



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART X

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Supplemental*

#### 145 Interpretation.

(1) In this Act, unless the context otherwise requires—

“absent without leave” has the meaning given to it by section 18 above and related expressions shall be construed accordingly;

“application for admission for assessment” has the meaning given in section 2 above;

“application for admission for treatment” has the meaning given in section 3 above;

“approved social worker” means an officer of a local social services authority appointed to act as an approved social worker for the purposes of this Act;

[<sup>F1</sup>“care home” has the same meaning as in the Care Standards Act 2000]

<sup>F2</sup>  
.....

[<sup>F3</sup>“high security psychiatric services” has the same meaning as in the [<sup>F4</sup>section 4 of the National Health Service Act 2006 or section 4 of the National Health Service (Wales) Act 2006],]

“hospital” means—

- (a) any health service hospital within the meaning of the [<sup>F5</sup>National Health Service Act 2006 or the National Health Service (Wales) Act 2006] ; and
- (b) any accommodation provided by a local authority and used as a hospital by or on behalf of the Secretary of State under that Act[<sup>F6</sup>]; and
- (c) any hospital as defined by section 206 of the National Health Service (Wales) Act 2006 which is vested in a Local Health Board;]

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“hospital within the meaning of Part II of this Act” has the meaning given in section 34 above;

[<sup>F7</sup>“hospital direction” has the meaning given in section 45A(3)(a) above;]

“hospital order” and “guardianship order” have the meanings respectively given in section 37 above;

[<sup>F8</sup>“independent hospital” has the same meaning as in the Care Standards Act 2000;]

“interim hospital order” has the meaning given in section 38 above;

[<sup>F7</sup>“limitation direction” has the meaning given in section 45A(3)(b) above;]

[<sup>F9</sup>“Local Health Board” means a Local Health Board established under section 11 of the National Health Services (Wales) Act 2006;]

“local social services authority” means a council which is a local authority for the purpose of the <sup>M1</sup>Local Authority Social Services Act 1970;

“the managers” means—

- (a) in relation to a hospital vested in the Secretary of State for the purposes of his functions under the [<sup>F10</sup>the National Health Service Act 2006, or in the Welsh Ministers for the purposes of their functions under the National Health Service (Wales) Act 2006,] , and in relation to any accommodation provided by a local authority and used as a hospital by or on behalf of the Secretary of State under [<sup>F11</sup>the National Health Service Act 2006, or of the Welsh Ministers under the National Health Service (Wales) Act 2006,] , the [<sup>F12</sup>[<sup>F13</sup>Primary Care Trust,][<sup>F14</sup>Strategic Health Authority,][<sup>F15</sup>Local Health Board] or Special Health Authority] responsible for the administration of the hospital;

<sup>F16</sup>(b) .....

[<sup>F17</sup>(bb) in relation to a hospital vested in [<sup>F18</sup>a Primary Care Trust or] a National Health Service trust, <sup>F19</sup> . . . the trust]

[<sup>F20</sup>(bc) in relation to a hospital vested in an NHS foundation trust, the trust;]

[<sup>F21</sup>(bd) in relation to a hospital vested in a Local Health Board, the Board;]

[<sup>F22</sup>(c) in relation to a registered establishment, the person or persons registered in respect of the establishment;]

and in this definition “hospital” means a hospital within the meaning of Part II of this Act;

“medical treatment” includes nursing, and also includes care, habilitation and rehabilitation under medical supervision;

“mental disorder”, “severe mental impairment”, “mental impairment” and “psychopathic disorder” have the meanings given in section 1 above;

<sup>F23</sup> .....

“nearest relative”, in relation to a patient, has the meaning given in Part II of this Act;

“patient” <sup>F24</sup> . . . means a person suffering or appearing to be suffering from mental disorder;

[<sup>F25</sup>“Primary Care Trust” means a Primary Care Trust established under [<sup>F26</sup>section 18 of the National Health Service Act 2006];]

[<sup>F27</sup>“registered establishment” has the meaning given in section 34 above;]

[<sup>F28</sup>“the responsible after-care bodies” has the meaning given in section 25D above;]

“restriction direction” has the meaning given to it by section 49 above;

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“restriction order” has the meaning given to it by section 41 above;  
[<sup>F29</sup>“Special Health Authority” means a Special Health Authority established under [<sup>F30</sup>section 28 of the National Health Service Act 2006, or section 22 of the National Health Service (Wales) Act 2006];]

<sup>F31</sup>

[<sup>F32</sup>“Strategic Health Authority” means a Strategic Health Authority established under [<sup>F33</sup>section 13 of the National Health Service Act 2006];]

[<sup>F34</sup>“supervision application” has the meaning given in section 25A above;]

<sup>F35</sup>

“transfer direction” has the meaning given to it by section 47 above.

[<sup>F36</sup>(1AA) Where high security psychiatric services and other services are provided at a hospital, the part of the hospital at which high security psychiatric services are provided and the other part shall be treated as separate hospitals for the purposes of this Act.]

[<sup>F37</sup>(1A) References in this Act to a patient being subject to after-care under supervision (or to after-care under supervision) shall be construed in accordance with section 25A above.]

<sup>F38</sup>(2) .....

(3) In relation to a person who is liable to be detained or subject to guardianship by virtue of an order or direction under Part III of this Act (other than under section 35, 36 or 38), any reference in this Act to any enactment contained in Part II of this Act or in section 66 or 67 above shall be construed as a reference to that enactment as it applies to that person by virtue of Part III of this Act.

#### Textual Amendments

- F1** Definition of "care home" in s. 145(1) inserted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(10)(a)**; S.I. 2001/4150, **art. 3(3)** (subject to art. 4); S.I. 2002/920, **reg. 3(3)(d)** (subject to transitional provisions in Schs. 1-3 and art. 3(4)-(10))
- F2** Definition of "Health Authority" in s. 145(1) omitted (1.3.2007) by virtue of National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 70(a)** (with Sch. 3 Pt. 1)
- F3** Definition of "high security psychiatric services" in s. 145(1) inserted (1.4.2000) by 1999 c. 8, s. 65, **Sch. 4, para. 69(2)(a)**; S.I. 1999/2793, art. 2(3)(a), **Sch. 3**
- F4** Words in definition of "high security psychiatric services" in s. 145(1) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 70(b)** (with Sch. 3 Pt. 1)
- F5** Words in definition of "hospital" para. (a) in s. 145(1) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act (c. 43), ss. 2, 8(2), (**Sch. 1 para. 70(c)**) (with Sch. 3 Pt. 1)
- F6** Words in definition of "hospital" in s. 145(1) inserted (1.10.2007) by Mental Health Act 2007 (c. 12), **ss. 46(3)(a), 56** (with **Sch. 10**); S.I. 2007/2798, **art. 2(g)**
- F7** Definitions of “hospital direction” and “limitation direction” inserted (E.W but unlimited in so far as it confers a power or imposes a duty on a court-martial or a Standing Civilian Court) (1.10.1997) by 1997 c. 43, s. 55, **Sch. 4 para. 12(19)** (with s. 57(4)(8)); S.I. 1997/2200, **art. 2**
- F8** S. 145: definition of "independent hospital" inserted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(10)(b)**; S.I. 2001/4150, **art. 3(3)** (subject to art. 4); S.I. 2002/920, **reg. 3(3)(d)** (subject to transitional provisions in Schs. 1-3 and art. 3(4)-(10))
- F9** Definition of "Local Health Board" in s. 145(1) inserted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), art. 3, **Sch. para. 13(13)(i)**

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- F10** Words in definition of "the managers" in s. 145(1) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 70(d)(i)** (with Sch. 3 Pt. 1)
- F11** Words in definition of "the managers" in s. 145(1) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 2, **Sch. 1 para. 70(d)(ii)** (with Sch. 3 Pt. 1)
- F12** Words in definition of "the managers" in s. 145(1) substituted (28.6.1995 for certain purposes, otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8, **Sch. 1 para. 107(14)(b)**
- F13** Words in definition of "the managers" para. (a) in s. 145(1) inserted (1.10.2002) by 2002 c. 17, s. 2(5), **Sch. 2 Pt. 2 para. 49**; S.I. 2002/2478, **art. 3(1)(d)** (with saving in **art. 3(3)** and transitional provision in **art. 4**)
- F14** Words in definition of "the managers" para. (a) in s. 145(1) inserted (1.10.2002) by S.I. 2002/2469, **reg. 4, Sch. 1 Pt. 1 para. 10(4)(a)**
- F15** Words in definition of "the managers" in s. 145(1) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), **art. 3, Sch. para. 13(13)(ii)**
- F16** Definition of "the managers" para. (b) in s. 145(1) repealed (1.4.2000) by 1999 c. 8, ss. 41(2), 65(2), **Sch. 5**; S.I. 1999/2793, **art. 2(3)(a), Sch. 3**
- F17** Definition of "the managers" para. (bb) in s. 145(1) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 24(9)**
- F18** Words in definition of "the managers" para. (bb) in s. 145(1) inserted (8.2.2000) by S.I. 2000/90, **art. 3(1), Sch. 1 para. 16(9)(a)** (with **art. 2(5)**)
- F19** Words in definition of "the managers" in s. 145(1) repealed (E.W.) (14.4.1994) by 1994 c. 6, **ss. 1, 2(2)(3)**
- F20** S. 145(1)(bc) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199, **Sch. 4 para. 57**; S.I. 2004/759, **art. 2**
- F21** Words in definition of "the managers" in s. 145(1) inserted (1.10.2007) by Mental Health Act 2007 (c. 12), **ss. 46(3)(b), 56** (with Sch. 10); S.I. 2007/2798, **art. 2(g)**
- F22** S. 145: in definition of "the managers" para. (c) substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(10)(c)**; S.I. 2001/4150, **art. 3(3)** (subject to **art. 4**); S.I. 2002/920, **reg. 3(3)(d)** (subject to transitional provisions in Schs. 1-3 and **art. 3(4)-(10)**)
- F23** Definition of "mental nursing home" in s. 145(1) repealed (1.4.2002) by 2000 c. 14, s. 117(2), **Sch. 6**; S.I. 2001/4150, **art. 3(3)** (subject to **art. 4**); S.I. 2002/920, **reg. 3(3)(g)** (subject to transitional provisions in Schs. 1-3 and **art. 3(5)-(10)**)
- F24** Words in definition of "patient" in s. 145(1) repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1)(2), 68(1)-(3) (with ss. 27, 28, 29, 62), Sch. 6 para. 29(7), { Sch. 7 }; S.I. 2007/1897, **art. 2(d)**
- F25** Definition of "Primary Care Trust" in s. 145(1) inserted (8.2.2000) by S.I. 2000/90, **art. 3(1), Sch. 1 para. 16(9)(b)**
- F26** Words in definition of "Primary Care Trust" in s. 145(1) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 70(e)** (with Sch. 3 Pt. 1)
- F27** Definition of "registered establishment" in s. 145(1) inserted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(10)(d)**; S.I. 2001/4150, **art. 3(3)** (subject to **art. 4**); S.I. 2002/920, **reg. 3(3)(d)** (subject to transitional provisions in Schs. 1-3 and **art. 3(4)-(10)**)
- F28** Definition of "the responsible after-care bodies" inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1 para. 20(2)(a)**
- F29** Definition of "Special Health Authority" in s. 145(1) inserted (28.6.1995 for certain purposes, otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8, **Sch. 1 para. 107(14)(c)**
- F30** Words in definition of "Special Health Authority" in s. 145(1) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 70(f)** (with Sch. 3 Pt. 1)
- F31** Definition of "special hospital" in s. 145(1) repealed (1.4.2000) by 1999 c. 8, s. 65, Sch. 4, para. 69(2) (b), **Sch. 5**; S.I. 1999/2793, **art. 2(3)(a), Sch. 3**
- F32** Definition of "Strategic Health Authority" in s. 145(1) inserted (1.10.2002) by S.I. 2002/2469, **reg. 4, Sch. 2 Pt. 1 para. 10(4)(b)**

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- F33** Words in definition of "Strategic Health Authority" in s. 145(1) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), ss. 2, 8\(2\), Sch. 1 para. 70\(g\)](#) (with Sch. 3 Pt. 1)
- F34** Definition of "supervision application" inserted (1.4.1996) by [1995 c. 52, ss. 1\(2\), 7\(2\), Sch. 1, para. 20\(2\)\(b\)](#)
- F35** Definition of "standard scale" in s. 145(1) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. XIV Group. 2.](#)
- F36** S. 145(1AA) inserted (1.4.2000) by [1999 c. 8, S. 65\(1\), Sch. 4, para. 69\(3\); S.I. 1999/2793, art. 2\(3\)\(a\), Sch. 3](#)
- F37** S. 145(1A) added (1.4.1996) by [1995 c. 52, ss. 1\(2\), 7\(2\), Sch. 1, para. 20\(3\)](#)
- F38** S. 145(2) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. XIV Gp. 2.](#)

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#### Marginal Citations

- M1** [1970 c. 42.](#)

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