



Mental Health Act 1983

1983 CHAPTER 20

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

Duration of detention or guardianship and discharge

22 Special provisions as to patients sentenced to imprisonment, etc.

- (1) Where a patient who is liable to be detained by virtue of an application for admission for treatment or is subject to guardianship by virtue of a guardianship application is detained in custody in pursuance of any sentence or order passed or made by a court in the United Kingdom (including an order committing or remanding him in custody), and is so detained for a period exceeding, or for successive periods exceeding in the aggregate, six months, the application shall cease to have effect at the expiration of that period.
- (2) Where any such patient is so detained in custody but the application does not cease to have effect under subsection (1) above, then—
 - (a) if apart from this subsection the patient would have ceased to be liable to be so detained or subject to guardianship on or before the day on which he is discharged from custody, he shall not cease and shall be deemed not to have ceased to be so liable or subject until the end of that day; and
 - (b) in any case, sections 18 ^[F1], 21 and 21A] above shall apply in relation to the patient as if he had absented himself without leave on that day.
- ^[F2](3) In its application by virtue of subsection (2) above section 18(4) above shall have effect with the substitution of the words “end of the period of 28 days beginning with the first day of his absence without leave.” for the words from “later of” onwards.]

Extent Information

E1 For extent of s. 22 see [ss. 146, 147](#)

Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation: *Mental Health Act 1983, Section 22 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)*

Textual Amendments

- F1** Words in s. 22(2)(b) substituted (1.4.1996) by 1995 c. 52, ss. 2(3)(a), 7(2)
- F2** S. 22(3) inserted (1.4.1996) by 1995 c. 52, ss. 2(3)(b), 7(2)

Status:

Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation:

Mental Health Act 1983, Section 22 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.