



Mental Health Act 1983

1983 CHAPTER 20

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

[^{F1} After-care under supervision]

[^{F1}25B Making of supervision application.

- (1) The responsible medical officer shall not make a supervision application unless—
 - (a) subsection (2) below is complied with; and
 - (b) the responsible medical officer has considered the matters specified in subsection (4) below.
- (2) This subsection is complied with if—
 - (a) the following persons have been consulted about the making of the supervision application—
 - (i) the patient;
 - (ii) one or more persons who have been professionally concerned with the patient's medical treatment in hospital;
 - (iii) one or more persons who will be professionally concerned with the after-care services to be provided for the patient under section 117 below; and
 - (iv) any person who the responsible medical officer believes will play a substantial part in the care of the patient after he leaves hospital but will not be professionally concerned with any of the after-care services to be so provided;
 - (b) such steps as are practicable have been taken to consult the person (if any) appearing to be the nearest relative of the patient about the making of the supervision application; and
 - (c) the responsible medical officer has taken into account any views expressed by the persons consulted.

Status: Point in time view as at 26/06/2000. This version of this provision has been superseded.

Changes to legislation: Mental Health Act 1983, Section 25B is up to date with all changes known to be in force on or before 20 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)

- (3) Where the patient has requested that paragraph (b) of subsection (2) above should not apply, that paragraph shall not apply unless—
- (a) the patient has a propensity to violent or dangerous behaviour towards others; and
 - (b) the responsible medical officer considers that it is appropriate for steps such as are mentioned in that paragraph to be taken.
- (4) The matters referred to in subsection (1)(b) above are—
- (a) the after-care services to be provided for the patient under section 117 below; and
 - (b) any requirements to be imposed on him under section 25D below.
- (5) A supervision application shall state—
- (a) that the patient is liable to be detained in a hospital in pursuance of an application for admission for treatment;
 - (b) the age of the patient or, if his exact age is not known to the applicant, that the patient is believed to have attained the age of 16 years;
 - (c) that in the opinion of the applicant (having regard in particular to the patient's history) all of the conditions set out in section 25A(4) above are complied with;
 - (d) the name of the person who is to be the community responsible medical officer, and of the person who is to be the supervisor, in relation to the patient after he leaves hospital; and
 - (e) the name of—
 - (i) any person who has been consulted under paragraph (a)(iv) of subsection (2) above; and
 - (ii) any person who has been consulted under paragraph (b) of that subsection.
- (6) A supervision application shall be accompanied by—
- (a) the written recommendation in the prescribed form of a registered medical practitioner who will be professionally concerned with the patient's medical treatment after he leaves hospital or, if no such practitioner other than the responsible medical officer will be so concerned, of any registered medical practitioner; and
 - (b) the written recommendation in the prescribed form of an approved social worker.
- (7) A recommendation under subsection (6)(a) above shall include a statement that in the opinion of the medical practitioner (having regard in particular to the patient's history) all of the conditions set out in section 25A(4) above are complied with.
- (8) A recommendation under subsection (6)(b) above shall include a statement that in the opinion of the social worker (having regard in particular to the patient's history) both of the conditions set out in section 25A(4)(b) and (c) above are complied with.
- (9) A supervision application shall also be accompanied by—
- (a) a statement in writing by the person who is to be the community responsible medical officer in relation to the patient after he leaves hospital that he is to be in charge of the medical treatment provided for the patient as part of the after-care services provided for him under section 117 below;

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- (b) a statement in writing by the person who is to be the supervisor in relation to the patient after he leaves hospital that he is to supervise the patient with a view to securing that he receives the after-care services so provided;
 - (c) details of the after-care services to be provided for the patient under section 117 below; and
 - (d) details of any requirements to be imposed on him under section 25D below.
- (10) On making a supervision application in respect of a patient the responsible medical officer shall—
- (a) inform the patient both orally and in writing;
 - (b) inform any person who has been consulted under paragraph (a)(iv) of subsection (2) above; and
 - (c) inform in writing any person who has been consulted under paragraph (b) of that subsection,
- of the matters specified in subsection (11) below.
- (11) The matters referred to in subsection (10) above are—
- (a) that the application is being made;
 - (b) the after-care services to be provided for the patient under section 117 below;
 - (c) any requirements to be imposed on him under section 25D below; and
 - (d) the name of the person who is to be the community responsible medical officer, and of the person who is to be the supervisor, in relation to the patient after he leaves hospital.]

Textual Amendments

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

Modifications etc. (not altering text)

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

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