Status: *Point in time view as at 04/11/1994. This version of this provision is not valid for this point in time.*
Changes to legislation: *Mental Health Act 1983, Section 130C is up to date with all changes known to be in force*
on or before 17 February 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)

Mental Health Act 1983

1983 CHAPTER 20

PART X

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous provisions

VALID FROM 01/04/2008

[F1**130C Section 130A: supplemental**

(1) This section applies for the purposes of section 130A above.

(2) A patient is a qualifying patient if he is—

    (a)   liable to be detained under this Act (otherwise than by virtue of section 4 or 5(2) or (4) above or section 135 or 136 below);

    (b)   subject to guardianship under this Act; or

    (c)   a community patient.

(3) A patient is also a qualifying patient if—

    (a)   not being a qualifying patient falling within subsection (2) above, he discusses with a registered medical practitioner or approved clinician the possibility of being given a form of treatment to which section 57 above applies; or

    (b)   not having attained the age of 18 years and not being a qualifying patient falling within subsection (2) above, he discusses with a registered medical practitioner or approved clinician the possibility of being given a form of treatment to which section 58A above applies.

(4) Where a patient who is a qualifying patient falling within subsection (3) above is informed that the treatment concerned is proposed in his case, he remains a qualifying patient falling within that subsection until—

>   (a)   the proposal is withdrawn; or
>
>   (b)   the treatment is completed or discontinued.
>
> (5) References to the appropriate national authority are—
>
>   (a)   in relation to a qualifying patient in England, to the Secretary of State;
>
>   (b)   in relation to a qualifying patient in Wales, to the Welsh Ministers.
>
> (6) For the purposes of subsection (5) above—
>
>   (a)   a qualifying patient falling within subsection (2)(a) above is to be regarded as being in the territory in which the hospital or registered establishment in which he is liable to be detained is situated;
>
>   (b)   a qualifying patient falling within subsection (2)(b) above is to be regarded as being in the territory in which the area of the responsible local social services authority within the meaning of section 34(3) above is situated;
>
>   (c)   a qualifying patient falling within subsection (2)(c) above is to be regarded as being in the territory in which the responsible hospital is situated;
>
>   (d)   a qualifying patient falling within subsection (3) above is to be regarded as being in the territory determined in accordance with arrangements made for the purposes of this paragraph, and published, by the Secretary of State and the Welsh Ministers.]

Textual Amendments

  F1 Ss. 130A-130D inserted (1.4.2008 for ss. 130A, 130C for certain purposes, otherwise 3.11.2008 for W. and 1.4.2009 for E.) by Mental Health Act 2007 (c. 12), **ss. 30(2)**, 56 (with Sch. 10); S.I. 2008/745, **arts. 2(b)(i)**, **3(d)**: S.I. 2008/2561, **art. 2(c)** (with art. 3, Sch.); S.I. 2009/139, **art. 2(a)**

Status:
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