



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART II

#### COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

##### *Position of patients subject to detention or guardianship*

#### **17 Leave of absence from hospital.**

- (1) The [<sup>F1</sup>responsible clinician] may grant to any patient who is for the time being liable to be detained in a hospital under this Part of this Act leave to be absent from the hospital subject to such conditions (if any) as [<sup>F2</sup>that clinician] considers necessary in the interests of the patient or for the protection of other persons.
- (2) Leave of absence may be granted to a patient under this section either indefinitely or on specified occasions or for any specified period; and where leave is so granted for a specified period, that period may be extended by further leave granted in the absence of the patient.

[<sup>F3</sup>(2A) But longer-term leave may not be granted to a patient unless the responsible clinician first considers whether the patient should be dealt with under section 17A instead.

- (2B) For these purposes, longer-term leave is granted to a patient if—
- (a) leave of absence is granted to him under this section either indefinitely or for a specified period of more than seven consecutive days; or
  - (b) a specified period is extended under this section such that the total period for which leave of absence will have been granted to him under this section exceeds seven consecutive days.]

- (3) Where it appears to the [<sup>F4</sup>responsible clinician] that it is necessary so to do in the interests of the patient or for the protection of other persons, he may, upon granting leave of absence under this section, direct that the patient remain in custody during his absence; and where leave of absence is so granted the patient may be kept in the custody of any officer on the staff of the hospital, or of any other person authorised in writing by the managers of the hospital or, if the patient is required in accordance

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*Changes to legislation: Mental Health Act 1983, Section 17 is up to date with all changes known to be in force on or before 06 November 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) View outstanding changes*

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with conditions imposed on the grant of leave of absence to reside in another hospital, of any officer on the staff of that other hospital.

- (4) In any case where a patient is absent from a hospital in pursuance of leave of absence granted under this section, and it appears to the [<sup>F5</sup>responsible clinician] that it is necessary so to do in the interests of the patient's health or safety or for the protection of other persons, [<sup>F6</sup>that clinician] may, subject to subsection (5) below, by notice in writing given to the patient or to the person for the time being in charge of the patient, revoke the leave of absence and recall the patient to the hospital.
- (5) A patient to whom leave of absence is granted under this section shall not be recalled under subsection (4) above after he has ceased to be liable to be detained under this Part of this Act;<sup>F7</sup> . . .
- [<sup>F8</sup>(6) Subsection (7) below applies to a person who is granted leave by or by virtue of a provision—
- (a) in force in Scotland, Northern Ireland, any of the Channel Islands or the Isle of Man; and
  - (b) corresponding to subsection (1) above.
- (7) For the purpose of giving effect to a direction or condition imposed by virtue of a provision corresponding to subsection (3) above, the person may be conveyed to a place in, or kept in custody or detained at a place of safety in, England and Wales by a person authorised in that behalf by the direction or condition.]

#### Textual Amendments

- F1** Words in s. 17(1) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 9(3)(a)(i)**, 56 (with [Sch. 10](#)); S.I. 2008/1900, **art. 2(b)** (with art. 3, Sch.)
- F2** Words in s. 17(1) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 9(3)(a)(ii)**, 56 (with [Sch. 10](#)); S.I. 2008/1900, **art. 2(b)** (with art. 3, Sch.)
- F3** S. 17(2A)(2B) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 33(2)**, 56 (with [Sch. 10](#)); S.I. 2008/1900, **art. 2(j)** (with art. 3, Sch.)
- F4** Words in s. 17(3) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 9(3)(b)**, 56 (with [Sch. 10](#)); S.I. 2008/1900, **art. 2(b)** (with art. 3, Sch.)
- F5** Words in s. 17(4) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 9(3)(c)(i)**, 56 (with [Sch. 10](#)); S.I. 2008/1900, **art. 2(b)** (with art. 3, Sch.)
- F6** Words in s. 17(4) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 9(3)(c)(ii)**, 56 (with [Sch. 10](#)); S.I. 2008/1900, **art. 2(b)** (with art. 3, Sch.)
- F7** Words in s. 17(5) omitted (1.4.1996 with application as mentioned in s. 3(3) of the omitting Act) by virtue of 1995 c. 52, **ss. 3(1)(3)**, 7(2)
- F8** S. 17(6)(7) inserted (1.10.2007) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 39(1)**, 56 (with [Sch. 10](#)); S.I. 2007/2798, **art. 2**

**Changes to legislation:**

Mental Health Act 1983, Section 17 is up to date with all changes known to be in force on or before 06 November 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.

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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\(3\)](#)