
STATUTORY INSTRUMENTS

2008 No. 1184

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

PART 7

Correspondence of Patients

Inspection and opening of postal packets

29.—(1) Where under section 134(4) (inspection and opening of postal packets addressed to or by patients in hospital) any postal packet is inspected and opened, but neither the packet nor anything contained in it is withheld under section 134(1) or (2) the person appointed who inspected and opened it, shall record in writing—

- (a) that the packet had been so inspected and opened,
- (b) that nothing in the packet has been withheld, and
- (c) the name of the person appointed and the name of the hospital,

and shall, before resealing the packet, place the record in that packet.

(2) Where under section 134(1) or (2) any postal packet or anything contained in it is withheld by the person appointed—

- (a) that person shall record in a register kept for the purpose—
 - (i) that the packet or anything contained in it has been withheld,
 - (ii) the date on which it was so withheld,
 - (iii) the grounds on which it was so withheld,
 - (iv) a description of the contents of the packet withheld or of any item withheld, and
 - (v) the name of the person appointed; and
- (b) if anything contained in the packet is withheld, the person appointed shall record in writing—
 - (i) that the packet has been inspected and opened,
 - (ii) that an item or items contained in the packet have been withheld,
 - (iii) a description of any such item,
 - (iv) the name of the person appointed and the name of the hospital, and
 - (v) in any case to which section 134(1)(b) or (2) applies, the further particulars required for the purposes of section 134(6),

and shall, before resealing the packet, place the record in that packet.

(3) In a case to which section 134(1)(b) or (2) applies—

- (a) the notice required for the purposes of section 134(6) shall include—

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- (i) a statement of the grounds on which the packet in question or anything contained in it was withheld, and
 - (ii) the name of the person appointed who so decided to withhold that packet or anything contained in it and the name of the hospital; and
- (b) where anything contained in a packet is withheld the record required by paragraph (2)(b) shall, if the provisions of section 134(6) are otherwise satisfied, be sufficient notice to the person to whom the packet is addressed for the purposes of section 134(6).
- (4) For the purposes of this regulation “the person appointed” means a person appointed under section 134(7) to perform the functions of the managers of the hospital under that section.