Mental Health Act 1983 - Review of Treatment, Section 61

(1) Section 57 of the Mental Health Act 1983 is concerned with certain forms of medical treatment for mental disorder which require the consent of the patient and a second opinion. Section 58 relates to treatment requiring consent or a second opinion. Section 61 provides for reports to be given in relation to treatments given under Section 57 or 58.

(2) This circular is issued by the Mental Health Act Commission acting for the Secretary of State and notifies health authorities of:

a. the arrangements for reports to be given by responsible medical officers under Section 61 of the Mental Health Act 1983; and

b. the new forms to be used for this purpose.

(3) Section 61 provides that where a patient is given treatment in accordance with Section 57(2) or Section 58(3)(b) - i.e. where a treatment plan has been authorised by a doctor appointed by the Mental Health Act Commission, a report on the treatment and the patient's condition shall be given by the responsible medical officer to the Mental Health Act Commission, acting for the Secretary of State:

a. on the next and subsequent occasions that the authority for the patient's detention is renewed under Section 20(3);

b. at any other time if so required by the Commission; and

c. in the case of patients subject to a restriction order, at the end of the first six months, if treatment began during this period, and subsequently on each occasion that the rmo is statutorily required to report to the Secretary of State.

(4) A report is not required when the treatment has been given after the responsible medical officer has certified on form 38 that the patient is capable of understanding the nature, purpose and likely effects of the treatment, and has consented to it.

(5) When a report has been given to the Commission, as required by Section 61, consent to continue treatment as authorised may be assumed to be given unless the Commission gives notice of the withdrawal of consent. If such notice is given a further certificate will be required before treatment may be continued, except for urgent treatment given under the provisions of Section 62.

(6) Reports to the Commission should be Form MHAC/1 (see Annex A) and an initial supply is attached. Further copies can be obtained from Commission Regional Offices.

(7) Completed forms should be returned to the appropriate regional office of the Commission. Addresses and telephone numbers are at Annex B. Any queries on the provisions of Part IV of the Act should also be referred to the same address.

September 1984
ACTION

(8) District Health Authorities are asked:

a. to draw this circular to the attention of all hospitals in their districts which may contain patients detained under the provisions of the Mental Health Act (including private mental nursing homes registered with their authority under the Nursing Homes Act 1975) and to provide supplies of the forms to such hospitals or advise them as to the availability of the forms.

b. to draw this circular to the attention of all staff who need to know about the provisions of the Mental Health Act 1983.

c. To introduce monitoring arrangements to ensure that reports are in future submitted to the MHAC as required in para (3) above.

Viscount Colville of Culross
CHAIRMAN
MENTAL HEALTH ACT, 1983
REVIEW OF TREATMENT (SECTION 61)

This form is to be completed by the responsible medical officer and forwarded to the appropriate regional office of the Mental Health Act Commission.

(name of hospital or mental nursing home in which patient is liable to be detained) 

I examined 

(name of patient) 

(date of examination) 

(date of admittance) on 

(date of certificate) and on whom a certificate was given on 

by a registered medical practitioner appointed for the purpose by the Secretary of State, authorising:-

(describe treatment or plan of treatment authorised) 

The following treatment has been given:-

(describe, stating, eg. number of ECT given and present treatment, including dosage of drugs etc) 

Progress made:-

(Delete what does not apply)

It is/is not intended to continue treatment as authorised.

The following changes are proposed in the plan of treatment:-

Signed --------------------- Date ----------------------
ANNEX B

ADDRESS OF MENTAL HEALTH ACT COMMISSION OFFICES

(E. Anglia, N. W. Thames, N. E. Thames, S. E. Thames, S. W. Thames, Wessex, Oxford, S. Western RHAs and S. Wales including E. Dyfed.)

Mental Health Act Commission
Floors 1 and 2
Hepburn House
Marsham Street
LONDON SW1P 4HW

Tel: 01-211 8061*/8954/4946

(Merseyside, W. Midlands and N. Western RHAs and N. Wales – Clwyd, Gwynedd, Powys.)

Mental Health Act Commission
Cressington House
249 St. Mary’s Road
Garston
LIVERPOOL L19 0NF

Tel: 051 427 2061*/6213/6751

(Northern, Yorkshire and Trent RHAs.)

Mental Health Act Commission
Spur A Block 5
Government Buildings
Chalfont Drive
Western Boulevard
NOTTINGHAM NG8 3RZ

Tel: 0602 293409
293198
291111 Ext 701 and 702
291008* outside office hours - ansaphone service only.

* Ansaphone facilities are available on these numbers