
STATUTORY INSTRUMENTS

2008 No. 1184

**The Mental Health (Hospital, Guardianship
and Treatment) (England) Regulations 2008**

PART 2

**Procedures and Records Relating to Hospital Admissions,
Guardianship and Community Treatment Orders**

Procedure for and record of hospital admissions

4.—(1) Subject to paragraph (2), for the purposes of admission to hospital under Part 2 of the Act—

- (a) any application for admission for assessment under section 2 shall be in the form set out—
 - (i) where made by the nearest relative, in Form A1,
 - (ii) where made by an approved mental health professional, in Form A2;
- (b) any medical recommendation for the purposes of section 2 shall be in the form set out—
 - (i) in the case of joint recommendations, in Form A3,
 - (ii) in any other case, in Form A4;
- (c) any application for admission for treatment under section 3 shall be in the form set out—
 - (i) where made by the nearest relative, in Form A5,
 - (ii) where made by an approved mental health professional, in Form A6;
- (d) any medical recommendation for the purposes of section 3 shall be in the form set out—
 - (i) in the case of joint recommendations, in Form A7,
 - (ii) in any other case, in Form A8;
- (e) any emergency application under section 4 shall be in the form set out—
 - (i) where made by the nearest relative, in Form A9,
 - (ii) where made by an approved mental health professional, in Form A10;
- (f) any medical recommendation for the purposes of section 4 shall be in the form set out in Form A11;
- (g) any report made under subsection (2) of section 5 (detention of in-patient already in hospital for a maximum 72 hours) by—
 - (i) the registered medical practitioner or approved clinician in charge of the treatment of the patient, or
 - (ii) any person nominated by the registered medical practitioner or approved clinician to act for them,

shall be in the form set out in Part 1 of Form H1 and the hospital managers shall record receipt of that report in Part 2 of that Form;

- (h) any record made under subsection (4) of section 5 (power to detain an in-patient for a maximum of 6 hours) by a nurse of the class for the time being prescribed for the purposes of that subsection shall be in the form set out in Form H2.
- (2) For the purposes of any medical recommendation under sections 2, 3, 4 and 7 (admission for assessment, admission for treatment, admission for assessment in cases of emergency and application for guardianship respectively) in the case of—
- (a) a single recommendation made in respect of a patient whom a doctor has examined in Wales, the medical recommendation shall be in the form required by Regulations made by the Welsh Ministers to similar effect for Wales;
 - (b) joint recommendations made in respect of a patient whom both doctors have examined in Wales, the medical recommendation shall be in the form required by Regulations made by the Welsh Ministers to similar effect for Wales;
 - (c) joint recommendations made in respect of a patient whom one doctor has examined in Wales and one doctor has examined in England, the medical recommendation shall either be in the form required by these Regulations or in the form required by Regulations made by the Welsh Ministers to similar effect for Wales.
- (3) For the purposes of section 15 (rectification of applications and recommendations), the managers of the hospital to which a patient has been admitted in pursuance of an application for assessment or for treatment may authorise an officer on their behalf—
- (a) to consent under subsection (1) of that section to the amendment of the application or any medical recommendation given for the purposes of the application;
 - (b) to consider the sufficiency of a medical recommendation and, if the recommendation is considered insufficient, to give written notice as required by subsection (2) of that section.
- (4) Where a patient has been admitted to a hospital pursuant to an application under section 2, 3 or 4 (admission for assessment, admission for treatment and admission for assessment in cases of emergency respectively), a record of admission shall be made by the managers of that hospital in the form set out in Part 1 of Form H3 and shall be attached to the application.
- (5) Where a patient has been admitted to a hospital pursuant to an application under section 4 (admission for assessment in cases of emergency), a record of receipt of a second medical recommendation in support of the application for admission of the patient shall be made by the managers in the form set out in Part 2 of Form H3 and shall be attached to the application.

Procedure for and acceptance of guardianship applications

- 5.—(1) For the purposes of section 7 (application for guardianship)—
- (a) an application for guardianship shall be in the form set out—
 - (i) where made by the nearest relative, in Part 1 of Form G1,
 - (ii) where made by an approved mental health professional, in Part 1 of Form G2;
 - (b) where a person other than a local social services authority is named as guardian, the statement of willingness of that person to act as guardian shall be in the form set out in Part 2 of Form G1 or, as the case may be, G2;
 - (c) any medical recommendation shall be in the form set out—
 - (i) in the case of joint recommendations, in Form G3,
 - (ii) in any other case, in Form G4.
- (2) Where an application for guardianship is accepted by the responsible local social services authority, it shall record its acceptance of the application in the form set out in Form G5 (which shall be attached to the application).

Procedure for and records relating to community treatment orders

- 6.—(1) For the purposes of section 17A (community treatment orders)—
- (a) an order made by the responsible clinician shall be in the form set out in Parts 1 and 3 of Form CTO1;
 - (b) the agreement of the approved mental health professional shall be in the form set out in Part 2 of Form CTO1;
 - (c) as soon as reasonably practicable, the responsible clinician shall furnish the managers of the responsible hospital with that order.
- (2) For the purposes of section 17B (conditions in community treatment orders)—
- (a) the conditions to which the patient is subject whilst the order remains in force shall be in the form set out in Form CTO1;
 - (b) a variation of any of those conditions by the responsible clinician shall be in the form set out in Form CTO2;
 - (c) as soon as reasonably practicable, the responsible clinician shall furnish the managers of the responsible hospital with Form CTO2.
- (3) For the purposes of section 17E (power to recall a community patient to hospital)—
- (a) a responsible clinician’s notice recalling a patient to hospital shall be in the form set out in Form CTO3;
 - (b) as soon as reasonably practicable, the responsible clinician shall furnish the managers of the hospital to which the patient is recalled with a copy of the notice recalling the patient to hospital;
 - (c) where the patient is recalled to a hospital which is not the responsible hospital, the responsible clinician shall notify the managers of the hospital to which the patient is recalled in writing of the name and address of the responsible hospital;
 - (d) the managers of the hospital to which the patient is recalled shall record the time and date of the patient’s detention pursuant to that notice in the form set out in Form CTO4.
- (4) Where the patient’s responsible hospital is in Wales, the patient’s recall shall be effected in accordance with Regulations made by the Welsh Ministers to similar effect for Wales.
- (5) A responsible clinician’s notice recalling a patient to hospital for the purposes of section 17E (power to recall a community patient to hospital) in Form CTO3 shall be served by—
- (a) delivering it by hand to the patient,
 - (b) delivering it by hand to the patient’s usual or last known address, or
 - (c) sending it by pre-paid first class post addressed to the patient at the patient’s usual or last known address.
- (6) Notice of recall in Form CTO3 is considered served—
- (a) in the case of sub-paragraph 5(a), immediately on delivery of the notice to the patient;
 - (b) in the case of sub-paragraph 5(b), on the day (which does not have to be a business day) after it is delivered;
 - (c) in the case of sub-paragraph 5(c), on the second business day after it was posted.
- (7) As soon as practicable following the patient’s recall, the managers of the responsible hospital shall take such steps as are reasonably practicable to—
- (a) cause the patient to be informed, both orally and in writing, of the provisions of the Act under which the patient is for the time being detained and the effect of those provisions, and

- (b) ensure that the patient understands the effect, so far as is relevant to the patient's case, of sections 56 to 64 (consent to treatment).
- (8) For the purposes of section 17F (powers in respect of recalled patients)—
 - (a) an order referred to in subsection (4) (responsible clinician's order revoking a community treatment order) shall be in the form set out in Parts 1 and 3 of Form CTO5;
 - (b) a statement of an approved mental health professional referred to in that subsection (signifying agreement with the responsible clinician's opinion and that it is appropriate to revoke the order) shall be in the form set out in Part 2 of Form CTO5;
 - (c) as soon as practicable, the responsible clinician shall furnish the managers of the hospital to which the patient is recalled with that Form;
 - (d) where the patient is recalled to a hospital which is not the responsible hospital, the managers of that hospital shall (as soon as reasonably practicable) furnish the managers of the hospital which was the patient's responsible hospital prior to the revocation of the patient's community treatment order, with a copy of Form CTO5.

Transfer from hospital to hospital or guardianship

- 7.—(1) This regulation shall apply in respect of any patient (“a hospital patient”) to whom section 19(1)(a) applies and who is not a patient transferred under—
- (a) section 19(3) (transfer between hospitals under the same managers), or
 - (b) section 123(1) and (2) (transfers between and from special hospitals).
- (2) A hospital patient may be transferred to another hospital where—
- (a) an authority for transfer is given by the managers of the hospital in which the patient is liable to be detained in the form set out in Part 1 of Form H4, and
 - (b) those managers are satisfied that arrangements have been made for the admission of the patient to the hospital to which the patient is being transferred within a period of 28 days beginning with the date of the authority for transfer.
- (3) Upon completion of the transfer of the patient, the managers of the hospital to which the patient is transferred shall record the patient's admission in the form set out in Part 2 of Form H4.
- (4) A hospital patient may be transferred into the guardianship of a local social services authority, or a person approved by a local social services authority, where—
- (a) an authority for transfer is given by the managers of the hospital in which the patient is detained in the form set out in Part 1 of Form G6;
 - (b) the transfer has been agreed by the local social services authority, which will be the responsible local social services authority if the proposed transfer takes effect;
 - (c) that local social services authority has specified the date on which the transfer shall take place;
 - (d) the managers of the transferring hospital have recorded the agreement of the local social services authority referred to in paragraph (b) and the date for transfer referred to in paragraph (c), in the form set out in Part 1 of that Form;
 - (e) in the case of a person other than a local social services authority being named as guardian, the agreement of that person to act as guardian is recorded in the form set out in Part 2 of that Form.
- (5) A hospital patient who is detained in a registered establishment—
- (a) may be transferred from that registered establishment to another registered establishment where both are under the same management, and paragraph (2) shall not apply, and

(b) where such a patient is maintained under a contract with a Strategic Health Authority, Local Health Board, Primary Care Trust, National Health Service trust, National Health Service foundation trust, a Special Health Authority or the Welsh Ministers, any authority for transfer required under paragraph (2)(a) or, as the case may be, (4)(a), and the record (where relevant) required under paragraph (4)(d), may be made or given by an officer of that authority, board or trust authorised by that authority, board or trust in that behalf, or by those Ministers, instead of by the managers.

(6) The functions of the managers referred to in this regulation may be performed by an officer authorised by them in that behalf.

Transfer from guardianship to guardianship or hospital

8.—(1) A guardianship patient may be transferred into the guardianship of another local social services authority or person where—

- (a) an authority for transfer is given by the guardian in the form set out in Part 1 of Form G7;
- (b) that transfer has been agreed by the receiving local social services authority, which will be the responsible local social services authority if the proposed transfer takes effect;
- (c) that local social services authority has specified the date on which the transfer shall take place;
- (d) the guardian has recorded the agreement of the receiving local social services authority mentioned in paragraph (b) and the date for transfer mentioned in paragraph (c) in Part 1 of that Form;
- (e) a person other than a local social services authority is named in the authority for transfer as proposed guardian, the statement of willingness of that person to act as guardian is recorded in the form set out in Part 2 of that Form.

(2) An authority for transfer to hospital of a guardianship patient may be given by the responsible local social services authority in the form set out in Part 1 of Form G8 where—

- (a) an application for admission for treatment has been made by an approved mental health professional in the form set out in Form A6;
- (b) that application is founded on medical recommendations given by two registered medical practitioners in accordance with section 12 in the form set out—
 - (i) in the case of joint recommendations, in Form A7;
 - (ii) in any other case, in Form A8;
- (c) the responsible local social services authority is satisfied that arrangements have been made for the admission of the patient to that hospital within the period of 14 days beginning with the date on which the patient was last examined by a registered medical practitioner for the purposes of paragraph (b).

(3) Where paragraph (2)(a) applies, for the purposes of the application referred to in that paragraph, sections 11(4) (consultation with nearest relative) and 13 (duty of approved mental health professional) shall apply as if the proposed transfer were an application for admission for treatment.

(4) On the transfer of a guardianship patient referred to in paragraph (2), a record of admission shall be made by the managers of the hospital to which the patient is transferred in the form set out in Part 2 of Form G8 and shall be attached to the application referred to in paragraph (2)(a).

(5) Where the conditions of paragraph (2) are satisfied, the transfer of the patient must be effected within 14 days of the date on which the patient was last examined, failing which the patient will remain subject to guardianship.

(6) The functions of the managers referred to in this regulation may be performed by an officer authorised by them in that behalf.

Transfer of community patients recalled to hospital

9.—(1) The managers of a hospital in which a community patient is detained, having been recalled to hospital, may authorise the transfer of that patient to another hospital.

(2) Where the hospital to which the patient has been recalled and the hospital to which the patient is being transferred are not under the same management, a transfer may only take place if the requirements of paragraphs (3) to (5) are satisfied.

(3) Those requirements are that the managers of the hospital to which the patient was recalled—

- (a) authorise the transfer of the patient in the form set out in Part 1 of Form CTO6, and
- (b) are satisfied that arrangements have been made for the admission of the patient to the hospital to which the patient is being transferred.

(4) The managers of the hospital from which the patient is being transferred shall furnish the managers of the hospital to which the patient is being transferred with a copy of Form CTO4 (record of patient's detention in hospital after recall) before, or at the time of, the patient's transfer.

(5) On the transfer of the patient, the managers of the hospital to which the patient is transferred shall record the patient's admission in the form set out in Part 2 of Form CTO6.

(6) Where—

- (a) a patient has been recalled to a registered establishment, and
- (b) that patient is maintained under a contract with a Strategic Health Authority, Local Health Board, Primary Care Trust, National Health Service trust, National Health Service foundation trust, a Special Health Authority or the Welsh Ministers,

any authority for transfer required under paragraph (3)(a) may be given by an officer of that authority, board or trust authorised by that authority, board or trust in that behalf, or by those Ministers, instead of the managers.

(7) The functions of the managers referred to in this regulation may be performed by an officer authorised by them in that behalf.

Transfers from England to Wales and from Wales to England

10.—(1) Where a patient who is liable to be detained or is subject to guardianship under the Act is transferred from a hospital or guardianship in England to a hospital or guardianship in Wales, that transfer shall be subject to the conditions in these Regulations.

(2) Where a patient who is liable to be detained or is subject to guardianship under the Act is transferred from a hospital or guardianship in Wales to a hospital or guardianship in England, that transfer and the duty to record the admission of a patient so transferred shall be subject to such conditions as may be prescribed in Regulations made by the Welsh Ministers to similar effect for Wales.

(3) Where paragraph (2) applies and any Regulations made by the Welsh Ministers to similar effect for Wales provide for authority to convey a patient in Wales, those Regulations shall provide authority to convey the patient whilst in England.

Conveyance to hospital on transfer from hospital or guardianship

11.—(1) Where the conditions of regulation 7(2) or 8(2) are satisfied, the authority for transfer given in accordance with those regulations shall be sufficient authority for the following persons to take the patient and convey the patient to the hospital to which the patient is being transferred within the periods specified—

- (a) in a case to which regulation 7(2) applies—
 - (i) an officer of the managers of either hospital, or

- (ii) any person authorised by the managers of the hospital to which the patient is being transferred,
within the period of 28 days beginning with the date of the authority for transfer;
- (b) in a case to which regulation 8(2) applies—
 - (i) an officer of, or
 - (ii) any person authorised by,
the responsible local social services authority, within the period of 14 days beginning with the date on which the patient was last examined by a medical practitioner for the purposes of regulation 8(2)(b).
- (2) Paragraph (1) shall apply to a patient who—
 - (a) is liable to be detained under the Act and is removed to another hospital in circumstances to which section 19(3) applies, as if the authority given by the managers for that transfer were an authority for transfer given in accordance with regulation 7(2);
 - (b) is liable to be detained in a hospital at which high security psychiatric services are provided and who, pursuant to a direction given by the Secretary of State under section 123(1) or (2) (transfers to and from special hospitals), is removed or transferred to another hospital, as if that direction were an authority for transfer given in accordance with regulation 7(2).
- (3) In a case to which regulation 7(5)(a) applies, an officer of or any other person authorised by the managers of the registered establishment may take and convey the patient to the registered establishment to which the patient is being transferred.

Conveyance from hospital to hospital following recall of community patients

12. Where the conditions of regulation 9(1) or (3) are satisfied, the authority for transfer given in accordance with that regulation shall be sufficient authority for the following persons to take the patient and convey him to the hospital to which he is being transferred—

- (a) an officer of the managers of either hospital, or
- (b) any person authorised by the managers of the hospital to which the patient is being transferred,

within the period of 72 hours beginning with the time of the patient's detention pursuant to the patient's recall under section 17E (power to recall to hospital).

Renewal of authority for detention or guardianship and extension of community treatment period

13.—(1) Any report for the purposes of section 20(3) (medical recommendation for renewal of authority to detain) shall be in the form set out in Parts 1 and 3 of Form H5.

(2) The statement for the purposes of section 20(5A) (agreement with medical recommendation for renewal of authority to detain) shall be in the form set out in Part 2 of Form H5.

(3) The receipt of Form H5 shall be recorded by the managers of the hospital in which the patient is liable to be detained in the form set out in Part 4 of that Form.

(4) Any report for the purposes of section 20(8) (medical recommendation for renewal of guardianship) shall be in the form set out in Part 1 of Form G9.

(5) The responsible social services authority shall record receipt of Form G9 in the form set out in Part 2 of that Form.

(6) For the purposes of section 20A (community treatment period)—

- (a) a report for the purposes of subsection (4) of that section (responsible clinician's report extending the community treatment period) shall be in the form set out in Parts 1 and 3 of Form CTO7;
 - (b) a statement for the purposes of subsection (8) of that section (approved mental health professional's statement that it is appropriate to extend the order) shall be in the form set out in Part 2 of Form CTO7.
- (7) The managers of the responsible hospital shall record the receipt of Form CTO7 in the form set out in Part 4 of that Form.

Detention, guardianship or community treatment after absence without leave for more than 28 days

- 14.—(1) In relation to a patient who is liable to be detained—
- (a) any report for the purposes of section 21B(2) (authority for detention or guardianship of patients who are taken into custody or return after more than 28 days) shall be in the form set out in Part 1 of Form H6, and
 - (b) the receipt of that report shall be recorded by the managers of the hospital in which the patient is liable to be detained in the form set out in Part 2 of that Form.
- (2) In relation to a patient who is subject to guardianship—
- (a) any report for the purposes of section 21B(2) shall be in the form set out in Part 1 of Form G10, and
 - (b) the receipt of that report shall be recorded by the responsible local social services authority in the form set out in Part 2 of that Form.
- (3) In relation to a community patient—
- (a) any report for the purposes of section 21B(2) shall be in the form set out in Part 1 of Form CTO8, and
 - (b) the receipt of that report shall be recorded by the managers of the responsible hospital in the form set out in Part 2 of that Form.

Removal to England

- 15.—(1) This regulation shall apply to a patient who is removed from Scotland, Northern Ireland, any of the Channel Islands or the Isle of Man to England (“a removed patient”) under—
- (a) section 82, 84 or 85 (as the case may be), or
 - (b) regulations made under section 290 of the Mental Health (Care and Treatment) (Scotland) Act 2003⁽¹⁾ (removal and return of patients within United Kingdom).
- (2) Where a removed patient is liable to be detained in a hospital, the managers of the hospital shall record the date on which the patient is admitted to the hospital in the form set out in Form M1.
- (3) The managers of the hospital shall take such steps as are reasonably practicable to inform the person (if any) appearing to them to be the patient's nearest relative as soon as practicable of the patient's admission to hospital.
- (4) Where a removed patient is received into guardianship—
- (a) the guardian shall record the date on which the patient arrives at the place at which the patient is to reside on the patient's reception into guardianship under the Act in the form set out in Form M1;

(1) 2003 (asp.13).

- (b) the guardian shall take such steps as are reasonably practicable to inform the person (if any) appearing to them to be the patient's nearest relative as soon as practicable that the patient has been received into guardianship under the Act;
- (c) a private guardian shall notify the responsible local social services authority of the—
 - (i) date mentioned in sub-paragraph (a), and
 - (ii) particulars mentioned in regulation 22(1)(b) and (e).

Removal to England of patients subject to compulsion in the community

16.—(1) This regulation shall apply to a patient who is removed from Scotland, any of the Channel Islands or the Isle of Man to England under—

- (a) section 289(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (cross-border transfer: patients subject to requirement other than detention)⁽²⁾ in the case of Scotland; or
- (b) section 85ZA (responsibility for community patients transferred from any of the Channel Islands or the Isle of Man)⁽³⁾ in the case of any of the Channel Islands or the Isle of Man.

(2) The managers of the responsible hospital shall record the date on which the patient arrived at the place where the patient is to reside in the form set out in Form M1.

(3) The managers of the hospital shall take such steps as are reasonably practicable to inform the person (if any) appearing to them to be the patient's nearest relative as soon as practicable that the patient is a community patient.

(4) The conditions specified by the responsible clinician under section 80C(5) (removal of patients subject to compulsion in the community from Scotland)⁽⁴⁾ or section 85ZA(4), shall be recorded by that responsible clinician in Part 1 of Form CTO9.

(5) The approved mental health professional's agreement to the conditions referred to in paragraph (4) shall be recorded by that approved mental health professional in Part 2 of Form CTO9.

Assignment of responsibility for community patients

17.—(1) This regulation applies to a community patient whether or not the patient has been recalled to hospital in accordance with section 17E (power to recall to hospital).

(2) Responsibility for a patient referred to in paragraph (1) may be assigned by the managers of the responsible hospital to any other hospital whether or not that other hospital is under the same management as the responsible hospital.

(3) Responsibility for a patient shall not be assigned to a hospital which is not under the same management as the responsible hospital unless—

- (a) an authority for the assignment is given by the managers of the assigning responsible hospital in the form set out in Part 1 of Form CTO10;
- (b) that transfer has been agreed by the managers of the hospital which will be the responsible hospital if the proposed transfer takes effect;
- (c) the managers of the hospital referred to in (b) have specified the date on which the transfer shall take place;
- (d) the managers of the assigning responsible hospital record—
 - (i) the agreement of the managers of the new responsible hospital to the assignment, and

(2) [2003 \(asp.13\)](#).

(3) Section 85ZA was inserted by paragraph 12 of Schedule 5 to the Mental Health Act 2007 (c.12).

(4) Section 80C was inserted by paragraph 4(1) of Schedule 5 to the Mental Health Act 2007.

(ii) the date on which the assignment is to take place,
in the form set out in that Form.

- (4) The managers of the receiving hospital must notify the patient in writing of—
- (a) the assignment, either before it takes place or as soon as reasonably practicable thereafter; and
 - (b) their name and address (irrespective of whether or not there are any changes in the managers).

(5) Where responsibility for a patient is assigned from a responsible registered establishment to another hospital which is not under the same management and the patient is maintained under a contract with a Strategic Health Authority, Local Health Board, Primary Care Trust, National Health Service trust, National Health Service foundation trust, a Special Health Authority or the Welsh Ministers, any authority for transfer required under paragraph (3)(a), and the record required under paragraph (3)(b), may be given by an officer of that authority, board or trust authorised by it in that behalf, or by those Ministers, instead of by the managers.

(6) Any hospital to which a patient has been assigned may, in accordance with the provisions of this regulation, assign the patient to another hospital.

(7) The functions of the managers referred to in this regulation may be performed by an officer authorised by them in that behalf.

Discharge of patients

18. For the purposes of section 23 (discharge of patients) a responsible clinician's order for the discharge of—

- (a) a patient liable to be detained under the Act, or a community patient, shall be sent to the managers of the hospital in which the patient is liable to be detained or the responsible hospital (as applicable) as soon as practicable after it is made;
- (b) a guardianship patient, shall be sent to the guardian as soon as practicable after it is made.

Delegation of hospital managers' functions under the Act

19. The functions of the managers of a hospital in respect of the following—

- (a) notifying local social services authorities under section 14 (social reports) of patients detained on the basis of applications by their nearest relatives;
- (b) authorising persons under section 17(3) (leave of absence from hospital) to keep in custody patients who are on leave of absence who are subject to a condition that they remain in custody;
- (c) authorising persons under sections 18(1) and (2A) (return and readmission of patients absent without leave) to take and return detained and community patients respectively who are absent without leave,

may be performed by any person authorised by them in that behalf.

Delegation of managers' functions under the Domestic Violence, Crime and Victims Act 2004

20. The functions of the managers of a hospital under sections 35 to 44B of the Domestic Violence, Crime and Victims Act 2004 (provision of information to victims of patients under the Act etc.)(5) may be performed by any person authorised by them in that behalf.

Delegation by local social services authorities

21.—(1) Except as provided by paragraph (2), a local social services authority may delegate its functions under Parts 2 and 3 of the Act and these Regulations in the same way and to the same persons as its functions referred to in the Local Government Act 1972(6) may be delegated in accordance with section 101 of that Act.

(2) The function of the local social services authority under section 23 (discharge of patients) may not be delegated otherwise than in accordance with that section.

(5) As amended section 48 and Schedule 6 of the Mental Health Act 2007 (c.12) . By virtue of section 45(4) of the Domestic Violence, crime and Victims Act 2004 a function conferred on the managers of a hospital under sections 35 to 44B of that Act is to be treated as a function of those managers under Part 3 of the Mental Health Act 1983 for the purposes of section 32(3) of the 1983 Act (regulations as to delegation of managers' functions, etc).

(6) 1972 c.70.