



Mental Health Act 1983

1983 CHAPTER 20

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

[^{F1}Duration of authority and discharge]

21B Patients who are taken into custody or return after more than 28 days.

- (1) This section applies where a patient who is absent without leave is taken into custody under section 18 above, or returns himself to the hospital or place where he ought to be, later than the end of the period of 28 days beginning with the first day of his absence without leave.
- (2) It shall be the duty of the [^{F1}appropriate practitioner] , within the period of one week beginning with the day on which the patient is returned or returns himself to the hospital or place where he ought to be [^{F2}(his “return day”)]
 - (a) to examine the patient; and
 - (b) if it appears to him that the relevant conditions are satisfied, to furnish to the appropriate body a report to that effect in the prescribed form;and where such a report is furnished in respect of the patient the appropriate body shall cause him to be informed.
- (3) Where the patient is liable to be detained [^{F3}or is a community patient](as opposed to subject to guardianship), the [^{F1}appropriate practitioner] shall, before furnishing a report under subsection (2) above, consult—
 - (a) one or more other persons who have been professionally concerned with the patient’s medical treatment; and
 - (b) an [^{F4}approved mental health professional] .

[^{F5}(4) Where—

- (a) the patient would (apart from any renewal of the authority for his detention or guardianship on or after his return day) be liable to be detained or subject

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to guardianship after the end of the period of one week beginning with that day; or

- (b) in the case of a community patient, the community treatment order would (apart from any extension of the community treatment period on or after that day) be in force after the end of that period,

he shall cease to be so liable or subject, or the community treatment period shall be deemed to expire, at the end of that period unless a report is duly furnished in respect of him under subsection (2) above.]

[^{F6}(4A) If, in the case of a community patient, the community treatment order is revoked under section 17F above during the period of one week beginning with his return day—

- (a) subsections (2) and (4) above shall not apply; and
- (b) any report already furnished in respect of him under subsection (2) above shall be of no effect.]

(5) Where the patient would (apart from section 21 above) have ceased to be liable to be detained or subject to guardianship on or before the day on which a report is duly furnished in respect of him under subsection (2) above, the report shall renew the authority for his detention or guardianship for the period prescribed in that case by section 20(2) above.

(6) Where the authority for the detention or guardianship of the patient is renewed by virtue of subsection (5) above—

- (a) the renewal shall take effect as from the day on which (apart from section 21 above and that subsection) the authority would have expired; and
- (b) if (apart from this paragraph) the renewed authority would expire on or before the day on which the report is furnished, the report shall further renew the authority, as from the day on which it would expire, for the period prescribed in that case by section 20(2) above.

[^{F7}(6A) In the case of a community patient, where the community treatment order would (apart from section 21 above) have ceased to be in force on or before the day on which a report is duly furnished in respect of him under subsection (2) above, the report shall extend the community treatment period for the period prescribed in that case by section 20A(3) above.

(6B) Where the community treatment period is extended by virtue of subsection (6A) above—

- (a) the extension shall take effect as from the day on which (apart from section 21 above and that subsection) the order would have ceased to be in force; and
- (b) if (apart from this paragraph) the period as so extended would expire on or before the day on which the report is furnished, the report shall further extend that period, as from the day on which it would expire, for the period prescribed in that case by section 20A(3) above.]

(7) Where the authority for the detention or guardianship of the patient would expire within the period of two months beginning with the day on which a report is duly furnished in respect of him under subsection (2) above, the report shall, if it so provides, have effect also as a report duly furnished under section 20(3) or (6) above; and the reference in this subsection to authority includes any authority renewed under subsection (5) above by the report.

[^{F8}(7A) In the case of a community patient, where the community treatment order would (taking account of any extension under subsection (6A) above) cease to be in force

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within the period of two months beginning with the day on which a report is duly furnished in respect of him under subsection (2) above, the report shall, if it so provides, have effect also as a report duly furnished under section 20A(4) above.]

(8) ^{F9}

(9) ^{F9}

(10) In this section—

^{F10}

[^{F11}“the appropriate body” means—

- (a) in relation to a patient who is liable to be detained in a hospital, the managers of the hospital;
- (b) in relation to a patient who is subject to guardianship, the responsible local social services authority;
- (c) in relation to a community patient, the managers of the responsible hospital; and]

[^{F12}“the relevant conditions” means—

- (a) in relation to a patient who is liable to be detained in a hospital, the conditions set out in subsection (4) of section 20 above;
- (b) in relation to a patient who is subject to guardianship, the conditions set out in subsection (7) of that section;
- (c) in relation to a community patient, the conditions set out in section 20A(6) above.]

Textual Amendments

- F1** Words in s. 21B(2)(3) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 9\(5\)\(a\)](#), 56 (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(b\)](#) (with [art. 3](#), [Sch.](#))
- F2** Words in s. 21B(2) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 32](#), 56, [Sch. 3 para. 8\(2\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(i\)](#) (with [art. 3](#), [Sch.](#))
- F3** Words in s. 21B(3) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 32](#), 56, [Sch. 3 para. 8\(3\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(i\)](#) (with [art. 3](#), [Sch.](#))
- F4** Words in s. 21B(3)(b) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 21](#), 56, [Sch. 2 para. 7\(b\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(d\)](#) (with [art. 3](#), [Sch.](#)); S.I. 2008/2561, [art. 2\(b\)](#) (with [art. 3](#), [Sch.](#))
- F5** S. 21B(4) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 32](#), 56, [Sch. 3 para. 8\(4\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(i\)](#) (with [art. 3](#), [Sch.](#))
- F6** S. 21B(4A) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 32](#), 56, [Sch. 3 para. 8\(5\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(i\)](#) (with [art. 3](#), [Sch.](#))
- F7** S. 21B(6A)(6B) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 32](#), 56, [Sch. 3 para. 8\(6\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(i\)](#) (with [art. 3](#), [Sch.](#))
- F8** S. 21B(7A) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 32](#), 56, [Sch. 3 para. 8\(7\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(i\)](#) (with [art. 3](#), [Sch.](#))
- F9** S. 21B(8)(9) repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 55](#), 56, [Sch. 11 Pt. 1](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(p\)](#) (with [art. 3](#), [Sch.](#))
- F10** S. 21B(10): definition of "appropriate medical officer" repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 9\(5\)\(b\)](#), 56, [Sch. 11 Pt. 3](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(b\)\(p\)](#) (with [art. 3](#), [Sch.](#))
- F11** S. 21B(10): definition of "the appropriate body" substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 32](#), 56, [Sch. 3 para. 8\(8\)\(a\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(i\)](#) (with [art. 3](#), [Sch.](#))

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F12 S. 21B(10): definition of "the relevant conditions" substituted (3.11.2008) by [Mental Health Act 2007](#) (c. 12), ss. 32, 56, [Sch. 3 para. 8\(8\)\(b\)](#) (with Sch. 10); S.I. 2008/1900, [art. 2\(i\)](#) (with art. 3, Sch.)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [1996 c. 46 Sch. 2 para. 9](#)(replacing [1968 c 20 s. 23](#)) (Act applied (prosp.) by [1968 c. 20, s. 23\(4\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 9](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing [1957 c 53 s. 63](#)) (Act applied (prosp.) by [1957 c. 53, s. 63C\(6\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 4](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 19 s. 116](#)) (Act applied (prosp.) by [1955 c. 19, s. 116C\(6\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2 para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 18 s 116](#)) (Act applied (prosp.) by [1955 c. 18, s. 116C\(6\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2 para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing [1957 c 53 s. 63](#)) (Act: Power to apply conferred (prosp.) by [1957 c. 53, s. 63B\(4\)\(c\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 4](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 19 s. 116](#)) (Act: Power to apply conferred (prosp.) by [1955 c. 19, s. 116B\(4\)\(c\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 18 s 116](#)) (Act: Power to apply conferred (prosp.) by [1955 c. 18, s. 116B\(4\)\(c\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2 para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 74\(8\)](#) inserted by [2015 c. 2 Sch. 3 para. 3\(3\)](#)