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Mental Health Act 1983

CHAPTER 20

MENTAL HEALTH ACT 1983

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- 2 Admission for assessment.
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- 4 Admission for assessment in cases of emergency.
- 5 Application in respect of patient already in hospital.
- 6 Effect of application for admission.

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- 7 Application for guardianship.
- 8 Effect of guardianship application, etc.
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- 10 Transfer of guardianship in case of death, incapacity, etc., of guardian.

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- 11 General provisions as to applications.
- 12 General provisions as to medical recommendations.
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- Where a patient is admitted to a hospital in pursuance...
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 - 19 Regulations as to transfer of patients.
- 19A Regulations as to assignment of responsibility for community patients

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- 20 Duration of authority.
- 20A Community treatment period
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- 21A Patients who are taken into custody or return within 28 days.
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 - 23 Discharge of patients.
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- 29 Appointment by court of acting nearest relative.
- 30 Discharge and variation of orders under s. 29.

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- 51 Further provisions as to detained persons.
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- 69 Applications to tribunals concerning patients subject to hospital and guardianship orders.
- 70 Applications to tribunals concerning restricted patients.
- 71 References by Secretary of State concerning restricted patients.

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- 72 Powers of tribunals.
- 73 Power to discharge restricted patients.
- 74 Restricted patients subject to restriction directions.
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- 77 General provisions concerning tribunal applications.
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- 81 Removal of patients to Northern Ireland.
- 81ZA Removal of community patients to Northern Ireland
 - 81A Transfer of responsibility for patients to Northern Ireland.
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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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- 87 Patients absent from hospitals in Northern Ireland.
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- 95 General functions of the judge with respect to property and affairs of patient.
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- 97 Supplementary provisions as to wills executed under s. 96.
- 98 Judge's powers in cases of emergency.
- 99 Power to appoint receiver.
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- 101 Preservation of interests in patient's property.
- 102 Lord Chancellor's Visitors.
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- 109 Effect and proof of orders, etc.
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- 111 Construction of references in other Acts to judge or authority having jurisdiction under Part VII.
- 112 Interpretation of Part VII.
- Disapplication of certain enactments in relation to persons within the jurisdiction of the judge.

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- 114ZA Approval of courses: England
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116 Welfare of certain hospital patients.

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117 After-care.

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- 119 Practitioners approved for Part IV and s. 118.
- 120 General protection of relevant patients.
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- 124 Default powers of Secretary of State.
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- Forgery, false statements, etc.
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- 128 Assisting patients to absent themselves without leave, etc.
- 129 Obstruction.
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- 130A Independent mental health advocates: England
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- 130H Independent mental health advocates for Wales: supplementary powers and duties
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- 131A Accommodation, etc. for children
 - Duty of managers of hospitals to give information to detained patients.
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 - 134 Correspondence of patients.
- 134A Review of decisions to withhold correspondence
 - 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.
- Notification of hospitals having arrangements for special cases.
- 141 Members of Parliament suffering from mental illness.
- 142 Pay, pensions, etc., of mentally disordered persons.
- 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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- 149 Short title, commencement and application to Scilly Isles.

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Part I — PATIENTS NOT SUBJECT TO SPECIAL RESTRICTIONS

- 1 Sections 9, 10, 17 to 17C, 17E, 17F, 20A,...
- 2 Sections . . . 17D, 17G, 18 to 20, 20B,...
- 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, 18, 19, 22, 23 and 34 shall...
- 3 In section 17—(a) in subsection (1) after the word...

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- 4 In section 18 there shall be omitted—
- 5 In section 19—(a) in subsection (1) after the word...
- 6 In section 22, subsections (1) and (5) shall not apply....
- 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 Tribunal for Wales

- 1 The Mental Health Review Tribunal for Wales shall consist of—...
- 1A As part of the selection process for an appointment under...
- 2 Subject to paragraph 2A below, the members of the Mental Health...
- 2A A member of the Mental Health Review Tribunal for Wales...
 - 3 One of the legal members of the Mental Health Review...
 - 4 Subject to rules made by the Lord Chancellor under section...
 - 5 (1) A member of the First-tier Tribunal who is eligible...
 - 6 Subject to any rules made by the Lord Chancellor under...

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

SCHEDULE 4 — Consequential Amendments In the Fines and Recoveries Act 1833— In section 68 of the Improvement of Land Act 1864... In section 10(3) of the Colonial Prisoners Removal Act 1884... In the Trustee Act 1925—(a) in section 36(9) for... In the Law of Property Act 1925— In section 111 of the Land Registration Act 1925— In paragraph (ii) of the proviso to section 41(1) of... 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... In section 116(7) of the Air Force Act 1955 for... 11 12 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... In section 57(1) of the Courts Act 1971 for the... 28 29 30 In section 30(2) of the Immigration Act 1971 for the... 31 32 In section 118 of the Local Government Act 1972—

In the Costs in Criminal Cases Act 1973—

33

22

Status: Point in time view as at 01/02/2013.

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34	In section 12(d) of the Matrimonial Causes Act 1973 for
35	In section 3 of the Powers of Criminal Courts Act
36 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	in section $S(\tau)$ of the Rendomination of Orienders $ter = 177 +$
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	
50	
51	In the Decidential Homes Act 1000 (a) in section 1(2)(a)
52 53	In the Residential Homes Act 1980— (a) in section 1(3)(a) In paragraph 2(a) of Schedule 2 to the Reserve Forces
54	In section 31(2)(c) of the Transport Act 1980 for the
5 5	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 Senior Courts 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—
	CHEDULE 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 6	If no order has been made under section 11 of 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 22	Any direction to which section 71(4) of the Mental Health Notwithstanding the repeal by this Act of section 53(5) of
23	For any reference in any enactment, instrument, deed or other
	1 or any reservice in any enactinent, monument, acca or other

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- Nothing in this Act shall affect the operation of the...
- Nothing in this Act shall affect the operation of subsection...
- 26 If the person who is the Master of the Court...
- 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...
- 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,...
- 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

Status:

Point in time view as at 01/02/2013.

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