



Mental Health Act 1983

1983 CHAPTER 20

PART V

MENTAL HEALTH REVIEW TRIBUNALS

Applications and references concerning Part III patients

69 Applications to tribunals concerning patients subject to hospital and guardianship orders.

- (1) Without prejudice to any provision of section 66(1) above as applied by section 40(4) above, an application to a Mental Health Review Tribunal may also be made—
 - (a) in respect of a patient admitted to a hospital in pursuance of a hospital order, by the nearest relative of the patient in the period between the expiration of six months and the expiration of 12 months beginning with the date of the order and in any subsequent period of 12 months; and
 - (b) in respect of a patient placed under guardianship by a guardianship order—
 - (i) by the patient, within the period of six months beginning with the date of the order;
 - (ii) by the nearest relative of the patient, within the period of 12 months beginning with the date of the order and in any subsequent period of 12 months.
- (2) Where a person detained in a hospital—
 - (a) is treated as subject to a hospital order or transfer direction by virtue of section 41(5) above, 82(2) or 85(2) [^{F1}below or] , [^{F2}section 77(2) of the Mental Health (Scotland) Act 1984]. . . ; or
 - (b) is subject to a direction having the same effect as a hospital order by virtue of section [^{F3}45B(2)] 46(3), 47(3) or 48(3) above,

then, without prejudice to any provision of Part II of this Act as applied by section 40 above, that person may make an application to a Mental Health Review Tribunal in the period of six months beginning with the date of the order or direction mentioned

Status: Point in time view as at 31/03/2005.

Changes to legislation: Mental Health Act 1983, Cross Heading: Applications and references concerning Part III patients is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

in paragraph (a) above or, as the case may be, the date of the direction mentioned in paragraph (b) above.

Textual Amendments

- F1 Words in s. 69(2)(a) substituted (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1), 60, **Sch. 10 para. 19(a)** (with Sch. 12 para. 8); S.I. 2005/579, **art. 3(g)(k)**
- F2 Words substituted by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), ss. 17(2), 127(1), **Sch. 3 para. 49**
- F3 Words in s. 69(2)(b) inserted (1.10.1997) by 1997 c. 43, s. 55, **Sch. 4 para. 12(8)**; S.I. 1997/2200, **art. 2**

70 Applications to tribunals concerning restricted patients.

A patient who is a restricted patient within the meaning of section 79 below and is detained in a hospital may apply to a Mental Health Review Tribunal—

- (a) in the period between the expiration of six months and the expiration of 12 months beginning with the date of the relevant hospital order [^{F4}, hospital direction] or transfer direction; and
- (b) in any subsequent period of 12 months.

Textual Amendments

- F4 Words in s. 70(a) inserted (1.10.1997) by 1997 c. 43, s. 55, **Sch. 4 para. 12(9)**; S.I. 1997/2200, art. 2

71 References by Secretary of State concerning restricted patients.

- (1) The Secretary of State may at any time refer the case of a restricted patient to a Mental Health Review Tribunal.
- (2) The Secretary of State shall refer to a Mental Health Review Tribunal the case of any restricted patient detained in a hospital whose case has not been considered by such a tribunal, whether on his own application or otherwise, within the last three years.
- (3) The Secretary of State may by order vary the length of the period mentioned in subsection (2) above.
- (4) Any reference under subsection (1) above in respect of a patient who has been conditionally discharged and not recalled to hospital shall be made to the tribunal for the area in which the patient resides.
- (5) ^{F5}.....
- (6) ^{F5}.....

Textual Amendments

- F5 S. 71(5)(6) repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58, 60, Sch. 10 para. 20, **Sch. 11** (with Sch. 12 para. 8); S.I. 2005/579, **art. 3(g)(i)(vi)(k)**

Status:

Point in time view as at 31/03/2005.

Changes to legislation:

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