



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART VIII

#### MISCELLANEOUS FUNCTIONS OF LOCAL AUTHORITIES AND THE SECRETARY OF STATE

##### *Visiting patients*

#### **116 Welfare of certain hospital patients.**

- (1) Where a patient to whom this section applies is admitted to a hospital or nursing home in England and Wales (whether for treatment for mental disorder or for any other reason) then, without prejudice to their duties in relation to the patient apart from the provisions of this section, the authority shall arrange for visits to be made to him on behalf of the authority, and shall take such other steps in relation to the patient while in the hospital or nursing home as would be expected to be taken by his parents.
- (2) This section applies to—
  - [<sup>X1</sup>(a) a child or young person in respect of whom the rights and powers of a parent are vested in a local authority by virtue of—
    - (i) section 3 of the <sup>M1</sup>Child Care Act 1980 (which relates to the assumption by a local authority of parental rights and duties in relation to a child in their care),
    - (ii) section 10 of that Act (which relates to the powers and duties of local authorities with respect to persons committed to their care under the <sup>M2</sup>Children and Young Persons Act 1969), or
    - (iii) section 17 of the <sup>M3</sup>Social Work (Scotland) Act 1968 (which makes corresponding provision for Scotland);]
    - [<sup>F1</sup>(a) a child or young person—
      - (i) who is in the care of a local authority by virtue of a care order within the meaning of the <sup>M4</sup>Children Act 1989, or
      - (ii) in respect of whom the rights and powers of a parent are vested in a local authority by virtue of section 16 of the <sup>M5</sup>Social Work (Scotland) Act 1968;]

*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** *Mental Health Act 1983, Cross Heading: Visiting patients is up to date with all changes known to be in force on or before 30 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) a person who is subject to the guardianship of a local social services authority under the provisions of this Act or the [F<sup>2</sup>Mental Health (Scotland) Act 1984];  
or
- (c) a person the functions of whose nearest relative under this Act or under the [F<sup>2</sup>Mental Health (Scotland) Act 1984] are for the time being transferred to a local social services authority.

#### Editorial Information

- X1** S. 116(2)(a) commencing “a child or young person—” substituted (*prosp.*) for s. 116(2)(a) commencing “a child or young person in respect of” by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 116, 124(3), **Sch. 16 para. 42(a)**

#### Textual Amendments

- F1** S. 116(2)(a) commencing “a child or young person—” substituted (*prosp.*) for s. 116(2)(a) commencing “a child or young person in respect of” by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 116, 124(3), **Sch. 16 para. 42(a)**
- F2** Words substituted by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), ss. 17(2), 127, **Sch. 3 para. 55**

#### Marginal Citations

- M1** 1980 c. 5.  
**M2** 1969 c. 54.  
**M3** 1968 c. 49.  
**M4** 1989 c.41 (20).  
**M5** 1968 c.49 (81:3).

**Status:**

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**Changes to legislation:**

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