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Disabled Persons (Services, Consultation and Representation) Act 1986

1986 CHAPTER 33

PART I

REPRESENTATION AND ASSESSMENT

PROSPECTIVE

7 Persons discharged from hospital.

(1) When a person is to be discharged from a hospital after having received medical treatment for mental disorder as an in-patient for a continuous period of not less than 6 months ending with the date on which he is to be discharged, the managers of the hospital shall give written notification of that date—

- (a) to the health authority in whose ^{F1}... area it appears to the managers that that person is likely to reside after his discharge (unless the managers are that authority),
- (b) to the local authority in whose area it appears to them that the person is likely then to reside, and
- (c) in the case of a person under the relevant age on that date, to the appropriate officer [^{F2}of that local authority],

as soon as it is reasonably practicable after that date is known to the managers.

(2) Where—

- (a) a person liable to be detained under the 1983 Act or the [^{F3}2003] Act is discharged from a hospital in pursuance of an order for his immediate discharge made by [^{F4}the First-tier Tribunal or the Mental Health Review Tribunal for Wales] or, in Scotland, by the Mental Welfare Commission for Scotland or by the sheriff, and

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- (b) he is so discharged after having received medical treatment for mental disorder as an in-patient for a continuous period of not less than 6 months ending with the date of his discharge,

the managers of the hospital shall give written notification of that person's discharge in accordance with paragraphs (a), (b), and (c) of subsection (1) above as soon as is reasonably practicable.

- (3) Where—

- (a) a health authority receive a notification given with respect to a person under subsection (1) or (2), or
- (b) the managers of a hospital from which a person is to be, or is, discharged as mentioned in subsection (1) or (2) are the health authority referred to in subsection (1)(a),

that authority shall (subject to subsection (7)) make arrangements for an assessment of the needs of that person with respect to the provision of any services [^{F5}mentioned in subsection (3A)]; and in making any such arrangements a health authority falling within paragraph (a) above shall consult the managers of the hospital in question.

- [^{F6}(3A) The services referred to in subsection (3) are—

- (a) in relation to England, services whose provision must be arranged by [^{F7}an integrated care board] under section 3 of the 2006 Act, or by [^{F8}NHS England] by virtue of section 3B of that Act;
- (b) in relation to Wales, services which must be provided by the Welsh Ministers under the National Health Service (Wales) Act 2006; or
- (c) in relation to Scotland, services which must be provided by the Scottish Ministers under the 1978 Act.]

- (4) Where a local authority receive a notification given with respect to a person under subsection (1) or (2), the authority shall (subject to subsection (7)) make arrangements for an assessment of the needs of that person with respect to the provision of any services under any of the welfare enactments.
- (5) A health authority and a local authority who are by virtue of subsections (3) and (4) each required to make arrangements for an assessment of the needs of a particular person shall co-operate with each other in the making of those arrangements.
- (6) Any assessment for which arrangements are required to be made by virtue of subsection (3) or (4) shall be carried out—
- (a) where the notification in question was given under subsection (1), not later than the date mentioned in that subsection, or
- (b) where the notification in question was given under subsection (2), as soon as is reasonably practicable after receipt of the notification.
- (7) A health authority or a local authority shall not be required to make arrangements for an assessment of the needs of a person by virtue of subsection (3) or (4) if that person has requested them not to make any such arrangements.
- (8) Nothing in this section shall apply in relation to a person who is being discharged from a hospital for the purpose of being transferred to another hospital in which he will be an in-patient (whether or not he will be receiving medical treatment for mental disorder); but any reference in subsection (1) or (2) to a person's having received medical treatment for mental disorder as an in-patient for the period mentioned in that subsection is a reference to his having received such treatment for that period as an

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in-patient in one or more hospitals (any interruption of that period attributable to his being transferred between hospitals being disregarded).

(9) In this section—

[^{F9}“the appropriate officer” of a local authority is such officer discharging education functions (as defined in section 579(1) of the Education Act 1996) of that authority or, in Scotland, functions of that authority in their capacity as an education authority, as may be appointed by the authority for the purposes of this section;]

“health authority”—

- (a) [^{F10}in relation to England, means [^{F11}an integrated care board],
- (aa) in relation to Wales, means a [^{F12}Local Health Board], and
- (b) in relation to Scotland, means a Health Board;

“the managers”—

- (a) in relation to—
 - (i) a health service hospital within the meaning of [^{F13}the 2006 Act or the National Health Service (Wales) Act 2006] (other than a special hospital [^{F14}or a hospital vested in a National Health Service trust][^{F15}[^{F16}or an NHS foundation trust]),
 - (ii) a health service hospital within the meaning of the 1978 Act (other than a State hospital [^{F14}or a hospital vested in a National Health Service trust]), or
 - (iii) any accommodation provided by a local authority and used as a hospital by or on behalf of the Secretary of State under [^{F17}the 2006 Act, or the Welsh Ministers under the National Health Service (Wales) Act 2006],

means the [^{F18}Secretary of State where the Secretary of State is responsible for the administration of the hospital, or means the]^{F19}... [^{F20}Health Authority or Special Health Authority], or (as the case may be) the Health Board who are responsible for the administration of the hospital;

(b) in relation to a special hospital, means the Secretary of State;

(bb) ^{F21}[^{F22}.....]

(c) in relation to a State hospital, means ^{F23}... the Secretary of State; ^{F24}...

(cc) [^{F25}in relation to a hospital vested in a National Health Service trust means the directors of that trust;]

(cd) [^{F26}in relation to a hospital vested in an NHS foundation trust, means the board of directors of that trust;][^{F25}and]

(d) in relation to any other hospital, means the persons for the time being having the management of the hospital;

“medical treatment”—

(a) in relation to England and Wales, has the meaning given by section 145(1) of the 1983 Act; and

(b) in relation to Scotland, has the meaning given by [^{F27}section 329(1) of the 2003 Act]; and

“the relevant age”—

(a) in relation to England and Wales, means the age of 19; and

(b) in relation to Scotland, means the age of 18.]

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Textual Amendments

- F1** Words in s. 7(1)(a) repealed (28.6.1995 for certain purposes and 1.4.1996 otherwise) by 1995 c. 17, ss. 2, 5, 8, **Sch. 1 Pt. III para. 111(3)(a)**, **Sch. 3** (with Sch. 2 paras. 6, 16)
- F2** Words substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 53(2)**
- F3** Word in s. 7(2)(a) substituted (S.) (30.6.2007) by Adult Support and Protection (Scotland) Act 2007 (asp 10), s. 79(3), **sch. 1 para. 2(a)**; S.S.I. 2007/334, art. 2(a), sch. 1
- F4** Words in s. 7(2)(a) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 70**
- F5** Words in s. 7(3) substituted (1.11.2013) by The Health and Social Care Act 2012 (Consequential Amendments) (No. 2) Order 2013 (S.I. 2013/2341), arts. 1(2), **2(a)**
- F6** S. 7(3A) inserted (1.11.2013) by The Health and Social Care Act 2012 (Consequential Amendments) (No. 2) Order 2013 (S.I. 2013/2341), arts. 1(2), **2(b)**
- F7** Words in s. 7(3A)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 25(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F8** Words in s. 7 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F9** Words in s. 7(9) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 35(3)**
- F10** Words in s. 7(9) substituted (1.10.2002 for E.W.) by 2002 c. 17, s. 2(5), **Sch. 2 Pt. 2 para. 51**; S.I. 2002/2478, **art. 3(1)**
- F11** Words in s. 7(9) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 25(3)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F12** Words in s. 7(9) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), art. 1(1), **Sch. para. 15(2)(b)**
- F13** Words in s. 7(9) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 89(b)(i)** (with Sch. 3 Pt. 1)
- F14** Words in s. 7(9) inserted (28.6.1995 for certain purposes and 1.4.1996 otherwise) by 1995 c. 17, ss. 2, 8, **Sch. 1 Pt. III para. 111(3)(b)(ii)** (with Sch. 2 paras. 6, 16)
- F15** Words in s. 7(9) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 4 para. 66(a)**; S.I. 2004/759, art. 2
- F16** Words in s. 7(9) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 40(b)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F17** Words in s. 7(9) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 89(b)(ii)** (with Sch. 3 Pt. 1)
- F18** Words in s. 7(9) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 40(b)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F19** Words in s. 7(9) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 40(b)(iii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F20** Words in s. 7(9) substituted (28.6.1995 for certain purposes only and 1.4.1996 otherwise) by 1995 c. 17, ss. 2, 8, **Sch. 1 Pt. III para. 111(3)(b)(ii)** (with Sch. 2 paras. 6, 16)
- F21** S. 7(9): para. (bb) in definition of "the managers" omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 40(b)(iv)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F22** S. 7(9): para. (bb) in definition of "the managers" inserted (E.W.) (8.2.2000) by S.I. 2000/90, art. 3, **Sch. 1 para. 18(3)(b)** (with art. 2(5))
- F23** Words in s. 7(9) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), s. 333(2), **sch. 5 Pt. 1**; S.S.I. 2005/161, art. 3 (as substituted by S.S.I. 2005/375, art. 2 and as amended by S.S.I. 2005/459, art. 2)
- F24** Word repealed by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 30(2)**

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- F25** S. 7(9): para. (cc) and word in definition of "the managers" inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 30(2)**
- F26** Words in s. 7(9) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 4 para. 66(b)**; S.I. 2004/759, art. 2
- F27** Words in s. 7(9) substituted (S.) (27.9.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), art. 1, **sch. 1 para. 17(4)**

Modifications etc. (not altering text)

- C1** S. 7: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

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