



# Nearest relative

Explains what a nearest relative is, including what powers and rights they have and how you can change your nearest relative. Applies to England and Wales.

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# Overview

If you have a mental health problem, your [nearest relative](#) will have certain powers and rights related to your care and treatment.

## Quick facts

- Nearest relative is a special term used in the [Mental Health Act 1983](#).
- It gives one member of your family [certain rights and responsibilities](#) if you are kept in hospital under sections 2, 3, 4 or 37, on a [community treatment order](#), or under a [guardianship](#).
- The Mental Health Act has a list of [who will be your nearest relative](#). The list is in strict order and the person who is highest on the list is your nearest relative.
- You can [change your nearest relative](#) in certain situations.

## Please note

- This guide only covers nearest relative from the point of view of a person with a mental health problem.
- This guide applies to England and Wales.
- This guide contains general legal information, not legal advice. We recommend you get advice from a specialist legal adviser or solicitor who will help you with your specific situation and needs. See [Useful contacts](#) for more information.

# Terms you need to know

Term	Meaning
<b>Approved mental health professional (AMHP)</b>	<p>AMHPs are mental health professionals who have been approved by a local social services authority to carry out duties under the <a href="#">Mental Health Act</a>. They are responsible for coordinating your assessment and admission to hospital if you are <a href="#">sectioned</a>.</p> <p>They may be:</p> <ul style="list-style-type: none"> <li>• social workers</li> <li>• nurses</li> <li>• occupational therapists</li> <li>• psychologists</li> </ul>
<b>Approved clinician</b>	<p>A mental health professional who has certain responsibilities related to your healthcare. They are approved to do this by the Department of Health (England) or by the Welsh Ministers (Wales).</p> <p>Approved clinicians may be:</p> <ul style="list-style-type: none"> <li>• doctors</li> <li>• psychologists</li> <li>• nurses</li> <li>• occupational therapists</li> <li>• social workers</li> </ul> <p>Some decisions under the <a href="#">Mental Health Act</a>, such as deciding on your medication or giving you permission to leave the ward or hospital, can only be taken by approved clinicians.</p>
<b>Circuit judge</b>	<p>Circuit judges are senior judges in England and Wales who sit in the Crown Court, county courts and certain specialised sub-divisions of the High Court of Justice. Circuit judges sit below High Court judges but above district judges. They will be a barrister or solicitor having been qualified at least 7 years.</p>
<b>Cohabitee</b>	<p>A cohabitee is person who lives with another person as if they are married without having gone through the legal process of marriage.</p>

<p><b>Community treatment order (CTO)</b></p>	<p>If you have been <a href="#">sectioned</a> and treated in hospital under certain sections, your <a href="#">responsible clinician</a> can put you on a CTO if an AMHP agrees. This means that you can be discharged from the section and leave hospital, but you might have to meet certain conditions such as:</p> <ul style="list-style-type: none"> <li>• living in a certain place</li> <li>• going somewhere for medical treatment</li> </ul> <p>If you do not follow the conditions and there are concerns about your mental health, you can be returned to hospital.</p>
<p><b>Detained</b></p>	<p>A person is detained if they are being kept in hospital under <a href="#">section</a> and are not free to leave.</p>
<p><b>Displacement</b></p>	<p>Displacement is where you change your <a href="#">nearest relative</a>. The process of changing the nearest relative is often known as 'displacement proceedings'.</p> <p>Your nearest relative can be displaced if you or the local authority have concerns about their ability to act. An application is made to the County Court.</p>
<p><b>Guardianship</b></p>	<p>This is where someone called a 'guardian' is appointed to help you live as independently as possible in the community, instead of being <a href="#">sectioned</a> and kept in hospital.</p> <p>You would be placed under guardianship if your mental health problem meant that it would be difficult for you to avoid danger or people taking advantage of you. Your guardian has the power to make certain decisions about you and to make conditions that you will be asked to keep to.</p> <p>Guardianship lasts for up to six months and can be renewed: initially for a further six months, and then for a year at a time. You can appeal to the <a href="#">Mental Health Tribunal</a> once in each of these periods.</p> <p>Find out more about guardianship in <a href="#">our information on community care and aftercare</a>.</p>
<p><b>Hospital managers (also known as Mental Health Act managers)</b></p>	<p>These are an independent panel of mental health professionals in a hospital or Trust. They have certain important responsibilities and can make decisions related to your <a href="#">sectioning</a> – for example, they can hear your</p>

	<p>application to be discharged and decide whether or not to discharge you.</p>
<p><b>Independent mental health advocate (IMHA)</b></p>	<p>An IMHA is an advocate specially trained to help you find out your rights under the <a href="#">Mental Health Act 1983</a> and help you while you are detained. They can listen to what you want and speak for you.</p> <p>You have a right to an IMHA if you are:</p> <ul style="list-style-type: none"> <li>• detained in hospital under a <a href="#">section</a> of the Mental Health Act, but not if you are under sections 4, 5, 135 and 136</li> <li>• under Mental Health Act <a href="#">guardianship</a>, <a href="#">conditional discharge</a> and <a href="#">community treatment orders</a> (CTOs)</li> <li>• discussing having certain treatments, such as neurosurgery or, if under 18, <a href="#">electroconvulsive therapy</a> (ECT).</li> </ul> <p>In Wales, <a href="#">voluntary patients</a> can also have an IMHA.</p>
<p><b>Litigation friend</b></p>	<p>A litigation friend is someone who can take your place in legal proceedings, if you lack capacity to take part yourself. For example, the litigation friend could instruct solicitors on behalf of you, or speak to the judge directly on your behalf.</p> <p>A litigation friend could be a family member, a friend, or the <a href="#">Official Solicitor</a>.</p>
<p><b>Mental disorder</b></p>	<p>When the <a href="#">Mental Health Act</a> talks about someone with mental health problems and whether or not they should be <a href="#">sectioned</a>, it often uses the term "mental disorder". The Act defines this as "any disorder or disability of mind" (section 1).</p> <p>Mental disorder can include:</p> <ul style="list-style-type: none"> <li>• any mental health problem normally diagnosed in psychiatry</li> <li>• learning disabilities, if the disability makes you act in a way which may seem "abnormally aggressive" or "seriously irresponsible"</li> </ul>
<p><b>Mental Health Act 1983 (MHA)</b></p>	<p>This is a law that applies to England and Wales which allows people to be detained in hospital (<a href="#">sectioned</a>) if</p>

	<p>they have a mental illness and need treatment. You can only be kept in hospital if certain conditions are met.</p> <p><a href="#">See our information on the Mental Health Act.</a></p>
<p><b>Mental Health Act Code of Practice</b></p>	<p>This tells health professionals how they should follow the <a href="#">Mental Health Act 1983</a>. It is not law, so it cannot be enforced by going to court, but health professionals should follow it unless there is a good reason not to.</p> <p>The Code covers some areas not specifically mentioned in the Mental Health Act 1983, such as visiting rights and the use of seclusion.</p> <p>If a health professional doesn't follow the Code, you can make a complaint.</p>
<p><b>Mental Health Tribunal</b></p>	<p>This is a special court that deals with cases relating to the <a href="#">Mental Health Act 1983</a>. The Tribunal decides whether you can be discharged from your <a href="#">section</a> and can decide about suitable aftercare and make recommendations about matters such as hospital leave, transfer to another hospital, <a href="#">guardianship</a> and <a href="#">community treatment orders</a>.</p> <p>The court is made of a panel, which normally includes:</p> <ul style="list-style-type: none"> <li>• a legally qualified chairperson</li> <li>• a 'lay person' who has appropriate experience and qualifications in the area of mental health</li> <li>• an independent psychiatrist, who will speak to you and examine you before the tribunal hearing in certain circumstances, and when you request to see them</li> </ul> <p>Where you see a reference to the Mental Health Tribunal in this guide, it means:</p> <ul style="list-style-type: none"> <li>• First Tier Tribunal (Mental Health), if you live in England, or</li> <li>• Mental Health Review Tribunal for Wales, if you live in Wales</li> </ul>
<p><b>Nearest relative (NR)</b></p>	<p>This is a family member who has certain responsibilities and powers if you are detained in hospital under the <a href="#">Mental Health Act</a>. These include the right to information and to discharge in some situations.</p>

	The law sets out a list to decide who will be the nearest relative. This can sometimes be changed.
<b>Parental responsibility</b>	This is a legal term which means that a person has rights and responsibilities towards a child.
<b>Patient</b>	This is defined in the <a href="#">Mental Health Act</a> as a person suffering or appearing to be suffering from <a href="#">mental disorder</a> .
<b>Responsible clinician (RC)</b>	<p>This is the mental health professional in charge of your care and treatment while you are <a href="#">sectioned</a> under the <a href="#">Mental Health Act</a>.</p> <p>Certain decisions, such as applying for someone who is <a href="#">sectioned</a> to go onto a <a href="#">community treatment order</a> (CTO), can only be taken by the responsible clinician.</p> <p>All responsible clinicians must be <a href="#">approved clinicians</a>. They do not have to be a doctor, but in practice many of them are.</p>
<b>Section</b>	<p>In this guide, being 'sectioned' means that you are kept in hospital under the <a href="#">Mental Health Act</a>. There are different types of sections, each with different rules to keep you in hospital. The length of time that you can be kept in hospital depends on which section you are detained under.</p> <p><a href="#">See our information on sectioning.</a></p>
<b>Voluntary patient</b> (also known as <b>informal patient</b> )	These are people who are staying in a psychiatric hospital but are not <a href="#">detained</a> under the <a href="#">Mental Health Act</a> . As a voluntary patient you should be able to come and go from the hospital within reason and are able to discharge yourself if you decide to go home. See our <a href="#">Voluntary patients</a> resource for further information.

# About the nearest relative

- [What is a nearest relative?](#)
- [Who is my nearest relative?](#)
- [What happens if I do not have anyone to act as nearest relative?](#)

## What is a nearest relative?

[Nearest relative](#) is a special term used in the [Mental Health Act 1983](#). It gives one member of your family rights and responsibilities if you are:

- [detained](#) in hospital under [sections](#) 2, 3, 4 or 37
- under a [community treatment order](#), or
- under a [guardianship](#)

Your nearest relative is not the same as your next of kin. The next of kin doesn't have any rights under the Mental Health Act.

Nearest relative is an important safeguard for people who are affected by the Mental Health Act. The nearest relative is another way of making sure that your rights are protected when you are unwell and it is normally someone that you trust.

## Who is my nearest relative?

Section 26 of the [Mental Health Act 1983](#) sets out who will be your [nearest relative](#). The list is in strict order and the person who is highest on the list is your nearest relative.

### List of who is your nearest relative

1. Husband, wife or civil partner (including [cohabitee](#) for more than 6 months).
2. Son or daughter
3. Father or mother (an unmarried father must have [parental responsibility](#) in order to be nearest relative)
4. Brother or sister
5. Grandparent
6. Grandchild
7. Uncle or aunt
8. Nephew or niece

Also, the nearest relative must:

- be over 18 unless they are your mother, father, husband, wife or civil partner
- live in the UK, Channel Islands or the Isle of Man unless you normally live abroad too

If...	then...
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you are under 18 and subject to a care order	the local authority will be your nearest relative, unless you have a husband, wife or civil partner.
you are permanently separated from your partner	they cannot be your nearest relative.
there are two people from the same group	the elder person is nearest relative.  So for example, if you have two siblings, the elder one would be your nearest relative.
you have lived with someone who is not related to you or they have cared for you for at least 5 years	they will be your nearest relative.  So for example, if you have a carer who has lived with you for more than 5 years, and you also have a mother and a brother, in this situation your carer would be your nearest relative.
you have half blood relatives (like a half brother or sister)	they can be your nearest relative. But a whole blood relationship will take priority over half blood.  So for example, if you have a full brother who is 20 years old, and a half-sister who is 32 years old, normally the elder would be the nearest relative. But because it is a half-blood relationship, here your brother would be your nearest relative.
you have adoptive relationships (like an adoptive mother or father)	they can be your nearest relative.
you have step-relationships (like a step-mother or step-father)	they cannot be your nearest relative.

### **What happens if I do not have anyone to act as nearest relative?**

If you do not have anyone on the list that can act as a [nearest relative](#), you can apply to your local county court to appoint one. This could be a friend or could be an [approved mental health professional](#). The process is the same as [displacement](#).

# What rights does my nearest relative have?

Under the [Mental Health Act](#), your [nearest relative](#) can:

- **apply** to [section](#) you or place you under a [guardianship](#): see [Sectioning and guardianships](#).
- **object** to you being sectioned or placed under a guardianship: see [Sectioning and guardianships](#).
- **discharge you** if you are sectioned and apply to the Mental Health Tribunal if this is refused: see [Sectioning and guardianships](#).
- **ask for an independent advocate** to give you support: see [Independent advocacy](#).
- **be consulted and/or given information** about you if you are sectioned: see [Information about me](#)
- **appoint someone else** to be your nearest relative: see [Changing my nearest relative](#).

# Sectioning and guardianships

- [Can my nearest relative request a mental health assessment?](#)
- [When can my nearest relative section me or place me under a guardianship?](#)
- [Can my nearest relative object if I'm going to be sectioned or placed under a guardianship?](#)
- [Can my nearest relative discharge me from hospital?](#)
- [Can my nearest relative apply for a Tribunal?](#)

## Can my nearest relative request a mental health assessment?

Yes. Anyone can request a mental health assessment by contacting your local social services or community mental health team.

However, the local social services team only has a duty to consider a nearest relative's request. If they decide not to section you, they must give written reasons.

## When can my nearest relative section me or place me under a guardianship?

If your [nearest relative](#) is concerned about your mental health, they can contact your local social services or community mental health team and apply to [section](#) you or place you under a [guardianship](#) (although in reality, it is normally an [approved mental health professional](#) who will make this application).

Your nearest relative can apply to section you or place you under a guardianship in these circumstances:

What is it?	When is it used?	How would they do it?
<b>Section 2</b>	<p>If you have not had a mental health problem before and need to be assessed.</p> <p>It is sometimes used if the doctors don't know you, for example, if you are in a different area.</p>	<p>To section you, your nearest relative would need to:</p> <ul style="list-style-type: none"> <li>• fill out a <a href="#">form A1</a> (England) or <a href="#">form HO1</a> (Wales)</li> <li>• get two doctors to agree that you should be admitted to hospital. One of the doctors would need to know you before the assessment, for example, your GP.</li> </ul> <p>The doctors need to complete a specific form and to give reasons as to why you meet the criteria.</p>
<b>Section 3</b>	If you are known to psychiatric services. For	To section you, your nearest relative would need to:

	example, you already have a mental health diagnosis or are receiving treatment.	<ul style="list-style-type: none"> <li>fill out a <a href="#">form A5</a> (England) or <a href="#">form HO5</a> (Wales)</li> <li>get two doctors to agree that you should be admitted to hospital. One of the doctors would need to know you before the assessment, for example, your GP.</li> </ul> <p>The doctors need to complete a specific form and give reasons as to why you meet the criteria.</p>
<b>Section 4</b>	<p>In an emergency only, where you need to be admitted to hospital under section 2 but cannot delay while waiting for the second medical assessment.</p> <p>You could be detained for up to 72 hours.</p>	<p>To section you, your nearest relative would need to:</p> <ul style="list-style-type: none"> <li>fill out a <a href="#">form A9</a> (England) or <a href="#">form HO9</a> (Wales)</li> <li>get a recommendation from one doctor</li> </ul>
<b>Guardianship</b>	Guardianship is very rarely used but is used for people that can be cared for in the community.	<p>To place you under a guardianship, your nearest relative would need to:</p> <ul style="list-style-type: none"> <li>fill out a <a href="#">form G1</a> (England) or <a href="#">form GU1</a> (Wales)</li> <li>get two doctors to agree that you should be admitted to hospital. One of the doctors would need to know you before the assessment, for example, your GP.</li> </ul> <p>The doctors need to complete a specific form and to give reasons as to why you meet the criteria.</p>

For more information about the sectioning process see [our information on sectioning](#).

### **Can my nearest relative object if I'm going to be sectioned or placed under a guardianship?**

Yes – you cannot be detained under [section 3](#) or be placed under a [guardianship](#) if your [nearest relative](#) disagrees.

To object, your nearest relative needs to tell the [approved mental health professional](#) and give them reasons why they disagree. This can be done verbally or in writing.

But if the AMHP thinks that your nearest relative is being unreasonable by disagreeing, they can apply to change the nearest relative to someone else (also known as [displacement](#)).

You can be [detained](#) under section 2 and 4 even if your nearest relative disagrees.

### **Can my nearest relative discharge me from hospital?**

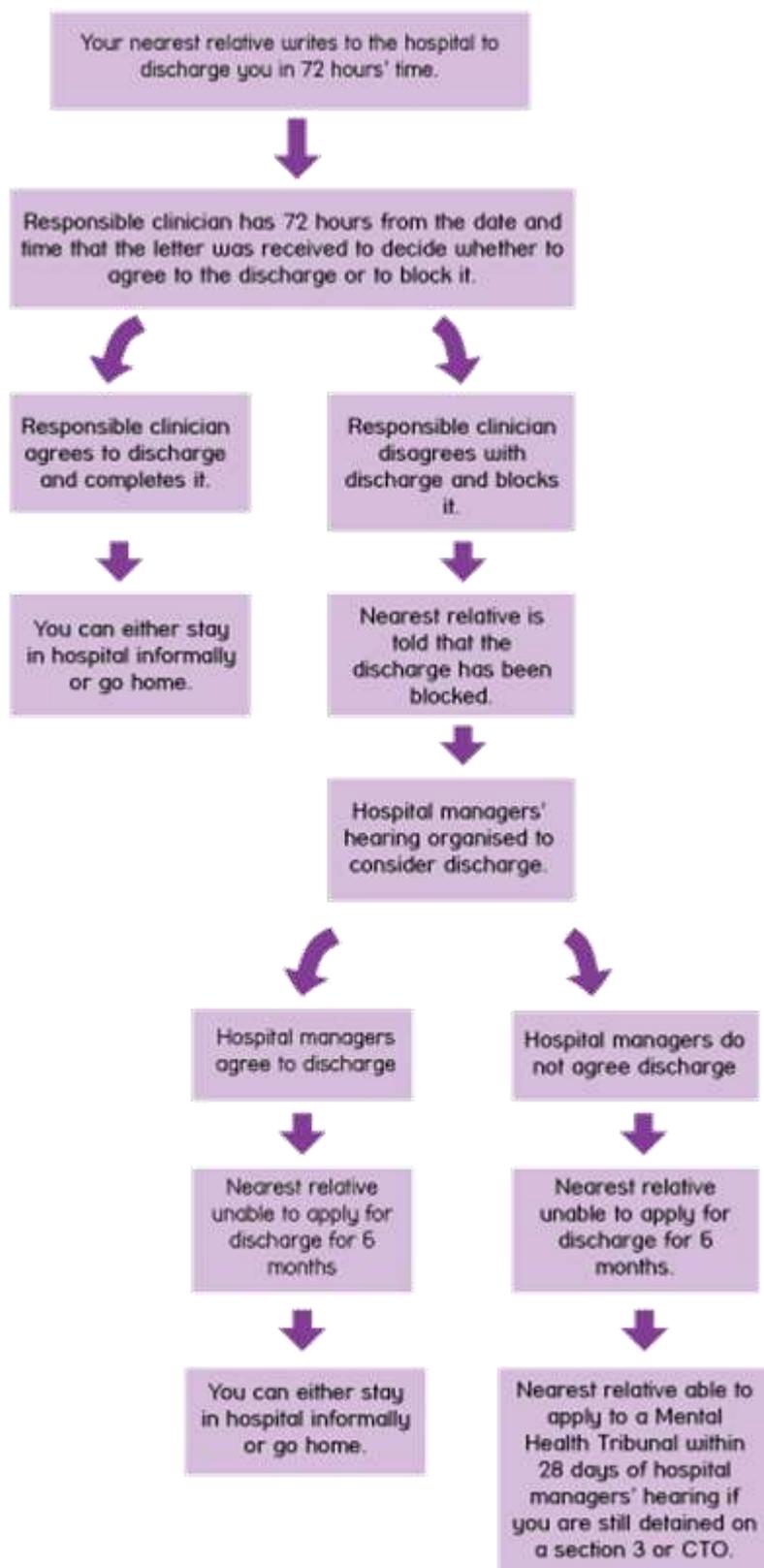
Your [nearest relative](#) can write to the [hospital managers](#) to tell them that they want to discharge you if you are on a section 2, 3 or 4 or are subject to a [community treatment order](#) or [guardianship](#) from a section 3. These rules do not apply if you are on a section 37 or have been put on an order from a section 37.

### **Example discharge letter**

Here is an example letter ([Word](#) or [PDF](#)) for nearest relatives to use which is taken from [Mental Health Act Code of Practice](#).

- **If you are subject to guardianship**, the discharge takes effect immediately. Please contact the [Mind Legal Line](#) for more information.
- **If you are sectioned or on a community treatment order**, the nearest relative must wait 72 hours before discharging you so the [responsible clinician](#) can decide whether to challenge it. The responsible clinician must prove that you are likely to act in a way that would be dangerous to yourself or others if you were discharged.

**Flowchart: How can my nearest relative discharge me?**



## **Letter from responsible clinician barring discharge**

Here is a copy of the letter that the [responsible clinician](#) would use to bar the discharge: [if you live in England](#) or [if you live in Wales](#).

## **Can my nearest relative apply for a Tribunal?**

Yes - there are different rules for applying for [Mental Health Tribunals](#) depending on which [section](#) you are detained on and whether your nearest relative has been [displaced](#). The [Tribunal Service website](#) has a useful information sheet for nearest relatives.

If you would like more information about when your [nearest relative](#) can apply please contact [Mind's Legal Line](#).

# Information about me

- [What information about me will my nearest relative be told?](#)
- [When might my nearest relative not be informed or consulted?](#)

## What information about me will my nearest relative be told?

Your [nearest relative](#) has the right to be told certain information about your mental health. This includes:

- if an application is being made to [section](#) you
- the reasons you have been [detained](#) in hospital
- your rights under section, [community treatment order](#) (CTO) or [guardianship](#)
- if you are put on a CTO or guardianship order
- if your section, CTO or guardianship is renewed or changed
- if you are discharged

## When might my nearest relative not be informed or consulted?

Your [nearest relative](#) may not be informed if:

- it would take a long time to locate them
- they are unwell
- it will have a negative impact on you
- it is not possible to find out who your nearest relative is

If you are going to be [sectioned](#), staying in hospital or discharged from hospital:

- You have the right to say that you do not want information about your care or treatment to be passed on to your nearest relative. You can do this even if you have not gone to court to replace your nearest relative.

For example, normally the [hospital managers](#) must tell your nearest relative when you are due to be discharged, but if you give instructions that they should not tell your nearest relative this or share other information about you, they should respect your wishes.

- However, there must be very good reasons why you don't want your nearest relative to be told information about you. This is because the nearest relative can object to you being put on a section 3, which is an important power that no-one else has, so they could prevent you from being detained. This is balancing your Article 5 and Article 8 rights of the Human Rights Act: [see our information on the Human Rights Act 1998](#).
- It is important that you let your team know if you do not want your nearest relative to be told information about you.



### **Example**

Hari has a history of being physically abused as a child. His father went to prison because of it and they do not have any contact.

Hari is under section and will be going home in a few days' time. He lives in a flat, which he shares with his friends.

He is told that his father, as his nearest relative, should normally be informed when Hari is going to be discharged from hospital because it is the duty of the hospital managers to do this.

Hari says that he absolutely does not want his father to be told this or any other information about him. The hospital should respect his wishes.

# Can my nearest relative ask an independent advocate to see me?

Yes – your [nearest relative](#) has the right to ask for an [independent mental health advocate](#) (IMHA) to see you.

An IMHA is an advocate specially trained to help you find out your rights under the [Mental Health Act 1983](#) and help you while you are [detained](#). They can listen to what you want and speak for you.

You don't have to see an IMHA if you don't want to.

For more information see our [advocacy guide](#).

# Changing my nearest relative

- [Can my nearest relative give their powers to someone else?](#)
- [Can I change my nearest relative?](#)
- [How do I change my nearest relative?](#)
- [What happens once I have submitted the application?](#)
- [Can I get legal aid?](#)
- [Can the displacement be changed once I have been to court?](#)

## Can my nearest relative give their powers to someone else?

Yes – if your [nearest relative](#) doesn't want to be your nearest relative:

- They can give their powers to someone else, as long as that person agrees. To do this, the nearest relative can write a letter to tell the hospital that they are choosing someone else to act in that role.
- If, at any time, your original nearest relative changes their mind, they can take back their powers in writing.

## Example letter for nearest relative to give their powers to someone else

There isn't a specific form to use but here is an example letter ([Word version](#) or [PDF version](#)).

## Can I change my nearest relative?

Yes – you can apply for someone else to be your nearest relative if you are a [patient](#) – this is called '[displacement](#)'. If you are [detained](#) under the Mental Health Act, you will need a [litigation friend](#) to do this. The procedure can be quite complicated and potentially expensive so it is important to get specialist legal advice.

- **You can suggest one or more persons** who might be suitable as your nearest relative. Alternatively, it may be an [approved mental health professional](#) or someone from the local social services who is appointed as your nearest relative.
- **You can change your nearest relative on a number of different grounds** (set out in section 29 of the Mental Health Act):

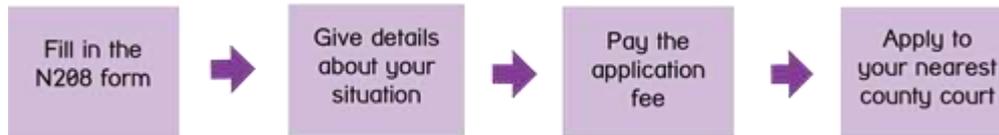
## Grounds for changing your nearest relative

You can change your nearest relative if:

- they cannot act because of health reasons
- they have unreasonably objected to a [section 3](#) or [guardianship](#) application
- they have tried to discharge you without considering all of the circumstances
- they are unsuitable to act
- you don't have a nearest relative from the list
- it is not practicable to identify them

- **How long the displacement lasts** depends on the reason the court order was made. Often the court order will give a date that the court order ends or it ends automatically when you are discharged from your section. It is important to get [specialist legal advice](#) for your situation.
- **You could be made to pay the other parties' costs** if your case is unsuccessful. So if you want to change your nearest relative, it is very important to speak to your [approved mental health professional](#) and get [specialist legal advice](#).

## How do I change my nearest relative?



### Fill in the N208 form

- You must use the [N208 claim form](#) to make an application to the county court. You might also find this [guidance on completing the form](#) useful.
- If you make the application, you will be called the 'claimant' and your [nearest relative](#) will be called the 'defendant' on the application form.

### Give details about your situation

- There are strict rules about what information you need to give. These are called the Part 8 Civil Procedure Rules. They are very specialised and it is always important to get legal advice to make sure that they are followed.
- You will need to include information like: the details of your nearest relative, why you want to [displace](#) them, who you would like to replace your current nearest relative, the law that lets you make this claim and what role your representative has (if, for example, you have a solicitor or [litigation friend](#)).
- It is always useful to have evidence to support your case. Depending on the facts, this could include reports from your family members, medical practitioner, probation officer, and/or [approved mental health professional](#).

### Pay the application fee

- You will need to pay a fee when you submit the application.
- You may be able to a discount or remission depending on your income. Find out more about how much you will have to pay and the fee remission scheme on the [Gov.uk website](#).

### Apply to your nearest county court

- You should apply to the county court in which you live in if you want to make an application. However, if you want to change a court order, you need to apply to the same court that issued it.
- Find your nearest county court by using the [Gov.uk court tribunal finder](#) and putting in your postcode. If you select all areas of law, the courts nearby will be listed closest first and you can find the county court.

## What happens once I have submitted the application?

- **Your nearest relative will be informed.** In most cases your [nearest relative](#) will be told if an application has been made to displace them. However, there are some occasions where it is not appropriate. This is called an 'ex parte' hearing.
- **If your nearest relative disagrees** with the [displacement](#), they can challenge the application and submit their own evidence. If your nearest relative is not capable of acting because they have a [mental disorder](#), they may have a [litigation friend](#) acting for them.
- **Your hearing may take place in a court, or somewhere else.** It is important that the judge has all of the information that they need to make a decision. This may mean that the judge would like to speak to you. This could be in court or somewhere else. It could be on your own or with other people depending on the situation. If you are [detained](#), the hospital should help you go to court if you want to go.
- **Your case will be heard by a circuit judge.** The [circuit judge](#) will be referred to as "His/Her Honour Judge [surname]". The hearing will take place in private so that the public cannot attend.
- **Your nearest relative will continue to be your nearest relative** while the hearing is ongoing, in most cases. However, the court can make an 'interim' order which means that someone else will act as your nearest relative until a final decision can be made.

## Can I get legal aid?

In some circumstances you may be able to get legal aid to help you pay for your legal costs. You should contact a solicitor specialising in mental health to discuss your case. See [Useful contacts](#) for details of how to find a solicitor.

Some insurance policies have legal expenses insurance which could cover your particular case. Check your home or car insurance to see if it does.

## Can the displacement be changed once I have been to court?

Yes – you can go back to the court to change or end the court order. You will need to make an application to the court that made the original court order.

You should get [specialist legal advice](#) in relation to your case.

# Useful contacts

## Mind Legal Line

PO Box 277  
Manchester  
M60 3XN  
0300 466 6463 (Monday to Friday, 9.00 am to 5.00 pm)  
[legal@mind.org.uk](mailto:legal@mind.org.uk)

The Mind Legal Line can provide you with legal information and general advice.

## Civil Legal Advice

0845 345 4345  
[gov.uk/civil-legal-advice](http://gov.uk/civil-legal-advice)

The Civil Legal Advice can tell you if you're eligible for legal aid and can give you free and confidential legal advice in England and Wales.

## The Law Society

020 7242 1222 (England)  
029 2064 5254 (Wales)  
[lawsociety.org.uk](http://lawsociety.org.uk)

The Law Society provides details of solicitors you can get in touch with for specialist legal advice.

## Where can I get support?

### Local Mind

Local Minds support over 280,000 people across England and Wales. Their services include supported housing, crisis helplines, drop-in centres, employment and training schemes, counselling and befriending. They may be able to help you find advocacy services in your area.

Find your local Mind [here](#).

### Find an advocate

An advocate is a person who can both listen to you and speak for you in times of need. Having an advocate can be helpful in situations where you are finding it difficult to make your views known, or to make people listen to them and take them into account.

For information on advocacy services and groups in your area, you could start by contacting the [Mind Legal Line](#) and your [local Mind](#). You can also contact the [Patient Advice Liaison Service \(PALS\)](#) in England, or the [Community Health Council](#) in Wales.

Read more about how [advocacy](#) might help you.

# Example discharge letter

- If you are a nearest relative, you will need to use a letter like this to discharge the patient from hospital.
- This letter is taken from the Mental Health Act Code of Practice

Date

To the managers of [insert name and address of hospital in which the patient is detained, or for a supervised community treatment patient, the responsible hospital]

## **Order for discharge under section 23 of the Mental Health Act 1983**

My name is [your name] and my address is [your address]

[complete A, B or C below]

A. To the best of my knowledge and belief, I am the nearest relative (within the meaning of the Mental Health Act 1983) of [name of patient].

OR

B. I have been authorised to exercise the functions of the nearest relative of [name of patient] by the county court.

OR

C. I have been authorised to exercise the functions of the nearest relative of [name of patient] by that person's nearest relative.

I give you notice of my intention to discharge the person named above, and I order their discharge from [when you want the patient discharged from detention or supervised community treatment<sup>1</sup>].

Signed,

[Your signature

Your name in print]

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<sup>1</sup>Note: You must leave at least 72 hours between when the hospital managers get this letter and when you want the patient discharged.

# Example letter for nearest relative to give their powers to someone else

If you are a nearest relative and you want to give your power to someone else, you will need to use a letter like this.

To the managers of [insert name and address of hospital in which the patient is detained, or, for a supervised community treatment patient, the responsible hospital.]

## Authority to perform the functions of nearest relative

I, [your name], of [your full address] am the [relationship] of [name of patient and address], and [his or her] nearest relative within the meaning of the Mental Health Act 1983.

I hereby delegate my powers of nearest relative to [name of new nearest relative] of [address of new nearest relative].

I confirm that [name of new nearest relative] has consented to act as the nearest relative of [patient's name].

Signed

Date

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