



Mental Health Act 1983

1983 CHAPTER 20

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

[^{F1} After-care under supervision]

[^{F1}25G Duration and renewal of after-care under supervision.

- (1) Subject to sections 25H and 25I below, a patient subject to after-care under supervision shall be so subject for the period—
 - (a) beginning when he leaves hospital; and
 - (b) ending with the period of six months beginning with the day on which the supervision application was accepted,but shall not be so subject for any longer period except in accordance with the following provisions of this section.
- (2) A patient already subject to after-care under supervision may be made so subject—
 - (a) from the end of the period referred to in subsection (1) above, for a further period of six months; and
 - (b) from the end of any period of renewal under paragraph (a) above, for a further period of one year,and so on for periods of one year at a time.
- (3) Within the period of two months ending on the day on which a patient who is subject to after-care under supervision would (in default of the operation of subsection (7) below) cease to be so subject, it shall be the duty of the community responsible medical officer—
 - (a) to examine the patient; and
 - (b) if it appears to him that the conditions set out in subsection (4) below are complied with, to furnish to the responsible after-care bodies a report to that effect in the prescribed form.

Status: Point in time view as at 19/11/1998. This version of this provision has been superseded.

Changes to legislation: Mental Health Act 1983, Section 25G is up to date with all changes known to be in force on or before 23 June 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)

- (4) The conditions referred to in subsection (3) above are that—
- (a) the patient is suffering from mental disorder, being mental illness, severe mental impairment, psychopathic disorder or mental impairment;
 - (b) there would be a substantial risk of serious harm to the health or safety of the patient or the safety of other persons, or of the patient being seriously exploited, if he were not to receive the after-care services provided for him under section 117 below;
 - (c) his being subject to after-care under supervision is likely to help to secure that he receives the after-care services so provided.
- (5) The community responsible medical officer shall not consider whether the conditions set out in subsection (4) above are complied with unless—
- (a) the following persons have been consulted—
 - (i) the patient;
 - (ii) the supervisor;
 - (iii) unless no-one other than the community responsible medical officer is professionally concerned with the patient's medical treatment, one or more persons who are so concerned;
 - (iv) one or more persons who are professionally concerned with the after-care services (other than medical treatment) provided for the patient under section 117 below; and
 - (v) any person who the community responsible medical officer believes plays a substantial part in the care of the patient but is not professionally concerned with the after-care services so provided;
 - (b) such steps as are practicable have been taken to consult the person (if any) appearing to be the nearest relative of the patient; and
 - (c) the community responsible medical officer has taken into account any relevant views expressed by the persons consulted.
- (6) Where the patient has requested that paragraph (b) of subsection (5) above should not apply, that paragraph shall not apply unless—
- (a) the patient has a propensity to violent or dangerous behaviour towards others; and
 - (b) the community responsible medical officer considers that it is appropriate for steps such as are mentioned in that paragraph to be taken.
- (7) Where a report is duly furnished under subsection (3) above, the patient shall be thereby made subject to after-care under supervision for the further period prescribed in that case by subsection (2) above.
- (8) Where a report is furnished under subsection (3) above, the responsible after-care bodies shall—
- (a) inform the patient both orally and in writing—
 - (i) that the report has been furnished; and
 - (ii) of the effect in his case of the provisions of this Act relating to making a patient subject to after-care under supervision for a further period (including, in particular, what rights of applying to a Mental Health Review Tribunal are available);
 - (b) inform any person who has been consulted under paragraph (a)(v) of subsection (5) above that the report has been furnished; and

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- (c) inform in writing any person who has been consulted under paragraph (b) of that subsection that the report has been furnished.
- (9) Where the form of mental disorder specified in a report furnished under subsection (3) above is a form of disorder other than that specified in the supervision application, that application shall have effect as if that other form of mental disorder were specified in it.
- (10) Where on any occasion a report specifying such a form of mental disorder is furnished under subsection (3) above the community responsible medical officer need not on that occasion furnish a report under section 25F above.]

Textual Amendments

F1 Ss. 25A-25J inserted (1.4.1996) by 1995 c. 52, ss. 1(1), 7(2)

Modifications etc. (not altering text)

C1 S. 25G applied (with modifications) (1.4.1996) by S.I. 1996/295, reg. 2, Sch.

C2 S. 25G(3)(8): functions of local authority may be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, reg. 3(2)(b), Sch. 2

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