



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART II

#### COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

##### *General provisions as to applications and recommendations*

**13** [<sup>F1</sup>**Duty of approved mental health professionals to make applications for admission or guardianship**].

[<sup>F2</sup>(1) If a local social services authority have reason to think that an application for admission to hospital or a guardianship application may need to be made in respect of a patient within their area, they shall make arrangements for an approved mental health professional to consider the patient's case on their behalf.

(1A) If that professional is—

- (a) satisfied that such an application ought to be made in respect of the patient; and
- (b) of the opinion, having regard to any wishes expressed by relatives of the patient or any other relevant circumstances, that it is necessary or proper for the application to be made by him,

he shall make the application.

(1B) Subsection (1C) below applies where—

- (a) a local social services authority makes arrangements under subsection (1) above in respect of a patient;
- (b) an application for admission for assessment is made under subsection (1A) above in respect of the patient;
- (c) while the patient is liable to be detained in pursuance of that application, the authority have reason to think that an application for admission for treatment may need to be made in respect of the patient; and
- (d) the patient is not within the area of the authority.

*Changes to legislation: Mental Health Act 1983, Section 13 is up to date with all changes known to be in force on or before 17 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (1C) Where this subsection applies, subsection (1) above shall be construed as requiring the authority to make arrangements under that subsection in place of the authority mentioned there.]
- (2) Before making an application for the admission of a patient to hospital an [<sup>F3</sup>approved mental health professional] shall interview the patient in a suitable manner and satisfy himself that detention in a hospital is in all the circumstances of the case the most appropriate way of providing the care and medical treatment of which the patient stands in need.
- [<sup>F4</sup>(3) An application under subsection (1A) above may be made outside the area of the local social services authority on whose behalf the approved mental health professional is considering the patient's case.]
- (4) It shall be the duty of a local social services authority, if so required by the nearest relative of a patient residing in their area, to [<sup>F5</sup>make arrangements under subsection (1) above for an approved mental health professional to consider the patient's case] with a view to making an application for his admission to hospital; and if in any such case [<sup>F6</sup>that professional] decides not to make an application he shall inform the nearest relative of his reasons in writing.
- (5) Nothing in this section shall be construed as authorising or requiring an application to be made by an [<sup>F7</sup>approved mental health professional] in contravention of the provisions of section 11(4) above [<sup>F8</sup>or of regulations under section 12A], or as restricting the power of [<sup>F9</sup>a local social services authority to make arrangements with an approved mental health professional to consider a patient's case or of] an [<sup>F7</sup>approved mental health professional] to make any application under this Act.

#### Textual Amendments

- F1** S. 13 heading: words substituted (3.11.2008) by virtue of [Mental Health Act 2007 \(c. 12\)](#), ss. 21, 56, [Sch. 2 para. 5\(1\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(d\)](#) (with art. 3, Sch.); S.I. 2008/2561, [art. 2\(b\)](#) (with art. 3, Sch.)
- F2** S. 13(1)-(1C) substituted (3.11.2008) for s. 13(1) by [Mental Health Act 2007 \(c. 12\)](#), ss. 21, 56, [Sch. 2 para. 5\(2\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(d\)](#) (with art. 3, Sch.); S.I. 2008/2561, [art. 2\(b\)](#) (art. 3, Sch.)
- F3** Words in s. 13(2) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 21, 56, [Sch. 2 para. 5\(3\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(d\)](#) (with art. 3, Sch.); S.I. 2008/2561, [art. 2\(b\)](#) (with art. 3, Sch.)
- F4** S. 13(3) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 21, 56, [Sch. 2 para. 5\(4\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(d\)](#) (with art. 3, Sch.); S.I. 2008/2561, [art. 2\(b\)](#) (with art. 3, Sch.)
- F5** Words in s. 13(4) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 21, 56, [Sch. 2 para. 5\(5\)\(a\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(d\)](#) (with art. 3, Sch.); S.I. 2008/2561, [art. 2\(b\)](#) (with art. 3, Sch.)
- F6** Words in s. 13(4) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 21, 56, [Sch. 2 para. 5\(5\)\(b\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(d\)](#) (with art. 3, Sch.); S.I. 2008/2561, [art. 2\(b\)](#) (with art. 3, Sch.)
- F7** Words in s. 13(5) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 21, 56, [Sch. 2 para. 5\(6\)\(a\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(d\)](#) (with art. 3, Sch.); S.I. 2008/2561, [art. 2\(b\)](#) (with art. 3, Sch.)
- F8** Words in s. 13(5) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 22\(6\)](#), 56 (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(e\)](#) (with art. 3, Sch.)

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**F9** Words in s. 13(5) inserted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 21, 56, **Sch. 2 para. 5(6)(b)** (with Sch. 10); S.I. 2008/1900, **art. 2(d)** (with art. 3, Sch.); S.I. 2008/2561, **art. 2(b)** (with art. 3, Sch.)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [1996 c. 46 Sch. 2 para. 9](#)(replacing [1968 c 20 s. 23](#)) (Act applied (prosp.) by [1968 c. 20, s. 23\(4\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 9](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing [1957 c 53 s. 63](#)) (Act applied (prosp.) by [1957 c. 53, s. 63C\(6\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 4](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 19 s. 116](#)) (Act applied (prosp.) by [1955 c. 19, s. 116C\(6\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2 para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 18 s 116](#)) (Act applied (prosp.) by [1955 c. 18, s. 116C\(6\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2 para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing [1957 c 53 s. 63](#)) (Act: Power to apply conferred (prosp.) by [1957 c. 53, s. 63B\(4\)\(c\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 4](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 19 s. 116](#)) (Act: Power to apply conferred (prosp.) by [1955 c. 19, s. 116B\(4\)\(c\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 18 s 116](#)) (Act: Power to apply conferred (prosp.) by [1955 c. 18, s. 116B\(4\)\(c\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2 para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 74(8) inserted by [2015 c. 2 Sch. 3 para. 3\(3\)](#)