (a) references to persons “liable to be detained” include a community patient who has been recalled to hospital in accordance with section 17E of the 1983 Act(2), but do not include a patient who has been conditionally discharged and not recalled to hospital in accordance with section 42(3), 73(4) or 74(5) of the 1983 Act;
- (b) “community patient” has the same meaning as in section 17A of the 1983 Act(6);
- (c) “hospital” means a hospital within the meaning of Part 2 of that Act(7); and
- (d) “unauthorised absence” means an unauthorised absence from a hospital.

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(1) 1983 c.20.

(2) Section 17E was inserted by the Mental Health Act 2007 (c.12) (“the 2007 Act”), section 32(2).

(3) Section 42 was amended by the 2007 Act, sections 40(2) and 55 and Schedule 11, Part 8.

(4) Section 73 was amended by the 2007 Act, section 4(9) and S.I. 2001/3712 and 2008/2833.

(5) Section 74 was amended by the Crime (Sentences) Act 1997 (c. 43), Schedule 4, paragraphs 12(10) to (12), the Criminal Justice Act 2003 (c. 44), section 295 and S.I. 2008/2833.

(6) Section 17A was inserted by section 32(2) of the 2007 Act.

(7) See sections 34(2) and 145(1) of the 1983 Act; relevant amendments were made by the Care Standards Act 2000, Schedule 4, paragraph 9 and by the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraph 70(c).