



# Mental Health Act 1959

1959 CHAPTER 72 7 and 8 Eliz 2

## PART IX

### MISCELLANEOUS AND GENERAL

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

C1 Pt. IX amended by [Local Authority Social Services Act 1970 \(c. 42\)](#), s. 2(1), [Sch. 1](#)

122— ..... F1  
124.

#### Textual Amendments

F1 Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), [Sch. 7 Part II](#) entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), [U.S.A. Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 6](#)

#### *Offences*

125, ..... F2  
126.

#### Textual Amendments

F2 Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), [Sch. 7 Part II](#) entries

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relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. Veterans' Pensions (Administration) Act 1949 (c. 45) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**F3 127 Amendment of Sexual Offences Act, 1956.**

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**Textual Amendments**

**F3** S. 127 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, Sch. 6 para. 13, **Sch. 7**; S.I. 2004/874, art. 2

**F4 128 Sexual intercourse with patients.**

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**Textual Amendments**

**F4** S. 128 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, Sch. 6 para. 13, **Sch. 7**; S.I. 2004/874, art. 2

**129, ..... F5**  
**130.**

**Textual Amendments**

**F5** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. Veterans' Pensions (Administration) Act 1949 (c. 45) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**131 Prosecutions by local authorities.**

(1) A [<sup>F6</sup>local social services authority] may institute proceedings for any offence under this Part of this Act, but without prejudice to any provision of this Part of this Act requiring the consent of the Director of Public Prosecutions for the institution of such proceedings.

(2) ..... **F7**

**Textual Amendments**

**F6** Words substituted by [Local Government Act 1972 \(c. 70\)](#), **Sch. 23 para. 9(2)**  
**F7** Ss. 44, 77, 78, 131(2), 134, 144(2), 146, Sch. 7 Part II entry relating to: [Representation of the People Act 1949 \(c. 68\)](#) repealed by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), **Sch. 4 Pt. I**

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### Miscellaneous provisions

132, ..... F8  
133.

#### Textual Amendments

**F8** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), U.S.A. [Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**

134 ..... F9

#### Textual Amendments

**F9** Ss. 44, 77, 78, 131(2), 134, 144(2), 146, Sch. 7 Part II entry relating to: [Representation of the People Act 1949](#) (c. 68) repealed by [Mental Health \(Amendment\) Act 1982](#) (c. 51, SIF 85), **Sch. 4 Pt. I**

135— ..... F10  
138.

#### Textual Amendments

**F10** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), U.S.A. [Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**

### 139— Supplemental

141. .... F11

#### Textual Amendments

**F11** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983](#) (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947](#) (c. 19), U.S.A. [Veterans' Pensions \(Administration\) Act 1949](#) (c. 45) repealed by [Mental Health Act 1983](#) (c. 20, SIF 85), **Sch. 6**

### 142 Default powers of Minister.

(1) Where the Minister is of opinion, on complaint or otherwise, that a [<sup>F12</sup>local social services authority] have failed to carry out functions conferred or imposed on the

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authority by or under this Act or have in carrying out those functions failed to comply with any regulations relating thereto, he may after such inquiry as he thinks fit make an order declaring the authority to be in default.

- (2) Subsections (3) to (5) of [<sup>F13</sup>section 85 of the <sup>M1</sup>National Health Service Act 1977] (which relates to orders declaring, among others, a local authority to be in default under that Act) shall apply in relation to an order under this section as they apply in relation to an order under that section.

#### Textual Amendments

**F12** Words substituted by [Local Government Act 1972 \(c. 70\), Sch. 23 para. 9\(2\)](#)

**F13** Words substituted by [National Health Service Act 1977 \(c. 49\), s. 129, Sch. 15 para. 32](#)

#### Marginal Citations

**M1** [1977 c. 49.](#)

### 143 Inquiries.

The Minister may cause an inquiry to be held in any case where he thinks it advisable to do so in connection with any matter arising under this Act, and [<sup>F14</sup>subsections (2) to (5) of section 250 of the <sup>M2</sup>Local Government Act 1972] shall apply to any inquiry held under this Act, except that no local authority shall be ordered to pay costs under subsection (4) of that section in the case of any inquiry unless the authority is a party thereto.

#### Textual Amendments

**F14** Words substituted by virtue of [Local Government Act 1972 \(c. 70\), s. 272\(2\)](#)

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

**C2** [S. 143](#) extended by [Nursing Homes Act 1975 \(c. 37\), s. 21](#)

#### Marginal Citations

**M2** [1972 c. 70.](#)

### 144 Expenses.

- (1) There shall be defrayed out of moneys provided by Parliament—
- (a) any expenses incurred by the Minister or a Secretary of State under this Act;
  - (b) <sup>F15</sup>.....
  - (c) any increase attributable to this Act in the sums payable out of moneys provided by Parliament under any other enactment.
- (2) <sup>F16</sup>.....

#### Textual Amendments

**F15** [Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144\(1\)\(b\), 145\(2\), 147, 148, 149\(3\)–\(5\), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry](#)

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relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**F16** Ss. 44, 77, 78, 131(2), 134, 144(2), 146, Sch. 7 Part II entry relating to: [Representation of the People Act 1949 \(c. 68\)](#) repealed by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), **Sch. 4 Pt. I**

**145 General provisions as to regulations, orders and rules.**

(1) Any power of the Minister or the Lord Chancellor to make regulations, orders or rules under this Act shall be exercisable by statutory instrument.

(2) ..... **F17**

**Textual Amendments**

**F17** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**146** ..... **F18**

**Textual Amendments**

**F18** Ss. 44, 77, 78, 131(2), 134, 144(2), 146, Sch. 7 Part II entry relating to: [Representation of the People Act 1949 \(c. 68\)](#) repealed by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), **Sch. 4 Pt. I**

**147,** ..... **F19**  
**148.**

**Textual Amendments**

**F19** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), U.S.A. [Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**149 Minor and consequential amendments and repeals.**

(1) The enactments described in the first column of the Seventh Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) ..... **F20**

(3) ..... **F21**

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**Textual Amendments**

- F20** S. 149(2) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. 1 Pt. XI**
- F21** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the Fines and Recoveries Act 1983 (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: Polish Resettlement Act 1947 (c. 19), U.S.A. Veterans' Pensions (Administration) Act 1949 (c. 45) repealed by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 6**

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

- C3** The text of s. 149(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**150 Application to Scotland.**

The following provisions of this Act shall extend to Scotland, that is to say—

.....<sup>F22</sup>  
.....<sup>F23</sup>

section one hundred and forty-five so far as applicable to any Order in Council extending to Scotland;

.....<sup>F23</sup>  
Part II of the Seventh Schedule;

Part II of the Eighth Schedule;

but except as aforesaid, and except so far as it relates to the interpretation or commencement of the said provisions, this Act shall not extend to Scotland.

**Textual Amendments**

- F22** Words repealed by House of Commons Disqualification Act 1975 (c. 24), **Sch. 3**
- F23** Words repealed by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 6**

**151** .....<sup>F24</sup>

**Textual Amendments**

- F24** S. 151 repealed by Northern Ireland Constitution Act 1973 (c. 36), **Sch. 6 Pt. I**

**152 Application to Northern Ireland.**

.....<sup>F25</sup>, this Act shall not extend to Northern Ireland.

**Textual Amendments**

- F25** Words repealed by S.I. 1986/595 (N.I. 4), art. 138, **Sch. 7**

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153 ..... F26

**Textual Amendments**

**F26** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the [Fines and Recoveries Act 1983 \(c. 74, SIF 98:3\)](#), **Sch. 7 Part II** entries relating to: [Polish Resettlement Act 1947 \(c. 19\)](#), [U.S.A. Veterans' Pensions \(Administration\) Act 1949 \(c. 45\)](#) repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

**154 Short title and application to Scilly Isles.**

- (1) This Act may be cited as the Mental Health Act 1959.
- (2) [<sup>F27</sup>Section 130(4) of the <sup>M3</sup>National Health Service Act 1977] (which provides for the extension of that Act to the Isles of Scilly) shall have effect as if the references to that Act included references to this Act.

**Textual Amendments**

**F27** Words substituted by [National Health Service Act 1977 \(c. 49\)](#), **s. 129**. Sch. 15 para. 34

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

**C4** [S. 154\(2\)](#) extended by [Mental Health \(Amendment\) Act 1975 \(c. 29\)](#), **s. 2(4)**

**Marginal Citations**

**M3** [1977 c. 49](#).

**Status:**

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**Changes to legislation:**

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