



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART II

#### COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

*[<sup>F1</sup> After-care under supervision]*

#### **[<sup>F1</sup>25A Application for supervision.**

- (1) Where a patient—
  - (a) is liable to be detained in a hospital in pursuance of an application for admission for treatment; and
  - (b) has attained the age of 16 years,an application may be made for him to be supervised after he leaves hospital, for the period allowed by the following provisions of this Act, with a view to securing that he receives the after-care services provided for him under section 117 below.
- (2) In this Act an application for a patient to be so supervised is referred to as a “supervision application”; and where a supervision application has been duly made and accepted under this Part of this Act in respect of a patient and he has left hospital, he is for the purposes of this Act “subject to after-care under supervision” (until he ceases to be so subject in accordance with the provisions of this Act).
- (3) A supervision application shall be made in accordance with this section and sections 25B and 25C below.
- (4) A supervision application may be made in respect of a patient only on the grounds that—
  - (a) he is suffering from mental disorder, being mental illness, severe mental impairment, psychopathic disorder or mental impairment;
  - (b) there would be a substantial risk of serious harm to the health or safety of the patient or the safety of other persons, or of the patient being seriously exploited, if he were not to receive the after-care services to be provided for him under section 117 below after he leaves hospital; and

*Status: Point in time view as at 01/10/2002. This version of this provision has been superseded.*

*Changes to legislation: Mental Health Act 1983, Section 25A is up to date with all changes known to be in force on or before 25 May 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)*

- (c) his being subject to after-care under supervision is likely to help to secure that he receives the after-care services to be so provided.
- (5) A supervision application may be made only by the responsible medical officer.
- (6) A supervision application in respect of a patient shall be addressed to the [F2Primary Care Trust or] Health Authority which will have the duty under section 117 below to provide after-care services for the patient after he leaves hospital.
- (7) Before accepting a supervision application in respect of a patient a [F2Primary Care Trust or]Health Authority shall consult the local social services authority which will also have that duty.
- (8) Where a [F2Primary Care Trust or]Health Authority accept a supervision application in respect of a patient the [F2Primary Care Trust or] Health Authority shall—
- (a) inform the patient both orally and in writing—
    - (i) that the supervision application has been accepted; and
    - (ii) of the effect in his case of the provisions of this Act relating to a patient subject to after-care under supervision (including, in particular, what rights of applying to a Mental Health Review Tribunal are available);
  - (b) inform any person whose name is stated in the supervision application in accordance with sub-paragraph (i) of paragraph (e) of section 25B(5) below that the supervision application has been accepted; and
  - (c) inform in writing any person whose name is so stated in accordance with sub-paragraph (ii) of that paragraph that the supervision application has been accepted.
- (9) Where a patient in respect of whom a supervision application is made is granted leave of absence from a hospital under section 17 above (whether before or after the supervision application is made), references in—
- (a) this section and the following provisions of this Part of this Act; and
  - (b) Part V of this Act,
- to his leaving hospital shall be construed as references to his period of leave expiring (otherwise than on his return to the hospital or transfer to another hospital).]

#### Textual Amendments

**F1** Ss. 25A-25J inserted (1.4.1996) by 1995 c. 52, ss. 1(1), 7(2)

**F2** Words in s. 25A inserted (1.10.2002) by 2002 c. 17, s. 2(5), **Sch. 2 Pt. 2 para. 43**; S.I. 2002/2478, **art. 3(1)(d)** (with saving in **art. 3(3)** and transitional provision in **art. 4**)

#### Modifications etc. (not altering text)

**C1** S. 25A applied (with modifications) (1.4.1996) by S.I. 1996/295, **reg. 2, Sch.**

**C2** S. 25A(6)-(8): 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**

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