



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART II

#### COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

##### *Procedure for hospital admission*

#### **2 Admission for assessment.**

- (1) A patient may be admitted to a hospital and detained there for the period allowed by subsection (4) below in pursuance of an application (in this Act referred to as “an application for admission for assessment”) made in accordance with subsections (2) and (3) below.
- (2) An application for admission for assessment may be made in respect of a patient on the grounds that—
  - (a) he is suffering from mental disorder of a nature or degree which warrants the detention of the patient in a hospital for assessment (or for assessment followed by medical treatment) for at least a limited period; and
  - (b) he ought to be so detained in the interests of his own health or safety or with a view to the protection of other persons.
- (3) An application for admission for assessment shall be founded on the written recommendations in the prescribed form of two registered medical practitioners, including in each case a statement that in the opinion of the practitioner the conditions set out in subsection (2) above are complied with.
- (4) Subject to the provisions of section 29(4) below, a patient admitted to hospital in pursuance of an application for admission for assessment may be detained for a period not exceeding 28 days beginning with the day on which he is admitted, but shall not be detained after the expiration of that period unless before it has expired he has become liable to be detained by virtue of a subsequent application, order or direction under the following provisions of this Act.

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### 3 Admission for treatment.

- (1) A patient may be admitted to a hospital and detained there for the period allowed by the following provisions of this Act in pursuance of an application (in this Act referred to as “an application for admission for treatment”) made in accordance with this section.
- (2) An application for admission for treatment may be made in respect of a patient on the grounds that—
- (a) he is suffering from [<sup>F1</sup>mental disorder] of a nature or degree which makes it appropriate for him to receive medical treatment in a hospital; and
  - (b) <sup>F2</sup> .....
  - (c) it is necessary for the health or safety of the patient or for the protection of other persons that he should receive such treatment and it cannot be provided unless he is detained under this section<sup>F3</sup>; and
  - (d) appropriate medical treatment is available for him.]
- (3) An application for admission for treatment shall be founded on the written recommendations in the prescribed form of two registered medical practitioners, including in each case a statement that in the opinion of the practitioner the conditions set out in subsection (2) above are complied with; and each such recommendation shall include—
- (a) such particulars as may be prescribed of the grounds for that opinion so far as it relates to the conditions set out in paragraphs (a) and [<sup>F4</sup>(d)] of that subsection; and
  - (b) a statement of the reasons for that opinion so far as it relates to the conditions set out in paragraph (c) of that subsection, specifying whether other methods of dealing with the patient are available and, if so, why they are not appropriate.
- [<sup>F5</sup>(4) In this Act, references to appropriate medical treatment, in relation to a person suffering from mental disorder, are references to medical treatment which is appropriate in his case, taking into account the nature and degree of the mental disorder and all other circumstances of his case.]

#### Textual Amendments

- F1** Words in s. 3(2)(a) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 1, 56, [Sch. 1 para. 2](#) (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(a\)](#) (with art. 3, Sch.)
- F2** [S. 3\(2\)\(b\)](#) and following word repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 4(2)(a), 55, 56. {Sch. 11 Pt. 2} (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(b\)\(p\)](#) (with art. 3, Sch.)
- F3** [S. 3\(2\)\(d\)](#) and preceding word inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. [4\(2\)\(b\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(b\)](#) (with art. 3, Sch.)
- F4** Word in [s. 3\(3\)\(a\)](#) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. [4\(2\)\(c\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(b\)](#) (with art. 3, Sch.)
- F5** [S. 3\(4\)](#) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. [4\(3\)](#), 56 (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(b\)](#) (with art. 3, Sch.)

### 4 Admission for assessment in cases of emergency.

- (1) In any case of urgent necessity, an application for admission for assessment may be made in respect of a patient in accordance with the following provisions of this section, and any application so made is in this Act referred to as “an emergency application”.

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- (2) An emergency application may be made either by an [<sup>F6</sup>approved mental health professional] or by the nearest relative of the patient; and every such application shall include a statement that it is of urgent necessity for the patient to be admitted and detained under section 2 above, and that compliance with the provisions of this Part of this Act relating to applications under that section would involve undesirable delay.
- (3) An emergency application shall be sufficient in the first instance if founded on one of the medical recommendations required by section 2 above, given, if practicable, by a practitioner who has previous acquaintance with the patient and otherwise complying with the requirements of section 12 below so far as applicable to a single recommendation, and verifying the statement referred to in subsection (2) above.
- (4) An emergency application shall cease to have effect on the expiration of a period of 72 hours from the time when the patient is admitted to the hospital unless—
  - (a) the second medical recommendation required by section 2 above is given and received by the managers within that period; and
  - (b) that recommendation and the recommendation referred to in subsection (3) above together comply with all the requirements of section 12 below (other than the requirement as to the time of signature of the second recommendation).
- (5) In relation to an emergency application, section 11 below shall have effect as if in subsection (5) of that section for the words “the period of 14 days ending with the date of the application” there were substituted the words “the previous 24 hours”.

#### Textual Amendments

- F6** Words in s. 4(2) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 21, 56, [Sch. 2 para. 2\(a\)](#) (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(d\)](#) (with [art. 3](#), [Sch.](#)); [S.I. 2008/2561](#), [art. 2\(b\)](#) (with [art. 3](#), [Sch.](#))

## 5 Application in respect of patient already in hospital.

- (1) An application for the admission of a patient to a hospital may be made under this Part of this Act notwithstanding that the patient is already an in-patient in that hospital or, in the case of an application for admission for treatment that the patient is for the time being liable to be detained in the hospital in pursuance of an application for admission for assessment; and where an application is so made the patient shall be treated for the purposes of this Part of this Act as if he had been admitted to the hospital at the time when that application was received by the managers.
- (2) If, in the case of a patient who is an in-patient in a hospital, it appears to the registered medical practitioner [<sup>F7</sup>or approved clinician] in charge of the treatment of the patient that an application ought to be made under this Part of this Act for the admission of the patient to hospital, he may furnish to the managers a report in writing to that effect; and in any such case the patient may be detained in the hospital for a period of 72 hours from the time when the report is so furnished.
- [<sup>F8</sup>(3) The registered medical practitioner or approved clinician in charge of the treatment of a patient in a hospital may nominate one (but not more than one) person to act for him under subsection (2) above in his absence.
- (3A) For the purposes of subsection (3) above—

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- (a) the registered medical practitioner may nominate another registered medical practitioner, or an approved clinician, on the staff of the hospital; and
  - (b) the approved clinician may nominate another approved clinician, or a registered medical practitioner, on the staff of the hospital.]
- (4) If, in the case of a patient who is receiving treatment for mental disorder as an in-patient in a hospital, it appears to a nurse of the prescribed class—
- (a) that the patient is suffering from mental disorder to such a degree that it is necessary for his health or safety or for the protection of others for him to be immediately restrained from leaving the hospital; and
  - (b) that it is not practicable to secure the immediate attendance of a practitioner [<sup>F9</sup>or clinician] for the purpose of furnishing a report under subsection (2) above,
- the nurse may record that fact in writing; and in that event the patient may be detained in the hospital for a period of six hours from the time when that fact is so recorded or until the earlier arrival at the place where the patient is detained of a practitioner [<sup>F9</sup>or clinician] having power to furnish a report under that subsection.
- (5) A record made under subsection (4) above shall be delivered by the nurse (or by a person authorised by the nurse in that behalf) to the managers of the hospital as soon as possible after it is made; and where a record is made under that subsection the period mentioned in subsection (2) above shall begin at the time when it is made.
- (6) The reference in subsection (1) above to an in-patient does not include an in-patient who is liable to be detained in pursuance of an application under this Part of this Act [<sup>F10</sup>or a community patient] and the references in subsections (2) and (4) above do not include an in-patient who is liable to be detained in a hospital under this Part of this Act [<sup>F10</sup>or a community patient] .
- (7) In subsection (4) above “prescribed” means prescribed by an order made by the Secretary of State.

#### Textual Amendments

- F7** Words in s. 5(2) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 9(2)(a)**, 56 (with Sch. 10); S.I. 2008/1900, **art. 2(b)** (with art. 3, Sch.)
- F8** S. 5(3)(3A) substituted (3.11.2008) for s. 5(3) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 9(2)(b)**, 56 (with Sch. 10); S.I. 2008/1900, **art. 2(b)** (with art. 3, Sch.)
- F9** Words in s. 5(4) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 9(2)(c)**, 56 (with Sch. 10); S.I. 2008/1900, **art. 2(b)** (with art. 3, Sch.)
- F10** Words in s. 5(6) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 32, 56, Sch. 3 para. 2** (with Sch. 10); S.I. 2008/1900, **art. 2(i)** (with art. 3, Sch.)

## 6 Effect of application for admission.

- (1) An application for the admission of a patient to a hospital under this Part of this Act, duly completed in accordance with the provisions of this Part of this Act, shall be sufficient authority for the applicant, or any person authorised by the applicant, to take the patient and convey him to the hospital at any time within the following period, that is to say—
- (a) in the case of an application other than an emergency application, the period of 14 days beginning with the date on which the patient was last examined by

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- a registered medical practitioner before giving a medical recommendation for the purposes of the application;
- (b) in the case of an emergency application, the period of 24 hours beginning at the time when the patient was examined by the practitioner giving the medical recommendation which is referred to in section 4(3) above, or at the time when the application is made, whichever is the earlier.
- (2) Where a patient is admitted within the said period to the hospital specified in such an application as is mentioned in subsection (1) above, or, being within that hospital, is treated by virtue of section 5 above as if he had been so admitted, the application shall be sufficient authority for the managers to detain the patient in the hospital in accordance with the provisions of this Act.
- (3) Any application for the admission of a patient under this Part of this Act which appears to be duly made and to be founded on the necessary medical recommendations may be acted upon without further proof of the signature or qualification of the person by whom the application or any such medical recommendation is made or given or of any matter of fact or opinion stated in it.
- (4) Where a patient is admitted to a hospital in pursuance of an application for admission for treatment, any previous application under this part of this Act by virtue of which he was liable to be detained in a hospital or subject to guardianship shall cease to have effect.

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