

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.

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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.¹

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. Or call our General Enquiries Team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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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.^{2,3}

You cannot be detained for drug or alcohol addiction.⁴ But you can be detained if alcohol or drugs cause mental health problems.⁵ For example, if you have used cannabis and this has made you experience dangerous delusions. This is known as drug-induced psychosis.⁶

You can find more information about:

- Drugs, alcohol and mental health
- Cannabis and mental health

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

3. Who decides if I need to be detained? And how do they do this?

Usually, 3 professionals will assess you. And they 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:^{7,8}

- 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 1 of the doctors should have met you before.⁹

The AHMP can only agree for you to be detained if they have seen you in the past 14 days.¹⁰

The doctors must either have seen you at the same time, or within 5 days of each other.¹¹

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

Your nearest relative can also apply for you to be detained,¹³ but this is rare. 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:¹⁴

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

A doctor cannot be an AMHP.¹⁵

Where am I assessed?

This depends on where you are. The assessment might take place where you live, in a public place, in a police station, or in hospital.

The AMHP should introduce themselves, and the doctors, to you. They should explain why they have come to see you.¹⁶

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.¹⁷ A warrant lets the police enter your home to take you somewhere safe. This is called a 'section

135'. If the place that you live can be considered a safe place, you may be kept there whilst an assessment is arranged.¹⁸

If you are in a public place, the police can take you to a safe place under 'section 136'. A safe place might be:¹⁹

- where you live,
- a hospital, or
- a police station.

You can find more information about:

- Section 135
- Section 136

at 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 will the professionals assess me?

When you are in a safe place, 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.

Professionals will assess the risk you are to yourself. And to other people. To assess the risk professionals may ask questions like:

- Are you or anyone else in danger of being harmed?
- How and when did your behaviour change?
- Are you being aggressive? If so, how?
- Have you tried to harm yourself or others? If so, how and when did it happen? Have you harmed yourself or others in the past?
- Have you stopped eating, drinking or bathing?
- What might realistically happen if you're not detained?

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4. What happens when I am detained?

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

But you should not be taken to hospital until a bed has been found for you. And it has been agreed with the hospital that they can accept you.²⁰ So sometimes you may remain in the community with supervision until this happens.

It is likely that you will be taken to a specialist ward for people with mental health problems. This may be called an 'acute inpatient ward' or a 'psychiatric intensive care unit' (PICU). In most hospitals, the door to the ward will be locked.²¹

Sometimes the hospital might be far away from where you live. 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.²²

In hospital, you will be introduced to your 'responsible clinician'. This is the person who is in charge of your care and treatment.²³ They are usually a psychiatrist, but they can be other professionals too.²⁴

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.

The nearest relative can ask an AMHP to arrange a Mental Health Act assessment. If the AMHP decides not to detain you, the nearest relative has a right to have their reasons in writing.²⁵

You can find more information about '**Nearest Relative**' at www.rethink.org. Or call our General Enquires team on 0121 522 7007 and ask them to send you a copy of our factsheet.

What are my rights if I'm detained?

When you're detained you must be told which section you're under, and what your rights are.²⁶

You should also be given information on:²⁷

- how to make a complaint,
- how to apply for a tribunal,
- how to get an advocate to help you, and
- how to get legal advice.

Your team should think about your needs when telling you of your rights. You may need the information to be written in a simpler way. Or in a language you understand better. Or explained in a way that makes sense to you.²⁸

Can I leave the hospital if I am detained under section?

Your responsible clinician may give you “section 17 leave”. This allows you to leave the hospital for a brief period of time, if your responsible clinician agrees. This might be for a specific occasion, such as attending a family wedding.²⁹ If there are concerns whilst you are out in the community, you may be taken back to hospital.³⁰ This is also known as ‘recall’.

Can hospital staff restrain me?

Restraint means that staff can use force against you. Restraint can be used by hospital staff when they are trying to stop you, or someone else, from getting hurt.³¹

When you are in hospital you must be told your rights about being restrained.³²

Staff must be trained in how they can restrain you safely.³³ The hospital must keep a detailed record of when they have used restraint on you.³⁴ Unless the restraint was ‘negligible’.³⁵ ‘Negligible’ means smaller uses of force. However, the Secretary of State has not yet published what may be considered as ‘negligible’.

If a police officer is going to a mental health unit to help staff in an emergency, the officer must take a body camera and keep it recording at all times if ‘reasonably practicable’.^{36,37} ‘Reasonably practicable’ means that they should always do this, unless there is a good reason why they can’t.

Every year the Secretary of State has to look at the recordings and examine them.³⁸ They will then write a report about the use of restraint in hospitals.³⁹ They also make sure that statistics are published about the use of force by staff who work in mental health units.⁴⁰

You can read more about these statistics on the following link:
<https://digital.nhs.uk/data-and-information/publications/statistical/mental-health-act-statistics-annual-figures>

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5. 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.⁴¹ But they would need to show that this is necessary for safety or security reasons.^{42,43} 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.⁴⁴

While you're in hospital, you should be able to keep in touch with your family by telephone, email, or social media.⁴⁵

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.⁴⁶

IMHAs help you to tell staff about your concerns and help you understand what your rights are. They can also help you to understand your treatment. They are independent of the hospital staff.⁴⁷

Hospital staff should tell you about how to get help from an IMHA as soon as possible after you are detained.⁴⁸

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.⁴⁹

You can't get help from an IMHA if you are:⁵⁰

- 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.⁵¹

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 ask the staff on your ward if they have a list available.

You can find more information about:

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

at www.rethink.org. Or call our General Enquiries line on 0121 522 7007 and ask them to send you a copy of our factsheet.

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6. 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 going for you, 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.⁵² These alternatives might be receiving treatment from your local crisis team in the community. Or you agreeing to go to hospital as an informal patient. Being an informal patient is sometimes called 'being a voluntary patient'.

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

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7. I have been detained under section 2 – detention for assessment. What does this mean?

Under section 2, you can be kept in hospital for up to 28 days.⁵³ This section gives doctors time to:

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

An approved mental health professional (AMHP) is more likely to use section 2 than section 3 if:⁵⁴

- 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.⁵⁵

For more information on how you will be detained please see [section 4](#) of this factsheet.

When can I be detained under section 2?

You can be detained if:⁵⁶

- you have a mental disorder, and,
- 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 long can I be kept in hospital under section 2?

Under section 2, you can 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 anymore.

Hospital staff cannot extend a section 2.⁵⁷ 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.⁵⁸

What are my rights while I am detained under section 2?

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

- To appeal to a tribunal during the first 14 days.⁵⁹
- To appeal to the hospital managers.⁶⁰
- To see an independent mental health advocate (IMHA), who can help you to understand your rights, and get your voice heard.⁶¹

You can find more information about:

- Discharge from the Mental Health Act
- Advocacy

at www.rethink.org. Or call our General Enquiries line on 0121 522 7007 and ask them to send you a copy of our factsheet.

Can the hospital staff give me treatment I don't want?

Yes.⁶² But the staff should ask you to accept treatment first.⁶³ 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 also be able to help.

Staff can only give you some treatments, like electroconvulsive therapy (ECT), if certain criteria are met.⁶⁴ However, this is rare.

You can find more information about 'Electroconvulsive therapy' at 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 from section 2?

You can be discharged by:^{65,66}

- 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. Or you may be discharged to the care of your local community mental health team. Your doctor will discuss this with you.

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8. I have been detained under section 3 – detention for treatment. What does this mean?

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

For more information on how you will be detained please see [section 4](#) of this factsheet.

When can I be detained under section 3?

You can be detained if:⁶⁷

- you have a mental disorder, and,
- 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 long can I be kept in hospital under section 3?

To start with, you can be detained for up to 6 months.⁶⁸ But this does not mean that you will be kept for this long. 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.⁶⁹

If your responsible clinician thinks your section should be renewed, professionals have to assess you in the 2 months before it ends.⁷⁰ They will then write a report for the hospital managers, who have to agree that you should remain detained⁷¹

What are my rights while I am detained under section 3?

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

- You can appeal to a tribunal once in the first 6 months.⁷²
- If your section is renewed, you can appeal once every time it is renewed.⁷³
- You can ask the hospital managers to discharge you.⁷⁴
- 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.⁷⁵

Can the hospital staff give me treatment I don't want?

You can be treated against your will for 3 months.⁷⁶ After 3 months, staff can only treat you without your consent if a 'second opinion approved doctor' (SOAD) approves the treatment.⁷⁷

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.⁷⁸ This is rare.

You can find more information about '**Electro-convulsive therapy**' at 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 from section 3?

You can be discharged by:^{79,80}

- 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'.⁸¹

You can find more information about:

- Section 117 aftercare
- Care Programme Approach (CPA)

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

9. I have been detained under section 4 – detention in an emergency. What does this mean?

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 must have been seen by a doctor in the last 24 hours.⁸² The doctor will write a report that says you should be detained.

You can be kept for up to 72 hours.⁸³ This gives the hospital time to arrange a full assessment.

For more information on how you will be detained please see [section 4](#) of this factsheet.

When can I be detained under section 4?

You can be detained under section 4 if:⁸⁴

- 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 long can I be kept in hospital under section 4?

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.⁸⁵ 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 under section 4?

You can refuse treatment.⁸⁶ 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.⁸⁷

You can find more information about '**Mental capacity and mental illness**' at 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 from section 4?

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

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10. I have been detained under Section 5 – holding powers. What does this mean?

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 4.⁸⁸

Doctor's holding power – section 5(2)

A doctor can hold you in hospital for up to 72 hours. The doctor should write a report explaining why you need to be detained and send this to the hospital managers.⁸⁹

Nurse's holding power – section 5(4)

A mental health or learning disability nurse⁹⁰ can keep you in hospital for up to 6 hours if:⁹¹

- 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)⁹²

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)⁹³

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 under section 5?

You can refuse treatment.⁹⁴ Staff can only treat you without your consent if:⁹⁵

- 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. 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.

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11. 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 voluntarily, 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.⁹⁶ 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. 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.⁹⁷

If you have been in hospital under section 3, you are entitled to free aftercare under section 117.⁹⁸

You can find more information about:

- Care Programme Approach (CPA)
- Section 117 aftercare

at 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,⁹⁹ or you become unwell.¹⁰⁰ A CTO can sometimes be called 'supervised community treatment'.

You might be put on a CTO if you are discharged from section 3. You can't be put on a CTO if you are under section 2, or if you are not detained.¹⁰¹

You can find more information about '**Community Treatment Order**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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Useful Contacts

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

Website: www.samaritans.org

Civil Legal Advice

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

Further Reading

Telephone: 0345 345 4 345. Open Monday-Friday 9am-8pm, and Saturday 9am-12.30pm.
Website: www.gov.uk/check-legal-aid

The Equality Human Rights Commission (EHRC) has many useful guides on their website. You can find more information about your rights when detained under the Mental Health Act in England on their website.

Website: www.equalityhumanrights.com/en/publication-download/your-rights-when-detained-under-mental-health-act-england

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

Easy read of Code of Practice website:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/421541/MHA_Code_EasyRead.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. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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References

¹ Department of Health. *Mental Health Act 1983 Code of Practice*. UK: TSO; 2015. Para 14.11, & 14.4-14.5.

² s1(2) Mental Health Act 1983 c.20.

³ As note 1 at para 2.4 & 2.5.

⁴ As note 2 (MHA 1983), s1(3).

⁵ As note 1 at para 2.11.

⁶ Secretary of State for Justice v MP [2013] UKUT 025 (AAC). Paragraph 15.

⁷ As note 2 (MHA 1983), s11(1).

⁸ As note 2 (MHA 1983), s12(2).

⁹ As note 2 (MHA 1983), s12(2).

¹⁰ As note 2 (MHA 1983), s11(5).

¹¹ As note 2 (MHA 1983), s12(1).

¹² As note 2 (MHA 1983), s11(1).

¹³ As note 1 at para 14.30.

¹⁴ Sch.1, *The Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008*. SI 2008/1206. London: TSO; 2008.

¹⁵ As note 2 (MHA 1983), s114(2).

¹⁶ As note 1 at para 14.51.

¹⁷ As note 1 at para 14.55.

¹⁸ As note 2 (MHA 1983), s135(1).

¹⁹ As note 2 (MHA 1983), s136(1).

²⁰ As note 1 at para 14.91.

²¹ Care Quality Commission. *Monitoring the Mental Health Act in 2015/16*. UK: Williams Lea Group; 2015. Page 23.

²² As note 1 at para 14.81.

²³ As note 1 at page 416.

²⁴ Chapter 2, paragraph 48, Explanatory Notes to the Mental Health Act 2007 c12.

²⁵ As note 1 at para 14.102.

²⁶ As note 2 (MHA 1983), s132(1).

²⁷ As note 1 at para 4.12.

²⁸ As note 1 at para 4.4.

²⁹ As note 2 (MHA 1983), s17 (2).

³⁰ As note 2 (MHA 1983), s17(4).

³¹ As note 1 at para 26.36.

³² s4(4)(a)(b) Mental Health Units (Use of Force) Act 2018 c.27.

³³ As note 32 (MHU 2018), s5(2)(j).

³⁴ As note 32 (MHU 2018), s6(1).

³⁵ As note 32 (MHU 2018), s6(3).

³⁶ As note 32 (MHU 2018), s12(1).

³⁷ As note 32 (MHU 2018), s12(2).

³⁸ As note 32 (MHU 2018), s8(1)(a).

³⁹ As note 32 (MHU 2018), s8(2).

⁴⁰ As note 32 (MHU 2018), s7(1).

⁴¹ As note 1 at para 11.11.

⁴² As note 1 at para 11.14.

⁴³ As note 1 at para 11.15.

⁴⁴ As note 1 at para 11.13.

⁴⁵ As note 1 at para 8.16.

⁴⁶ As note 2 (MHA 1983), s130C(2)(a).

⁴⁷ As note 2 (MHA 1983), s130A(4).

⁴⁸ As note 2 (MHA 1983), s130D.

⁴⁹ As note 2 (MHA 1983), s130B(3)(a).

⁵⁰ As note 2 (MHA 1983), s130C(2)(a).

⁵¹ Reg. 5(1)(f), *The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013*. SI 2013/408. London: TSO; 2013.

⁵² As note 1 at para 14.11.

⁵³ As note 2 (MHA 1983), s2(4).

⁵⁴ As note 1 at para 14.27 and 14.28.

⁵⁵ As note 2 (MHA 1983), s56(3).

⁵⁶ As note 2 (MHA 1983), s2(2).

⁵⁷ As note 2 (MHA 1983), s2(4).

⁵⁸ As note 2 (MHA 1983), s29(4).

⁵⁹ As note 2 (MHA 1983), s66(2)(a).

⁶⁰ As note 2 (MHA 1983), s23(2)(a).

⁶¹ As note 2 (MHA 1983), s130C(2)(a).

⁶² As note 2 (MHA 1983), s63.

⁶³ As note 1 at para 24.41.

⁶⁴ As note 2 (MHA 1983), s58A.

⁶⁵ As note 2 (MHA 1983), s23(2)(a).

⁶⁶ As note 2 (MHA 1983), s72.

⁶⁷ As note 2 (MHA 1983), s3(2).

⁶⁸ As note 2 (MHA 1983), s20(1).

⁶⁹ As note 2 (MHA 1983), s20(2).

⁷⁰ As note 2 (MHA 1983), s20(3).

⁷¹ As note 2 (MHA 1983), s20(3)(b).

⁷² As note 2 (MHA 1983), s66(2)(b).

⁷³ As note 2 (MHA 1983), s66(2)(f).

⁷⁴ As note 2 (MHA 1983), s23(2)(a).

⁷⁵ As note 2 (MHA 1983), s130C(2)(a).

⁷⁶ As note 2 (MHA 1983), s58(1)(b).

⁷⁷ As note 2 (MHA 1983), s58.

⁷⁸ As note 2 (MHA 1983), s58A.

⁷⁹ As note 2 (MHA 1983), (2)(a).

⁸⁰ As note 2 (MHA 1983), s72.

⁸¹ As note 1 at para 34.8-34.9.

⁸² As note 2 (MHA 1983), s4(5).

⁸³ As note 2 (MHA 1983), s4(4).

⁸⁴ As note 2 (MHA 1983), s4(2).

⁸⁵ As note 1 at para 15.13.

⁸⁶ As note 2 (MHA 1983), s56(3)(a).

⁸⁷ s5, Mental Capacity Act 2005 c9.

⁸⁸ As note 1 at para 18.9.

⁸⁹ As note 2 (MHA 1983), s5(2).

⁹⁰ Art. 2, *The Mental Health (Nurses) (England) Order 2008*. SI 2008/1207. London: TSO; 2008

⁹¹ As note 2 (MHA 1983), s5(4).

⁹² As note 2 (MHA 1983), s5(2).

⁹³ As note 2 (MHA 1983), s5(4).

⁹⁴ As note 2 (MHA 1983), s56(3).

⁹⁵ s5, Mental Capacity Act (MCA 2005), s5.

⁹⁶ Care Quality Commission. *Monitoring the Mental Health Act in 2015/16*. UK: Williams Lea Group; 2015. at page 40.

⁹⁷ As note 1 at para 34.7.

⁹⁸ As note 2 (MHA 1983), s117(1).

⁹⁹ As note 2 (MHA 1983), s17B(6).

¹⁰⁰ As note 2 (MHA 1983), s17E(1).

¹⁰¹ As note 1 at para 29.8.

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