
STATUTORY INSTRUMENTS

2001 No. 3712

The Mental Health Act 1983 (Remedial) Order 2001

Amendment of section 72(1) of the Act

3. In section 72 of the Act (powers of tribunals) for subsection (1) there shall be substituted—
- “(1) Where application is made to a Mental Health Review Tribunal by or in respect of a patient who is liable to be detained under this Act, the tribunal may in any case direct that the patient be discharged, and—
- (a) the tribunal shall direct the discharge of a patient liable to be detained under section 2 above if they are not satisfied—
 - (i) that he is then suffering from mental disorder or from mental disorder of a nature or degree which warrants his detention in a hospital for assessment (or for assessment followed by medical treatment) for at least a limited period; or
 - (ii) that his detention as aforesaid is justified in the interests of his own health or safety or with a view to the protection of other persons;
 - (b) the tribunal shall direct the discharge of a patient liable to be detained otherwise than under section 2 above if they are not satisfied—
 - (i) that he is then suffering from mental illness, psychopathic disorder, severe mental impairment or mental impairment or from any of those forms of disorder of a nature or degree which makes it appropriate for him to be liable to be detained in a hospital for medical treatment; or
 - (ii) that it is necessary for the health or safety of the patient or for the protection of other persons that he should receive such treatment; or
 - (iii) in the case of an application by virtue of paragraph (g) of section 66(1) above, that the patient, if released, would be likely to act in a manner dangerous to other persons or to himself.”