



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART IV

#### CONSENT TO TREATMENT

#### 61 Review of treatment.

- (1) Where a patient is given treatment in accordance with section 57(2) [<sup>F1</sup>, 58(3)(b) or 58A(4) or (5)] above [<sup>F2</sup>, or by virtue of section 62A below in accordance with a Part 4A certificate (within the meaning of that section) [<sup>F3</sup>that falls within section 64C(4) below],] a report on the treatment and the patient's condition shall be given [<sup>F4</sup>by the approved clinician in charge of the treatment] to [<sup>F5</sup>the regulatory authority]—
  - (a) on the next occasion on which the [<sup>F6</sup>responsible clinician] furnishes a report [<sup>F7</sup>under section 20(3) [<sup>F8</sup>, 20A(4) or 21B(2) above in respect] of the patient]; and
  - (b) at any other time if so required by [<sup>F5</sup>the regulatory authority].
- (2) In relation to a patient who is subject to a restriction order [<sup>F9</sup>, limitation direction] or restriction direction subsection (1) above shall have effect as if paragraph (a) required the report to be made—
  - (a) in the case of treatment in the period of six months beginning with the date of the order or direction, at the end of that period;
  - (b) in the case of treatment at any subsequent time, on the next occasion on which the [<sup>F10</sup>responsible clinician] makes a report in respect of the patient under section 41(6) [<sup>F11</sup>, 45B(3)] or 49(3) above.
- (3) [<sup>F5</sup>The regulatory authority] may at any time give notice <sup>F12</sup> . . . directing that, subject to section 62 below, a certificate given in respect of a patient under subsection 57(2) [<sup>F13</sup>, 58(3)(b) or 58A(4) or (5)] above shall not apply to treatment given to him [<sup>F14</sup>(whether in England or Wales)] after a date specified in the notice and sections 57 [<sup>F15</sup>, 58 and 58A] above shall then apply to any such treatment as if that certificate has not been given.

*Changes to legislation: Mental Health Act 1983, Section 61 is up to date with all changes known to be in force on or before 26 January 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) View outstanding changes*

[<sup>F16</sup>(3A) The notice under subsection (3) above shall be given to the approved clinician in charge of the treatment.]

#### Textual Amendments

- F1** Words in s. 61(1) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 28\(5\)\(a\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(g\)](#) (with [art. 3](#), [Sch.](#))
- F2** Words in s. 61(1) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 34\(3\)\(a\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(j\)](#) (with [art. 3](#), [Sch.](#))
- F3** Words in s. 61(1) inserted (1.6.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 299\(7\)](#), 306(4); [S.I. 2012/1319](#), [art. 2\(2\)](#)
- F4** Words in s. 61(1) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 12\(4\)\(a\)\(i\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(b\)](#) (with [art. 3](#), [Sch.](#))
- F5** Words in s. 61 substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 52](#), 170, [Sch. 3 para. 4\(2\)](#); [S.I. 2009/462](#), [art. 2](#), [Sch. 1 para. 33](#)
- F6** Words in s. 61(1)(a) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 12\(4\)\(a\)\(ii\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(b\)](#) (with [art. 3](#), [Sch.](#))
- F7** Words in s. 61(1)(a) substituted (1.4.1996) by [1995 c. 52](#), [ss. 2\(5\)](#), 7(2)
- F8** Words in s. 61(1)(a) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 34\(3\)\(b\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(j\)](#) (with [art. 3](#), [Sch.](#))
- F9** Words in s. 61(2) inserted (1.10.1997) by [1997 c. 43](#), [s. 55](#), [Sch. 4 para. 12\(7\)\(a\)](#); [S.I. 1997/2200](#), [art. 2](#)
- F10** Words in s. 61(2)(b) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 12\(4\)\(b\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(b\)](#) (with [art. 3](#), [Sch.](#))
- F11** Words in s. 61(2) inserted (1.10.1997) by [1997 c. 43](#), [s. 55](#), [Sch. 4 para. 12\(7\)\(b\)](#); [S.I. 1997/2200](#), [art. 2](#)
- F12** Words in s. 61(3) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 12\(4\)\(c\)](#), 55, 56, [Sch. 11 Pt. 3](#) (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(b\)\(p\)](#) (with [art. 3](#), [Sch.](#))
- F13** Words in s. 61(3) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 28\(5\)\(b\)\(i\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(g\)](#) (with [art. 3](#), [Sch.](#))
- F14** Words in s. 61(3) inserted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 52](#), 170, [Sch. 3 para. 4\(3\)](#); [S.I. 2009/462](#), [art. 2](#), [Sch. 1 para. 33](#)
- F15** Words in s. 61(3) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 28\(5\)\(b\)\(ii\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(g\)](#) (with [art. 3](#), [Sch.](#))
- F16** S. 61(3A) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 12\(4\)\(d\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(b\)](#) (with [art. 3](#), [Sch.](#))

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

- C1** S. 61(1): functions transferred (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 52\(1\)\(c\)](#), 170 (with [s. 96](#)); [S.I. 2009/462](#), [art. 2](#), [Sch. 1 para. 20](#)
- C2** S. 61(3): functions transferred (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 52\(1\)\(d\)](#), 170 (with [s. 96](#)); [S.I. 2009/462](#), [art. 2](#), [Sch. 1 para. 20](#)

**Changes to legislation:**

Mental Health Act 1983, Section 61 is up to date with all changes known to be in force on or before 26 January 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.

View outstanding changes

**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\(3\)](#)