



Mental Health Act 2007

2007 CHAPTER 12

PART 1

AMENDMENTS TO MENTAL HEALTH ACT 1983

CHAPTER 3

SAFEGUARDS FOR PATIENTS

Patient's nearest relative

23 Extension of power to appoint acting nearest relative

- (1) Section 29 of the 1983 Act (appointment by court of acting nearest relative) is amended as follows.
- (2) In subsection (1), for the words from “the applicant” to the end substitute “the person specified in the order”.
- (3) After subsection (1) insert—
 - “(1A) If the court decides to make an order on an application under subsection (1) above, the following rules have effect for the purposes of specifying a person in the order—
 - (a) if a person is nominated in the application to act as the patient’s nearest relative and that person is, in the opinion of the court, a suitable person to act as such and is willing to do so, the court shall specify that person (or, if there are two or more such persons, such one of them as the court thinks fit);
 - (b) otherwise, the court shall specify such person as is, in its opinion, a suitable person to act as the patient’s nearest relative and is willing to do so.”
- (4) In subsection (2)—

Status: This is the original version (as it was originally enacted).

- (a) after “on the application of—” insert—
 - “(za) the patient;”, and
 - (b) omit the words from “but in relation to” to the end.
- (5) In subsection (3)—
- (a) in paragraph (c) omit the word “or” at the end of the paragraph, and
 - (b) after paragraph (d) insert “; or
 - (e) that the nearest relative of the patient is otherwise not a suitable person to act as such.”
- (6) In subsection (5), for “(3)(a) or (b)” substitute “(3)(a), (b) or (e)”.