



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART VIII

#### MISCELLANEOUS FUNCTIONS OF LOCAL AUTHORITIES AND THE SECRETARY OF STATE

#### *[<sup>F1</sup> Approved mental health professionals]*

##### Textual Amendments

- F1** S. 114 and cross-heading substituted (1.4.2008 for certain purposes, otherwise 3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 18, 56** (with [Sch. 10](#)); [S.I. 2008/745](#), **arts. 2(a), 3(b)**; [S.I. 2008/1900](#), **art. 2(c)** (with [art. 3, Sch.](#)); [S.I. 2008/2156](#), **art. 2(a)** (with [art. 3, Sch.](#))

#### **[<sup>F2</sup>114 Approval by local social services authority.**

- (1) A local social services authority may approve a person to act as an approved mental health professional for the purposes of this Act.
- (2) But a local social services authority may not approve a registered medical practitioner to act as an approved mental health professional.
- (3) Before approving a person under subsection (1) above, a local social services authority shall be satisfied that he has appropriate competence in dealing with persons who are suffering from mental disorder.
- (4) The appropriate national authority may by regulations make provision in connection with the giving of approvals under subsection (1) above.
- (5) The provision which may be made by regulations under subsection (4) above includes, in particular, provision as to—
  - (a) the period for which approvals under subsection (1) above have effect;
  - (b) the courses to be undertaken by persons before such approvals are to be given and during the period for which such approvals have effect;

*Status: Point in time view as at 01/06/2009.*

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- (c) the conditions subject to which such approvals are to be given; and
  - (d) the factors to be taken into account in determining whether persons have appropriate competence as mentioned in subsection (3) above.
- (6) Provision made by virtue of subsection (5)(b) above may relate to courses approved or provided by such person as may be specified in the regulations (as well as to courses approved under section 114A below).
- (7) An approval by virtue of subsection (6) above may be in respect of a course in general or in respect of a course in relation to a particular person.
- (8) The power to make regulations under subsection (4) above includes power to make different provision for different cases or areas.
- (9) In this section “the appropriate national authority” means—
- (a) in relation to persons who are or wish to become approved to act as approved mental health professionals by a local social services authority whose area is in England, the Secretary of State;
  - (b) in relation to persons who are or wish to become approved to act as approved mental health professionals by a local social services authority whose area is in Wales, the Welsh Ministers.
- (10) In this Act “approved mental health professional” means—
- (a) in relation to acting on behalf of a local social services authority whose area is in England, a person approved under subsection (1) above by any local social services authority whose area is in England, and
  - (b) in relation to acting on behalf of a local social services authority whose area is in Wales, a person approved under that subsection by any local social services authority whose area is in Wales.]

#### Textual Amendments

**F2** S. 114 and cross-heading substituted (1.4.2008 for certain purposes, otherwise 3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 18**, 56 (with [Sch. 10](#)); [S.I. 2008/745](#), **arts. 2(a)**, 3(b); [S.I. 2008/1900](#), **art. 2(c)** (with [art. 3](#), [Sch.](#)); [S.I. 2008/2561](#), **art. 2(a)** (with [art. 3](#), [Sch.](#))

#### [<sup>F3</sup>114A Approval of courses etc for approved mental health professionals

- (1) The relevant Council may, in accordance with rules made by it, approve courses for persons who are or wish to become approved mental health professionals.
- (2) For that purpose—
- (a) subsections (2) to (4)(a) and (7) of section 63 of the Care Standards Act 2000 apply as they apply to approvals given, rules made and courses approved under that section; and
  - (b) sections 66 and 71 of that Act apply accordingly.
- (3) In subsection (1), “the relevant Council” means—
- (a) in relation to persons who are or wish to become approved to act as approved mental health professionals by a local social services authority whose area is in England, the General Social Care Council;

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- (b) in relation to persons who are or wish to become approved to act as approved mental health professionals by a local social services authority whose area is in Wales, the Care Council for Wales.
- (4) The functions of an approved mental health professional shall not be considered to be relevant social work for the purposes of Part 4 of the Care Standards Act 2000.
- (5) The General Social Care Council and the Care Council for Wales may also carry out, or assist other persons in carrying out, research into matters relevant to training for approved mental health professionals.]

#### Textual Amendments

- F3** S. 114A inserted (1.10.2007) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 19, 56** (with [Sch. 10](#)); [S.I. 2007/2798](#), **art. 2(a)**

#### [<sup>F4</sup>115 Powers of entry and inspection.

- (1) An approved mental health professional may at all reasonable times enter and inspect any premises (other than a hospital) in which a mentally disordered patient is living, if he has reasonable cause to believe that the patient is not under proper care.
- (2) The power under subsection (1) above shall be exercisable only after the professional has produced, if asked to do so, some duly authenticated document showing that he is an approved mental health professional.]

#### Textual Amendments

- F4** S. 115 substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 21, 56**, **Sch. 2 para. 8** (with [Sch. 10](#)); [S.I. 2008/1900](#), **art. 2(d)** (with [art. 3](#), [Sch.](#)); [S.I. 2008/2561](#), **art. 2(b)** (with [art. 3](#), [Sch.](#))

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