



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART VI

#### REMOVAL AND RETURN OF PATIENTS WITHIN UNITED KINGDOM, ETC.

##### *General*

#### **90 Regulations for purposes of Part VI.**

Section 32 above shall have effect as if references in that section to Part II of this Act included references to this Part of this Act [<sup>F1</sup>, so far as this Part of this Act applies to patients removed to England and Wales or for whom responsibility is transferred to England and Wales.]

#### **Textual Amendments**

**F1** Words in s. 90 substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 39, 56, [Sch. 5 para. 15](#) (with [Sch. 10](#)); [S.I. 2008/1900](#), [art. 2\(n\)](#) (with [art. 3](#), [Sch.](#))

#### **91 General provisions as to patients removed from England and Wales.**

- (1) Subject to subsection (2) below, where a patient liable to be detained or subject to guardianship by virtue of an application, order or direction under Part II or III of this Act (other than section 35, 36 or 38 above) is removed from England and Wales in pursuance of arrangements under this Part of this Act, the application, order or direction shall cease to have effect when he is duly received into a hospital or other institution, or placed under guardianship [<sup>F2</sup>or, where he is not received into a hospital but his detention in hospital is authorised by virtue of the Mental Health (Care and Treatment)(Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995] , in pursuance of those arrangements.
- (2) Where the Secretary of State exercises his powers under section 86(2) above in respect of a patient who is detained pursuant to a hospital order under section 37 above and

Status: Point in time view as at 01/02/2023.

Changes to legislation: Mental Health Act 1983, Cross Heading: General is up to date with all changes known to be in force on or before 31 May 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 respect of whom a restriction order is in force, those orders shall continue in force so as to apply to the patient if he returns to England and Wales <sup>F3</sup> . . . .

[<sup>F4</sup>(2A) Where responsibility for a community patient is transferred to a jurisdiction outside England and Wales (or such a patient is removed outside England and Wales) in pursuance of arrangements under this Part of this Act, the application, order or direction mentioned in subsection (1) above in force in respect of him shall cease to have effect on the date on which responsibility is so transferred (or he is so removed) in pursuance of those arrangements.]

[<sup>F5</sup>(3) Reference in this section to a patient's detention in hospital being authorised by virtue of the Mental Health (Care and Treatment)(Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995 shall be read as including references to a patient in respect of whom a certificate under one of the provisions listed in section 290(7)(a) of the Act of 2003 is in operation.]

**Textual Amendments**

**F2** Words in s. 91(1) inserted (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 15, **Sch. 1 para. 2(7)(a)**

**F3** Words in s. 91(2) omitted (1.10.2007) and repealed (3.11.2008) by virtue of [Mental Health Act 2007 \(c. 12\)](#), **ss. 40(6)(7)**, 55, 56, Sch. 11 Pt. 8 (with Sch. 10); S.I. 2007/2798, **art. 2(d)**; S.I. 2008/1900, **art. 2(p)** (with art. 3, Sch.)

**F4** S. 91(2A) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 39, 56, **Sch. 5 para. 16** (with Sch. 10); S.I. 2008/1900, **art. 2(n)** (with art. 3, Sch.)

**F5** S. 91(3) inserted (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 15, **Sch. 1 para. 2(7)(b)**

**92 Interpretation of Part VI.**

(1) References in this Part of this Act to a hospital, being a hospital in England and Wales, shall be construed as references to a hospital within the meaning of Part II of this Act.

[<sup>F6</sup>(1A) References in this Part of this Act to the responsible clinician shall be construed as references to the responsible clinician within the meaning of Part 2 of this Act.]

(2) Where a patient is treated by virtue of this Part of this Act as if he had been removed to a hospital in England and Wales in pursuance of a direction under Part III of this Act, that direction shall be deemed to have been given on the date of his reception into the hospital.

(3) <sup>F7</sup> . . . . .

[<sup>F8</sup>(4) Sections 80 to 85A above shall have effect as if—

- (a) any hospital direction under section 45A above were a transfer direction under section 47 above; and
- (b) any limitation direction under section 45A above were a restriction direction under section 49 above.

(5) Sections 80(5), 81(6) and 85(4) above shall have effect as if any reference to a transfer direction given while a patient was serving a sentence of imprisonment imposed by a court included a reference to a hospital direction given by a court after imposing a sentence of imprisonment on a patient.]

---

*Status: Point in time view as at 01/02/2023.*

*Changes to legislation: Mental Health Act 1983, Cross Heading: General is up to date with all changes known to be in force on or before 31 May 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)*

---

---

#### **Textual Amendments**

- F6** S. 92(1A) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 39, 56, [Sch. 5 para. 17](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(n\)](#) (with art. 3, [Sch.](#))
- F7** S. 92(3) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 55, 56, [Sch. 11 Pt. 1](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(p\)](#) (with art. 3, [Sch.](#))
- F8** S. 92(4)(5) inserted (1.10.1997) by [1997 c. 43](#), s. 55, [Sch. 4 para. 12\(16\)](#); S.I. 1997/2200, [art. 2](#)

**Status:**

Point in time view as at 01/02/2023.

**Changes to legislation:**

Mental Health Act 1983, Cross Heading: General is up to date with all changes known to be in force on or before 31 May 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.