



Mental Health Act 1983

1983 CHAPTER 20

PART VII

MANAGEMENT OF PROPERTY AND AFFAIRS OF PATIENTS

94 Exercise of the judge's functions: "the patient".

- (1) [^{F1}Subject to sub-section (1A) below] the functions expressed to be conferred by this Part of this Act on the judge shall be exercisable ^{F2} . . . by any nominated judge, and shall also be exercisable by the Master of the Court of Protection [^{F3},by the Public Trustee] or by any nominated officer, but—
- (a) in the case of the Master [^{F4}the Public Trustee] or any nominated officer, subject to any express provision to the contrary in this Part of this Act or any rules made under this Part of this Act,
 - [^{F5}(aa) in the case of the Public Trustee, subject to any directions of the Master and so far only as may be provided by any rules made under this Part of this Act or (subject to any such rules) by directions of the Master,]
 - (b) in the case of any nominated officer, subject to any directions of the Master and so far only as may be provided by the instrument by which he is nominated;
- and references in this Part of this Act to the judge shall be construed accordingly.
- [^{F6}(1A) In such cases or circumstances as may be prescribed by any rules under this Part of this Act or (subject to any such rules) by directions of the Master, the functions of the judge under this Part of this Act shall be exercised by the Public Trustee (but subject to any directions of the Master as to their exercise)]
- (2) The functions of the judge under this Part of this Act shall be exercisable where, after considering medical evidence, he is satisfied that a person is incapable, by reason of mental disorder, of managing and administering his property and affairs; and a person as to whom the judge is so satisfied is referred to in this Part of this Act as a patient.

Status: Point in time view as at 03/04/2006. This version of this provision has been superseded.

Changes to legislation: Mental Health Act 1983, Section 94 is up to date with all changes known to be in force on or before 30 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)

Textual Amendments

- F1** Words inserted (E.W.) at the beginning of s. 94(1) by [Public Trustee and Administration of Funds Act 1986 \(c. 57, SIF 57\)](#), [s.2\(2\)\(a\)](#)
- F2** Words in s. 94(1) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 146, 148, Sch. 4 para. 152, [Sch. 18 Pt. 2](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 paras. 11(q), 30(b)
- F3** Words inserted (E.W.) by [Public Trustee and Administration of Funds Act 1986 \(c. 57, SIF 57\)](#), [s.2\(2\)\(a\)](#)
- F4** Words inserted (E.W.) by [Public Trustee and Administration of Funds Act 1986 \(c. 57, SIF 57\)](#), [s.2\(2\)\(b\)](#)
- F5** [S. 94\(1\)\(aa\)](#) inserted (E.W.) by [Public Trustee and Administration of Funds Act 1986 \(c. 57, SIF 57\)](#), [s.2\(2\)\(b\)](#)
- F6** [S. 94\(1A\)](#) inserted (E.W.) by [Public Trustee and Administration of Funds Act 1986 \(c. 57, SIF 57\)](#), [s. 2\(2\)\(c\)](#)

Status:

Point in time view as at 03/04/2006. This version of this provision has been superseded.

Changes to legislation:

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