

# Mental Health Act

---

This factsheet is about detention under the Mental Health Act 1983. This is sometimes called 'sectioning'. We explain why you may be detained, and what rights you have. If you care for someone who has been detained, you might also find this information useful.

 KEY POINTS

- The Mental Health Act says when you can be detained in hospital and treated against your wishes.
- You can be detained if professionals think your mental health puts you or others at risk, and you need to be in hospital.
- If you are detained, NHS staff may be able to give you treatment, even if you don't want it.
- There are different sections of the Mental Health Act. These are used for different reasons.
- When you are detained, you have the right to appeal, and the right to get help from an independent advocate.

## This factsheet covers:

1. [What is the Mental Health Act?](#)
2. [What is a mental disorder?](#)
3. [How can I be detained?](#)
4. [What support can I get?](#)
5. [Can I avoid being detained?](#)
6. [Section 2 - detention for assessment](#)
7. [Section 3 - detention for treatment](#)
8. [Section 4 - detention in an emergency](#)
9. [Section 5 - holding powers](#)
10. [What happens next?](#)

## 1. What is the Mental Health Act?

The Mental Health Act says when you can be taken to hospital, kept there, and treated against your wishes. This can only happen if you have a mental disorder that puts you, or others, at risk.

You should only be detained under the Mental Health Act if there are no other ways to keep you, or others, safe.<sup>1</sup>

Being detained under the Mental Health Act is sometimes called being 'sectioned', because the law has different sections.

Your rights under the Mental Health Act depend on which section you are detained under.

This factsheet does not cover criminal law sections. You can find more information about:

- Section 35
- Section 36
- Section 37
- Section 37/41
- Section 38
- Section 47/49
- Section 48/49

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries Team on 0121 522 7007 and ask them to send you a copy of our factsheet.

## 2. What is a mental disorder?

You can only be detained if you have a 'mental disorder'. The Mental Health Act does not say exactly what can be classed as a 'mental disorder'. So, when they're using the Mental Health Act, health professionals will decide if someone's mental health meets this definition.<sup>2,3</sup>

You cannot be detained for drug or alcohol addiction.<sup>4</sup> But you can be detained if alcohol or drugs cause mental health problems.<sup>5</sup> For example, if you have delusions because of using cannabis.<sup>6</sup>

You can find more information about '**Drugs, alcohol and mental health**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquires team on 0121 522 7007, and ask them to send you a copy of our factsheet.

### 3. How can I be detained?

#### Who decides if I should be detained?

Usually, 3 people have to agree that you need to be detained. But this may not be the case if the situation is urgent.

The 3 people are normally:<sup>7,8</sup>

- an approved mental health professional (AMHP),
- a doctor who has special training in mental disorders, called a 'section 12 approved doctor', and
- another doctor.

If possible, at least one of the doctors should have met you before.<sup>9</sup>

The AMHP can only agree this if they have seen you in the past 14 days.<sup>10</sup>

The doctors must either have seen you at the same time, or within five days of each other.<sup>11</sup>

If all 3 people agree that you need to be detained, the AMHP will apply to a local hospital for a bed.<sup>12</sup>

Your nearest relative can also apply for you to be detained, but this is rare.<sup>13</sup> You can find out more about nearest relatives [below](#).

#### What is an AMHP?

AMHPs are mental health professionals who carry out certain duties under the Mental Health Act. They are given specialist training to do this.

An AMHP might be a:<sup>14</sup>

- social worker,
- nurse,
- occupational therapist, or
- psychologist.

A doctor cannot be an AMHP.<sup>15</sup>

#### Where am I assessed?

This depends on where you are. The assessment might take place at your home, in a public place, or in hospital.

If you are at home, the AMHP should introduce themselves, and the doctors, to you. They should explain why they have come to see you.<sup>16</sup>

The AMHP can apply to court for a warrant if you refuse to let them in, or if they think it's necessary for another reason.<sup>17</sup> A warrant lets the police enter your home to take you somewhere safe. This is called a 'section

135'. If your home can be made a safe place, you may be kept there while an assessment is arranged.<sup>18</sup>

If you are away from home in a public place, the police can take you to a safe place under 'section 136'. A safe place might be:<sup>19</sup>

- your own home,
- a hospital, or
- a police station.

You can find more information about:

- Section 135
- Section 136

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries Team on 0121 522 7007 and ask them to send you a copy of our factsheet.

### **How do they assess me?**

When you are safe, the professionals will decide if you need to be detained. They will ask you questions, and think about all your circumstances. They may ask you:

- how you are feeling,
- if you have plans to harm yourself or others,
- about your lifestyle, daily routine, and living conditions,
- if you have been taking your medication, and
- if you have been using drugs or alcohol.

### **What happens if I am detained?**

If you are not already in hospital, the AMHP will arrange for you to go there as soon as possible.<sup>20</sup> Sometimes the police will go with you.

Staff should tell you which section you are detained under, and what your rights are. They should also give you a 'Patient Information Leaflet' about your rights.<sup>21</sup> If you find it hard to understand, let them know.

It is likely that you will be taken to a specialist ward for people with mental health problems. They may call this an 'acute ward' or a 'psychiatric ward'. In most hospitals, the door to the ward will be locked.<sup>22</sup>

Sometimes the hospital might be a long way from home. But guidance says that the AMHP should try to find you a hospital bed as close as is 'reasonably possible' to where you would like to be.<sup>23</sup>

In hospital, you will be introduced to your 'responsible clinician'. This is the person who is in charge of your care and treatment.<sup>24</sup> They are usually a psychiatrist, but they can be other professionals too.<sup>25</sup>

### **What is a nearest relative?**

The 'nearest relative' is a legal term used in the Mental Health Act. It is

not the same as your next of kin.

Your nearest relative has certain rights if:

- they are worried about your mental health,
- you are detained under the Mental Health Act, or
- professionals are thinking about detaining you under the Mental Health Act.

You can find more information about '**Nearest relative**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquires team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)

#### **4. What support can I get?**

Being taken to hospital against your will can be stressful and upsetting. You may feel that you need a lot of support.

##### **Friends, family, and carers**

Your friends and family can visit you in hospital if you want. There may be set visiting times.

There may be situations when doctors can stop someone visiting you.<sup>26</sup> But they would need to show that this is necessary for safety or security reasons.<sup>27,28</sup> And they should explain these reasons to you. If a doctor stops someone visiting you, when it's not necessary, it could be a breach of your rights.<sup>29</sup>

While you're in hospital, you should be able to keep in touch with your family by telephone, email, or social media.<sup>30</sup>

##### **Emotional support lines**

You may want to talk to someone about the way you feel. Ask the ward staff if you can use a phone to call a listening service, like Samaritans. Their number is in the [Useful Contacts](#) section of this factsheet.

##### **Independent Mental Health Advocate (IMHA)**

You can get help from an IMHA if you are under sections 2 or 3 of the Mental Health Act.<sup>31</sup>

IMHAs help you to tell staff about your concerns, and find out what your rights are. They can also help you to understand your treatment. They are independent of the hospital staff.<sup>32</sup>

Staff should tell you about help from an IMHA as soon as possible after you are detained.<sup>33</sup>

If you think you would find it helpful to speak to an IMHA, ask staff about how to get in touch with one. You may have to ring a number to make an

appointment. IMHAs can meet with you in private, if you would like them to.<sup>34</sup>

You can't get help from an IMHA if you are:<sup>35</sup>

- under an emergency section (Section 4),
- under holding powers of the Mental Health Act (Section 5), or
- in a place of safety under police powers (section 135 or 136).

### **Solicitor**

If you are under sections 2 or 3, and you think you should not have been detained, you can appeal to a tribunal. A solicitor can help you do this. This help should be free under legal aid.<sup>36</sup>

Civil Legal Advice can tell you more about legal aid, and help you to find a solicitor. Their number is in the '[Useful Contacts](#)' section of this factsheet.

There may also be a list of solicitors on the ward.

You can find more information about:

- Going into hospital
- Going into hospital- for carers, friends, and relatives

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries line on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)

## **5. Can I avoid being detained?**

People often get detained because their mental health is putting them or others at risk, and they won't accept treatment. Taking steps to improve your mental health can reduce the chance of being detained.

If it is likely you will be assessed soon, think about the possibility of accepting treatment, and reducing risky behaviour. During the assessment, you may want to explain how things are at home, and what support you already have.

If the professionals think you are at risk, talk to them about other options for reducing these risks.

The professionals should listen to what you have to say, and consider all alternatives to detaining you.<sup>37</sup> These alternatives might be treatment from local mental health services, or you agreeing to go to hospital.

If you want a friend or family member with you during a Mental Health Act assessment, let the approved mental health professional (AMHP) know.

## 6. Section 2 - Assessment

Under section 2, you can be kept in hospital for up to 28 days.<sup>38</sup> This section gives doctors time to decide:

- what type of mental disorder you have,
- if you need any treatment, and
- how treatment will affect your health.

An approved mental health professional (AMHP) is more likely to use section 2 than section 3 if:<sup>39</sup>

- you have never been assessed in hospital before, or
- you have not been assessed for a long time.

A psychiatrist may offer you treatment. If you refuse treatment, the staff may be able to give it to you without your permission.<sup>40</sup>

### When can I be detained?

You can be detained if:<sup>41</sup>

- you have a mental disorder,
- you are unwell enough to need to be in hospital for an assessment, and
- professionals think you should be in hospital for your own health or safety, or to protect other people.

### How will I be detained?

An approved mental health professional (AMHP) needs to apply to hospital. Your nearest relative can also do this, but this is rare.<sup>42</sup>

An AMHP can only apply if they have seen you in the last 14 days. They also need recommendations from 2 doctors. One of these doctors must have seen you in the last 14 days.<sup>43</sup> And the doctors must not have seen you more than 5 days apart.<sup>44</sup>

### How long can I be kept in hospital?

Up to 28 days. But this doesn't mean you will be in hospital for that long. Your doctor should discharge you from section 2 if you don't meet the criteria for detention any more.

Hospital staff cannot extend a section 2.<sup>45</sup> If you need treatment in hospital for longer, you will need to go on to a section 3.

You can stay on a section 2 longer than 28 days if the county court is thinking about changing your nearest relative.<sup>46</sup>

## What are my rights on a section 2?

You have the following rights when you are under section 2.

- To appeal to a tribunal during the first 14 days.<sup>47</sup>
- To appeal to the hospital managers.<sup>48</sup>
- To see an Independent Mental Health Advocate (IMHA), who can help you to understand your rights, and get your voice heard.<sup>49</sup>

You can find more information about '**Discharge from the Mental Health Act**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

## Can they give me treatment I don't want?

Yes.<sup>50</sup> But the staff should ask you to accept treatment first.<sup>51</sup> If you are unhappy about your treatment, talk to the person in charge of your care (your responsible clinician). An Independent Mental Health Advocate (IMHA) may be able to help.

Staff can only give you some treatments, like electro-convulsive therapy (ECT), if certain criteria are met.<sup>52</sup>

You can find more information about '**Electro-convulsive therapy**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquires team on 0121 522 7007 and ask them to send you a copy of our factsheet.

## Who can discharge me?

You can be discharged by:<sup>53, 54</sup>

- your responsible clinician,
- the hospital managers,
- your nearest relative, and
- the tribunal.

## What happens next?

If your doctor thinks you should stay in hospital longer than 28 days, and you won't agree to this, they may put you on a section 3.

[Top](#)

## 7. Section 3 - Treatment

Under section 3, you can be detained in hospital for treatment for up to 6 months. But it can be extended for longer.

### When can I be detained?

You can be detained if:<sup>55</sup>

- you have a mental disorder,
- you are unwell enough to be in hospital,

- professionals think you should be in hospital for your own health or safety, or to protect other people,
- appropriate treatment is available for you, and
- you will not get this treatment unless you are detained.

### **How is a section 3 carried out?**

An approved mental health professional (AMHP) needs to apply to hospital. Your nearest relative can also do this, but this is rare.<sup>56</sup>

### **How long will I be in hospital for?**

To start with, you can be detained for up to 6 months.<sup>57</sup> But your doctor can discharge you earlier, if they think you are well enough.

If your doctor thinks you need to stay in hospital at the end of the first 6 months, they can renew your section for another 6 months. After that, they can renew it for 1 year at a time.<sup>58</sup>

If your responsible clinician thinks your section should be renewed, they have to assess you in the 2 months before it ends.<sup>59</sup> They will then write a report for the hospital managers.

### **What are my rights?**

You have the following rights when you're under section 3.

- You can appeal to a tribunal once in the first 6 months.<sup>60</sup>
- If your section is renewed, you can appeal once every time it is renewed.<sup>61</sup>
- You can ask the hospital managers to discharge you.<sup>62</sup>
- You can ask for the help of an Independent Mental Health Advocate (IMHA). They can help you to understand your rights, and to get your voice heard.<sup>63</sup>

### **Can I be treated against my will?**

You can be treated against your will for 3 months.<sup>64</sup> After 3 months, staff can only treat you without your consent if a 'second opinion approved doctor' (SOAD) approves the treatment.<sup>65</sup>

If you are unhappy about your treatment, you should talk to your responsible clinician. An Independent Mental Health Advocate (IMHA) may be able to help.

Staff can only give you some treatments, like electro-convulsive therapy (ECT), if certain criteria are met.<sup>66</sup>

You can find more information about '**Electro-convulsive therapy**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquires team on 0121 522 7007 and ask them to send you a copy of our factsheet.

## Who can discharge me?

You can be discharged by:<sup>67, 68</sup>

- the professional in charge of your care (known as your 'responsible clinician'),
- the hospital managers,
- your nearest relative, and
- the tribunal.

## What happens next?

When you leave hospital, you will get free aftercare. This is known as section 117 aftercare. It is likely that mental health services will plan your care under the 'Care Programme Approach'.<sup>69</sup>

You can find more information about:

- Section 117 aftercare
- Care Programme Approach (CPA)

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)

## 8. Section 4 - Emergencies

Section 4 is used in emergencies, where only 1 doctor is available at short notice. Unlike a section 2 or 3, you can be detained with a recommendation from only 1 doctor. You can be kept for up to 72 hours.<sup>70</sup> This gives the hospital time to arrange a full assessment.

### When can I be detained?

You can be detained under section 4 if:<sup>71</sup>

- you have a mental disorder,
- you are unwell enough to be in hospital,
- professionals think you should be in hospital for your own health or safety, or to protect other people,
- it is urgent and necessary for you to be in hospital, and
- finding another doctor would cause an "undesirable delay".

### How is section 4 carried out?

An approved mental health professional (AMHP) needs to apply to hospital. Your nearest relative can also do this, but this is rare.<sup>72</sup>

You must have been seen by a doctor in the last 24 hours.<sup>73</sup> The doctor will write a report that says you should be detained.

### **How long can I be detained for?**

You can be detained for up to 72 hours. But this does not mean that you will be kept for this long. A second doctor should assess you as soon as possible.<sup>74</sup> They will decide if the section 4 should be changed to a section 2. The AMHP does not need to make another application to change the section 4 to a section 2.

### **Can I be treated against my will?**

You can refuse treatment.<sup>75</sup> Staff can only treat you without your consent if:

- you do not have the mental capacity to make a decision about treatment, and
- the treatment is in your best interests.<sup>76</sup>

You can find more information about '**Mental capacity and mental illness**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

### **Who can discharge me?**

You can be discharged by the professional in charge of your care in hospital. They are called your responsible clinician.

[Top](#)

## **9. Section 5 – Holding powers**

Section 5 allows a doctor or nurse to stop you from leaving hospital. They may do this if you are in hospital voluntarily, and you want to leave. But they think you are too unwell to leave.

If you are in hospital voluntarily, and you are on a locked ward, staff either have to:

- let you leave when you want to, or
- use their section 5 powers.

If they stop you from leaving without using section 5, this is against the law.

Staff should only use section 5 when it is not possible or safe to use sections 2, 3, or 4.<sup>77</sup>

### **Doctor's holding power – section 5(2)**

A doctor can hold you in hospital for up to 72 hours, if they write a report explaining why you need to be detained, and send this to the hospital managers. A doctor can do this in any hospital.<sup>78</sup>

## **Nurse's holding power – section 5(4)**

A mental health or learning disability nurse<sup>79</sup> can keep you in hospital for up to 6 hours if:<sup>80</sup>

- they need to immediately stop you leaving hospital, for your own health or safety, or for the protection of others, and
- it is not possible to find a doctor who can section you under section 5(2).

## **How long can I be detained for?**

### Under section 5(2)<sup>81</sup>

You can be held for up to 72 hours. The doctor cannot renew or extend it. An approved mental health professional (AMHP) and doctors must assess you as soon as possible to see if you should be detained under section 2 or 3.

### Under section 5(4)<sup>82</sup>

A nurse can keep you in hospital for up to 6 hours. This is not renewable. The holding power ends as soon as a doctor arrives.

The doctor may transfer you onto a section 2, 3, or 5(2). Or you may continue as a voluntary patient.

## **Can I be treated against my will?**

You can refuse treatment.<sup>83</sup> Staff can only treat you without your consent if:<sup>84</sup>

- you do not have the mental capacity to make a decision about treatment, and
- the treatment is in your best interests.

If you have the capacity to make your own decisions, staff cannot treat you without your consent, unless they move you to a section 2 or 3.

You can find more information about '**Mental capacity and mental illness**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007, and ask them to send you a copy of our factsheet.

## **When does the section end?**

Section 5 ends when:

- the time runs out, or
- you are detained under a different section.

If the time runs out, and the staff have not detained you under another section, you should be able to leave.

## 10. What happens next?

### Discharge

You must be discharged from the Mental Health Act when you don't meet the criteria to be detained anymore. For example, if you are in hospital because your health puts you at risk, you can be discharged when this risk is low enough.

You can choose to stay in hospital, if hospital staff agree that you need to be there.

Most people will not have completely recovered from their illness when they leave hospital. If staff think you are ready to leave, they should plan what will happen next. This is called 'discharge planning'.

Your doctors should start planning your discharge as soon as possible, and you should be involved.<sup>85</sup> Discharge planning should be part of your care plan. Your care plan depends on what staff think will be best for you, and what you want. It might say:

- where you will live,
- what medication will help you,
- what social support you will have, and
- which mental health services can help.

You can find more information about '**Discharge from the Mental Health Act**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

### Aftercare

When you leave hospital, professionals should plan your care under the 'Care Programme Approach' (CPA), if there's a high risk that your mental health will get worse without ongoing care.<sup>86</sup>

If you have been in hospital under section 3, you are entitled to free aftercare under section 117.<sup>87</sup>

You can find more information about:

- Care Programme Approach (CPA)
- Section 117 aftercare

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries line on 0121 522 7007 and ask them to send you a copy of our factsheet.

### Community Treatment Order (CTO)

A CTO means that you can leave hospital, but you stay under the Mental Health Act. You have to meet conditions to stay in the community. You may be taken back to hospital if you don't meet the conditions in the

CTO,<sup>88</sup> or you become unwell.<sup>89</sup> This is sometimes called ‘supervised community treatment’.

You may go on a CTO if you are discharged from section 3. You can’t go on a CTO if you are under section 2, or if you are not detained.<sup>90</sup>

You can find more information about ‘**Community Treatment Order**’ at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)



### **Samaritans**

This is a national helpline that gives confidential emotional support for people who are distressed. Local branches offer telephone support and, sometimes, face-to-face support.

**Telephone:** 116 123. Open 24 hours per day, 7 days a week.

**Email:** [jo@samaritans.org](mailto:jo@samaritans.org)

**Website:** [www.samaritans.org](http://www.samaritans.org)

### **Civil Legal Advice**

Civil Legal Advice can help you to find a solicitor who works under legal aid.

**Telephone:** 0345 345 4 345. Open Monday-Friday 9am-8pm, and Saturday 9am-12.30pm.

**Website:** [www.find-legal-advice.justice.gov.uk](http://www.find-legal-advice.justice.gov.uk)



### **Mental Health Act- Code of Practice**

This is a document written by the government, working with an Expert Reference Group of service users and carers. It explains how healthcare professionals should apply the Mental Health Act.

**Website:**

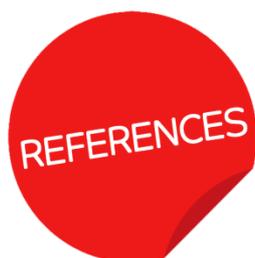
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/435512/MHA\\_Code\\_of\\_Practice.PDF](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/435512/MHA_Code_of_Practice.PDF)

You can find more information about:

- Advocacy
- Community Treatment Orders (CTOs)
- Complaints
- Discharge from the Mental Health Act
- Going into hospital
- Going into hospital- for carers, friends, and relatives
- Legal advice
- Nearest relative
- Section 117 aftercare

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)



- <sup>1</sup> Department of Health. *Mental Health Act 1983 Code of Practice*. UK: TSO; 2015. Paragraphs 14.11, & 14.4-14.5.
- <sup>2</sup> s1(2) Mental Health Act 1983 c.20.
- <sup>3</sup> As note 1, at para 2.4.
- <sup>4</sup> As note 2 (MHA 1983), s1(3).
- <sup>5</sup> As note 1 at para 2.11.
- <sup>6</sup> Secretary of State for Justice v MP [2013] UKUT 025 (AAC). Paragraph 15.
- <sup>7</sup> As note 2 (MHA 1983), s11(1).
- <sup>8</sup> As note 2 (MHA 1983), s12(2).
- <sup>9</sup> As note 2 (MHA 1983), s12(2).
- <sup>10</sup> As note 2 (MHA 1983), s11(5).
- <sup>11</sup> As note 2 (MHA 1983), s12(1).
- <sup>12</sup> As note 2 (MHA 1983), s11(1).
- <sup>13</sup> As note 1, at para 14.30.
- <sup>14</sup> Sch.1, *The Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008*. SI 2008/1206. London: TSO; 2008.
- <sup>15</sup> As note 2 (MHA 1983), s114(2).
- <sup>16</sup> As note 1, at para 14.51.
- <sup>17</sup> As note 1, at para 14.55.
- <sup>18</sup> As note 2 (MHA 1983), s135 (1).
- <sup>19</sup> As note 2 (MHA 1983), s136 (1).
- <sup>20</sup> As note 1, at para 14.91.
- <sup>21</sup> As note 2 (MHA 1983), s132.
- <sup>22</sup> Care Quality Commission. *Monitoring the Mental Health Act in 2015/16*. UK: Williams Lea Group; 2015. Page 23.
- <sup>23</sup> As note 1, at para 14.81.
- <sup>24</sup> As note 1, at annex A, page 416.
- <sup>25</sup> Chapter 2, paragraph 48, Explanatory Notes to the Mental Health Act 2007 c12.
- <sup>26</sup> As note 1, at para 11.11.
- <sup>27</sup> As note 1, at para 11.14.
- <sup>28</sup> As note 1, at para 11.15.
- <sup>29</sup> As note 1, at para 11.13.
- <sup>30</sup> As note 1, at para 8.16.
- <sup>31</sup> As note 2 (MHA 1983), s130C(2)(a).
- <sup>32</sup> As note 2 (MHA 1983), s130A(4).
- <sup>33</sup> As note 2 (MHA 1983), s130D.
- <sup>34</sup> As note 2 (MHA 1983), s130B(3)(a).
- <sup>35</sup> As note 2 (MHA 1983), s130C(2)(a).
- <sup>36</sup> Reg. 5(1)(f), *The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013*. SI 2013/408. London: TSO; 2013.
- <sup>37</sup> As note 1, at para 14.11.
- <sup>38</sup> As note 2 (MHA 1983), s2(4).
- <sup>39</sup> As note 1, at para 14.27 and 14.28.
- <sup>40</sup> As note 2 (MHA 1983), s56(3).

- 
- 41 As note 2 (MHA 1983), s2(2).
- 42 As note 2 (MHA 1983), s11(1).
- 43 As note 2 (MHA 1983), s6(1).
- 44 As note 2 (MHA 1983), s12(1).
- 45 As note 2 (MHA 1983), s2(4).
- 46 As note 2 (MHA 1983), s29(4).
- 47 As note 2 (MHA 1983), s66(2)(a).
- 48 As note 2 (MHA 1983), s23(2)(a).
- 49 As note 2 (MHA 1983), s130C(2)(a).
- 50 As note 2 (MHA 1983), s63.
- 51 As note 1, at para 24.41.
- 52 As note 2 (MHA 1983), s58A.
- 53 As note 2 (MHA 1983), s23(2)(a).
- 54 As note 2 (MHA 1983), s72.
- 55 As note 2 (MHA 1983), s3(2).
- 56 As note 2 (MHA 1983), s11(1).
- 57 As note 2 (MHA 1983), s20(1).
- 58 As note 2 (MHA 1983), s20(2).
- 59 As note 2 (MHA 1983), s20(3).
- 60 As note 2 (MHA 1983), s66(2)(b).
- 61 As note 2 (MHA 1983), s66(2)(f).
- 62 As note 2 (MHA 1983), s23(2)(a).
- 63 As note 2 (MHA 1983), s130C(2)(a).
- 64 As note 2 (MHA 1983), s58(1)(b).
- 65 As note 2 (MHA 1983), s58.
- 66 As note 2 (MHA 1983), s58A.
- 67 As note 2 (MHA 1983), s23(2)(a).
- 68 As note 2 (MHA 1983), s72.
- 69 As note 1, at para 34.8-34.9.
- 70 As note 2 (MHA 1983), s4(4).
- 71 As note 2 (MHA 1983), s4(2).
- 72 As note 2 (MHA 1983), s4(2).
- 73 As note 2 (MHA 1983), s4(5).
- 74 As note 1, at para 15.13.
- 75 As note 2 (MHA 1983), s56(3)(a).
- 76 s5, Mental Capacity Act 2005 c9.
- 77 As note 1, at para 18.9.
- 78 As note 2 (MHA 1983), s5(2).
- 79 Art. 2, *The Mental Health (Nurses) (England) Order 2008*. SI 2008/1207. London: TSO; 2008
- 80 As note 2 (MHA 1983), s5(4).
- 81 As note 2 (MHA 1983), s5(2).
- 82 As note 2 (MHA 1983), s5(4).
- 83 As note 2 (MHA 1983), s56(3).
- 84 As note 76 (MCA 2005), s5.
- 85 As note 22, at page 40.
- 86 As note 1, at para 34.7.
- 87 As note 2 (MHA 1983), s117(1).
- 88 As note 2 (MHA 1983), s17B(6).
- 89 As note 2 (MHA 1983), s17E(1).
- 90 As note 1, at para 29.8.

© Rethink Mental Illness 2016  
Last updated February 2018  
Next update February 2021  
Version: 8



This factsheet is available  
in large print.

---

## Rethink Mental Illness Advice Service

Phone 0300 5000 927  
Monday to Friday, 9:30am to 4pm  
(excluding bank holidays)

Email [advice@rethink.org](mailto:advice@rethink.org)

---

### Did this help?

We'd love to know if this information helped you.

Drop us a line at: [feedback@rethink.org](mailto:feedback@rethink.org)

or write to us at Rethink Mental Illness:

RAIS  
PO Box 17106  
Birmingham B9 9LL

or call us on 0300 5000 927.

We're open 9:30am to 4pm  
Monday to Friday (excluding bank holidays)



Leading the way to a better  
quality of life for everyone  
affected by severe mental illness.

For further information  
on Rethink Mental Illness  
Phone 0121 522 7007  
Email [info@rethink.org](mailto:info@rethink.org)

 [facebook.com/rethinkcharity](https://facebook.com/rethinkcharity)

 [twitter.com/rethink\\_](https://twitter.com/rethink_)

 [www.rethink.org](http://www.rethink.org)

### Need more help?

Go to [www.rethink.org](http://www.rethink.org) for information on symptoms, treatments, money and benefits and your rights.

### Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

### Need to talk to an adviser?

If you need practical advice, call us on 0300 5000 927 between 9:30am to 4pm, Monday to Friday. Our specialist advisers can help you with queries like how to apply for benefits, get access to care or make a complaint.

### Can you help us to keep going?

We can only help people because of donations from people like you. If you can donate please go to [www.rethink.org/donate](http://www.rethink.org/donate) or call 0121 522 7007 to make a gift. We are very grateful for all our donors' generous support.

