



Mental Health Act 1983

Explains what the Mental Health Act is, what your rights are, and where to go for further legal information and support.

If you want to contact us with any feedback, email contact@mind.org.uk.

Contents

About the Mental Health Act 1983	2
Mental Health Act FAQs	4
Useful contacts	8

About the Mental Health Act 1983

- This information applies to England and Wales.
- This information applies to adults. It doesn't apply to children unless specifically stated.

What is the Mental Health Act 1983?

The Mental Health Act 1983 is the law in England and Wales which was updated in 2007. It tells people with [mental health problems](#) what their rights are regarding:

- Assessment and treatment in hospital
- Treatment in the community
- Pathways into hospital, which can be civil or criminal

Many people who receive inpatient treatment on psychiatric wards have agreed to go into hospital as [informal patients](#), also known as voluntary patients. But over half are in hospital without their agreement as [formal patients](#). This is because they have been detained under the Mental Health Act, also known as [being sectioned](#).

If you're a formal patient you lose certain rights, including the right to leave hospital freely, so if you're in this situation it's really important to know your rights under the Mental Health Act.

For a list of legal terms and definitions you might need to know, see our [legal glossary](#) resource.

What does the Mental Health Act cover?

The Mental Health Act is divided up into lots of different sections. These contain information on your rights when you're:

- Detained in hospital against your wishes – see our resource on [sectioning](#)
- Detained in hospital and also part of the criminal justice system – see our resources on the [courts and mental health](#), [police and mental health](#)
- Offered treatment while detained – see our resource on [consent to treatment](#)
- Leaving hospital, including having your section lifted and care planning – see our resource on [leaving hospital](#)

- Being treated in the community, for example receiving [section 117 aftercare](#) or on a [community treatment order \(CTO\)](#) – see our resource on [health and social care rights](#)

It also covers your family's rights when you're detained – see our resource on the [nearest relative](#).

For more information see our resource on [Mental Health Act FAQs](#).

What are my rights?

You still have certain rights when you're in hospital, and when you've left hospital. These usually include rights to:

- Have information about your section and what it means to be in hospital
- Appeal to a [Mental Health Tribunal](#) against your section
- Get support from an [advocate](#)
- Meet with the [hospital managers](#)
- Make a [complaint](#)
- Vote in elections
- Write to people and have visitors, as well as some telephone access
- Receive care after you've left hospital

To find out more about the rights you have under the Mental Health Act, see our legal resources on [your rights if you're sectioned](#) and [leaving hospital](#).

What other laws do I need to know about?

As a person with a mental health problem living in England or Wales, these are some other key pieces of legislation which set out some of your rights and protect you from discrimination:

- [Equality Act 2010](#)
- [Mental Capacity Act 2005](#)
- [Care Act 2014](#) (applies to England)
- [Social Services and Wellbeing \(Wales\) Act 2014](#) (applies to Wales)
- [Human Rights Act 1998](#)
- [Data Protection Act 2018](#)

You can find more information on your rights in different situations on our other resources on [your legal rights](#).

Where can I get legal support?

For further legal information you can contact:

- Mind's [Legal Line](#)
- A local [Law Centre](#)
- [Civil Legal Advice \(CLA\)](#)
- [Citizens Advice \(England\)](#) or [Citizens Advice \(Wales\)](#)
- A private solicitor – [The Law Society](#) website provides a list of qualified solicitors in your area

You may also be legally entitled to an **advocate**, someone who can help you understand your rights and make your voice heard. See our resource on [statutory advocacy](#) for more information.

If you're looking for information in an accessible format for people with learning disabilities, the NHS website has a series of [Easy Read factsheets on your rights under the Mental Health Act](#).

Mental Health Act FAQs

This section gives answers to frequently asked questions (FAQs) about your rights under the Mental Health Act.

Can I be made to stay in hospital against my will?

In certain circumstances you can be made to go to hospital under a section of the Mental Health Act, even if you don't want to. There are many terms you might hear used to describe this, including:

- Compulsory admission to hospital
- Detention or involuntary detention
- Being a [formal patient](#)
- Being sectioned

Before you can be lawfully sectioned, you'll need to be [assessed by a team of health professionals](#), to make sure that it's necessary.

To find out more about when it may be legal to section you, what different sections mean and what your rights are in hospital, see our legal resource on [sectioning](#).

I'm an informal patient, can I still be sectioned?

If you're in hospital as an [informal patient](#) (also known as voluntary patient), you're free to leave the hospital or ward should you choose.

But if your care team is worried about you, they can detain you temporarily so that a decision can be made about whether you should be sectioned. When these powers are used:

- You're no longer free to leave and
- You'll need to stay in hospital for assessment to see if you need to be detained under section 2 or section 3

Before you can be lawfully sectioned, you'll need to be [assessed by a team of health professionals](#), to make sure that it's necessary. To find out more see our legal resource on [voluntary patients](#).

Can the police be involved in my detention?

Yes, the police may be involved if:

- You are suspected of committing an offence, or
- They need to take you to a [place of safety](#) under sections 135 or 136

To find out more about when and how the police can become involved in each of these instances, see our legal resources on the [police and mental health](#) and [sectioning](#).

What role can the courts play in my detention?

If you are going to the criminal court to be tried for committing a crime and the court receives reports from a health professional that you're unwell enough, it can order you to be [detained](#) in hospital:

- While you're awaiting trial, and/or
- As part of your sentence

To find out more about what sections apply here and how this process works, see our legal resources on the [courts and mental health](#) and [sectioning](#).

Can I be given treatment against my wishes?

A medical professional should always seek your informed consent before giving you treatment for your physical or mental health.

But the Mental Health Act says that in some circumstances, you can receive treatment from medical professionals for your [mental disorder](#) without your consent. This can happen when you are [detained](#) under certain sections of the Act.

The Mental Health Act only authorises treatment for mental disorder, so you couldn't be given treatment without your consent for a physical illness under the Act, unless the physical problem is a symptom or cause of a mental disorder.

To find out more about when it's legal to treat you against your wishes, see our legal resource on [consent to treatment](#).

Do my family members have any rights?

Your family members may have certain legal rights related to your [sectioning](#). For example, your family member might be your [nearest relative](#). Your nearest relative has certain rights and responsibilities, including a right to:

- Apply for you to be sectioned
- Receive information about your sectioning
- Discharge you if you're sectioned and apply to the [Mental Health Tribunal](#) if this is refused
- Object to your sectioning

To find out more about who can be your nearest relative and what they are able to do for you, see our legal resource on the [nearest relative](#).

Is there anyone else who can support me?

In England and Wales, if you're in hospital because you've been sectioned you have the right to get support from an advocate called an Independent Mental Health Advocate (IMHA).

In Wales, you also have the right to get support from an advocate if you're in hospital as a [voluntary patient](#) and haven't been sectioned.

An IMHA can help you do a range of things, including:

- Explain your rights and help you exercise them
- Express your views
- Make a [complaint](#)
- Apply to a [Mental Health Tribunal](#)
- Access legal advice

To find out more about what an IMHA can do for you and how to get one, and for information on advocacy more generally, see our legal resources on [IMHAs \(England\)](#) and [IMHAs \(Wales\)](#).

Can I leave hospital for short periods of time?

If you're [detained](#) in hospital you're sometimes able to leave for a short period of time, even if you're still under section. This is called section 17 leave.

To find out more about taking short periods of leave from hospital while under section, see our information on [leaving the ward](#).

How can I end my stay in hospital?

If you've been [sectioned](#), the Mental Health Act gives you the right to be given information on ways in which your section can end. This may also be called being 'discharged' from your section.

You can still stay in hospital even if your section has ended. This is called being an [informal patient](#).

If you want to be discharged and you're under sections 2 or 3, you can:

- Ask your [responsible clinician](#) to discharge you
- Ask for a meeting with the [hospital managers](#) and ask them to discharge you
- Ask your [nearest relative](#) to discharge you
- Apply to the [Mental Health Tribunal](#) to be discharged

When the hospital discharges you they may put you onto a [community treatment order \(CTO\)](#). This means you won't have to stay in hospital but there might be some conditions to this. For example, you may have to live in a certain place or go somewhere specific for medical treatment.

To find out more about being discharged from hospital, see our legal resources on:

- [Leaving hospital](#)
- [Discharge FAQs](#)
- [Nearest relatives' rights](#)
- [Community treatment orders \(CTOs\)](#)

Am I entitled to any care when I leave hospital?

You may have a right to free aftercare under section 117 of the Mental Health Act after you've left hospital. This is the help you can get for free in the community, including healthcare, social care and supported accommodation. You can only get this if you've been on certain sections, for example section 3.

To find out more about what care you're entitled to when you leave hospital, see our legal resources on [care planning](#) and [aftercare under section 117](#).

Useful contacts

Mind's services

- [Mind's Legal Line](#) provides legal information and general advice by phone and email.
- [Local Minds](#) offer face-to-face services across England and Wales. These services include talking therapies, peer support and advocacy.

Find an advocate

To find [advocacy](#) services and groups in your area, you could call Mind's Legal Line or contact your local Mind. If you're in hospital, you can also contact the:

- [Patient Advice Liaison Service \(PALS\)](#) in England
- [Community Health Council](#) in Wales

In some circumstances, you may be legally entitled to get the support of an advocate. See our resource on [your legal rights to advocacy](#) for more information.

Other organisations

Care Quality Commission (CQC)

cqc.org.uk

Regulates and inspects health and social care services in England.

Citizens Advice

[0800 144 8848](tel:08001448848) (England Adviceline)

[0800 702 2020](tel:08007022020) (Wales Adviceline)

[18001 0800 144 8884](tel:1800108001448884) (textphone)

citizensadvice.org.uk

Free, confidential information and advice on your rights, including money, housing, experiences of discrimination and other problems.

Civil Legal Advice (CLA)

gov.uk/civil-legal-advice

Can tell you if you're eligible for legal aid, and give free and confidential legal advice if so.

First Tier Tribunal (Mental Health)

[gov.uk/courts-tribunals/first-tier-tribunal-mental-health](https://www.gov.uk/courts-tribunals/first-tier-tribunal-mental-health)

Deals with cases in England relating to the Mental Health Act 1983.

Healthcare Inspectorate Wales (HIW)

hiw.org.uk

Independent regulator for healthcare in Wales, where you can make complaints and provide feedback.

Law Centres Network

lawcentres.org.uk

Information about Law Centres, which defend the legal rights of people who can't afford a lawyer. Includes a searchable directory.

Law Society

lawsociety.org.uk

Professional association for solicitors in England and Wales. Includes a searchable directory of solicitors.

Mental Health Lawyers Association

mhla.co.uk

Professional association for solicitors specialising in mental health law. Includes a list of solicitors by local area.

Mental Health Review Tribunal for Wales

mentalhealthreviewtribunal.gov.wales

Deals with cases in Wales relating to the Mental Health Act 1983.

Revolving Doors Agency

[020 7407 0747](tel:02074070747)

revolving-doors.org.uk

Supports people with mental health problems who have had contact with the criminal justice system.