



Mental Health Act 1983

1983 CHAPTER 20

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

Functions of relatives of patients

[^{F1}27] **Children and young persons in care.**

Where—

- (a) a patient who is a child or young person is in the care of a local authority by virtue of a care order within the meaning of the Children Act 1989; or
- (b) the rights and powers of a parent of a patient who is a child or young person are vested in a local authority by virtue of section 16 of the Social Work (Scotland) Act 1968,

the authority shall be deemed to be the nearest relative of the patient in preference to any person except the patient's husband or wife [^{F2}or civil partner] (if any).]

Textual Amendments

- F1** S. 27 substituted (14.10.1991) by [Children Act 1989](#) (c. 41, SIF 20), s. 108(5), [Sch. 13 para. 48\(1\)](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)
- F2** Words in s. 27 inserted (1.12.2007) by [Mental Health Act 2007](#) (c. 12), [ss. 26\(6\)](#), 56 (with [Sch. 10](#)); S.I. 2007/2798, [art. 3](#)

Status:

Point in time view as at 01/12/2020.

Changes to legislation:

Mental Health Act 1983, Section 27 is up to date with all changes known to be in force on or before 21 August 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.