



Mental Health Act 1983

1983 CHAPTER 20

PART VIII

MISCELLANEOUS FUNCTIONS OF LOCAL AUTHORITIES AND THE SECRETARY OF STATE

After-care

117 After-care.

- (1) This section applies to persons who are detained under section 3 above, or admitted to a hospital in pursuance of a hospital order made under section 37 above, or transferred to a hospital in pursuance of [^{F1}a hospital direction made under section 45A above or] a transfer direction made under section 47 or 48 above, and then cease to be detained and [^{F2}(whether or not immediately after so ceasing)] leave hospital.
- (2) It shall be the duty of the [^{F3}Primary Care Trust or][^{F4}Local Health Board] and of the local social services authority to provide, in co-operation with relevant voluntary agencies, after-care services for any person to whom this section applies until such time as the [^{F3}Primary Care Trust or][^{F4}Local Health Board] and the local social services authority are satisfied that the person concerned is no longer in need of such services [^{F5}; but they shall not be so satisfied in the case of a [^{F6}community patient while he remains such a patient.] .]

^{F7}(2A) ^{F8}

(2B) Section 32 above shall apply for the purposes of this section as it applies for the purposes of Part II of this Act.

[^{F9}(2C) References in this Act to after-care services provided for a patient under this section include references to services provided for the patient—

- (a) in respect of which direct payments are made under regulations under section 57 of the Health and Social Care Act 2001 or section 12A(4) of the National Health Service Act 2006, and
- (b) which would be provided under this section apart from the regulations.]

Status: Point in time view as at 19/01/2010.

Changes to legislation: Mental Health Act 1983, Cross Heading: After-care is up to date with all changes known to be in force on or before 30 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)

- (3) In this ^{F10}section “ the ^{F3}Primary Care Trust or^{F4}Local Health Board]” means the ^{F3}Primary Care Trust or^{F4}Local Health Board], and “the local social services authority” means the local social services authority, for the area] in which the person concerned is resident or to which he is sent on discharge by the hospital in which he was detained.

Textual Amendments

- F1** Words in s. 117(1) inserted (1.10.1997) by 1997 c. 43, s. 55, **Sch. 4**, para. 12(17); S.I.1997/2200, **art. 2(2)**
- F2** Words in s. 117(1) inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1**, para. 15(2)
- F3** Words in s. 117(2)(2A)(3) inserted (1.10.2002) by 2002 c. 17, s. 2(5), **Sch. 2 Pt. 2 para. 47**; S.I. 2002/2478, **art. 3(1)(d)** (with saving in **art. 3(3)** and transitional provision in **art. 4**)
- F4** Words in s. 117(2)(2A)(3) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), **art. 3**, **Sch. para. 13(9)**
- F5** Words in s. 117(2) inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1**, para. 15(3)
- F6** Words in s. 117(2) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 32, 56, **Sch. 3 para. 24** (with **Sch. 10**); S.I. 2008/1210, **art. 2(b)** (with **art. 4**)
- F7** S. 117(2A)-(2B) inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1**, para. 15(4)
- F8** S. 117(2A) repealed (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 55, 56, **Sch. 11 Pt. 5** (with **Sch. 10**); S.I. 2008/1210, **art. 2(d)** (with **art. 4**)
- F9** S. 117(2C) inserted (19.1.2010) by Health Act 2009 (c. 21), s. 40(1), **Sch. 1 para. 3**; S.I. 2010/30, **art. 2(b)**
- F10** Words in s. 117(3) substituted (28.6.1995 for certain purposes, otherwise 1.4.1996) by 1995 c. 17, ss. 2(1), 9(3), **Sch. 1**, Pt. III, para. 107(8)(b) (with ss. 2(3), 8)

Modifications etc. (not altering text)

- C1** S. 117(2)(2A): functions of local authority may be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, **reg. 3(2)(b)**, **Sch. 2**
- C2** S. 117(2) modified (3.11.2008) by The Mental Health Act 2007 (Commencement No. 6 and After-care under Supervision: Savings, Modifications and Transitional Provisions) Order 2008 (S.I. 2008/1210), **art. 6(j)**

Status:

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