



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART V

#### MENTAL HEALTH REVIEW TRIBUNALS

##### *Applications and references concerning Part III patients*

#### **71 References by Secretary of State concerning restricted patients.**

- (1) The Secretary of State may at any time refer the case of a restricted patient to [<sup>F1</sup>the appropriate tribunal].
- (2) The Secretary of State shall refer to [<sup>F1</sup>the appropriate tribunal] the case of any restricted patient detained in a hospital whose case has not been considered by such a tribunal, whether on his own application or otherwise, within the last three years.
- (3) The Secretary of State may by order vary the length of the period mentioned in subsection (2) above.
- [<sup>F2</sup>(3A) An order under subsection (3) above may include such transitional, consequential, incidental or supplemental provision as the Secretary of State thinks fit.]
- (4) Any reference under subsection (1) above in respect of a patient who has been conditionally discharged and not recalled to hospital shall be made to the tribunal for the area in which the patient resides.
- (5) <sup>F3</sup> .....
- (6) <sup>F3</sup> .....

#### **Textual Amendments**

- F1** Words in s. 71(1)(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 6, **Sch. 3 para. 52**

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*Status: Point in time view as at 03/11/2008.*

**Changes to legislation:** *Mental Health Act 1983, Section 71 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)*

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| <p><b>F2</b> S. 71(3A) inserted (3.11.2008) by Mental Health Act 2007 (c. 12), <b>ss. 37(4)</b>, 56 (with Sch. 10); S.I. 2008/1900, <b>art. 2(I)</b> (with art. 3, Sch.)</p> <p><b>F3</b> S. 71(5)(6) repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58, 60, Sch. 10 para. 20, <b>Sch. 11</b> (with Sch. 12 para. 8); S.I. 2005/579, <b>art. 3(g)(i)(vi)(k)</b></p> |
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