ADMISSION, DETENTION AND GUARDIANSHIP

1960 No. 1241

The Mental Health (Hospital and Guardianship) Regulations, 1960

Made - - - -	*20th July*, 1960
Laid before Parliament	*25th July*, 1960
Coming into Operation	*1st November*, 1960

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The Minister of Health, in exercise of the powers conferred on him by sections 34, 35, 36, 41, 56, 94, 96, 99 of, and paragraph 22 of the Sixth Schedule to, the Mental Health Act, 1959(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Mental Health (Hospital and Guardianship) Regulations, 1960, and shall come into operation on the first day of November, 1960.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"the Act" means the Mental Health Act, 1959;

"document" means any application, recommendation, report, order, notice, or other document;

"guardian" in relation to a patient, means the local health authority or other person named as the guardian in a guardianship application made and accepted under Part IV of the Act in respect of that patient or such an authority or person having the like powers as if such an application had been made and accepted and "guardianship" shall be construed accordingly;

(a) 7 & 8 Eliz. 2. c. 72.

" hospital " has the meaning assigned to it by subsection (1) of section 147 of the Act and includes a mental nursing home ;

" mental nursing home " means a home in respect of which the particulars of registration are, for the time being, entered or treated as entered in the separate part of the register kept for the purposes of subsection (1) of section 15 of the Act ;

" Minister " means the Minister of Health ;

" officer of the managers " when used in relation to a hospital under the management of a hospital management committee includes any officer employed at, or for the purposes of, a hospital under the management of the committee, notwithstanding that the officer is an officer of the regional hospital board in accordance with the provisions of section 14 of the National Health Service Act, 1946(a) ;

" responsible local health authority " means in relation to a patient who is subject to guardianship :—

(*a*) where the patient is subject to the guardianship of a local health authority, that authority ;

(*b*) where the patient is subject to the guardianship of a person other than a local health authority, the local health authority for the area in which that person resides ;

" served " with reference to a document includes delivered, given, forwarded, furnished or sent.

(2) Other expressions which are given a meaning in Part IV of the Act shall, unless the context otherwise requires, have the same meaning in these regulations.

(3) Except where otherwise provided references to the " managers of a hospital " in relation to a patient who was immediately before the commencement of the Act in the custody of a relative or friend under section 57 of the Lunacy Act, 1890(b), or was liable to be detained as a single patient under the Lunacy and Mental Treatment Acts, 1890 to 1930, and who is still liable to be detained under paragraph 7 of the Sixth Schedule to the Act shall have effect as if there were substituted references to the person having the custody or charge of the patient.

(4) References in these regulations to any form shall include a form to the like effect.

(5) The Interpretation Act, 1889(c), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Revocation of regulations

3. The Mental Health (Approval of Medical Practitioners) Regulations, 1960(d), are hereby revoked and any application made or any approval given or any other thing done under those regulations shall be treated as valid and as if made, given or done under the corresponding provisions in regulation 5 of these regulations.

PART II

GENERAL PROVISIONS FOR HOSPITAL ADMISSION AND GUARDIANSHIP

Forms for admission etc.

4. Subject to the provisions of the Act and of these regulations, the forms numbered 1 to 15 inclusive in the schedule to these regulations shall be used

(a) 9 & 10 Geo. 6. c. 81. (b) 53 & 54 Vict. c. 5. (c) 52 & 53 Vict. c. 63.
(d) S.I. 1960/771.

whenever applicable in connection with the use of compulsory powers under Part IV of the Act or under the Sixth Schedule thereto.

Approval of medical practitioners for the purposes of section 28 of the Act

5.—(1) Before approving a medical practitioner for the purposes of section 28 of the Act as having special experience in the diagnosis or treatment of mental disorder, a local health authority shall consult not less than two members of the local advisory panel for their area as to the experience of the practitioner and shall not approve a medical practitioner for such purposes unless any two members of the panel so consulted are satisfied that he possesses such special experience.

(2) The local advisory panel for the area of a local health authority constituted for the purpose of the last foregoing paragraph shall consist of medical practitioners appointed by the regional hospital board or boards whose area includes the area of the authority:

Provided that—

(*a*) where the area of a board includes only a small part of the area of the authority, that board shall, if the Minister so directs, take no part in the appointment of members of the panel, and

(*b*) before appointing a member of the panel the board or boards shall consult such boards of governors of teaching hospitals as the Minister shall direct.

(3) An approval of a medical practitioner under this regulation shall be given for a period not exceeding five years and shall not be renewed except after compliance with the provisions of this regulation.

PART III

GUARDIANSHIP

General powers and duties of guardians

6.—(1) The guardian shall, so far as is practicable, make arrangements for the occupation, training or employment of the patient and for his recreation and general welfare and shall ensure that everything practicable is done for the promotion of his physical and mental health.

(2) Subject to the provisions of paragraph (3) of this regulation and to any direction given under regulation 10 of these regulations, the guardian may restrict to such extent as he thinks necessary the making of visits to the patient and may prohibit visits by any person who the guardian has reason to believe may have an adverse effect on the patient.

(3) Nothing in this regulation shall operate to restrict the visits of any person authorised in that behalf by the responsible local health authority or the Minister.

Visits to patients on behalf of the responsible local health authority

7. The responsible local health authority shall arrange for every patient who is subject to guardianship to be visited at such intervals as the authority may decide, but in any case at intervals of not more than three months and at least one such visit in any year shall be made by a medical practitioner approved for the purposes of section 28 of the Act.

Duties of guardians other than local health authorities

8. The provisions of the four succeeding regulations shall apply in relation to a patient who is subject to the guardianship of a person other than a local health authority.

Appointment of nominated medical attendant

9.—(1) The guardian shall appoint a medical practitioner to act as the nominated medical attendant of the patient for the purposes of the Act and shall notify the responsible local health authority of the name and address of the medical practitioner for the time being so appointed.

(2) The nominated medical attendant appointed under the last foregoing paragraph may be a medical practitioner employed by a local health authority.

Directions of, and reports to, responsible local health authority

10. The guardian shall, in exercising the powers and duties conferred or imposed on him by the Act or these regulations, comply with such directions as the responsible local health authority think it appropriate at any time to give, and the guardian shall furnish to that authority all such reports or other information with regard to the patient (in addition to the information mentioned in the two succeeding regulations) as the authority may from time to time require.

Notification of residence

11.—(1) On the reception of a patient into guardianship the guardian shall notify to the responsible local health authority the place of his residence and that of the patient and on any permanent change in either place of residence he shall notify to that authority the new place of residence either before, or not later than 7 days after, the change takes place.

(2) If the new place of residence of the guardian is in the area of a different local health authority, the notification required by the last foregoing paragraph shall be sent to that authority and shall include the name and address of the medical practitioner for the time being appointed as the patient's nominated medical attendant under regulation 9 of these regulations and a copy of the notification shall also be sent to the local health authority of the former place of residence.

Notification of death or discharge

12. In the event of the death of the patient or the termination of the guardianship by discharge, transfer or otherwise the guardian shall as soon as may be notify the responsible local health authority.

PART IV

TRANSFER AND REMOVAL

Transfer from hospital to hospital or guardianship

13.—(1) A patient may be transferred under paragraph (*a*) of subsection (1) of section 41 of the Act from one hospital to another or from hospital to guardianship, as the case may be, in the circumstances and subject to the conditions provided for by this regulation.

(2) An authority for such a transfer shall be given in the form numbered 16 or 17, in the schedule to these regulations by the managers of the hospital where the patient is liable to be detained or by an officer of the managers authorised by them in that behalf and, in the case of a patient liable to be detained in a mental nursing home, such authority may also be given by the registration authority of the home, within the meaning of Part III of the Act and, in the case of such a patient maintained under contract with a regional hospital board, by the board or by an officer of the board authorised by them in that behalf:

Provided that in its application to a patient who was immediately before the commencement of the Act in the custody of a relative or friend under section 57 of the Lunacy Act, 1890, and who is still subject to the provisions of paragraph 7 of the Sixth Schedule to the Act this paragraph shall have effect as if for references to the managers of the hospital where the patient is liable to be detained there were substituted references to the managers of the hospital from which the patient was transferred to the custody of the relative or friend.

(3) In the case of a patient's transfer to hospital the authority shall not be given unless the person giving the authority is satisfied that arrangements have been made for the admission of the patient to the hospital to which he is being transferred within a period of 28 days beginning with the date of the authority.

(4) The provisions of the last two foregoing paragraphs shall not apply where the patient is transferred from one mental nursing home to another and both nursing homes are under the management of the same managers.

(5) In the case of a patient's transfer to guardianship the authority shall be of no effect until it has been confirmed by the local health authority which will be the responsible local health authority if the proposed transfer takes effect and where the guardian is to be a person other than a local health authority the authority for the transfer shall not be confirmed without the agreement of that person.

(6) When confirming an authority for transfer under the last foregoing pargaraph the local health authority shall specify the date on which the transfer is to take effect.

(7) Nothing in this regulation shall apply where the patient is removed in pursuance of subsection (3) of section 41 of the Act or in pursuance of a direction of the Minister given under subsection (1) or subsection (2) of section 99 of the Act.

Transfer from guardianship to guardianship or hospital

14. A patient may be transferred under paragraph (*b*) of sub-section (1) of section 41 of the Act from the guardianship of one guardian to that of another or from guardianship to hospital in the circumstances and subject to the conditions provided for under regulation 15 or regulation 16 of these regulations.

Authority for transfer from guardianship to guardianship

15. An authority for the transfer of a patient from the guardianship of one guardian to that of another shall be given by the guardian in the form numbered 18 in the schedule to these regulations but the authority so given shall be of no effect until it has been confirmed in the manner provided for in paragraph (5) of regulation 13 of these regulations ; and the local health authority when confirming the authority for transfer shall specify the date on which the transfer is to take effect.

Authority for transfer from guardianship to hospital

16.—(1) Subject to the following provisions of this regulation, an authority for the transfer of a patient from guardianship to hospital shall be given by the responsible local health authority in the form numbered 19 in the schedule to these regulations.

(2) No authority shall be given under this regulation unless—

(*a*) two medical recommendations in the form numbered 20A or 20B in the schedule to these regulations have been given in accordance with the provisions of the next following paragraph ; and

(*b*) the responsible local health authority is satisfied that arrangements have been made for the admission of the patient to the hospital to which he is being transferred.

(3) The provisions of subsection (4) of section 27 and of section 28 of the Act shall apply to the authority for transfer and medical recommendations required under this regulation as they apply to an application and the medical recommendations required for the purposes of the admission of a patient to hospital under Part IV of the Act, and the provisions of subsection (4) of section 28 shall apply where the authority for transfer is given by a medical officer on behalf of the local health authority in accordance with paragraph (1) of regulation 24 of these regulations as if that medical officer were the applicant.

Conveyance to hospital

17. An authority for transfer duly completed in accordance with these regulations or a direction given by the Minister under subsection (2) of section 99 of the Act shall be sufficient authority for the following persons to take the patient and convey him to the hospital to which he is being transferred within the periods specified:—

(*a*) in the case of a transfer from hospital to hospital, an officer of the managers of either hospital or any person authorised by the managers of the hospital from which the patient is being transferred, within the period of 28 days beginning with the date of the authority for transfer; or

(*b*) in the case of transfer from guardianship to hospital an officer of, or any person authorised by, the responsible local health authority, within the period of 21 days beginning with the date on which the patient was last examined by a medical practitioner before giving a medical recommendation for the purpose of the authority for transfer.

Conveyance between hospitals under the same managers

18.—(1) An officer of, or any person authorised by the managers of, a hospital may take and convey a patient who is being removed to another hospital under subsection (3) of section 41 or subsection (1) of section 99 of the Act.

(2) An officer or any other person authorised by the managers of a mental nursing home may take and convey a patient who is being transferred under subsection (1) of section 41 of the Act from one mental nursing home to another under the same managers.

PART V

REMOVAL TO ENGLAND AND WALES

Removal to England and Wales

19.—(1) The following provisions of this regulation shall apply in respect of a patient who is removed to England and Wales in pursuance of arrangements made under Part VI of the Act or in pursuance of subsection (2) of section 64 of the Criminal Justice (Scotland) Act, 1949(**a**).

(2) For the purposes of subsection (3) of section 96 of the Act the responsible medical officer or, in the case of a patient subject to the guardianship of a person other than a local health authority, the nominated medical

(**a**) 12, 13 & 14 Geo. 6. c. 94.

attendant shall record in the form numbered 15 in the schedule to these regulations his opinion as to the form or forms of mental disorder from which the patient is suffering.

(3) The opinion referred to in the last foregoing paragraph shall be recorded—

(*a*) where the patient is or becomes at the time of his removal subject to an order or direction restricting his discharge, or is treated as being so subject, as soon as may be after he ceases to be so subject; and

(*b*) in any other case as soon as may be after the patient's removal.

(4) The managers of the hospital or, in the case of a patient subject to guardianship, the guardian, shall cause to be recorded in the form numbered 21 in the schedule to these regulations the date on which the patient is admitted to the hospital to which he is removed or arrives at the place where he is to reside on his reception into guardianship in England and Wales.

(5) Where the patient is received into the guardianship of a person other than a local health authority, the guardian shall notify to the responsible local health authority the date recorded under the last foregoing paragraph and also the particulars required to be notified by regulations 9 and 11 of these regulations.

PART VI

MISCELLANEOUS

Service of documents

20.—(1) An order made by the nearest relative of the patient under paragraph (*b*) of subsection (2) of section 47 of the Act for the discharge of a patient who is liable to be detained in a hospital or a notice given for the purpose of obtaining the discharge of such a patient under section 48 of the Act shall be served either by delivery of the order or notice at the hospital where the patient is liable to be detained to an officer of the managers of that hospital authorised by them to receive it or by sending it by pre-paid post addressed to those managers at that hospital.

(2) An application for the admission of a patient to hospital under the provisions of Part IV of the Act may be served by delivering the application to an officer of the managers of the hospital, to which it is proposed the patient shall be admitted, authorised by them to receive it or by sending it by pre-paid post addressed to the managers of the hospital, either at their principal office or at the hospital to which it is proposed that the patient shall be admitted.

(3) Any other document required or authorised to be served upon any authority, body or person by or under Part IV of, or Part III of the Sixth Schedule to, the Act, may be served either:—

(*a*) by delivering it to the authority, body or person upon whom it is to be served, or upon any person authorised by the authority, body or person to receive it; or

(*b*) by sending it by pre-paid post addressed to the authority or body at their registered or principal office or to the person upon whom it is to be served at his usual or last known residence.

(4) Any document to be addressed, in accordance with this regulation, to the managers of a hospital shall be deemed to be properly addressed to

such managers if addressed to their secretary or to the superintendent or secretary of an individual hospital under their control and management if the patient to whom the document relates is detained in such hospital or it is proposed that he shall be there detained.

Signing of documents

21.—(1) An authority for transfer or any other document given by the managers of a hospital, a local health authority, registration authority or regional hospital board under Part IV of, or Part III of the Sixth Schedule to, the Act or these regulations may be signed on their behalf by their clerk or secretary or other officer authorised by them in that behalf.

(2) In the case of a mental nursing home having two or more managers the managers may also authorise one of their number to sign on their behalf an authority for transfer or any other document.

Proof of documents

22. Any document required or authorised by or under Part IV of, or Part III of the Sixth Schedule to, the Act or these regulations and purporting to be signed by a person required or authorised by or under the said part to do so, shall be received in evidence and be deemed to be such a document without further proof, unless the contrary is shown.

Withholding of correspondence

23.—(1) Subject to the provisions of the next following paragraph, section 36 of the Act (which, inter alia, authorises the withholding from the Post Office of certain patients' correspondence) shall apply as if there was added to the persons mentioned in the proviso to subsection (2) of the section a solicitor acting or invited to act for the patient.

(2) This regulation shall only apply—

(*a*) when the patient has notified the managers of the hospital or the responsible medical officer that the solicitor is so acting or has been so invited, and

(*b*) where the solicitor has not given a notification within the meaning of paragraph (*a*) of subsection (2) of that section in respect of the patient's correspondence.

Delegation of functions

24.—(1) Notwithstanding their power to delegate any function to their health committee or a sub-committee of that committee under Part II of the Fourth Schedule to the National Health Service Act, 1946, a local health authority may authorise any of its medical officers to exercise on its behalf any function (other than the function of discharge under section 47 of the Act) in relation to the guardianship of a patient conferred on them by or under the Act.

(2) A local health authority or the managers of the hospital, as the case may be, may authorise in writing an officer or class of officers on their behalf:—

(*a*) to consent to the amendment of an application or medical recommendation under the provisions of subsection (1) of section 32 or subsection (4) of section 34 of the Act; or

(*b*) to consider the sufficiency of a medical recommendation under the provisions of subsection (2) of section 32 of the Act and if the recommendation is considered insufficient to give written notice as required by that subsection ; or

(*c*) to authorise in writing any person to retake a patient under the provisions of subsection (1) or subsection (2) of section 40 of the Act.

(3) Without prejudice to their powers conferred by the last foregoing paragraph, the managers of a mental nursing home if two or more in number may authorise one of their number or any other person to exercise their functions in respect of matters mentioned in that paragraph.

Performance of the functions of the nearest relative

25.—(1) Subject to the provisions of this regulation, the nearest relative of a patient may authorise in writing any other person (not being the patient or a person mentioned in subsection (4) of section 49 of the Act) to perform in respect of the patient the functions conferred upon him by or under Part IV of the Act and may revoke any such authority.

(2) The nearest relative of a patient on making or revoking such an authority shall forthwith give the authority or give notice of the revocation as the case may be, to the person authorised, and shall also forthwith give notice in writing to the same effect to :—

(*a*) the managers of the hospital in the case of a patient liable to be detained there, and

(*b*) the guardian and the responsible local health authority in the case of a patient subject to guardianship.

(3) The authority so given shall take effect upon receipt of the authority by the person authorised and the revocation of authority shall take effect upon the receipt of a notice of revocation by any of the authorities or persons mentioned in the last preceding paragraph.

(4) A person for the time being authorised to exercise the functions of the nearest relative of a patient in accordance with this regulation shall exercise those functions to the exclusion of the nearest relative.

(5) The expression " nearest relative " in this regulation means the nearest relative as defined in section 49 of the Act and includes a person who is deemed to be the nearest relative of the patient by virtue of section 51 of the Act.

Determination of age of patients

26.—(1) In any case where the date of birth of a patient is material for the purposes of the Act or of any regulations made thereunder and the exact age is not known or cannot be ascertained by reference to the registers kept under the Births and Deaths Registration Act, 1953(**a**), the age shall be determined in accordance with the following provisions of this regulation.

(2) The authority for determining the age of a patient (in this regulation called " the determining authority ") shall be :—

(*a*) in the case of a patient subject to guardianship, the responsible local health authority ; or

(**a**) 1 & 2 Eliz. 2. c. 20.

(*b*) in any other case the local health authority in whose area the patient is or, if the patient is in hospital at the time when his age is to be determined and resided in the area of a different local health authority before admission to hospital, the local health authority in whose area he so resided.

(3) The determining authority or, on appeal by the patient or by the nearest relative, the Minister shall determine an age which accords with such information in that respect as they are able to obtain :—

(*a*) by reference to any birth certificate or passport or other document of identity issued in respect of the patient by an authority having power under the laws in force in any country ; or

(*b*) by reference to an age determined under or by virtue of any other Act of Parliament ;

or failing such information or upon such information being insufficient by any other means.

(4) The determining authority or, on appeal by the patient or by the nearest relative, the Minister :—

(*a*) shall revoke a determination as to the age of the patient where the age of the patient is subsequently ascertained by reference to the registers kept under the Births and Deaths Registration Act, 1953 ; and

(*b*) may vary or revoke such a determination on the production of further evidence as to the age of the patient in any other case.

(5) Where an age has been determined in accordance with this regulation the determining authority or the Minister shall issue a certificate in the form numbered 22 in the schedule to these regulations, specifying the age of the patient so determined (in this regulation referred to as " a certificate of age ") :—

(*a*) to the patient if the age specified exceeds sixteen years ;

(*b*) to the nearest relative of the patient ;

(*c*) to the managers of the hospital in the case of a patient liable to be detained therein ; and

(*d*) to the guardian in the case of a patient subject to guardianship.

(6) The date of birth for the time being entered in a certificate of age shall be the date of birth of the patient for the purposes of the Act and any regulations made thereunder.

(7) On the variation or revocation of the determination of age the determining authority or the Minister shall notify the persons mentioned in paragraph (5) of this regulation.

SCHEDULE

FORM 1

APPLICATION FOR ADMISSION FOR OBSERVATION (SECTION 25)

To the Managers of [name and address of hospital or mental nursing home]

1. I [name and address of applicant] hereby apply for the admission of [name and address of patient] to the above-named hospital for observation in accordance with Part IV of the Mental Health Act, 1959.

2.

(*a*) I am the patient's nearest relative within the meaning of the Act, being the patient's [state relationship].

Delete the two statements which do not apply.

OR

(*b*) I have been authorised by $\frac{\text{a county court}}{\text{the patient's nearest relative}}$ to exercise the functions of the patient's nearest relative under the Act and a copy* of the authority is attached to this application.

OR

(*c*) I am an officer of [name of local health authority] appointed to act as a mental welfare officer for the purposes of the Act.

3. I last saw the patient on [date].

4. This application is founded on the medical recommendations forwarded herewith.

5. †

Signed.....

Date .....

* Copy of the court order or of the authority signed by the nearest relative under Regulation 25 of the Mental Health (Hospital and Guardianship) Regulations, 1960.

† If neither of the medical practitioners who have made the medical recommendations had previous acquaintance with the patient, the applicant should state here why it is not practicable to obtain a recommendation from a practitioner having such acquaintance.

RECORD OF ADMISSION

(*This is not part of the application but is to be completed later at the hospital or mental nursing home.*)

(*a*) [Name of patient] was admitted to [name of hospital or mental nursing home] in pursuance of this application on [date].

Delete (*a*) or (*b*).

OR

(*b*) [Name of patient] was already an in-patient in [name of hospital or mental nursing home] on the date of this application and the application was received by me on behalf of the managers on [date].

Signed.....
on behalf of the managers.

Date .....

[Sections 49, 50 and 51 of the Act to be set out.]

FORM 2

EMERGENCY APPLICATION FOR ADMISSION FOR OBSERVATION (SECTION 29)

To the Managers of [name and address of hospital or mental nursing home]

1. I [name and address of applicant] hereby apply for the admission of [name and address of patient] to the above-named hospital for observation in accordance with Part IV of the Mental Health Act, 1959.

2.

(*a*) I am a relative of the patient within the meaning of the Act, being the patient's [state relationship].

OR

Delete (*a*) or (*b*).

(*b*) I am an officer of [name of local health authority] appointed to act as a mental welfare officer for the purposes of the Act.

3. I last saw the patient on [date].

4. In my opinion it is of urgent necessity for the patient to be admitted and detained under Section 25 of the Act, and compliance with the requirements of the Act relating to applications for admission other than emergency applications would involve undesirable delay.

5. This application is founded on the medical recommendation forwarded herewith.

6. †

Signed.....

Date .....

† If the medical practitioner who has made the recommendation had no previous acquaintance with the patient, the applicant should state here why it is not practicable to obtain a recommendation from a practitioner having such acquaintance.

RECORD OF ADMISSION

(*This is not part of the application but is to be completed later at the hospital or mental nursing home.*)

(*a*) [Name of patient] was admitted to [name of hospital or mental nursing home] in pursuance of this application at [time] on [date].

OR

Delete (*a*) or (*b*).

(*b*) [Name of patient] was already an in-patient in [name of hospital or mental nursing home] on the date of this application and the application was received by me on behalf of the managers at [time] on [date].

Signed.....
on behalf of the managers.

Date .....

[Subsections (1), (2), (5) and (6) of Section 49 of the Act to be set out.]

FORM 3A

MEDICAL RECOMMENDATION FOR ADMISSION FOR OBSERVATION
(SECTION 25 OR SECTION 29)

1. I [name and address of medical practitioner], being a registered medical practitioner, recommend that [name and address of patient] be admitted to a hospital for observation in accordance with Part IV of the Mental Health Act, 1959.

2. I last examined this patient on [date].

3.

*(*a*) I was acquainted with the patient previously to conducting that examination.

* Delete if not applicable.

*(*b*) I have been approved by [name of local health authority] under Section 28 of the Act as having special experience in the diagnosis or treatment of mental disorder.

4. I am of the opinion

(*a*) that this patient is suffering from mental disorder of a nature or degree which warrants $\frac{\text{his}}{\text{her}}$ detention in a hospital under observation for at least a limited period,

AND

Delete (i) or (ii) unless both apply.

(*b*) that this patient ought to be so detained
(i) in the interests of the patient's own health or safety,
(ii) with a view to the protection of other persons,

AND

(*c*) that informal admission is not appropriate in the circumstances of this case.

5. (*This section is to be deleted unless the medical recommendation is the first recommendation in support of an emergency application under Section* 29.)

In my opinion it is of urgent necessity for the patient to be admitted and detained under Section 25 of the Act and compliance with the requirements of the Act relating to applications for admission for observation other than emergency applications would involve undesirable delay.

Signed.....

Date .....

RECORD OF RECEIPT

(*This is not part of the recommendation, and is to be completed only if the medical recommendation is the second recommendation in support of an emergency application under Section* 29.)

This recommendation was received on behalf of the managers at [time] on [date], the patient having been admitted at [time] on [date].

Signed.....
on behalf of the managers.

Date .....

FORM 3B

JOINT MEDICAL RECOMMENDATION FOR ADMISSION FOR OBSERVATION (SECTION 25)

1. We [names and addresses of both medical practitioners] being registered medical practitioners recommend that [name and address of patient] be admitted to a hospital for observation in accordance with Part IV of the Mental Health Act, 1959.

2. I [name of first practitioner] last examined this patient on [date].

*I was acquainted with the patient previously to conducting that examination.

*I have been approved by [name of local health authority] under Section 28 of the Act as having special experience in the diagnosis or treatment of mental disorder.

* Delete if not applicable.

3. I [name of second practitioner] last examined this patient on [date].

*I was acquainted with the patient previously to conducting that examination.

*I have been approved by [name of local health authority] under Section 28 of the Act as having special experience in the diagnosis or treatment of mental disorder.

4. We [names of both practitioners] are of the opinion

(*a*) that this patient is suffering from mental disorder of a nature or degree which warrants $\frac{\text{his}}{\text{her}}$ detention in a hospital under observation for at least a limited period

AND

(*b*) that this patient ought to be so detained

(i) in the interests of the patient's own health or safety

(ii) with a view to the protection of other persons

Delete (i) or (ii) unless both apply.

AND

(*c*) that informal admission is not appropriate in the circumstances of this case.

Signed.....

Date .....

Signed.....

Date .....

FORM 4A

APPLICATION BY NEAREST RELATIVE FOR ADMISSION FOR TREATMENT (SECTION 26)

To the Managers of [name and address of hospital or mental nursing home].

‡ Insert mental illness, severe subnormality, subnormality and/or psychopathic disorder.

1. I [name and address of applicant] hereby apply for the admission of [name and address of patient] to the above named hospital for treatment in accordance with Part IV of the Mental Health Act, 1959, as a patient suffering from ‡.

2.

(*a*) I am the patient's nearest relative within the meaning of the Act, being the patient's [state relationship]

Delete the statement that does not apply.

OR

(*b*) I have been authorised by $\frac{\text{a county court}}{\text{the patient's nearest relative}}$ to exercise the functions of the patient's nearest relative under the Act and a copy* of the authority is attached to this application.

3. I last saw the patient on [date]

4. (*This section is to be deleted if the patient is recorded above as suffering from mental illness or severe subnormality*).

(*a*) The patient's date of birth is [ ]

Delete the statement that does not apply.

OR

(if the exact age is not known)

(*b*) I believe the patient to be under twenty-one years.

5. This application is founded on the medical recommendations forwarded herewith.

6. †

Signed.....

Date.....

*Copy of the court order or of the form of authority signed by the nearest relative under Regulation 25 of the Mental Health (Hospital and Guardianship) Regulations, 1960.

† If neither of the medical practitioners who have made the recommendations had previous acquaintance with the patient, the applicant should state here why it is not practicable to obtain a recommendation from a practitioner having such acquaintance.

RECORD OF ADMISSION

(*This is not part of the application, but is to be completed later at the hospital or mental nursing home.*)

(*a*) [Name of patient] was admitted to [name of hospital or mental nursing home] in pursuance of this application on [date of admission].

Delete (*a*) or (*b*) as appropriate.

OR

(*b*) [Name of patient] was already in [name of hospital or mental nursing home] on the date of this application, and the application was received by me on behalf of the managers on [date].

Signed.....
on behalf of the managers.

Date.....

[Sections 49, 50 and 51 of the Act to be set out.]

FORM 4B

APPLICATION BY MENTAL WELFARE OFFICER FOR ADMISSION FOR TREATMENT (SECTION 26)

To the Managers of [name and address of hospital or mental nursing home]

1. I [name and address of applicant] hereby apply for the admission of [name and address of patient] to the above-named hospital for treatment in accordance with Part IV of the Mental Health Act, 1959, as a patient suffering from *.

* Insert mental illness, severe subnormality, subnormality and/or psychopathic disorder.

2. I am an officer of [name of local health authority] appointed to act as a mental welfare officer for the purposes of the Act.

3. (*This section should be deleted if no consultation has taken place*)

(*a*) I have consulted [name and address] who to the best of my knowledge and belief is the patient's nearest relative within the meaning of the Act.

OR

(*b*) I have consulted [name and address] who has been authorised by the County Court for [ ] to exercise the functions of the patient's nearest relative under the Act.

Delete the two statements which do not apply.

OR

(*c*) I have consulted [name and address] who has been authorised by [name of patient's nearest relative], who to the best of my knowledge and belief is the patient's nearest relative within the meaning of the Act, to exercise the functions of the patient's nearest relative under the Act,

AND

$\frac{\text{he}}{\text{she}}$ has not notified me or the local health authority by whom I am appointed that $\frac{\text{he}}{\text{she}}$ objects to this application being made.

4. (*This section should be deleted if consultation has taken place*)

(*a*) I have been unable to ascertain who is this patient's nearest relative within the meaning of the Act.

OR

(*b*) To the best of my knowledge and belief this patient has no nearest relative within the meaning of the Act.

OR

Delete the two statements which do not apply.

(*c*) In my opinion it $\frac{\text{is not reasonably practicable}}{\text{would involve unreasonable delay}}$ before making this application to consult [name and address] who to the best of my knowledge and belief is $\frac{\text{this patient's nearest relative within the meaning of the Act.}}{\text{authorised to exercise the functions of this patient's nearest relative under the Act.}}$

5. I last saw the patient on [date].

6. (*This section is to be deleted if the patient is recorded above as suffering from mental illness or severe subnormality*).

(*a*) The patient's date of birth is [ ].

Delete the statement that does not apply.

OR (if the exact age is not known)

(*b*) I believe the patient to be under the age of twenty-one years.

7. This application is founded on the medical recommendations forwarded herewith.

8. †

Signed.....

Date .....

† If neither of the medical practitioners who have made the recommendations had previous acquaintance with the patient the applicant should state here why it is not practicable to obtain a recommendation from a medical practitioner having such acquaintance.

RECORD OF ADMISSION

(This is not part of the application but is to be completed later at the hospital or mental nursing home.)

Delete (*a*) or (*b*).

(*a*) [Name of patient] was admitted to [name of hospital or mental nursing home] in pursuance of this application on [date of admission].

OR

(*b*) [Name of patient] was already in [name of hospital or mental nursing home] on the date of this application, and the application was received by me on behalf o 'the managers on [date].

Signed.....
on behalf of the managers

Date .....

[Sections 49, 50 and 51 of the Act to be set out.]

FORM 5A

MEDICAL RECOMMENDATION FOR ADMISSION FOR TREATMENT
(SECTION 26)

1. I [name and address of practitioner], being a registered medical practitioner, recommend that [name and address of patient] be admitted to a hospital for treatment in accordance with Part IV of the Mental Health Act, 1959.

2. I last examined this patient on [date].

3.

*(*a*) I was acquainted with the patient previously to conducting that examination.

* Delete if not applicable.

*(*b*) I have been approved by [name of local health authority] under Section 28 of the Act as having special experience in the diagnosis or treatment of mental disorder.

† Insert mental illness, severe subnormality, subnormality and/or psychopathic disorder.

4. In my opinion this patient is suffering from † of a nature or degree which warrants $\frac{\text{his}}{\text{her}}$ detention in a hospital for medical treatment within the meaning of the Act. This opinion is founded on the following grounds:—

(Clinical description of the patient's mental condition)

5. I am of the opinion that it is necessary

Delete (i) or (ii) unless both apply.

(i) in the interests of this patient's health or safety

(ii) for the protection of other persons

that this patient should be detained in a hospital, and my reasons for this opinion are:—

(Reasons should indicate whether other methods of care or treatment (e.g. out-patient treatment or local authority services) are available and if so why they are not appropriate, and why informal admission is not suitable.)

Signed .....

Date.....

[Section 4 of the Act to be set out.]

FORM 5B

JOINT MEDICAL RECOMMENDATION FOR ADMISSION FOR TREATMENT (SECTION 26)

1. We [names and addresses of both medical practitioners], being registered medical practitioners, recommend that [name and address of patient] be admitted to a hospital for treatment in accordance with Part IV of the Mental Health Act, 1959.

2. I [name of first practitioner] last examined this patient on [date].

*I was acquainted with the patient previously to conducting that examination.

*I have been approved by [name of local health authority] under Section 28 of the Act as having special experience in the diagnosis or treatment of mental disorder.

* Delete if not applicable.

3. I [name of second practitioner] last examined this patient on [date].

*I was acquainted with the patient previously to conducting that examination.

*I have been approved by (name of local health authority] under Section 28 of the Act as having special experience in the diagnosis or treatment of mental disorder.

4. We [names of both practitioners] are of the opinion that this patient is suffering from † of a nature or degree which warrants $\frac{\text{his}}{\text{her}}$ detention in a hospital for medical treatment within the meaning of the Act. This opinion is founded on the following grounds:—

† Insert mental illness, severe subnormality, subnormality and/or psychopathic disorder.

(Clinical description of the patient's mental condition)

5. We are of the opinion that it is necessary

(i) in the interests of this patient's health or safety

(ii) for the protection of other persons

Delete (i) or (ii) unless both apply.

that $\frac{\text{he}}{\text{she}}$ should be detained in hospital, and our reasons for this opinion are:—

(Reasons should indicate whether other methods of care or treatment (e.g. out-patient treatment or local authority services) are available and if so why they are not appropriate, and why informal admission is not suitable.)

Signed .....

Date.....

Signed .....

Date.....

[Section 4 of the Act to be set out.]

FORM 6

REPORT ON HOSPITAL IN-PATIENT (SECTION 30 (2))

To the Managers of [name of hospital or mental nursing home in which the patient is]

I [name] am the medical practitioner in charge of the treatment of [name of patient], who is an in-patient in this hospital and not at present liable to be detained under the Mental Health Act, 1959. I hereby report, for the purposes of Section 30 (2) of the Act, that it appears to me that an application ought to be made for this patient's admission to hospital under Part IV of the Act for observation or for treatment.

Signed .....

Date.....

To be completed on behalf of the managers

This report was received by me on behalf of the managers on [date].

Signed .....
on behalf of the managers.

FORM 7A

GUARDIANSHIP APPLICATION BY NEAREST RELATIVE (SECTION 33)

To the [name of local health authority]

1. I [name and address of applicant] hereby apply for the reception of [name and address of patient] into the guardianship of [name and address of proposed guardian] in accordance with Part IV of the Mental Health Act, 1959, as a patient suffering from ‡.

‡ Insert mental illness, severe subnormality, subnormality and/or psychopathic disorder

2.

(*a*) I am the patient's nearest relative within the meaning of the Act, being the patient's [state relationship].

Delete (*a*) or (*b*

OR

(*b*) I have been authorised by ~~a county court~~ / ~~the patient's nearest relative~~ to exercise the functions of the patient's nearest relative under the Act and a copy* of the authority is attached to this application.

3. I last saw the patient on [date].

4. (*This section is to be deleted if the patient is recorded above as suffering from mental illness or severe subnormality.*)

(*a*) The patient's date of birth is [ ].

OR (if the patient's exact age is not known)

(*b*) I believe the patient to be under the age of twenty-one years.

5. This application is founded on the medical recommendations forwarded herewith.

6. †

Signed .....

Date.....

* Copy of the county court order or of the form of authority signed by the nearest relative under Regulation 25 of the Mental Health (Hospital and Guardianship) Regulations, 1960.

† If neither of the medical practitioners who have made the recommendations have had previous acquaintance with the patient, the applicant should state here why it is not practicable to obtain a recommendation from a practitioner having such acquaintance.

RECORD OF ACCEPTANCE

(*To be completed on behalf of the local health authority*)

This application was accepted ~~by~~ / ~~on behalf of~~ [name of local health authority] on [date].

Signed .....

Date.....

[Sections 49, 50 and 51 of the Act to be set out.]

FORM 7B

GUARDIANSHIP APPLICATION BY MENTAL WELFARE OFFICER (SECTION 33)

To the [name of local health authority]

1. I [name and address of applicant] hereby apply for the reception of [name and address of patient] into the guardianship of [name and address of proposed guardian] in accordance with Part IV of the Mental Health Act, 1959, as a patient suffering from*.

* Insert mental illness, severe subnormality, subnormality and/or psychopathic disorder.

2. I am an officer of [name of local health authority] appointed to act as a mental welfare officer for the purposes of the Act.

3. (*This section should be deleted if no consultation has taken place.*)

(*a*) I have consulted [name and address] who to the best of my knowledge and belief is the patient's nearest relative within the meaning of the Act;

OR

(*b*) I have consulted [name and address] who has been authorised by the County Court for [ ] to exercise the functions of the patient's nearest relative;

Delete the two statements which do not apply.

OR

(*c*) I have consulted [name and address] who has been authorised by [name of patient's nearest relative], who to the best of my knowledge and belief is the patient's nearest relative within the meaning of the Act, to exercise the function of the patient's nearest relative under the Act.

AND

that person has not notified me or the local health authority by whom I am appointed that $\frac{\text{he}}{\text{she}}$ objects to this application being made.

4. (*This section should be deleted if consultation has taken place.*)

(*a*) I have been unable to ascertain who is this patient's nearest relative within the meaning of the Act.

OR

(*b*) To the best of my knowledge and belief this patient has no nearest relative within the meaning of the Act.

Delete the two statements which do not apply.

OR

(*c*) In my opinion it $\frac{\text{is not reasonably practicable}}{\text{would involve unreasonable delay}}$ before making this application to consult [name and address], who to the best of my knowledge and belief is $\frac{\text{this patient's nearest relative within the meaning of this Act.}}{\text{authorised to exercise the functions of this patient's nearest relative under the Act.}}$

5. I last saw the patient on [date].

6. (*This section should be deleted if the patient is recorded above as suffering from mental illness or severe subnormality.*)

(*a*) The patient's date of birth is [ ].

OR (if the exact age is not known)

(*b*) I believe the patient to be under the age of twenty-one years.

7. This application is founded on the medical recommendations forwarded herewith.

8. †

Signed .....

Date .....

† If neither of the medical practitioners who have made the recommendations had previous acquaintance with the patient the applicant should state here why it is not practicable to obtain a recommendation from a medical practitioner having such acquaintance.

RECORD OF ACCEPTANCE

(To be completed on behalf of the local health authority)

This application was accepted $\frac{\text{by}}{\text{on behalf of}}$ [name of local health authority] on [date of acceptance].

Signed.....

Date .....

[Sections 49, 50 and 51 of the Act to be set out.]

FORM 8A

MEDICAL RECOMMENDATION FOR RECEPTION INTO GUARDIANSHIP

(SECTION 33)

1. I [name and address of practitioner], being a registered medical practitioner, recommend that [name and address of patient] be received into guardianship in accordance with Part IV of the Mental Health Act, 1959.

2. I last examined this patient on [date].

3.

* Delete if not applicable.

*(*a*) I was acquainted with the patient previously to conducting that examination.

*(*b*) I have been approved by [name of local health authority] under Section 28 of the Act as having special experience in the diagnosis or treatment of mental disorder.

† Insert mental illness, severe subnormality, subnormality and/or psychopathic disorder.

4. In my opinion this patient is suffering from† [of a nature or degree which warrants $\frac{\text{his}}{\text{her}}$ reception into guardianship under the Act. This opinion is founded on the following grounds:—

(Clinical description of the patient's mental condition)

Delete (i) or (ii) unless both apply.

5. I am of the opinion that it is necessary

(i) in the patient's interests,

(ii) for the protection of other persons,

that $\frac{\text{he}}{\text{she}}$ should be so received, and my reasons for this opinion are:—

(Reasons why patient cannot appropriately be cared for without powers of guardianship.)

Signed.....

Date .....

[Section 4 of the Act to be set out.]

FORM 8B

JOINT MEDICAL RECOMMENDATION FOR RECEPTION INTO GUARDIANSHIP

(SECTION 33)

1. We [names and addresses of both medical practitioners], being registered medical practitioners, recommend that [name and address of patient] be received into guardianship in accordance with Part IV of the Mental Health Act, 1959.

2. I [name of first practitioner] last examined this patient on [date].

* Delete if not applicable

* I was acquainted with the patient previously to conducting that examination.

* I have been approved by [name of local health authority] under Section 28 of the Act as having special experience in the diagnosis or treatment of mental disorder.

3. I [name of second practitioner] last examined this patient on [date].

† I was acquainted with the patient previously to conducting that examination.

† I have been approved by [name of local health authority] under Section 28 of the Act as having special experience in the diagnosis or treatment of mental disorder.

† Delete if not applicable.

4. We [names of both practitioners] are of the opinion that this patient is suffering from ‡ of a nature or degree which warrants his/her reception into guardianship under the Act. This opinion is founded on the following grounds:—

‡ Insert mental illness, severe subnormality, subnormality and/or psychopathic disorder.

(Clinical description of the patient's mental condition)

5. We are of the opinion that is is necessary

(i) in the patient's interests,

(ii) for the protection of other persons,

Delete (i) or (ii) unless both apply.

that he/she should be so received, and our reasons for this opinion are:—

(Reasons why patient cannot appropriately be cared for without powers of guardianship.)

Signed.....

Date .....

Signed.....

Date .....

[Section 4 of the Act to be set out.]

FORM 9A

RECLASSIFICATION OF PATIENT DETAINED IN A HOSPITAL OR MENTAL NURSING HOME (SECTION 38)

To the Managers of [name of hospital or mental nursing home in which the patient is detained]

1. I hereby report, for the purposes of Section 38 of the Mental Health Act, 1959, that in my opinion [name of patient], who is recorded on the authority for his/her detention as suffering from

[original classification as amended by any previous reclassification] is now suffering from *

* Insert mental illness, severe subnormality, subnormality and/or psychopathic disorder.

Signed.....
Responsible Medical Officer.

Date.....

To be completed on behalf of the managers.

This report was received by me on behalf of the managers on [date].

(*The following statement is to be deleted if the patient is under* 16 *years of age.*)

The patient († and his/her nearest relative) was/were informed of this report on [date].

† Delete if no known nearest relative.

Signed.....
on behalf of the managers.

Date.....

[Section 4 of the Act to be set out.]

FORM 9B

RECLASSIFICATION OF PATIENT UNDER GUARDIANSHIP (SECTION 38)

To [name of guardian]

1. I hereby report, for the purposes of Section 38 of the Mental Health Act, 1959, that in my opinion [name of patient] who is recorded on the authority for his/her guardianship as suffering from [original classification as amended by any previous reclassification] is now suffering from *

Signed .....
† Responsible Medical Officer or Nominated Medical Attendant.

Date.....

* Mental illness, severe subnormality, subnormality and/or psychopathic disorder.

† Delete whichever does not apply.

To be completed by the guardian

This report was received by me on [date].

(*The following statement to be deleted if the patient is under 16 years of age*)

The patient (‡ and his/her nearest relative) was/were informed of this report on [date].

Signed .....
Guardian (or where guardian is a local health authority, officer acting on behalf of the authority).

‡ Delete if no known nearest relative, or if the nearest relative is also the guardian.

[Section 4 of the Act to be set out.]

FORM 10A

RENEWAL OF AUTHORITY FOR DETENTION IN A HOSPITAL OR MENTAL NURSING HOME (SECTION 43 OR PARAGRAPH 11 OF THE SIXTH SCHEDULE)

To the Managers of [name of hospital or mental nursing home in which patient is liable to be detained].

1. I examined [name of patient] on [date of examination] and hereby report that I am of the opinion that this patient is suffering from * and that it is necessary

(i) in the interests of the patient's health or safety,

(ii) for the protection of other persons,

that the patient should continue to be liable to be detained under the Mental Health Act, 1959 beyond [date on which authority for detention is due to expire if not renewed].

* Insert mental illness, severe subnormality, subnormality and/or psychopathic disorder.

Delete (i) or (ii) unless both apply.

2. The reasons why this patient cannot suitably remain in hospital informally or be discharged from hospital are:—

Signed .....
Responsible Medical Officer.

Date.....

(*The following is not part of the renewal of the authority, but is to be completed on behalf of the managers of the hospital or mental nursing home*)

This report has been considered by the managers,/persons authorised to act on behalf of the managers,

who have decided to order/not to order that the patient be discharged.

† The patient has been informed of the receipt of this report.

Signed .....
on behalf of the managers.

Date.....

† Delete if the patient is under 16 years of age or if the managers order the patient's discharge.

FORM 10B

RENEWAL OF AUTHORITY FOR GUARDIANSHIP (SECTION 43 AND PARAGRAPH 11 OF 6TH SCHEDULE)

To [name of guardian]

[name of responsible local health authority if it is not the guardian]

1. I examined [name of patient] on [date of examination] and hereby report that I am of the opinion that this patient is suffering from * and that it is necessary

(i) in the patient's interests,

(ii) for the protection of other persons

that the patient should remain under guardianship under the Mental Health Act, 1959, beyond [the date on which authority for guardianship is due to expire if not renewed]

* Insert mental illness, severe subnormality, subnormality and/or psychopathic disorder.

Delete (i) or (ii) unless both apply.

2. The reasons why this patient cannot be properly cared for without powers of guardianship are:—

Signed .....
†Responsible Medical Officer or
Nominated Medical Attendant.

† Delete whichever does not apply.

(The following is not part of the renewal of authority but is to be completed on behalf of the responsible local health authority)

This report has been considered $\frac{\text{by}}{\text{on behalf of}}$ the local health authority, who have decided $\frac{\text{to order}}{\text{not to order}}$ that the patient be discharged from guardianship.

The guardian (‡and the patient) $\frac{\text{has}}{\text{have}}$ been informed of the receipt of this report.

Signed .....
(on behalf of the local health authority).
Date.....

‡ Delete if patient is under age 16, or if the local health authority order the patient's discharge.

FORM 11

SPECIAL REPORT ON SUBNORMAL OR PSYCHOPATHIC PATIENT AT AGE 25 (SECTION 44 (2))

To the Managers of [name of hospital or mental nursing home in which patient is liable to be detained]

Name of patient .....

Classification* .....

Date of birth.....

* Subnormal and/or psychopathic.

I examined [name of patient] on [date] and hereby report, for the purposes of Section 44 (2) of the Mental Health Act, 1959, that I am of the opinion that, if released on attaining the age of 25 years, this patient would be likely to act in a manner dangerous to other persons or to $\frac{\text{himself.}}{\text{herself}}$

Signed .....
Responsible Medical Officer.
Date.....

To be completed on behalf of the managers

This report was received by me on behalf of the managers on [date].

Signed .....
Date.....

This patient (†and $\frac{\text{his}}{\text{her}}$ nearest relative) $\frac{\text{was}}{\text{were}}$ so informed on [date].

Signed .....
on behalf of the managers.
Date.....

† Delete if no known nearest relative.

FORM 12

REPORT BARRING DISCHARGE BY NEAREST RELATIVE (SECTION 48 (2))

To the Managers of [name of hospital or mental nursing home in which patient is liable to be detained]

I hereby report, for the purposes of Section 48 (2) of the Mental Health Act, 1959, that I am of the opinion that [name of patient], if discharged, would be likely to act in a manner dangerous to other persons or to $\frac{\text{himself.}}{\text{herself}}$

Signed .....
Responsible Medical Officer.

Date.....

To be completed on behalf of the managers

This report was received by me on behalf of the managers at [time] on [date].

Signed .....

Date.....

The patient's nearest relative, whose notice of intention to order the patient's discharge was received at [time] on [date], was informed of this report on [date].

Signed .....
on behalf of the managers.

Date.....

FORM 13A

CLASSIFICATION OF PATIENTS DURING INITIAL PERIOD
(PARAGRAPH 7 (3) OF 6TH SCHEDULE)

* Insert mental illness, severe subnormality, subnormality and/or psychopathic disorder.

For the purposes of paragraph 7 (3) of the 6th Schedule to the Mental Health Act, 1959, I hereby record that I am of the opinion that [name of patient] is suffering from *

and that $\frac{\text{his}}{\text{her}}$ mental disorder is of a nature or degree which warrants

(i) $\frac{\text{his}}{\text{her}}$ detention in a hospital for medical treatment within the meaning of the Act.

Delete (i) or (ii).

(ii) $\frac{\text{his}}{\text{her}}$ retention under guardianship under the Act.

Signed .....
Responsible Medical Officer.

Date.....

[Section 4 of the Act to be set out.]

FORM 13B

CLASSIFICATION AND DETENTION OF CERTAIN SUBNORMAL AND PSYCHOPATHIC PATIENTS BEYOND END OF INITIAL PERIOD
(PARAGRAPHS 7 (3), 9 (3) (*c*) AND 13 (1) OF 6TH SCHEDULE)

1. For the purposes of paragraph 7 (3) of the 6th Schedule to the Mental Health Act, 1959, I hereby record that I am of the opinion that [name of patient] is suffering from * and that his/her mental disorder is of a nature or degree which warrants his/her detention in hospital for medical treatment within the meaning of the Act.

* Subnormality and/or psychopathic disorder.

2. And, for the purposes of paragraph 9 (3) (*c*) of the said Schedule, I hereby record that I am of the opinion that this patient is unfit for discharge, as it appears to me that:—

(*a*) if the patient were released from the hospital he/she would in my opinion be likely to act in a manner dangerous to other persons or to himself/herself;

(*b*) if the patient were released from the hospital he/she would in my opinion be likely to resort to criminal activities;

(*c*) in my opinion the patient is incapable of caring for himself/herself and there is no suitable hospital or other establishment into which the patient can be admitted and where he/she would be likely to remain voluntarily;

Delete whichever of (*a*), (*b*) or (*c*) do not apply.

and the grounds for this opinion are:—

Signed .....
Responsible Medical Officer.

Date.....

To be completed on behalf of the managers of the hospital or mental nursing home

The patient was informed on [date] that the above opinion has been recorded.

Signed .....
on behalf of the managers
or other persons in charge.

Date.....

[Section 4 of the Act to be set out.]

FORM 14

OPINION UNDER 6TH SCHEDULE AS TO DETENTION OF SUBNORMAL OR PSYCHOPATHIC PATIENT WHO REACHES THE AGE OF 25 AFTER THE INITIAL PERIOD (PARAGRAPHS 12 (3) AND 13 (1) OF THE 6TH SCHEDULE)

Name of patient .....

Date of attaining age of 25 years.....

1. For the purposes of paragraph 12 (3) of the 6th Schedule to the Mental Health Act, 1959, I hereby record that I am of the opinion that this patient is unfit for discharge, as it appears to me that

*(*a*) if the patient were released from the hospital $\frac{\text{he}}{\text{she}}$ would in my opinion be likely to act in a manner dangerous to other persons or to $\frac{\text{himself.}}{\text{herself.}}$

* Delete whichever of (*a*), (*b*) and (*c*) do not apply.

*(*b*) if the patient were released from the hospital $\frac{\text{he}}{\text{she}}$ would in my opinion be likely to resort to criminal activities.

*(*c*) in my opinion the patient is incapable of caring for $\frac{\text{himself}}{\text{herself}}$ and there is no suitable hospital or other establishment into which the patient can be admitted and where $\frac{\text{he}}{\text{she}}$ would be likely to remain voluntarily.

2. The grounds for this opinion are:—

Signed .....
Responsible Medical Officer.
Date.....

To be completed on behalf of the managers or other persons in charge

The patient was informed on [date] that the above opinion has been recorded.

Signed .....
on behalf of the managers or other persons in charge.
Date.....

FORM 15

CLASSIFICATION OF PATIENTS WHEN RESTRICTION ON DISCHARGE CEASES TO HAVE EFFECT (PARAGRAPH 17 OF THE 6TH SCHEDULE) OR AFTER REMOVAL TO ENGLAND OR WALES (SECTION 96 (3) AND REGULATION 19 (2))

For the purposes of

Delete (*a*) or (*b*).

(*a*) paragraph 17 of the 6th Schedule to the Mental Health Act, 1959,

OR

(*b*) Section 96 (3) of the Mental Health Act, 1959,

I hereby record that I am of the opinion that [name of patient] is suffering from*

* Insert mental illness, severe subnormality, subnormality and/or psychopathic disorder.

Signed .....
Responsible Medical Officer.

Date.....

[Section 4 of the Act to be set out.]

FORM 16

AUTHORITY FOR TRANSFER FROM ONE HOSPITAL TO ANOTHER UNDER DIFFERENT MANAGERS

Authority is hereby given for the transfer of [name of patient] from [name and address of hospital in which the patient is liable to be detained] to [name and address of hospital to which the patient is to be transferred], in accordance with the Mental Health (Hospital and Guardianship) Regulations, 1960, within 28 days of the date of this authority.

Signed.....
Capacity.....
Date .....

RECORD OF ADMISSION

(*This is not part of the authority for transfer but is to be completed at the hospital to which the patient is transferred.*)

This patient was transferred to [name of hospital] in pursuance of this authority on [date of admission to receiving hospital].

Signed.....
on behalf of the managers.
Date .....

FORM 17

AUTHORITY FOR TRANSFER FROM HOSPITAL TO GUARDIANSHIP

Authority is hereby given for the transfer of [name of patient] who is at present liable to be detained in [name and address of hospital] to the guardianship of [name and address of proposed guardian] in accordance with the Mental Health (Hospital and Guardianship) Regulations, 1960.

Signed.....
Capacity.....
Date .....

Confirmation of authority for transfer

This authority for transfer was confirmed $\frac{\text{by}}{\text{on behalf of}}$ the [name of local health authority] on [date of confirmation] to take effect on [date].

Signed.....
Date .....

FORM 18

AUTHORITY FOR TRANSFER OF A PATIENT FROM THE GUARDIANSHIP OF ONE GUARDIAN TO ANOTHER

Authority is hereby given for the transfer of [name and address of patient] from the guardianship of [name and address of present guardian] to the guardianship of [name and address of new guardian] in accordance with the Mental Health (Hospital and Guardianship) Regulations, 1960.

Signed.....
Date .....

Confirmation of authority for transfer

This authority for transfer was confirmed $\frac{\text{by}}{\text{on behalf of}}$ the [name of local health authority] on [date of confirmation] to take effect on [date].

Signed.....
Date .....

FORM 19

AUTHORITY FOR TRANSFER FROM GUARDIANSHIP TO HOSPITAL

Authority is hereby given for the transfer of [name and address of patient] who is at present under the guardianship of [name and address of guardian] to [name and address of hospital], in accordance with the Mental Health (Hospital and Guardianship) Regulations, 1960.

This authority is founded on the medical recommendations attached hereto.

Signed.....
on behalf of [name of responsible local health authority].

Date .....

RECORD OF ADMISSION

(*This is not part of the authority for transfer but is to be completed at the hospital to which the patient is transferred.*)

This patient was transferred to [name of hospital] in pursuance of this authority on [date of admission to the receiving hospital].

Signed.....
on behalf of the managers.

Date .....

FORM 20A

MEDICAL RECOMMENDATION FOR TRANSFER FROM GUARDIANSHIP TO HOSPITAL

1. I [name and address of medical practitioner], being a registered medical practitioner, recommend that [name and address of patient] be transferred from guardianship to hospital under Section 41 of the Mental Health Act, 1959.

2. I last examined this patient on [date of examination].

3.

*(*a*) I was acquainted with the patient previously to that examination.

*(*b*) I have been approved by [name of local health authority] under Section 28 of the Act as having special experience in the diagnosis or treatment of mental disorder.

* Delete (*a*) or (*b*) unless both apply.

4. In my opinion it is necessary

*(*a*) In the interests of this patient's health or safety,

*(*b*) for the protection of other persons,

that $\frac{\text{he}}{\text{she}}$ should be detained in hospital. My reasons for this opinion are:—

(Reasons why transfer to hospital is recommended, including reasons why community care is no longer appropriate and why out-patient treatment or informal admission is not suitable.)

Signed.....

Date .....

FORM 20B

JOINT MEDICAL RECOMMENDATION FOR TRANSFER FROM GUARDIANSHIP TO HOSPITAL

1. We [names and addresses of both medical practitioners], being registered medical practitioners, recommend that [name and address of patient] be transferred from guardianship to hospital under Section 41 of the Mental Health Act, 1959.

2. I [name of first practitioner] last examined this patient on [date].

* (*a*) I was acquainted with the patient previously to conducting that examination.

* (*b*) I have been approved by [name of local health authority] under Section 28 of the Act as having special experience in the diagnosis or treatment of mental disorder.

3. I [name of second practitioner] last examined this patient on [date].

* (*a*) I was acquainted with the patient previously to conducting that examination.

* (*b*) I have been approved by [name of local health authority] under Section 28 of the Act as having special experience in the diagnosis or treatment of mental disorder.

* Delete (*a*) or (*b*) unless both apply.

4. We are of the opinion that it is necessary

* (*a*) in the interests of this patient's health or safety,

* (*b*) for the protection of other persons

that $\frac{\text{he}}{\text{she}}$ should be detained in hospital. Our reasons for this opinion are:—

(Reasons why transfer to hospital is recommended including reasons why community care is no longer appropriate and why out-patient treatment or informal admission is not suitable.)

Signed .....

Signed .....

Date.....

FORM 21

DATE OF RECEPTION OF A PATIENT REMOVED TO ENGLAND AND WALES

For the purposes of Part VI of the Mental Health Act, 1959, I hereby record that [name of patient] was $\frac{\text{*admitted to [name and address of hospital]}}{\text{*received into the guardianship of [name and address of guardian]}}$ on the [date].

* Delete as appropriate.

Signed .....

on behalf of the $\frac{\text{*managers.}}{\text{*guardian.}}$

Date.....

FORM 22

FORM OF CERTIFICATE OF AGE

We [name of determining authority] being the determining authority in respect of [name of the patient] whose exact age is unknown to us hereby determine for the purposes of the Mental Health Act, 1959, and of any regulations made thereunder the date of birth of the said to be the day of 19 .

Signed .....

on behalf of [name of determining authority].

Given under the official seal of the Minister of Health this twentieth day of July, nineteen hundred and sixty.

(L.S.)

Derek Walker-Smith,
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These are the principal regulations dealing with the exercise of compulsory powers in respect of persons liable to be detained in hospital or subject to guardianship under the Mental Health Act, 1959.

Regulation 2 defines the terms used in the regulations. Regulation 3 revokes the Mental Health (Approval of Medical Practitioners) Regulations, 1960, the provisions of which are re-enacted in Regulation 5.

Regulation 4 and the Schedule prescribe the forms to be used for the admission of patients to hospital or their reception into guardianship under Part IV of the Act, and for certain other reports required under the Act in connection with detention or guardianship.

Part III sets out the powers and duties of guardians and responsible local health authorities in respect of persons subject to guardianship. The responsible local health authority must arrange visits at intervals of not more than three months (Regulation 7). All guardians are required to make appropriate provision for the patient's health and welfare (Regulation 6). A guardian other than a local health authority is required to exercise his functions subject to any directions of the responsible local health authority and to give the authority certain information in respect of the patient (Regulation 10).

Part IV prescribes the procedures by which patients may be transferred under section 41 of the Act from one hospital to another, from hospital to guardianship, from one guardian to another and from guardianship to hospital. It also provides for the conveyance of such patients (Regulations 17 and 18).

Regulation 19 makes provision for the classification of patients removed to England and Wales from Scotland, Northern Ireland, the Channel Islands or the Isle of Man and requires the date of their admission to hospital or reception into guardianship to be recorded.

Part VI deals with miscellaneous matters including the service of documents (Regulation 20) and their proof (Regulation 22).

Regulation 24 enables certain functions of local health authorities and hospital authorities to be performed by officers and Regulation 25 enables a nearest relative of a patient to delegate his functions under the Act to another person. Regulation 23 enables any patient to write to his solicitor without his letters being opened and Regulation 26 enables the age of a patient if unknown to be determined if it is material for the purposes of the Act.