



Mental Health Act 1983

CHAPTER 20

MENTAL HEALTH ACT 1983

PART I

APPLICATION OF ACT

- 1 Application of Act: “mental disorder”.

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

Procedure for hospital admission

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

Guardianship

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

General provisions as to applications and recommendations

- 11 General provisions as to applications.
- 12 General provisions as to medical recommendations.
- 12ZA Agreement for exercise of approval function: England
- 12ZB Requirement to exercise approval functions: England

Status: Point in time view as at 01/04/2023.

Changes to legislation: Mental Health Act 1983 is up to date with all changes known to be in force on or before 02 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)

- 12ZC Provision of information for the purposes of section 12ZA or 12ZB
- 12A Conflicts of interest
 - 13 Duty of approved mental health professionals to make applications for admission or guardianship.
 - 14 Where a patient is admitted to a hospital in pursuance...
 - 15 Rectification of applications and recommendations.

Position of patients subject to detention or guardianship

- 16 Reclassification of patients.
- 17 Leave of absence from hospital.
- 17A Community treatment orders
- 17B Conditions
- 17C Duration of community treatment order
- 17D Effect of community treatment order
- 17E Power to recall to hospital
- 17F Powers in respect of recalled patients
- 17G Effect of revoking community treatment order
- 18 Return and readmission of patients absent without leave.
- 19 Regulations as to transfer of patients.
- 19A Regulations as to assignment of responsibility for community patients

Duration of authority and discharge

- 20 Duration of authority.
- 20A Community treatment period
- 20B Effect of expiry of community treatment order
 - 21 Special provisions as to patients absent without leave.
- 21A Patients who are taken into custody or return within 28 days.
- 21B Patients who are taken into custody or return after more than 28 days.
 - 22 Special provisions as to patients sentenced to imprisonment, etc.
 - 23 Discharge of patients.
 - 24 Visiting and examination of patients.
 - 25 Restrictions on discharge by nearest relative.

After-care under supervision

- 25A Application for supervision.
- 25B Making of supervision application.
- 25C Supervision applications: supplementary.
- 25D Requirements to secure receipt of after-care under supervision.
- 25E Review of after-care under supervision etc.
- 25F Reclassification of patient subject to after-care under supervision.
- 25G Duration and renewal of after-care under supervision.
- 25H Ending of after-care under supervision.
- 25I Special provisions as to patients sentenced to imprisonment etc.
- 25J Patients moving from Scotland to England and Wales.

Functions of relatives of patients

- 26 Definition of “relative” and “nearest relative”.
- 27 Children and young persons in care.
- 28 Nearest relative of minor under guardianship, etc.
- 29 Appointment by court of acting nearest relative.
- 30 Discharge and variation of orders under s. 29.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Mental Health Act 1983 is up to date with all changes known to be in force on or before 02 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)

Supplemental

- 31 Procedure on applications to county court.
- 32 Regulations for purposes of Part II.
- 33 Special provisions as to wards of court.
- 34 Interpretation of Part II.

PART III

PATIENTS CONCERNED IN CRIMINAL PROCEEDINGS OR UNDER SENTENCE

Remands to hospital

- 35 Remand to hospital for report on accused's mental condition.
- 36 Remand of accused person to hospital for treatment.

Hospital and guardianship orders

- 37 Powers of courts to order hospital admission or guardianship.
- 38 Interim hospital orders.
- 39 Information as to hospitals.
- 39A Information to facilitate guardianship orders.
- 40 Effect of hospital orders, guardianship orders and interim hospital orders.

Restriction orders

- 41 Power of higher courts to restrict discharge from hospital.
- 42 Powers of Secretary of State in respect of patients subject to restriction orders.
- 43 Power of magistrates' courts to commit for restriction order.
- 44 Committal to hospital under s. 43.
- 45 Appeals from magistrates' courts.

Hospital and limitation directions

- 45A Power of higher courts to direct hospital admission.
- 45B Effect of hospital and limitation directions.

Detention during Her Majesty's pleasure

- 46 Persons ordered to be kept in custody during Her Majesty's pleasure.

Transfer to hospital of prisoners, etc.

- 47 Removal to hospital of persons serving sentences of imprisonment, etc.
- 48 Removal to hospital of other prisoners.
- 49 Restriction on discharge of prisoners removed to hospital.
- 50 Further provisions as to prisoners under sentence.
- 51 Further provisions as to detained persons.
- 52 Further provisions as to persons remanded by magistrates' courts.
- 53 Further provisions as to civil prisoners and persons detained under the Immigration Acts.

Supplemental

- 54 Requirements as to medical evidence.
- 54A Reduction of period for making hospital orders.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Mental Health Act 1983 is up to date with all changes known to be in force on or before 02 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)

55 Interpretation of Part III.

PART IV

CONSENT TO TREATMENT

- 56 Patients to whom Part IV applies.
- 57 Treatment requiring consent and a second opinion.
- 58 Treatment requiring consent or a second opinion.
- 58A Electro-convulsive therapy, etc.
- 59 Plans of treatment.
- 60 Withdrawal of consent.
- 61 Review of treatment.
- 62 Urgent treatment.
- 62A Treatment on recall of community patient or revocation of order
- 63 Treatment not requiring consent.
- 64 Supplementary provisions for Part IV.

PART 4A

TREATMENT OF COMMUNITY PATIENTS NOT RECALLED TO HOSPITAL

- 64A Meaning of “relevant treatment”
- 64B Adult community patients
- 64C Section 64B: supplemental
- 64D Adult community patients lacking capacity
- 64E Child community patients
- 64F Child community patients lacking competence
- 64FA Withdrawal of consent
- 64G Emergency treatment for patients lacking capacity or competence
- 64H Certificates: supplementary provisions
- 64I Liability for negligence
- 64J Factors to be considered in determining whether patient objects to treatment
- 64K Interpretation of Part 4A

PART V

MENTAL HEALTH REVIEW TRIBUNALS

Constitution etc.

65 Mental Health Review Tribunal for Wales.

Applications and references concerning Part II patients

- 66 Applications to tribunals.
- 67 References to tribunals by Secretary of State concerning Part II patients.
- 68 Duty of managers of hospitals to refer cases to tribunal.
- 68A Power to reduce periods under section 68

Applications and references concerning Part III patients

- 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.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Mental Health Act 1983 is up to date with all changes known to be in force on or before 02 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)

Discharge of patients

- 72 Powers of tribunals.
- 73 Power to discharge restricted patients.
- 74 Restricted patients subject to restriction directions.
- 75 Applications and references concerning conditionally discharged restricted patients.

General

- 76 Visiting and examination of patients.
- 77 General provisions concerning tribunal applications.
- 78 Procedure of Mental Health Review Tribunal for Wales.
- 78A Appeal from the Mental Health Review Tribunal for Wales to the Upper Tribunal
- 79 Interpretation of Part V.

PART VI

REMOVAL AND RETURN OF PATIENTS WITHIN UNITED KINGDOM, ETC.

Removal to and from Scotland

- 80 Removal of patients to Scotland.
- 80ZA Transfer of responsibility for community patients to Scotland
- 80A Transfer of responsibility for conditionally discharged patients to Scotland
- 80B Removal of detained patients from Scotland
- 80C Removal of patients subject to compulsion in the community from Scotland
- 80D Transfer of conditionally discharged patients from Scotland

Removal to and from Northern Ireland

- 81 Removal of patients to Northern Ireland.
- 81ZA Removal of community patients to Northern Ireland
- 81A Transfer of responsibility for patients to Northern Ireland.
- 82 Removal to England and Wales of patients from Northern Ireland.
- 82A Transfer of responsibility for conditionally discharged patients to England and Wales from Northern Ireland

Removal to and from Channel Islands and Isle of Man

- 83 Removal of patients to Channel Islands or Isle of Man.
- 83ZA Removal or transfer of community patients to Channel Islands or Isle of Man
- 83A Transfer of responsibility for conditionally discharged patients to Channel Islands or Isle of Man
- 84 Removal to England and Wales of offenders found insane in Channel Islands and Isle of Man.
- 85 Patients removed from Channel Islands or Isle of Man.
- 85ZA Responsibility for community patients transferred from Channel Islands or Isle of Man
- 85A Responsibility for conditionally discharged patients transferred from Channel Islands or Isle of Man

Status: Point in time view as at 01/04/2023.

Changes to legislation: Mental Health Act 1983 is up to date with all changes known to be in force on or before 02 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)

Removal of aliens

86 Removal of alien patients.

Return of patients absent without leave

87 Patients absent from hospitals in Northern Ireland.
88 Patients absent from hospitals in England and Wales.
89 Patients absent from hospitals in the Channel Islands or Isle of Man.

General

90 Regulations for purposes of Part VI.
91 General provisions as to patients removed from England and Wales.
92 Interpretation of Part VI.

PART VII

MANAGEMENT OF PROPERTY AND AFFAIRS OF PATIENTS

93 Judicial authorities and Court of Protection.
94 Exercise of the judge's functions: "the patient".
95 General functions of the judge with respect to property and affairs of patient.
96 Powers of the judge as to patient's property and affairs.
97 Supplementary provisions as to wills executed under s. 96.
98 Judge's powers in cases of emergency.
99 Power to appoint receiver.
100 Vesting of stock in curator appointed outside England and Wales.
101 Preservation of interests in patient's property.
102 Lord Chancellor's Visitors.
103 Functions of Visitors.
104 General powers of the judge with respect to proceedings.
105 Appeals.
106 Rules of procedure.
107 Security and accounts.
108 General provisions as to rules under Part VII.
109 Effect and proof of orders, etc.
110 Reciprocal arrangements in relation to Scotland and Northern Ireland as to exercise of powers.
111 Construction of references in other Acts to judge or authority having jurisdiction under Part VII.
112 Interpretation of Part VII.
113 Disapplication of certain enactments in relation to persons within the jurisdiction of the judge.

PART VIII

MISCELLANEOUS FUNCTIONS OF LOCAL AUTHORITIES AND THE SECRETARY OF STATE

Approved mental health professionals

114 Approval by local social services authority.
114ZA Approval of courses: England
114A Approval of courses: Wales
115 Powers of entry and inspection.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Mental Health Act 1983 is up to date with all changes known to be in force on or before 02 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)

Visiting patients

- 116 Welfare of certain hospital patients.

After-care

- 117 After-care.
117A After-care: preference for particular accommodation
117B After-care: exception for provision of nursing care

Functions of the Secretary of State

- 118 Code of practice.
119 Practitioners approved for Part IV and s. 118.
120 General protection of relevant patients.
120A Investigation reports
120B Action statements
120C Provision of information
120D Annual reports
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.
125 Inquiries.

PART IX

OFFENCES

- 126 Forgery, false statements, etc.
127 Ill-treatment of patients.
128 Assisting patients to absent themselves without leave, etc.
129 Obstruction.
130 Prosecutions by local authorities.

PART X

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous provisions

- 130A Independent mental health advocates: England
130B Arrangements under section 130A
130C Section 130A: supplemental
130D Duty to give information about independent mental health advocates
130E Independent mental health advocates: Wales
130F Arrangements under section 130E for Welsh qualifying compulsory patients
130G Arrangements under section 130E for Welsh qualifying informal patients
130H Independent mental health advocates for Wales: supplementary powers and duties
130I Welsh qualifying compulsory patients
130J Welsh qualifying informal patients
130K Duty to give information about independent mental health advocates to Welsh qualifying compulsory patients

Status: Point in time view as at 01/04/2023.

Changes to legislation: Mental Health Act 1983 is up to date with all changes known to be in force on or before 02 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)

- 130L Duty to give information about independent mental health advocates to Welsh qualifying informal patients
- 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
- 133 Duty of managers of hospitals to inform nearest relatives of discharge.
- 134 Correspondence of patients.
- 134A Review of decisions to withhold correspondence
- 135 Warrant to search for and remove patients.
- 136 Removal etc of mentally disordered persons without a warrant
- 136A Use of police stations as places of safety
- 136B Extension of detention
- 136C Protective searches
- 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 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

Supplemental

- 143 General provisions as to regulations, orders and rules.
- 144 Power to amend local Acts.
- 145 Interpretation.
- 146 Application to Scotland.
- 147 Application to Northern Ireland.
- 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 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...

Status: Point in time view as at 01/04/2023.

Changes to legislation: Mental Health Act 1983 is up to date with all changes known to be in force on or before 02 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)

- 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...
 - 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 (1) The Lord Chancellor shall appoint one of the legal...
- 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

- 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...

Status: Point in time view as at 01/04/2023.

Changes to legislation: Mental Health Act 1983 is up to date with all changes known to be in force on or before 02 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)

- 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
- 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 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—

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...

Status: Point in time view as at 01/04/2023.

Changes to legislation: Mental Health Act 1983 is up to date with all changes known to be in force on or before 02 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)

- 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 Any direction to which section 71(4) of the Mental Health...
- 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...
- 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

Status:

Point in time view as at 01/04/2023.

Changes to legislation:

Mental Health Act 1983 is up to date with all changes known to be in force on or before 02 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.