



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART X

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Miscellaneous provisions*

#### **133 Duty of managers of hospitals to inform nearest relatives of discharge.**

(1) Where a patient liable to be detained under this Act in a hospital or [<sup>F1</sup>registered establishment] is to be discharged otherwise than by virtue of an order for discharge made by his nearest relative, the managers of the hospital or [<sup>F1</sup>registered establishment] shall, subject to subsection (2) below, take such steps as are practicable to inform the person (if any) appearing to them to be the nearest relative of the patient; and that information shall, if practicable, be given at least seven days before the date of discharge.

[<sup>F2</sup>(1A) The reference in subsection (1) above to a patient who is to be discharged includes a patient who is to be discharged from hospital under section 17A above.

(1B) Subsection (1) above shall also apply in a case where a community patient is discharged under section 23 or 72 above (otherwise than by virtue of an order for discharge made by his nearest relative), but with the reference in that subsection to the managers of the hospital or registered establishment being read as a reference to the managers of the responsible hospital.]

(2) Subsection (1) above shall not apply if the patient or his nearest relative has requested that information about the patient's discharge should not be given under this section.

#### **Textual Amendments**

**F1** Words in s. 133(1) substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(2)**; 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)**)

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*Status: Point in time view as at 10/03/2014.*

**Changes to legislation:** *Mental Health Act 1983, Section 133 is up to date with all changes known to be in force on or before 28 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)*

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**F2** S. 133(1A)(1B) inserted (3.11.2008) by **Mental Health Act 2007 (c. 12)**, ss. 32, 56, **Sch. 3 para. 31** (with Sch. 10); **S.I. 2008/1900, art. 2(i)** (with art. 3, Sch.)

**Status:**

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