



Mental Health Act 1983

1983 CHAPTER 20

PART VIII

MISCELLANEOUS FUNCTIONS OF LOCAL AUTHORITIES AND THE SECRETARY OF STATE

After-care

117 After-care.

- (1) This section applies to persons who are detained under section 3 above, or admitted to a hospital in pursuance of a hospital order made under section 37 above, or transferred to a hospital in pursuance of [^{F1}a hospital direction made under section 45A above or] a transfer direction made under section 47 or 48 above, and then cease to be detained and [^{F2}(whether or not immediately after so ceasing)] leave hospital.
- (2) It shall be the duty of the [^{F3}[^{F4}integrated care board] or]^{F5}... [^{F6}Local Health Board] and of the local social services authority to provide [^{F7}or arrange for the provision of], in co-operation with relevant voluntary agencies, after-care services for any person to whom this section applies until such time as the [^{F8}[^{F4}integrated care board] or]^{F5}... [^{F6}Local Health Board] and the local social services authority are satisfied that the person concerned is no longer in need of such services [^{F9}; but they shall not be so satisfied in the case of a [^{F10}community patient while he remains such a patient.].]

^{F11}(2A) ^{F12}.....

(2B) Section 32 above shall apply for the purposes of this section as it applies for the purposes of Part II of this Act.

^{F13}(2C) References in this Act to after-care services provided for a patient under this section include references to services provided for the patient—

(a) in respect of which direct payments are made under [^{F14}—

(i) sections 31 to 33 of the Care Act 2014 (as applied by Schedule 4 to that Act),

Status: Point in time view as at 01/07/2022.

Changes to legislation: *Mental Health Act 1983, Cross Heading: After-care is up to date with all changes known to be in force on or before 27 December 2023. 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)*

- (ii) sections 50, 51 and 53 of the Social Services and Well-being (Wales) Act 2014 (as applied by Schedule A1 to that Act), or
 - (iii) regulations under] section 12A(4) of the National Health Service Act 2006, and
 - (b) which would be provided under this section apart from [^{F15}those sections (as so applied) or] the regulations.]
- [^{F16}(2D) Subsection (2), in its application to the [^{F17}integrated care board], has effect [^{F18}as if the words “provide or” were omitted.]
- (2E) The Secretary of State may by regulations provide that the duty imposed on the [^{F19}integrated care board] by subsection (2) is, in the circumstances or to the extent prescribed by the regulations, to be imposed instead on another [^{F19}integrated care board] or [^{F20}NHS England].
- (2F) Where regulations under subsection (2E) provide that the duty imposed by subsection (2) is to be imposed on [^{F20}NHS England], subsection (2D) has effect as if the reference to the [^{F21}integrated care board] were a reference to [^{F20}NHS England].
- (2G) Section 272(7) and (8) of the National Health Service Act 2006 applies to the power to make regulations under subsection (2E) as it applies to a power to make regulations under that Act.]
- (3) In this [^{F22}section “the [^{F23}[^{F24}integrated care board] or]^{F25} ... [^{F6} Local Health Board]” means the [^{F26}[^{F24}integrated care board] or]^{F25} ... [^{F6}Local Health Board], and “the local social services authority” means the local social services authority [^{F27}—
- (a) if, immediately before being detained, the person concerned was ordinarily resident in England, for the area in England in which he was ordinarily resident;
 - (b) if, immediately before being detained, the person concerned was ordinarily resident in Wales, for the area in Wales in which he was ordinarily resident; or
 - (c) in any other case] for the area] in which the person concerned is resident or to which he is sent on discharge by the hospital in which he was detained.
- [^{F28}(4) Where there is a dispute about where a person was ordinarily resident for the purposes of subsection (3) above—
- (a) if the dispute is between local social services authorities in England, section 40 of the Care Act 2014 applies to the dispute as it applies to a dispute about where a person was ordinarily resident for the purposes of Part 1 of that Act;
 - (b) if the dispute is between local social services authorities in Wales, section 195 of the Social Services and Well-being (Wales) Act 2014 applies to the dispute as it applies to a dispute about where a person was ordinarily resident for the purposes of that Act;
 - (c) if the dispute is between a local social services authority in England and a local social services authority in Wales, it is to be determined by the Secretary of State or the Welsh Ministers.
- (5) The Secretary of State and the Welsh Ministers shall make and publish arrangements for determining which of them is to determine a dispute under subsection (4)(c); and the arrangements may, in particular, provide for the dispute to be determined by whichever of them they agree is to do so.]
- [^{F29}(6) In this section, “after-care services”, in relation to a person, means services which have both of the following purposes—

*Status: Point in time view as at 01/07/2022.**Changes to legislation: Mental Health Act 1983, Cross Heading: After-care is up to date with all changes known to be in force on or before 27 December 2023. 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)*

- (a) meeting a need arising from or related to the person's mental disorder; and
- (b) reducing the risk of a deterioration of the person's mental condition (and, accordingly, reducing the risk of the person requiring admission to a hospital again for treatment for mental disorder).]

Textual Amendments

- F1** Words in s. 117(1) inserted (1.10.1997) by 1997 c. 43, s. 55, **Sch. 4**, para. 12(17); S.I.1997/2200, **art. 2(2)**
- F2** Words in s. 117(1) inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1**, para. 15(2)
- F3** Words in s. 117(2) inserted (27.3.2012 for specified purposes, 1.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 40(2)(a)**, 306(1)(d), (4); S.I. 2012/2657, **art. 2(4)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- F4** Words in s. 117(2) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 16**; S.I. 2022/734, **reg. 2(a)**, **Sch.** (with regs. 13, 29, 30)
- F5** Words in s. 117(2) omitted (27.3.2012 for specified purposes, 1.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 40(2)(b)**, 306(1)(4); S.I. 2012/2657, art. 2(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** Words in s. 117(2)(2A)(3) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), **art. 3**, **Sch. para. 13(9)**
- F7** Words in s. 117(2) inserted (1.4.2015) by Care Act 2014 (c. 23), **ss. 75(1)**, 127(1); S.I. 2015/993, art. 7(1)(a) (with transitional provisions in S.I. 2015/995)
- F8** Words in s. 117(2) inserted (27.3.2012 for specified purposes, 1.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 40(2)(c)**, 306(1)(d), (4); S.I. 2012/2657, **art. 2(4)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- F9** Words in s. 117(2) inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1**, para. 15(3)
- F10** Words in s. 117(2) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 32, 56, **Sch. 3 para. 24** (with **Sch. 10**); S.I. 2008/1210, **art. 2(b)** (with art. 4)
- F11** S. 117(2A)-(2B) inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1**, para. 15(4)
- F12** S. 117(2A) repealed (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 55, 56, **Sch. 11 Pt. 5** (with **Sch. 10**); S.I. 2008/1210, **art. 2(d)** (with art. 4)
- F13** S. 117(2C) inserted (19.1.2010) by Health Act 2009 (c. 21), s. 40(1), **Sch. 1 para. 3**; S.I. 2010/30, art. 2(b)
- F14** Words in s. 117(2C)(a) substituted (1.4.2015 for specified purposes, otherwise 6.4.2016) by Care Act 2014 (c. 23), **ss. 75(11)(a)**, 127(1); S.I. 2015/993, art. 7(3) (with art. 7(4)) (with transitional provisions in S.I. 2015/995); S.I. 2016/464, art. 2(d)
- F15** Words in s. 117(2C)(b) inserted (1.4.2015) by Care Act 2014 (c. 23), **ss. 75(11)(b)**, 127(1); S.I. 2015/993, art. 7(3) (with transitional provisions in S.I. 2015/995)
- F16** S. 117(2D)-(2G) inserted (27.3.2012 for specified purposes, 1.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 40(3)**, 306(1)(d), (4); S.I. 2012/2657, art. 2(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F17** Words in s. 117(2D) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 16**; S.I. 2022/734, **reg. 2(a)**, **Sch.** (with regs. 13, 29, 30)
- F18** Words in s. 117(2D) substituted (1.4.2015) by Care Act 2014 (c. 23), **ss. 75(2)**, 127(1); S.I. 2015/993, art. 7(1)(a) (with transitional provisions in S.I. 2015/995)
- F19** Words in s. 117(2E) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 16**; S.I. 2022/734, **reg. 2(a)**, **Sch.** (with regs. 13, 29, 30)
- F20** Words in s. 117 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 1(1)(2)**; S.I. 2022/734, **reg. 2(a)**, **Sch.** (with regs. 13, 29, 30)
- F21** Words in s. 117(2F) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 16**; S.I. 2022/734, **reg. 2(a)**, **Sch.** (with regs. 13, 29, 30)

Status: Point in time view as at 01/07/2022.

Changes to legislation: *Mental Health Act 1983, Cross Heading: After-care is up to date with all changes known to be in force on or before 27 December 2023. 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)*

- F22** Words in s. 117(3) substituted (28.6.1995 for certain purposes, otherwise 1.4.1996) by 1995 c. 17, ss. 2(1), 9(3), Sch. 1, Pt. III, para. 107(8)(b) (with ss. 2(3), 8)
- F23** Words in s. 117(3) inserted (27.3.2012 for specified purposes, 1.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 40\(4\)\(a\), 306\(1\)\(d\), \(4\)](#); S.I. 2012/2657, [art. 2\(4\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- F24** Words in s. 117(3) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 16](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))
- F25** Words in s. 117(3) omitted (27.3.2012 for specified purposes, 1.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 40\(4\)\(b\), 306\(1\)\(d\), \(4\)](#); S.I. 2012/2657, [art. 2\(4\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- F26** Words in s. 117(3) inserted (27.3.2012 for specified purposes, 1.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 40\(4\)\(c\), 306\(1\)\(d\), \(4\)](#); S.I. 2012/2657, [art. 2\(4\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- F27** S. 117(3)(a)-(c) inserted (1.4.2015) by [Care Act 2014 \(c. 23\)](#), [ss. 75\(3\), 127\(1\)](#) (with s. 75(12)); S.I. 2015/993, [art. 7\(1\)\(a\)](#) (with transitional provisions in S.I. 2015/995)
- F28** S. 117(4)(5) inserted (1.4.2015) by [Care Act 2014 \(c. 23\)](#), [ss. 75\(4\), 127\(1\)](#) (with s. 75(12)); S.I. 2015/993, [art. 7\(1\)\(a\)](#) (with [art. 7\(2\)](#)) (with transitional provisions in S.I. 2015/995)
- F29** S. 117(6) inserted (1.4.2015) by [Care Act 2014 \(c. 23\)](#), [ss. 75\(5\), 127\(1\)](#); S.I. 2015/993, [art. 7\(1\)\(a\)](#) (with transitional provisions in S.I. 2015/995)

Modifications etc. (not altering text)

- C1** S. 117(2)(2A): functions of local authority may be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, [reg. 3\(2\)\(b\)](#), [Sch. 2](#)
- C2** S. 117(2) modified (3.11.2008) by [The Mental Health Act 2007 \(Commencement No. 6 and After-care under Supervision: Savings, Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/1210\)](#), [art. 6\(j\)](#)

[^{F30}117A After-care: preference for particular accommodation

- (1) The Secretary of State may by regulations provide that where—
- (a) the local social services authority under section 117 is, in discharging its duty under subsection (2) of that section, providing or arranging for the provision of accommodation for the person concerned;
 - (b) the person concerned expresses a preference for particular accommodation; and
 - (c) any prescribed conditions are met,
- the local social services authority must provide or arrange for the provision of the person's preferred accommodation.
- (2) Regulations under this section may provide for the person concerned, or a person of a prescribed description, to pay for some or all of the additional cost in prescribed cases.
- (3) In subsection (2), “ additional cost ” means the cost of providing or arranging for the provision of the person's preferred accommodation less the amount that the local social services authority would expect to be the usual cost of providing or arranging for the provision of accommodation of that kind.
- (4) The power to make regulations under this section—
- (a) is exercisable only in relation to local social services authorities in England;
 - (b) includes power to make different provision for different cases or areas.]

Status: Point in time view as at 01/07/2022.

Changes to legislation: Mental Health Act 1983, Cross Heading: After-care is up to date with all changes known to be in force on or before 27 December 2023. 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)

Textual Amendments

F30 S. 117A inserted (1.10.2014 for specified purposes, otherwise 1.4.2015) by [Care Act 2014 \(c. 23\)](#), [ss. 75\(6\)](#), [127\(1\)](#); [S.I. 2014/2473](#), [art. 2\(1\)\(u\)](#); [S.I. 2015/993](#), [art. 7\(1\)\(b\)](#) (with transitional provisions in [S.I. 2015/995](#))

[^{F31} 117B After-care: exception for provision of nursing care

- (1) Section 117 does not authorise or require a local social services authority ^{F32}..., in or in connection with the provision of services under that section, to provide or arrange for the provision of nursing care by a registered nurse.
- (2) In this section “nursing care by a registered nurse” means a service provided by a registered nurse involving—
 - (a) the provision of care, or
 - (b) the planning, supervision or delegation of the provision of care,
 other than a service which, having regard to its nature and the circumstances in which it is provided, does not need to be provided by a registered nurse.]

Textual Amendments

F31 S. 117B inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), [art. 1\(2\)](#), [Sch. para. 28](#) (with arts. 1(3), 3)

F32 Words in s. 117B(1) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(No. 413\)](#), [regs. 2\(1\)](#), [36](#)

Status:

Point in time view as at 01/07/2022.

Changes to legislation:

Mental Health Act 1983, Cross Heading: After-care is up to date with all changes known to be in force on or before 27 December 2023. 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.