



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART II

#### COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

##### *Supplemental*

#### 34 Interpretation of Part II.

(1) In this Part of this Act—

[<sup>F1</sup>“the community responsible medical officer”, in relation to a patient subject to after-care under supervision, means the person who, in accordance with section 117(2A)(a) below, is in charge of medical treatment provided for him;]

“the nominated medical attendant”, in relation to a patient who is subject to the guardianship of a person other than a local social services authority, means the person appointed in pursuance of regulations made under section 9(2) above to act as the medical attendant of the patient;

“the responsible medical officer” means [<sup>F2</sup>(except in the phrase “the community responsible medical officer”)—]

- (a) in relation to a patient [<sup>F3</sup>who is] liable to be detained by virtue of an application for admission for assessment or an application for admission for treatment [<sup>F3</sup>or who is to be subject to after-care under supervision after leaving hospital], the registered medical practitioner in charge of the treatment of the patient;
- (b) in relation to a patient subject to guardianship, the medical officer authorised by the local social services authority to act (either generally or in any particular case or for any particular purpose) as the responsible medical officer.

[<sup>F4</sup>“the supervisor”, in relation to a patient subject to after-care under supervision, means the person who, in accordance with section 117(2A)(b) below, is supervising him.]

*Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.*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 34 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)*

- [<sup>F5</sup>(1A) Nothing in this Act prevents the same person from acting as more than one of the following in relation to a patient, that is—
- (a) the responsible medical officer;
  - (b) the community responsible medical officer; and
  - (c) the supervisor.]
- (2) Except where otherwise expressly provided, this Part of this Act applies in relation to a mental nursing home, being a home in respect of which the particulars of registration are for the time being entered in the separate part of the register kept for the purposes of section [<sup>F6</sup>23(5)(b) of the Registered Homes Act 1984], as it applies in relation to a hospital, and references in this Part of this Act to a hospital, and any reference in this Act to a hospital to which this Part of this Act applies, shall be construed accordingly.
- (3) In relation to a patient who is subject to guardianship in pursuance of a guardianship application, any reference in this Part of this Act to the responsible local social services authority is a reference—
- (a) where the patient is subject to the guardianship of a local social services authority, to that authority;
  - (b) where the patient is subject to the guardianship of a person other than a local social services authority, to the local social services authority for the area in which that person resides.

#### Textual Amendments

- F1** Definition in s. 34(1) inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 2**, para. 4(2)
- F2** Words in s. 34(1) inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1**, para. 4(3)(a)
- F3** Words in s. 34(1)(a) inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1**, para. 4(3)(b)
- F4** Definition inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1**, para. 4(4)
- F5** S. 34(1A) inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1**, para. 4(5)
- F6** Words substituted by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **sch. 1 para. 10**

**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 34 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.