



Mental Health Act 1983

1983 CHAPTER 20

PART VIII

MISCELLANEOUS FUNCTIONS OF LOCAL AUTHORITIES AND THE SECRETARY OF STATE

Functions of the Secretary of State

121 Mental Health Act Commission.

- (1) Without prejudice to section 126(3) of the ^{M1}National Health Service Act 1977 (power to vary or revoke orders or directions) there shall continue to be a [^{F1}Special Health Authority] known as the Mental Health Act Commission established under section 11 of that Act.
- (2) Without prejudice to the generality of his powers under section 13 of that Act, the Secretary of State shall direct the Commission to perform on his behalf—
 - (a) the function of appointing registered medical practitioners for the purposes of Part IV of this Act and section 118 above and of appointing other persons for the purposes of section 57(2)(a) above; and
 - (b) the functions of the Secretary of State under sections 61 and 120(1) and (4) above.
- (3) The registered medical practitioners and other persons appointed for the purposes mentioned in subsection (2)(a) above may include members of the Commission.
- (4) The Secretary of State may, at the request of or after consultation with the Commission and after consulting such other bodies as appear to him to be concerned, direct the Commission to keep under review the care and treatment, or any aspect of the care and treatment, in hospitals [^{F2}, independent hospitals and care homes] of patients who are not liable to be detained under this Act.
- (5) For the purpose of any such review as is mentioned in subsection (4) above any person authorised in that behalf by the Commission may at any reasonable time—

Status: Point in time view as at 22/07/2004. This version of this provision has been superseded.

Changes to legislation: Mental Health Act 1983, Section 121 is up to date with all changes known to be in force on or before 11 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)

- (a) visit and interview and, if he is a registered medical practitioner, examine in private any patient in [^{F3}an independent hospital or a care home]; and
 - (b) require the production of and inspect any records relating to the treatment of any person who is or has been a patient in [^{F3}an independent hospital or a care home].
- (6) The Secretary of State may make such provision as he may with the approval of the Treasury determine for the payment of remuneration, allowances, pensions or gratuities to or in respect of persons exercising functions in relation to any such review as is mentioned in subsection (4) above.
- (7) The Commission shall review any decision to withhold a postal packet (or anything contained in it) under subsection (1)(b) or (2) of section 134 below if an application in that behalf is made—
- (a) in a case under subsection (1)(b), by the patient; or
 - (b) in a case under subsection (2), either by the patient or by the person by whom the postal packet was sent;
- and any such application shall be made within six months of the receipt by the applicant of the notice referred to in subsection (6) of that section.
- (8) On an application under subsection (7) above the Commission may direct that the postal packet which is the subject of the application (or anything contained in it) shall not be withheld and the managers in question shall comply with any such direction.
- (9) The Secretary of State may by regulations make provision with respect to the making and determination of applications under subsection (7) above, including provision for the production to the Commission of any postal packet which is the subject of such an application.
- (10) The Commission shall in the second year after its establishment and subsequently in every second year publish a report on its activities; and copies of every such report shall be sent by the Commission to the Secretary of State who shall lay a copy before each House of Parliament.
- (11) Paragraph 9 of Schedule 5 to the said Act of 1977 (pay and allowances for chairmen and members of [^{F4}Special Health Authorities]) shall have effect in relation to the Mental Health Act Commission as if references in sub-paragraphs (1) and (2) to the chairman included references to any member and as if [^{F5}the reference to a member in subparagraph (4) included a reference to the chairman].

Textual Amendments

- F1** Words in s. 121(1) substituted (28.6.1995 for certain purposes, otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8, **Sch. 1 Pt. III para. 107(9)**
- F2** Words in s. 121(4) substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(7)(a)**; S.I. 2001/4150, **art. 3(3)** (subject to transitional provisions in art. 4 and S.I. 2002/1493, **art. 4**); S.I. 2002/920, **art. 3(3)(d)** (subject to transitional provisions in Sch. 1-3 and art. 3(4)-(10))
- F3** Words in s. 121(5)(a)(b) substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(7)(b)**; S.I. 2001/4150, **art. 3(3)** (subject to transitional provisions in art. 4 and S.I. 2002/1493, **art. 4**); S.I. 2002/920, **art. 3(3)(d)** (subject to transitional provisions in Schs. 1-3 and art. 3(4)-(10))
- F4** Words in s. 121(11) substituted (28.6.1995 for certain purposes, otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8, **Sch. 1 Pt. III, para. 107(9)**
- F5** Words substituted by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 6(4)

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Marginal Citations

M1 1977 c. 49.

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