



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 [^{F1}(including expressions relating to a patient's liability to be returned to a hospital or other place)] 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;

[^{F2}“the appropriate tribunal” has the meaning given by section 66(4) above;]

[^{F3}“approved clinician” means a person approved by the Secretary of State (in relation to England) or by the Welsh Ministers (in relation to Wales) to act as an approved clinician for the purposes of this Act;]

[^{F4}“approved mental health professional” has the meaning given in section 114 above;]

[^{F5}“care home” has the same meaning as in the Care Standards Act 2000]

[^{F6}“community patient” has the meaning given in section 17A above;]

[^{F7}“community treatment order” and “the community treatment order” have the meanings given in section 17A above;]

[^{F8}“the community treatment period” has the meaning given in section 20A above;]

[^{F9}

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[^{F10}“high security psychiatric services” has the same meaning as in the [^{F11}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 [^{F12}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; [^{F13}; 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;]

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

[^{F14}“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;

[^{F15}“independent hospital” has the same meaning as in the Care Standards Act 2000;]

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

[^{F14}“limitation direction” has the meaning given in section 45A(3)(b) above;]

[^{F16}“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 ^{M1}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 [^{F17}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 [^{F18}the National Health Service Act 2006, or of the Welsh Ministers under the National Health Service (Wales) Act 2006,] , the [^{F19}[^{F20}Primary Care Trust,][^{F21}Strategic Health Authority,][^{F22}Local Health Board]or Special Health Authority] responsible for the administration of the hospital;

^{F23}(b)

[^{F24}(bb) in relation to a hospital vested in [^{F25}a Primary Care Trust or] a National Health Service trust, ^{F26}. . . the trust]

[^{F27}(bc) in relation to a hospital vested in an NHS foundation trust, the trust;]

[^{F28}(bd) in relation to a hospital vested in a Local Health Board, the Board;]

[^{F29}(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, [^{F30}psychological intervention and specialist mental health habilitation, rehabilitation and care (but see also subsection (4) below);]

[^{F31}“mental disorder” has the meaning given in section 1 above (subject to sections 86(4) and 141(6B));]

^{F32}

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

“patient”^{F33} . . . means a person suffering or appearing to be suffering from mental disorder;

[^{F34}“Primary Care Trust” means a Primary Care Trust established under [^{F35}section 18 of the National Health Service Act 2006];]

[^{F36}“registered establishment” has the meaning given in section 34 above;]

^{F37}

[^{F38}“the responsible hospital” has the meaning given in section 17A above;]

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

“restriction order” has the meaning given to it by section 41 above;

[^{F39}“Special Health Authority” means a Special Health Authority established under [^{F40}section 28 of the National Health Service Act 2006, or section 22 of the National Health Service (Wales) Act 2006];]

^{F41}

[^{F42}“Strategic Health Authority” means a Strategic Health Authority established under [^{F43}section 13 of the National Health Service Act 2006];]

^{F44}

^{F45}

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

[^{F46}(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.]

[^{F47}(1AB) References in this Act to appropriate medical treatment shall be construed in accordance with section 3(4) above.]

[^{F48}(1AC) References in this Act to an approved mental health professional shall be construed as references to an approved mental health professional acting on behalf of a local social services authority, unless the context otherwise requires.]

(1A)^{F49}

^{F50}(2)

(3) In relation to a person who is liable to be detained or subject to guardianship [^{F51}or a community patient] 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.

[^{F52}(4) Any reference in this Act to medical treatment, in relation to mental disorder, shall be construed as a reference to medical treatment the purpose of which is to alleviate, or prevent a worsening of, the disorder or one or more of its symptoms or manifestations.]

Textual Amendments

F1 Words in definition of "absent without leave" in s. 145(1) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 32, 56, [Sch. 3 para. 34\(2\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(i\)](#) (with [art. 3](#), [Sch.](#))

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- F2** Words in s. 145(1) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 6, [Sch. 3 para. 66](#)
- F3** Definition of "approved clinician" in s. 145(1) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 14\(5\)](#), 56 (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(b\)](#) (with art. 3, [Sch.](#))
- F4** Definition of "approved mental health professional" in s. 145(1) substituted (3.11.2008) for definition of "approved social worker" by [Mental Health Act 2007 \(c. 12\)](#), [ss. 21](#), 56, [Sch. 2 para. 11\(2\)](#) (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.](#))
- F5** 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\(4\)-\(10\)](#))
- F6** Definition of "community patient" in s. 145(1) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 32](#), 56, [Sch. 3 para. 34\(3\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(i\)](#) (with art. 3, [Sch.](#))
- F7** Definition of "community treatment order" in s. 145(1) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 32](#), 56, [Sch. 3 para. 34\(3\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(i\)](#) (with art. 3, [Sch.](#))
- F8** Definition of "the community treatment period" in s. 145(1) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 32](#), 56, [Sch. 3 para. 34\(3\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(i\)](#) (with art. 3, [Sch.](#))
- F9** 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](#))
- F10** 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](#)
- F11** 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](#))
- F12** 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](#))
- F13** 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\(g\)](#)
- F14** 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](#)
- F15** 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\(4\)-\(10\)](#))
- F16** 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\(13\)\(i\)](#)
- F17** 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](#))
- F18** 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](#))
- F19** 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\(14\)\(b\)](#)
- F20** 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](#))
- F21** 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\(4\)\(a\)](#)
- F22** 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\(13\)\(ii\)](#)
- F23** 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](#)
- F24** 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\(9\)](#)

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- F25** 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))
- F26** 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)**
- F27** 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**
- F28** 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)**
- F29** 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))
- F30** Words in definition of "medical treatment" in s. 145(1) substituted (3.11.2008) by Mental Health Act 2007 (c. 12), **ss. 7(2), 56**; S.I. 2008/1900, **art. 2(b)** (with art. 3, Sch.)
- F31** Definition of "mental disorder" in s. 145(1) substituted (3.11.2008) for the definitions of "mental disorder", "severe mental impairment", "mental impairment" and "psychopathic disorder" by Mental Health Act 2007 (c. 12), **ss. 1, 56, Sch. 1 para. 17** (with Sch. 10); S.I. 2008/1900, **art. 2(a)** (with art. 3, Sch.)
- F32** 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))
- F33** 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)**
- F34** 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)**
- F35** 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)
- F36** 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))
- F37** Definition of "the responsible after-care bodies" in s. 145(1) repealed (3.11.2008) by Mental Health Act 2007 (c. 12), **ss. 55, 56, Sch. 11 Pt. 5**; S.I. 2008/1210, **art. 2(d)** (with art. 4)
- F38** Definition of "the responsible hospital" in s. 145(1) inserted (3.11.2008) by Mental Health Act 2007 (c. 12), **ss. 32, 56, Sch. 3 para. 34(3)** (with Sch. 10); S.I. 2008/1900, **art. 2(i)** (with art. 3, Sch.)
- F39** 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)**
- F40** 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)
- F41** 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**
- F42** 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)**
- F43** 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)
- F44** Definition of "supervision application" in s. 145(1) repealed (3.11.2008) by Mental Health Act 2007 (c. 12), **ss. 55, 56, Sch. 11 Pt. 5**; S.I. 2008/1210, **art. 2(d)** (with art. 4)
- F45** 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.
- F46** 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**
- F47** S. 145(1AB) inserted (3.11.2008) by Mental Health Act 2007 (c. 12), **ss. 4(10), 56**; S.I. 2008/1900, **art. 2(b)** (with art. 3, Sch.)

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- F48** S. 145(1AC) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 21, 56, **Sch. 2 para. 11(3)** (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.](#))
- F49** S. 145(1A) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 55, 56, **Sch. 11 Pt. 5**; [S.I. 2008/1210, art. 2\(d\)](#) (with art. 4)
- F50** S. 145(2) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. XIV** Gp. 2.
- F51** Words in s. 145(3) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 32, 56, **Sch. 3 para. 34(4)** (with [Sch. 10](#)); [S.I. 2008/1900, art. 2\(i\)](#) (with art. 3, [Sch.](#))
- F52** S. 145(4) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 7(3)**, 56 (with [Sch. 10](#)); [S.I. 2008/1900, art. 2\(b\)](#) (with art. 3, [Sch.](#))

Marginal Citations

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

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