



Mental Health Act 1983

1983 CHAPTER 20

PART X

MISCELLANEOUS AND SUPPLEMENTARY

Supplemental

143 General provisions as to regulations, orders and rules.

- (1) Any power of the Secretary of State or the Lord Chancellor to make regulations, orders or rules under this Act shall be exercisable by statutory instrument.
- (2) Any Order in Council under this Act [^{F1}or any order made under section 54A [^{F2}or 65]above]and any statutory instrument containing regulations or rules made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No order shall be made under section [^{F3}45A(10),]68(4) or 71(3) above unless a draft of it has been approved by a resolution of each House of Parliament.

Textual Amendments

- F1** Words in s. 143(2) inserted (E.W) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), [s. 27\(3\)](#) (with [s. 28](#)); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#)
- F2** Words in s. 143(2) substituted (28.6.1995 for certain purposes, otherwise 1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 8](#), [Sch. 1 Pt. III para. 107\(13\)](#)
- F3** Words in s. 143(3) inserted (E.W) (1.10.1997) by [1997 c. 43, ss. 55, 57\(2\)](#), [Sch. 4 para. 12\(18\)](#); [S.I. 1997/2200, art. 2](#)

144 Power to amend local Acts.

Her Majesty may by Order in Council repeal or amend any local enactment so far as appears to Her Majesty to be necessary in consequence of this Act.

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145 Interpretation.

(1) In this Act, unless the context otherwise requires—

“absent without leave” has the meaning given to it by section 18 above and related expressions shall be construed accordingly;

“application for admission for assessment” has the meaning given in section 2 above;

“application for admission for treatment” has the meaning given in section 3 above;

“approved social worker” means an officer of a local social services authority appointed to act as an approved social worker for the purposes of this Act;

[^{F4}“care home” has the same meaning as in the Care Standards Act 2000]

[^{F5}“Health Authority” means a Health Authority established under section 8 of the ^{M1}National Health Service Act 1977;]

[^{F6}“high security psychiatric services” has the same meaning as in the ^{M2}National Health Service Act 1977;]

“hospital” means—

(a) any health service hospital within the meaning of the ^{M3}National Health Service Act 1977; and

(b) any accommodation provided by a local authority and used as a hospital by or on behalf of the Secretary of State under that Act;

“hospital within the meaning of Part II of this Act” has the meaning given in section 34 above;

[^{F7}“hospital direction” has the meaning given in section 45A(3)(a) above;]

“hospital order” and “guardianship order” have the meanings respectively given in section 37 above;

[^{F8}“independent hospital” has the same meaning as in the Care Standards Act 2000;]

“interim hospital order” has the meaning given in section 38 above;

[^{F7}“limitation direction” has the meaning given in section 45A(3)(b) above;]

“local social services authority” means a council which is a local authority for the purpose of the ^{M4}Local Authority Social Services Act 1970;

“the managers” means—

(a) in relation to a hospital vested in the Secretary of State for the purposes of his functions under the ^{M5}National Health Service Act 1977, and in relation to any accommodation provided by a local authority and used as a hospital by or on behalf of the Secretary of State under that Act, the [^{F9}[^{F10}Primary Care Trust,][^{F11}Strategic Health Authority,]Health Authority or Special Health Authority] responsible for the administration of the hospital;

^{F12}(b)

[^{F13}(bb) in relation to a hospital vested in [^{F14}a Primary Care Trust or] a National Health Service trust,^{F15} . . . the trust]

[^{F16}(bc) in relation to a hospital vested in an NHS foundation trust, the trust;]

[^{F17}(c) in relation to a registered establishment, the person or persons registered in respect of the establishment;]

and in this definition “hospital” means a hospital within the meaning of Part II of this Act;

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“medical treatment” includes nursing, and also includes care, habilitation and rehabilitation under medical supervision;

“mental disorder”, “severe mental impairment”, “mental impairment” and “psychopathic disorder” have the meanings given in section 1 above;

F18

“nearest relative”, in relation to a patient, has the meaning given in Part II of this Act;

“patient” (except in Part VII of this Act) means a person suffering or appearing to be suffering from mental disorder;

[F19“Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977;]

[F20“registered establishment” has the meaning given in section 34 above;]

[F21“the responsible after-care bodies” has the meaning given in section 25D above;]

“restriction direction” has the meaning given to it by section 49 above;

“restriction order” has the meaning given to it by section 41 above;

[F22“Special Health Authority” means a Special Health Authority established under section 11 of the National Health Service Act 1977;]

F23

[F24“Strategic Health Authority” means a Strategic Health Authority established under section 8 of the National Health Service Act 1977;]

[F25“supervision application” has the meaning given in section 25A above;]

F26

“transfer direction” has the meaning given to it by section 47 above.

[F27(1AA) Where high security psychiatric services and other services are provided at a hospital, the part of the hospital at which high security psychiatric services are provided and the other part shall be treated as separate hospitals for the purposes of this Act.]

[F28(1A) References in this Act to a patient being subject to after-care under supervision (or to after-care under supervision) shall be construed in accordance with section 25A above.]

F29(2)

(3) In relation to a person who is liable to be detained or subject to guardianship by virtue of an order or direction under Part III of this Act (other than under section 35, 36 or 38), any reference in this Act to any enactment contained in Part II of this Act or in section 66 or 67 above shall be construed as a reference to that enactment as it applies to that person by virtue of Part III of this Act.

Textual Amendments

F4 Definition of “care home” in s. 145(1) inserted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(10)(a)**; S.I. 2001/4150, **art. 3(3)** (subject to art. 4); S.I. 2002/920, **reg. 3(3)(d)** (subject to transitional provisions in **Schs. 1-3** and **art. 3(4)-(10)**)

F5 Definition of “Health Authority” inserted (28.6.1995 for certain purposes, otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8, **Sch. 1 para. 107(14)(a)**

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- F6** Definition of "high security psychiatric services" in s. 145(1) inserted (1.4.2000) by 1999 c. 8, s. 65, **Sch. 4, para. 69(2)(a)**; S.I. 1999/2793, art. 2(3)(a), **Sch. 3**
- F7** Definitions of "hospital direction" and "limitation direction" inserted (E.W but unlimited in so far as it confers a power or imposes a duty on a court-martial or a Standing Civilian Court) (1.10.1997) by 1997 c. 43, s. 55, **Sch. 4 para. 12(19)** (with s. 57(4)(8); S.I. 1997/2200, art. 2
- F8** S. 145: definition of "independent hospital" inserted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(10)(b)**; S.I. 2001/4150, art. 3(3) (subject to art. 4); S.I. 2002/920, reg. 3(3)(d) (subject to transitional provisions in Schs. 1-3 and art. 3(4)-(10))
- F9** Words in definition of "the managers" in s. 145(1) substituted (28.6.1995 for certain purposes, otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8, **Sch. 1 para. 107(14)(b)**
- F10** Words in definition of "the managers" para. (a) in s. 145(1) inserted (1.10.2002) by 2002 c. 17, s. 2(5), **Sch. 2 Pt. 2 para. 49**; S.I. 2002/2478, art. 3(1)(d) (with saving in art. 3(3) and transitional provision in art. 4)
- F11** Words in definition of "the managers" para. (a) in s. 145(1) inserted (1.10.2002) by S.I. 2002/2469, reg. 4, **Sch. 1 Pt. 1 para. 10(4)(a)**
- F12** Definition of "the managers" para. (b) in s. 145(1) repealed (1.4.2000) by 1999 c. 8, ss. 41(2), 65(2), **Sch. 5**; S.I. 1999/2793, art. 2(3)(a), **Sch. 3**
- F13** Definition of "the managers" para. (bb) in s. 145(1) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 24(9)**
- F14** Words in definition of "the managers" para. (bb) in s. 145(1) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 16(9)(a)** (with art. 2(5))
- F15** Words in definition of "the managers" in s. 145(1) repealed (E.W.) (14.4.1994) by 1994 c. 6, ss. 1, 2(2)(3)
- F16** S. 145(1)(bc) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199, **Sch. 4 para. 57**; S.I. 2004/759, art. 2
- F17** S. 145: in definition of "the managers" para. (c) substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(10)(c)**; S.I. 2001/4150, art. 3(3) (subject to art. 4); S.I. 2002/920, reg. 3(3)(d) (subject to transitional provisions in Schs. 1-3 and art. 3(4)-(10))
- F18** Definition of "mental nursing home" in s. 145(1) repealed (1.4.2002) by 2000 c. 14, s. 117(2), **Sch. 6**; S.I. 2001/4150, art. 3(3) (subject to art. 4); S.I. 2002/920, reg. 3(3)(g) (subject to transitional provisions in Schs. 1-3 and art. 3(5)-(10))
- F19** Definition of "Primary Care Trust" in s. 145(1) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 16(9)(b)**
- F20** Definition of "registered establishment" in s. 145(1) inserted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(10)(d)**; S.I. 2001/4150, art. 3(3) (subject to art. 4); S.I. 2002/920, reg. 3(3)(d) (subject to transitional provisions in Schs. 1-3 and art. 3(4)-(10))
- F21** Definition of "the responsible after-care bodies" inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1 para. 20(2)(a)**
- F22** Definition of "Special Health Authority" in s. 145(1) inserted (28.6.1995 for certain purposes, otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8, **Sch. 1 para. 107(14)(c)**
- F23** Definition of "special hospital" in s. 145(1) repealed (1.4.2000) by 1999 c. 8, s. 65, Sch. 4, para. 69(2)(b), **Sch. 5**; S.I. 1999/2793, art. 2(3)(a), **Sch. 3**
- F24** Definition of "Strategic Health Authority" in s. 145(1) inserted (1.10.2002) by S.I. 2002/2469, reg. 4, **Sch. 2 Pt. 1 para. 10(4)(b)**
- F25** Definition of "supervision application" inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1, para. 20(2)(b)**
- F26** Definition of "standard scale" in s. 145(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group. 2.
- F27** S. 145(1AA) inserted (1.4.2000) by 1999 c. 8, S. 65(1), **Sch. 4, para. 69(3)**; S.I. 1999/2793, art. 2(3)(a), **Sch. 3**
- F28** S. 145(1A) added (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1, para. 20(3)**
- F29** S. 145(2) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Gp. 2.

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Marginal Citations

- M1** 1977 c.49.
- M2** S.I. 1977 c.49.
- M3** 1977 c. 49.
- M4** 1970 c. 42.
- M5** 1977 c. 49.

146 Application to Scotland.

Sections 42(6), 80, 88 (and so far as applied by that section sections 18, 22 and 138), 104(4), 110 (and so much of Part VII of this Act as is applied in relation to Scotland by that section), 116, 122, 128 (except so far as it relates to patients subject to guardianship), 137, 139(1), 141, 142, 143 (so far as applicable to any Order in Council extending to Scotland) and 144 above shall extend to Scotland together with any amendment or repeal by this Act of or any provision of Schedule 5 to this Act relating to any enactment which so extends; but, except as aforesaid and except so far as it relates to the interpretation or commencement of the said provisions, this Act shall not extend to Scotland.

147 Application to Northern Ireland.

Sections 81, 82, 86, 87, 88 (and so far as applied by that section sections 18, 22 and 138), 104(4), 110 (and so much of Part VII as is applied in relation to Northern Ireland by that section), section 128 (except so far as it relates to patients subject to guardianship), 137, 139, 141, 142, 143 (so far as applicable to any Order in Council extending to Northern Ireland) and 144 above shall extend to Northern Ireland together with any amendment or repeal by this Act of or any provision of Schedule 5 to this Act relating to any enactment which so extends; but except as aforesaid and except so far as it relates to the interpretation or commencement of the said provisions, this Act shall not extend to Northern Ireland.

148 Consequential and transitional provisions and repeals.

- (1) Schedule 4 (consequential amendments) and Schedule 5 (transitional and saving provisions) to this Act shall have effect but without prejudice to the operation of sections 15 to 17 of the ^{M6}Interpretation Act 1978 (which relate to the effect of repeals).
- (2) Where any amendment in Schedule 4 to this Act affects an enactment amended by the ^{M7}Mental Health (Amendment) Act 1982 the amendment in Schedule 4 shall come into force immediately after the provision of the Act of 1982 amending that enactment.
- (3) The enactments specified in Schedule 6 to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

Marginal Citations

- M6** 1978 c. 30.
- M7** 1982 c. 51.

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149 Short title, commencement and application to Scilly Isles.

- (1) This Act may be cited as the Mental Health Act 1983.
- (2) Subject to subsection (3) below and Schedule 5 to this Act, this Act shall come into force on 30th September 1983.
- (3) ^{F30}
- (4) Section 130(4) of the ^{M8}National Health Service Act 1977 (which provides for the extension of that Act to the Isles of Scilly) shall have effect as if the references to that Act included references to this Act.

Textual Amendments

F30 S. 149(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 17 Group 8}

Marginal Citations

M8 [1977 c. 49.](#)

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