



Mental Health Act 1983

1983 CHAPTER 20

PART V

MENTAL HEALTH REVIEW TRIBUNALS

Applications and references concerning Part III patients

69 Applications to tribunals concerning patients subject to hospital and guardianship orders

- (1) Without prejudice to any provision of section 66(1) above as applied by section 40(4) above, an application to a Mental Health Review Tribunal may also be made—
 - (a) in respect of a patient admitted to a hospital in pursuance of a hospital order, by the nearest relative of the patient in the period between the expiration of six months and the expiration of 12 months beginning with the date of the order and in any subsequent period of 12 months; and
 - (b) in respect of a patient placed under guardianship by a guardianship order—
 - (i) by the patient, within the period of six months beginning with the date of the order;
 - (ii) by the nearest relative of the patient, within the period of 12 months beginning with the date of the order and in any subsequent period of 12 months.
- (2) Where a person detained in a hospital—
 - (a) is treated as subject to a hospital order or transfer direction by virtue of section 41(5) above, 82(2) or 85(2) below, section 73(2) of the Mental Health (Scotland) Act 1960 or section 5(1) of the Criminal Procedure (Insanity) Act 1964 ; or
 - (b) is subject to a direction having the same effect as a hospital order by virtue of section 46(3), 47(3) or 48(3) above,

then, without prejudice to any provision of Part II of this Act as applied by section 40 above, that person may make an application to a Mental Health Review Tribunal in the period of six months beginning with the date of the order or direction mentioned

Status: This is the original version (as it was originally enacted).

in paragraph (a) above or, as the case may be, the date of the direction mentioned in paragraph (b) above.