

# **An Introduction to the Mental Health Act (1983)**

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# Section 1

## Definitions

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- **Mental disorder**

- Mental illness, arrested development or incomplete development of the mind, psychopathic disorder or any other disorder of the mind

- **Mental illness**

- Not defined



# Section 1

## Definitions

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- **Severe mental impairment**
  - Arrested or incomplete development of the mind which includes severe impairment of intelligence and social functioning and is associated with abnormally aggressive or seriously irresponsible conduct
- **Mental impairment**
  - Arrested or incomplete development of the mind which includes significant impairment of intelligence and social functioning and is associated with abnormally aggressive or seriously irresponsible conduct
- **Psychopathic disorder**
  - Persistent disorder or disability of mind which results in abnormally aggressive or seriously irresponsible conduct



# Section 1

## Exclusions

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- A person may not be dealt with under the Act as suffering from a mental disorder purely by reason of promiscuity, immoral conduct, sexual deviancy or dependence on alcohol or drugs



## Section 2

# Admission for assessment

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- **Duration**
  - Up to 28 days
- **Requirements**
  - Application by nearest relative or approved social worker. Medical recommendation: by two medical practitioners (one of whom must be approved)
- **Grounds**
  - The patient is suffering from a mental disorder which in the interests of his own health or safety or with a view to the protection of others, warrants his detention in hospital for assessment (or assessment followed by medical treatment)



## Section 3

# Admission for treatment

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### ○ **Duration**

- 6 months can be extended for a further 6 months after review – can then be extended for periods of one year at a time

### ○ **Requirements**

- As for section 2

### ○ **Grounds**

- (a) The patient is suffering from mental illness, severe mental impairment or psychopathic disorder that makes it appropriate to receive treatment in hospital; and
- (b) In the case of psychopathic disorder or mental impairment, such treatment is likely to alleviate or prevent deterioration of his condition; and
- (c) It is necessary for the health or safety of the patient or for the protection of others and it cannot be provided unless detained under this section



## Section 4

# Admission to hospital for assessment in an emergency

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- **Duration**

- Up to 72 hours

- **Requirements**

- One medical recommendation plus application by the nearest relative or an approved social worker



## Section 5 (2)

# Application in respect to a patient already in hospital

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- **Duration**


- Up to 72 hours

- **Application**

- The practitioner currently in charge of the treatment of the patient (or his nominated deputy)

- **Grounds**

- That it appears that an application for admission to a hospital should be made



# Section 5 (4)

## Nurses holding power

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- **Duration**
  - Up to 6 hours
- **Application**
  - By a registered mental nurse
- **Grounds**
  - (a) The patient is suffering from a mental disorder to such a degree that it is necessary for his health or safety, or for the protection of others, for him to be immediately restrained from leaving hospital
  - (b) Section 5(2) doctor not immediately available



## Section 17

### Leave of absence from hospital

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- Leave to be absent from hospital (granted by the RMO) subject to any conditions the RMO thinks necessary in the interests of the patient or for the protection of other people



# Section 37

## The power to make a hospital or guardianship order

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### ○ **Duration**

- 6 months can be extended for a further 6 months after review – can then be extended for periods of one year at a time

### ○ **Application**

- May be made by defence or prosecution counsel to the Court or by the Court itself

### ○ **Grounds**

- (a) Conviction by Crown Court or Magistrates Court for an offence punishable by imprisonment
- (b) Suffering from a mental disorder
- (c) Mental disorder that the patient is suffering from makes it appropriate for him to be detained in hospital for medical treatment. In the case of psychopathic disorder or mental impairment that treatment is likely to alleviate or prevent deterioration of the condition



# Section 41

## Restriction order

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- Where a hospital order is in force a Crown Court may add a restriction order to protect the public from serious harm
- Discharge procedure
  - Only by home secretary on medical recommendation or a Mental Health Review Tribunal
- Effect
  - No leave of absence, hospital transfer or discharge without agreement of the home secretary



## Section 136

### **The mentally disordered patient found in a public place**

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- Allows Police Constables to remove a person whom they find in a public place who appears to be suffering from a mental disorder and to be in need of care and control in his own interests or for the protection of others
- The patient should be taken to the nearest place of safety for up to 72 hours for a medical examination, an interview by an approved social worker and suitable arrangement to be made for his care