



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART X

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Miscellaneous provisions*

#### **134 Correspondence of patients**

- (1) A postal packet addressed to any person by a patient detained in a hospital under this Act and delivered by the patient for dispatch may be withheld from the Post Office—
- (a) if that person has requested that communications addressed to him by the patient should be withheld ; or
  - (b) subject to subsection (3) below, if the hospital is a special hospital and the managers of the hospital consider that the postal packet is likely—
    - (i) to cause distress to the person to whom it is addressed or to any other person (not being a person on the staff of the hospital); or
    - (ii) to cause danger to any person;and any request for the purposes of paragraph (a) above shall be made by a notice in writing given to the managers of the hospital, the registered medical practitioner in charge of the treatment of the patient or the Secretary of State.
- (2) Subject to subsection (3) below, a postal packet addressed to a patient detained in a special hospital under this Act may be withheld from the patient if, in the opinion of the managers of the hospital, it is necessary to do so in the interests of the safety of the patient or for the protection of other persons.
- (3) Subsections (1)(b) and (2) above do not apply to any postal packet addressed by a patient to, or sent to a patient by or on behalf of—
- (a) any Minister of the Crown or Member of either House of Parliament;
  - (b) the Master or any other officer of the Court of Protection or any of the Lord Chancellor's Visitors ;

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*Status: This is the original version (as it was originally enacted).*

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- (c) the Parliamentary Commissioner for Administration, the Health Service Commissioner for England, the Health Service Commissioner for Wales or a Local Commissioner within the meaning of Part III of the Local Government Act 1974;
  - (d) a Mental Health Review Tribunal;
  - (e) a health authority within the meaning of the National Health Service Act 1977, a local social services authority, a Community Health Council or a probation and after-care committee appointed under paragraph 2 of Schedule 3 to the Powers of Criminal Courts Act 1973;
  - (f) the managers of the hospital in which the patient is detained;
  - (g) any legally qualified person instructed by the patient to act as his legal adviser; or
  - (h) the European Commission of Human Rights or the European Court of Human Rights.
- (4) The managers of a hospital may inspect and open any postal packet for the purposes of determining—
- (a) whether it is one to which subsection (1) or (2) applies, and
  - (b) in the case of a postal packet to which subsection (1) or (2) above applies, whether or not it should be withheld under that subsection;
- and the power to withhold a postal packet under either of those subsections includes power to withhold anything contained in it.
- (5) Where a postal packet or anything contained in it is withheld under subsection (1) or (2) above the managers of the hospital shall record that fact in writing.
- (6) Where a postal packet or anything contained in it is withheld under subsection (1)(b) or (2) above the managers of the hospital shall within seven days give notice of that fact to the patient and, in the case of a packet withheld under subsection (2) above, to the person (if known) by whom the postal packet was sent; and any such notice shall be given in writing and shall contain a statement of the effect of section 121(7) and (8) above.
- (7) The functions of the managers of a hospital under this section shall be discharged on their behalf by a person on the staff of the hospital appointed by them for that purpose and different persons may be appointed to discharge different functions.
- (8) The Secretary of State may make regulations with respect to the exercise of the powers conferred by this section.
- (9) In this section " hospital" has the same meaning as in Part II of this Act, " postal packet" has the same meaning as in the Post Office Act 1953 and the provisions of this section shall have effect notwithstanding anything in section 56 of that Act.