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# Mental Health Act 1983

## CHAPTER 20

### MENTAL HEALTH ACT 1983

#### PART I

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#### PART II

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- 3 Admission for treatment.
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- 8 Effect of guardianship application, etc.
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- 11 General provisions as to applications.
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- 13 Duty of approved social workers to make applications for admission or guardianship.
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- 16 Reclassification of patients.
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- 17A Community treatment orders
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- 32 Regulations for purposes of Part II.
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- 38 Interim hospital orders.
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- 43 Power of magistrates' courts to commit for restriction order.
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- 52 Further provisions as to persons remanded by magistrates' courts.
- 53 Further provisions as to civil prisoners and persons detained under the Immigration Act 1971.

### *Supplemental*

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65 Mental Health Review Tribunals.

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- 83 Removal of patients to Channel Islands or Isle of Man.
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- 86 Removal of alien patients.

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- 115 Powers of entry and inspection.

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- 116 Welfare of certain hospital patients.

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117 After-care.

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- 120A Investigation reports
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  - 121 Mental Health Act Commission.
  - 122 Provision of pocket money for in-patients in hospital.
  - 123 Transfers to and from special hospitals.
  - 124 Default powers of Secretary of State.
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- 130B Arrangements under section 130A
- 130C Section 130A: supplemental
- 130D Duty to give information about independent mental health advocates
  - 131 Informal admission of patients.
- 131A Accommodation, etc. for children
  - 132 Duty of managers of hospitals to give information to detained patients.
- 132A Duty of managers of hospitals to give information to community patients
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  - 134 Correspondence of patients.
- 134A Review of decisions to withhold correspondence
- 135 Warrant to search for and remove patients.
- 136 Mentally disordered persons found in public places.
- 137 Provisions as to custody, conveyance and detention.
- 138 Retaking of patients escaping from custody.
- 139 Protection for acts done in pursuance of this Act.
- 140 Notification of hospitals having arrangements for reception of urgent cases.
- 141 Members of Parliament suffering from mental illness.
- 142 Pay, pensions, etc., of mentally disordered persons.

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- 142A Regulations as to approvals in relation to England and Wales
- 142B Delegation of powers of managers of NHS foundation trusts

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- 143 General provisions as to regulations, orders and rules.
- 144 Power to amend local Acts.
- 145 Interpretation.
- 146 Application to Scotland.
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- 148 Consequential and transitional provisions and repeals.
- 149 Short title, commencement and application to Scilly Isles.

## SCHEDULES

### SCHEDULE 1 — Application of Certain Provisions to Patients Subject to Hospital and Guardianship Orders

#### Part I — PATIENTS NOT SUBJECT TO SPECIAL RESTRICTIONS

- 1 Sections 9, 10, 17, 21, 24(3) and (4), 26 to...
- 2 Sections 16, 18, 19, 20, 22, 23 and 66 shall...
- 2A In section 17D(2)(a) for the reference to section 6(2) above...
- 2B In section 17G— (a) in subsection (2) for the reference...
- 3 In section 16(1) for references to an application for admission...
- 4 In section 18 subsection (5) shall be omitted.
- 5 In section 19(2) for the words from “as follows” to...
- 5A In section 19A(2), paragraph (b) shall be omitted.
- 6 In subsection 20— (a) in subsection (1) for the words...
- 6A In section 20B(1), for the reference to the application for...
- 7 In section 22 for references to an application for admission...
- 8 In section 23(2)— (a) in paragraph (a) the words “for...
- 8A In sections 25A(1)(a) and 25B(5)(a) for the words “in pursuance...
- 9 In section 66— (a) in subsection (1), paragraphs (a), (b),...
- 10 In section 68— (a) in subsection (1) paragraph (a) shall...

#### Part II — PATIENTS SUBJECT TO SPECIAL RESTRICTIONS

- 1 Sections 24(3) and (4), 32 and 76 shall apply in...
- 2 Sections 17 to 19, 22, 23 and 34 shall apply...
- 3 In section 17— (a) in subsection (1) after the word...
- 4 In section 18 there shall be omitted—
- 5 In section 19— (a) in subsection (1) after the word...
- 6 In section 22 subsection (1) and paragraph (a) of subsection...
- 7 In section 23— (a) in subsection (1) references to guardianship...
- 8 In section 34, in subsection (1) the definition of “the...

### SCHEDULE 2 — Mental Health Review Tribunals

- 1 Each of the Mental Health Review Tribunals shall consist of—...
- 1A As part of the selection process for an appointment under...
- 2 Subject to paragraph 2A below, the members of Mental Health Review...
- 2A A member of a Mental Health Review Tribunal shall vacate...
- 3 One of the legal members of each Mental Health Review...
- 4 Subject to rules made by the Lord Chancellor under section...
- 5 A member of a Mental Health Review Tribunal for any...
- 6 Subject to any rules made by the Lord Chancellor under...



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### SCHEDULE 3 — Enactments Disapplied in Respect of Persons Within Jurisdiction Under Part VII

#### SCHEDULE 4 — Consequential Amendments

- 1 In the Fines and Recoveries Act 1833—
- 2 In section 68 of the Improvement of Land Act 1864...
- 3 In section 10(3) of the Colonial Prisoners Removal Act 1884...
- 4 In the Trustee Act 1925— (a) in section 36(9) for...
- 5 In the Law of Property Act 1925—
- 6 In section 111 of the Land Registration Act 1925—
- 7 In paragraph (ii) of the proviso to section 41(1) of...
- 8 In sections 4(1) and 11(3)(b) of the Polish Resettlement Act...
- 9 In section 1(4) of the U.S.A. Veterans' Pensions (Administration) Act...
- 10 In section 116(7) of the Army Act 1955 for the...
- 11 In section 116(7) of the Air Force Act 1955 for...
- 12 .....
- 13 In section 71(6) of the Naval Discipline Act 1957 for...
- 14 In section 1 of the Variation of Trusts Act 1958—...
- 15 In section 128(1)(b) of the Mental Health Act 1959 for...
- 16 .....
- 17 In section 5 of the Administration of Justice Act 1960—...
- 18 In the Criminal Procedure (Insanity) Act 1964—
- 19 In section 18 of the Administration of Justice Act 1965...
- 20 In paragraph 1(2)(b) of Schedule 1 to the Compulsory Purchase...
- 21 In the Criminal Justice Act 1967— (a) in section 72(1)(b)...
- 22 In section 26(2) of the Leasehold Reform Act 1967 for...
- 23 In the Criminal Appeal Act 1968— (a) . . . . .
- 24 In the Courts-Martial (Appeals) Act 1968— (a) in sections 20(4)...
- 25 In section 21(4) of the Family Law Reform Act 1969...
- 26 In the Children and Young Persons Act 1969—
- 27 In Schedule 1 to the Local Authorities Social Services Act...
- 28 In section 57(1) of the Courts Act 1971 for the...
- 29 .....
- 30 In section 30(2) of the Immigration Act 1971 for the...
- 31 .....
- 32 In section 118 of the Local Government Act 1972—
- 33 In the Costs in Criminal Cases Act 1973—
- 34 In section 12(d) of the Matrimonial Causes Act 1973 for...
- 35 .....
- 36 In section 3 of the Powers of Criminal Courts Act...
- 37 In Group D in Schedule 1 to the Juries Act...
- 38 In the Solicitors Act 1974— (a) in section 12(1)(j) for...
- 39 In section 5(7) of the Rehabilitation of Offenders Act 1974...
- 40 .....
- 41 In the Criminal Procedure (Scotland) Act 1975—
- 42 In Part II of Schedule 1 to the House of...
- 43 .....
- 44 .....
- 45 In section 32(6)(c) of the Adoption Act 1976 for the...
- 46 In section 3(6B) of the Bail Act 1976 for the...
- 47 In the National Health Service Act 1977—
- 48 In section 16A(1)(b)(ii) of the National Health Service (Scotland) Act...
- 49 .....

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- 50 .....
- 51 .....
- 52 In the Residential Homes Act 1980— (a) in section 1(3)(a)...
- 53 In paragraph 2(a) of Schedule 2 to the Reserve Forces...
- 54 In section 31(2)(c) of the Transport Act 1980 for the...
- 55 In section 38 of the Limitation Act 1980—
- 56 In section 57(2)(c) of the Public Passenger Vehicles Act 1981...
- 57 In the Contempt of Court Act 1981—
- 58 In the Supreme Court Act 1981— (a) in section 48(6)(a)...
- 59 In section 13(9) of the Armed Forces Act 1981 or...
- 60 In paragraph 9 of Schedule 1 to the British Nationality...
- 61 In the Mental Health (Amendment) Act 1982—

#### SCHEDULE 5 — Transitional and Saving Provisions

- 1 Where any period of time specified in an enactment repealed...
- 2 Nothing in this Act shall affect the interpretation of any...
- 3 Where, apart from this paragraph, anything done under or for...
- 4 (1) Until the expiration of the period of two years...
- 5 If no order has been made under section 11 of...
- 6 This Act shall apply in relation to any authority for...
- 7 This Act shall apply to any application made before 30th...
- 8 (1) Where on 30th September 1983 a person who has...
- 9 (1) Section 20(1) of this Act shall have effect in...
- 10 Section 23(2)(a) of this Act shall have effect in relation...
- 11 Where at any time before 30th September 1983 an application...
- 12 A person— (a) who was admitted to hospital in pursuance...
- 13 Subsection (1) of section 68 of this Act does not...
- 14 Section 69(1)(b) of this Act shall have effect in relation...
- 15 The provisions of this Act which derive from sections 24...
- 16 The words in section 42(1) of this Act which derive...
- 17 Section 91(2) of this Act shall not apply in relation...
- 18 (1) Subsection (3) of section 58 of this Act shall...
- 19 In the case of a patient who is detained at...
- 20 The repeal by the Mental Health (Amendment) Act 1982 of...
- 21 Section 46(3) of this Act shall apply to any direction...
- 22 Notwithstanding the repeal by this Act of section 53(5) of...
- 23 For any reference in any enactment, instrument, deed or other...
- 24 Nothing in this Act shall affect the operation of the...
- 25 Nothing in this Act shall affect the operation of subsection...
- 26 If the person who is the Master of the Court...
- 27 Nothing in this Act shall affect the operation of section...
- 28 References to applications, recommendations, reports and other documents in section...
- 29 The repeal by the Mental Health Act 1959 of the...
- 30 The repeal by the Mental Health Act 1959 of the...
- 31 (1) Any patient who immediately before the commencement of this...
- 32 Any patient who immediately before the commencement of this Act...
- 33 (1) This paragraph applies to patients who at the commencement...
- 34 (1) Any patient who is liable to be detained in...
- 35 (1) The responsible medical officer may record for the purposes...
- 36 Any person who immediately before the commencement of this Act...
- 37 (1) This paragraph applies to patients who immediately before the...
- 38 Any patient who immediately before the commencement of this Act...

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- 39 Upon a restriction direction in respect of a patient who...
- 40 A person who immediately before the commencement of this Act...
- 41 Any opinion recorded by the responsible medical officer under the...
- 42 (1) In the foregoing provisions of this Schedule—
- 43 (1) Any order or appointment made, direction or authority given,...
- 44 Where a person who immediately before 1st November 1960 was...
- 45 Section 101(1) of this Act shall apply in relation to...
- 46 For the purposes of section 15 of the National Health...

#### SCHEDULE 6 — Repeals

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