



Mental Health Act 2007

2007 CHAPTER 12

PART 1

AMENDMENTS TO MENTAL HEALTH ACT 1983

CHAPTER 2

PROFESSIONAL ROLES

Approved clinicians and responsible clinicians

9 Amendments to Part 2 of 1983 Act

- (1) Part 2 of the 1983 Act (compulsory admission to hospital and guardianship) is amended as follows.
- (2) In section 5 (application in respect of patient already in hospital)—
 - (a) in subsection (2), after “registered medical practitioner” insert “ or approved clinician ”,
 - (b) for subsection (3) substitute—
 - “(3) The registered medical practitioner or approved clinician in charge of the treatment of a patient in a hospital may nominate one (but not more than one) person to act for him under subsection (2) above in his absence.
- (3A) For the purposes of subsection (3) above—
 - (a) the registered medical practitioner may nominate another registered medical practitioner, or an approved clinician, on the staff of the hospital; and
 - (b) the approved clinician may nominate another approved clinician, or a registered medical practitioner, on the staff of the hospital.”, and

Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Section 9. (See end of Document for details)

- (c) in subsection (4), after “a practitioner”, in each place, insert “ or clinician ”.
- (3) In section 17 (leave of absence)—
- (a) in subsection (1)—
 - (i) for “responsible medical officer” substitute “ responsible clinician ”, and
 - (ii) for “that officer” substitute “ that clinician ”,
 - (b) in subsection (3), for “responsible medical officer” substitute “ responsible clinician ”, and
 - (c) in subsection (4)—
 - (i) for “responsible medical officer” substitute “ responsible clinician ”, and
 - (ii) for “that officer” substitute “ that clinician ”.
- (4) In section 20 (duration of authority)—
- (a) in subsections (3) and (5), for “responsible medical officer” substitute “ responsible clinician ”,
 - (b) after subsection (5) insert—
 - “(5A) But the responsible clinician may not furnish a report under subsection (3) above unless a person—
 - (a) who has been professionally concerned with the patient's medical treatment; but
 - (b) who belongs to a profession other than that to which the responsible clinician belongs,
 states in writing that he agrees that the conditions set out in subsection (4) above are satisfied.”,
 - (c) in subsection (6), for “appropriate medical officer” substitute “ appropriate practitioner ”, and
 - (d) omit subsection (10).
- (5) In section 21B (patients who are taken into custody or return after more than 28 days) —
- (a) in subsections (2) and (3), for “appropriate medical officer” substitute “ appropriate practitioner ”, and
 - (b) in subsection (10), omit the definition of “appropriate medical officer”.
- (6) In section 23(2) (persons who may apply for discharge of patient), in paragraphs (a) and (b), for “responsible medical officer” substitute “ responsible clinician ”.
- (7) In section 24 (visiting and examination of patients), in each place, after “registered medical practitioner” insert “ or approved clinician ”.
- (8) In section 25(1) (restrictions on discharge by nearest relative)—
- (a) for “responsible medical officer” substitute “ responsible clinician ”, and
 - (b) for “that officer” substitute “ that clinician ”.
- (9) In section 34 (interpretation of Part 2 of the 1983 Act), in subsection (1), insert the following definition at the appropriate place—
- ““the appropriate practitioner” means—

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- (a) in the case of a patient who is subject to the guardianship of a person other than a local social services authority, the nominated medical attendant of the patient; and
 - (b) in any other case, the responsible clinician;”.
- (10) In that subsection, for the definition of “the responsible medical officer” substitute—
- ““the responsible clinician” means—
- (a) in relation to a patient liable to be detained by virtue of an application for admission for assessment or an application for admission for treatment, or a community patient, the approved clinician with overall responsibility for the patient's case;
 - (b) in relation to a patient subject to guardianship, the approved clinician authorised by the responsible local social services authority to act (either generally or in any particular case or for any particular purpose) as the responsible clinician;”.

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