



Mental Health (Amendment) Act 1982

1982 CHAPTER 51

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

Applications and references

16 Applications by mental welfare officers

- (1) Section 54 of the principal Act (duty of mental welfare officer to make applications) shall be amended as follows.
- (2) In subsection (1) for the words " the local authority " there shall be substituted the words " the local social services authority ".
- (3) After subsection (1) there shall be inserted—
 - “(1A) Before making an application for the admission of a patient to hospital a mental welfare officer shall interview the patient in a suitable manner and satisfy himself that detention in a hospital is in all the circumstances of the case the most appropriate way of providing the care and medical treatment of which the patient stands in need.
 - (1B) An application under this section by a mental welfare officer may be made outside the area of the local social services authority by whom he is appointed.
 - (1C) It shall be the duty of a local social services authority, if so required by the nearest relative of a patient residing in their area, to direct a mental welfare officer as soon as practicable to take the patient's case into consideration under subsection (1) of this section with a view to making an application for his admission to hospital; and if in any such case that officer decides not to make an application he shall inform the nearest relative of his reasons in writing.”

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

17 Social reports

Where a patient is admitted to a hospital in pursuance of an application (other than an emergency application) made under Part IV of the principal Act by his nearest relative, the managers of the hospital shall as soon as practicable give notice of that fact to the local social services authority for the area in which the patient resided immediately before his admission; and that authority shall as soon as practicable arrange for a social worker of their social services department to interview the patient and provide the managers with a report on his social circumstances.

18 Power of Secretary of State to refer cases to tribunal

The existing provisions of section 57 of the principal Act (power of Secretary of State to refer cases to tribunal) shall become subsection (1) and after those provisions there shall be inserted—

“(2) For the purpose of furnishing information for the purposes of such a reference any medical practitioner authorised by or on behalf of the patient may, at any reasonable time, visit the patient and examine him in private and require the production of and inspect any records relating to the detention or treatment of the patient in any hospital.”