



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART II

#### COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

##### *Position of patients subject to detention or guardianship*

#### **19 Regulations as to transfer of patients.**

- (1) In such circumstances and subject to such conditions as may be prescribed by regulations made by the Secretary of State—
  - (a) a patient who is for the time being liable to be detained in a hospital by virtue of an application under this Part of this Act may be transferred to another hospital or into the guardianship of a local social services authority or of any person approved by such an authority;
  - (b) a patient who is for the time being subject to the guardianship of a local social services authority or other person by virtue of an application under this Part of this Act may be transferred into the guardianship of another local social services authority or person, or be transferred to a hospital.
- (2) Where a patient is transferred in pursuance of regulations under this section, the provisions of this Part of this Act (including this subsection) shall apply to him as follows, that is to say—
  - (a) in the case of a patient who is liable to be detained in a hospital by virtue of an application for admission for assessment or for treatment and is transferred to another hospital, as if the application were an application for admission to that other hospital and as if the patient had been admitted to that other hospital at the time when he was originally admitted in pursuance of the application;
  - (b) in the case of a patient who is liable to be detained in a hospital by virtue of such an application and is transferred into guardianship, as if the application were a guardianship application duly accepted at the said time;
  - (c) in the case of a patient who is subject to guardianship by virtue of a guardianship application and is transferred into the guardianship of another

*Status: Point in time view as at 01/04/2004. This version of this provision has been superseded.*

*Changes to legislation: Mental Health Act 1983, Section 19 is up to date with all changes known to be in force on or before 29 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)*

authority or person, as if the application were for his reception into the guardianship of that authority or person and had been accepted at the time when it was originally accepted;

- (d) in the case of a patient who is subject to guardianship by virtue of a guardianship application and is transferred to a hospital, as if the guardianship application were an application for admission to that hospital for treatment and as if the patient had been admitted to the hospital at the time when the application was originally accepted.
- (3) Without prejudice to subsections (1) and (2) above, any patient, who is for the time being liable to be detained under this Part of this Act in a hospital vested in the Secretary of State for the purposes of his functions under the<sup>M1</sup>National Health Service Act 1977 or any accommodation used under Part I of that Act by the managers of such a hospital [F1 or in a hospital vested in a National Health Service trust [F2, NHS foundation trust][F3 or Primary Care Trust], may at any time be removed to any other such hospital or accommodation [F4 which is managed by the managers of, or is vested in the National Health Service trust [F2, NHS foundation trust][F3 or Primary Care Trust] for, the first-mentioned hospital]; and paragraph (a) of subsection (2) above shall apply in relation to a patient so removed as it applies in relation to a patient transferred in pursuance of regulations made under this section.
- (4) Regulations made under this section may make provision for regulating the conveyance to their destination of patients authorised to be transferred or removed in pursuance of the regulations or under subsection (3) above.

#### Textual Amendments

- F1** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), [Sch. 9 para. 24\(2\)](#)
- F2** Words in s.19(3) inserted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 34, 199, [Sch. 4 para. 52](#); S.I. 2004/759, [art. 2](#)
- F3** Words in s. 19(3) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), [Sch. 1 para. 16\(3\)](#) (with art. 2(5))
- F4** Words substituted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), [Sch. 9 para. 24\(2\)](#)

#### Marginal Citations

- M1** [1977 c. 49](#).

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