

INDEX

- AARVOLD ADVISORY BOARD**
 communication of findings, 167
 constitution, 165
 establishment, 165
 factors affecting referral to, 166
 history, 165
 information about recommendations,
 167-168
 membership, 165
 references to, 166-167
 selection of cases for reference to, 166
- ABNORMAL GAIT OR MOVEMENTS**
 akathisia, 1067
 descriptive terms, 1062-1064
 dyskinesia, 1065-1067
 dystonia, 1067
 generally, 1062
 inability to sit still, 1067
 medication, and, 1146-1150
 muscular rigidity causing spasms, 1067
 significance, 1062-1067
- ABNORMAL HEALTH**
 concept of, 33, 1031-1033
 terms used to describe, 1033-1034
- ABSENCE WITH LEAVE**
 restricted patients, 335-336
 unrestricted patients, 280-282, 300
- ABSENCE WITHOUT LEAVE**
 restricted patients, 335
 unrestricted patients, 289-300
 tribunal rights on return, 628-631
- ACCESS TO INFORMATION**
 statutory rights of, 707-710
See also REPORTS ON PATIENT
- ACCOMMODATION**
 case history, 901
 social circumstances report, 690-692
See also AFTER-CARE
- ACCUSED PERSON**
 Crown Court, and, 318-319
 magistrates' court, and, 317-318
 meaning, 317-319
- ACUTE**
 meaning, 36, 1126
- AETIOLOGY**
 abnormality, depends on definition of,
 1046-1047
 cause, coincidence, and, 1048
 different levels of explanation, 1048
 meaning of, 1047-1052
 multifactorial causes the norm, 1048-1049
 relative importance of, 1049
 concept of, 34, 1046
 disease, factors in causation of, 1050
 genetic factors, 1051
 life events and environmental causes,
 1051-1052
 normality, depends on definition of,
 1046-1047
- AFTER-CARE**
 case history, taking, 914
 duty to provide,
 to whom owed, 418-422
 when arising, 415-417
 form, introduction of, 747, 760-761
 generally, 413
 planning, discharge and,
 after-care form, introduction of, 747
 care management and assessment,
 746-747
 care programme approach, 745-746
 generally, 745
 guidance on discharge, 747
 hospital, discharge of patients from, 745
 Mental Health Act 1983, s.117, 745
 summary, 748-750
 supervision registers, 747
 supervision, after-care under, 747-748
 section 117, under,
 generally, 413
 to whom duty owed, 418-422
 what constitutes after-care, 413-414
 when duty to provide arises, 415-417
 supervision, under,
 after acceptance of application,
 change of statutory officers, 443
 commencement of after-care, 441-442
 directing that authority cease to have
 effect, 450-452
 duration of supervision, 445

AFTER-CARE—cont.

supervision, under—cont.

- generally, 441
- keeping arrangements under review, 442
- Mental Health Act Commission, 452
- Parts II and IV, application of other provisions in, 443-445
- patient refusing or neglecting to receive after-care, 442-443
- renewing authority for patient's supervision, 445-450
- statutory officers, change of, 443
- termination of supervision, 445
- application procedures, acceptance of applications, 437-438
- applicant, 427-428
- defective applications, 438-439
- form of application, 435-437
- generally, 426
- grounds of application, 429-433
- imposing essential powers under section 25D, 439-441
- patient, 427
- rectification of defective applications, 438-439
- supporting recommendations, 433-435
- authority for, ceasing to have effect, 450-452
- renewing, 445-450
- basic framework, 422-423
- change of statutory officers, 443
- commencement of, 441-442
- consultation, 455-459
- delegation of functions, 453-455
- duration of, 445
- generally, 422
- medical report on patient, 681
- neglecting to receive, 442-443
- new terms, 423-425
- notification of interested parties, 455-459
- patient subject to, 24
- planning, 747-748
- prescribed forms, 426
- refusal to receive, 442-443
- secondary legislation, 423
- statutory officers, change of, 443
- termination of, 445
- terminology, 423
- tribunals' powers relating to, discretionary discharge, 510
- generally, 506
- mandatory criteria, 508-510

ARMED FORCES

- Act of 1996, 378
- Courts-Martial, appeals from, 377

ASSESSMENT OF PATIENTS

- care management, 156, 157-158
- child assessment orders, 118
- mental disorder, presence of. *See* MENTAL DISORDER

risk. *See* RISK ASSESSMENT

- special procedures, brain scans, 1103-1104
- diagnostic value of, 1089-1091
- electroencephalography (EEGs), 1099-1103
- generally, 1089
- laboratory investigations, 1091-1098
- lumbar puncture and cerebrospinal fluid (CSF), 1099
- psychiatric rating instruments, 1104-1105
- suicide, risk of, 734-737

ASSISTANCE BY WAY OF REPRESENTATION

- (ABWOR) authorised representative, relating to, 882-883

ATTORNEY, POWERS OF

- financial circumstances of patient, 698-700

AUTHORISED REPRESENTATIVE

- after initial interview, case strategy, comments on reports, 928-929
 - commissioning expert reports, 926-927
 - contacting family members and witnesses, 928
 - cross-references to text, 929-930
 - disclosing reports, 927-928
 - generally, 924
 - notifying tribunal office, 926
 - observations on reports, 928-929
 - appointment by tribunal, 878
 - choice of, 877-878
 - counsel, use of, 887
 - disclosure of documents, 879
 - disclosure to, 705-706
 - financing representation, ABWOR scheme, 882-883
 - generally, 879-880
 - legal advice and assistance, 880-882
 - first interview, arriving on ward, 889-890
 - commencing interview, 891-892
 - examining authority for patient's detention, 889
- accommodation, 901
 - after-care and supervision, 914
 - basic factual information, 899-900
 - current admission, 909-911
 - education and training, 901-906
 - employment, 901-906
 - generally, 899
 - identifying nearest relative, 900
 - medication and treatment, 911-914
 - psychiatric history, 908
 - supervision, 914
 - formality and manner, 884
 - general principles, 884-887
 - generally, 875-876
 - hearing, client's evidence, 931-935
 - generally, 931
 - post-hearing considerations, 943-965
 - responsible authority's evidence, 936
 - responsible medical officer's evidence, 936-942

AUTHORISED REPRESENTATIVE—cont.

first interview—cont.

- initial steps, 888-892
- inspecting case notes, 890
- introduction to patient, 890-891
- making arrangements, 888-889
- mental state of client, beliefs and ideas, 918-921
- content of thought, 918-921
- disordered speech or thought, 917-918
- final question, 924
- generally, 914-915
- mood and affect, 915-916
- other emotional states, 916
- perceptual disturbances, 921-924
- nursing staff, discussing case with, 890
- preliminary observations, abnormal gait, 898-899
- attitude of client, 895
- client unresponsive, 895
- co-ordinating movements, 898-899
- compulsions, 896
- general appearance, 896-897
- generally, 893
- gestures, 896
- impaired consciousness, 894
- increased activity, 895
- involuntary movements, 898-899
- mannerisms, 896
- posture of client, 895
- rituals, 896
- slowed or increased activity, 895
- purpose of, 888
- taking case history, accommodation, 901
- after-care and supervision, 914
- basic factual information, 899-900
- current admission, 909-911
- education and training, 901-906
- employment, 901-906
- generally, 899
- identifying nearest relative, 900
- medication and treatment, 911-914
- psychiatric history, 908
- supervision, 914
- formality and manner, 884
- general principles, 884-887
- generally, 875-876
- hearing, client's evidence, 931-935
- generally, 931
- post-hearing considerations, 943-965
- responsible authority's evidence, 936
- responsible medical officer's evidence, 936-942

- AUTHORISED REPRESENTATIVE—cont.**
 hearing—*cont.*
 social worker, questions for, 942
 submissions, 942
 mental health review tribunal panel, 878–879
 notifying tribunal office, 876–877
 other forms of support, 879
 post-hearing considerations, 943–965
 role of, 1016–1017
 service of documents, 879
 taking instructions, 885–887
- BEHAVIOUR DISORDER**
 meaning, 40
See also PERSONALITY DISORDER
- BEHAVIOUR THERAPY**
 treatment by, 1153–1154
- BIOLOGY**
 medicine, and, 1019–1024
- BIPOLAR DISORDER**
 concept of, 41, 1194
 course, treatment and outcome, 1194
 ICD-10 classification, 1195–1199
 manic episodes and bipolar disorders, 1216–1226
See also DEPRESSION; MANIC EPISODES; MOOD DISORDER
- BRAIN**
 brainstem, 1274–1275
 cerebellum, 1275
 cerebrum, 1271–1272
 concept of, 32
 diagrams, 1268–1273
 diencephalon, 1273
 disorders, 1267–1277
 electro-encephalography (EEGs), 1099–1103
 injury to, describing, 1276–1277
 mind, personality and, 32, 1028–1031
 nervous system, and, 1267–1277
 person's conduct as external expression of
 internal processes within, 3
 psychosurgery, 1130–1132
 scans, 1103–1104
See also ORGANIC DISORDERS
- BURDEN OF PROOF**
 concept of, 567–568
 habeas corpus, application for writ of, 868–869
- BUTLER REPORT (1975)**
 review of statutory terminology, 62, 84–85
- CARE MANAGEMENT—cont.**
 care managers, 157
 care programme approach, 745–747, 752–754
 independent sector, involvement of, 158–159
 seven stages of, 156–157
 terminology of, 156
- CARE ORDER**
 child, relating to, 119–121
- CASE STATED. *See* APPEALS**
- CATATONIC SCHIZOPHRENIA**
 concept of, 43, 1241–1243
- CAUSE. *See* AETIOLOGY**
- CEREBROVASCULAR DISEASE**
 older people, affecting, 44, 1283–1285
- CERTIFICATION PROCEDURES**
 repeal of, 5
- CERTIORARI**
 application for order of, 859
- CHILDREN**
 care orders, 119–121
 child assessment orders, 118
 Children Act 1989 orders, 115–117
 consent to treatment, 124–126
 inherent jurisdiction, 125–126
 NHS bodies, accommodated by, 122–123
 need, in, providing services for, 123
 psychiatric assessment and treatment of, 115
 secure accommodation, 121–122
 supervision orders, 119–121
 unmarried parents, born to, 102
- CHRONIC MENTAL ILLNESS**
 dual classification, 58
 meaning, 36, 1126
- CIVIL APPLICATIONS**
 compulsion, legal authority for, 12
 Part II, under, summary of, 13–14
See also DETENTION UNDER PART II
- CIVIL LAW**
 broad categories of law distinguished, 4
CLASSIFICATION OF MENTAL DISORDER. *See* MENTAL DISORDER; RECLASSIFICATION
- CLIENT INTERVIEW. *See* AUTHORISED REPRESENTATIVE**
- CLINICAL PSYCHOLOGISTS**
 functions of, 150
- CODE OF PRACTICE**
 Mental Health Act Commission, 182
 seclusion, 1162–1166
- CARE MANAGEMENT—cont.**
 processing application or reference—*cont.*
 postponing consideration of application, etc., 641–648
 two or more outstanding applications or references, 639–641
 withdrawing application or reference, 649–650
- references,
 authorised, 632
 discretionary, 637
 form and contents of, 637
 generally, 632
 mandatory, 632–637
 provisions, 632
 submitting, 637
 unauthorised, 632
 rights of application,
 contingent, 609–613
 different kinds of authorised application, 604–605
 general periodic, 564, 607–608
 generally, 603
 nearest relative, of, 565
 unauthorised application, 606
 submitting reference, 637
 unauthorised application, 606
 unauthorised references, 632
- COMMITTAL TO CROWN COURT. *See* CROWN COURT**
- COMMUNITY CARE SERVICES**
 financing, 160
 plans and charters, 155–156
 provision of, 154–156
- COMMUNITY RESPONSIBLE MEDICAL OFFICER (CRMO)**
 duties of, 148
- COMPLAINTS**
 Mental Health Act Commission, jurisdiction of, 173–181
- COMPLEMENTARY REMEDIES**
 use of, 1158
- COMPULSION**
 justification of use of, 6–7
 legal authority for,
 civil applications, 12
 criminal court orders, 12
 directions of Home Secretary, 12
 short-term powers, 12
- COMPULSORY TREATMENT AND CARE**
 certification procedures, repeal of, 5
 diagnosis and risk,
 applications founded on, 7–9
- COGNITIVE THERAPY**
 treatment by, 1154–1155
- COMMENCING TRIBUNAL PROCEEDINGS**
 advice,
 applicants' rights to, 616–619
 medical, 616–619
 application rights, 614–615 (table)
 ambiguities and anomalies
 conditionally discharged patient, 625
 generally, 623
 guardianship, transfer into, 626–627
 hospital, patient transferred to, 625–626
 interim restriction order, 625
 patients detained under section 4, 623–624
 section 4 patients, 623–624
 unconvicted hospital order patient, 625
 unrestricted patient absent without leave, 628–631
 contingent rights of application,
 county court orders, 613
 generally, 609–610
 issue of section 25 report barring discharge, 612–613
 reclassification, 610–612
 different kinds of authorised application, 604–605
 general periodic rights of application, 607–609, 614
 information and advice,
 applicants' rights to,
 generally, 616
 medical advice available to prospective applicants, 616–619
 other relevant enactments, 619
 information, applicant's rights to, 616–619
 form and contents of application,
 assessment application, 619–620
 other applications, 620–621
 submitting the application, 621–622
 generally, 603
 mandatory references, 632–637
 matters arising, 603
 medical advice available to prospective applicants, 616–619
 procedure, 27–28
 processing application or reference,
 deemed withdrawal of application or reference, 650–660
 generally, 638
 notice of application, etc., 638–639
 patient transferred during proceedings, 648–649
- COMMENCING TRIBUNAL PROCEEDINGS—cont.**
 processing application or reference—*cont.*
 postponing consideration of application, etc., 641–648
 two or more outstanding applications or references, 639–641
 withdrawing application or reference, 649–650
- references,
 authorised, 632
 discretionary, 637
 form and contents of, 637
 generally, 632
 mandatory, 632–637
 provisions, 632
 submitting, 637
 unauthorised, 632
 rights of application,
 contingent, 609–613
 different kinds of authorised application, 604–605
 general periodic, 564, 607–608
 generally, 603
 nearest relative, of, 565
 unauthorised application, 606
 submitting reference, 637
 unauthorised application, 606
 unauthorised references, 632
- COMMITTAL TO CROWN COURT. *See* CROWN COURT**
- COMMUNITY CARE SERVICES**
 financing, 160
 plans and charters, 155–156
 provision of, 154–156
- COMMUNITY RESPONSIBLE MEDICAL OFFICER (CRMO)**
 duties of, 148
- COMPLAINTS**
 Mental Health Act Commission, jurisdiction of, 173–181
- COMPLEMENTARY REMEDIES**
 use of, 1158
- COMPULSION**
 justification of use of, 6–7
 legal authority for,
 civil applications, 12
 criminal court orders, 12
 directions of Home Secretary, 12
 short-term powers, 12
- COMPULSORY TREATMENT AND CARE**
 certification procedures, repeal of, 5
 diagnosis and risk,
 applications founded on, 7–9

- COMPULSORY TREATMENT AND CARE—*cont.***
 diagnosis and risk—*cont.*
 assessment of risk, 8
 person unable to appreciate or avoid obvious risk, 8-9
 justification of compulsory powers, 6-7
 mental health review tribunals, creation of, 5-6
 Royal Commission, recommendations of, 5
CONDITIONALLY DISCHARGED PATIENTS
 recall to hospital, 345-371
 transfer within United Kingdom, 344
 tribunal proceedings,
 absence of statutory criteria for absolute discharge, 561-562
 commencing proceedings, 625
 generally, 27
 imposing conditions, 562-563
 limitation directions, patient subject to, 563-566
 medical report on patient, 681
 reports on, 667-668
 social circumstances and supervisors' reports, 682
 statutory criteria, absence of, 561-562
 tribunal's powers relating to, 560-561
 varying conditions, 562-563
- CONFIDENTIAL INQUIRY**
 safety of others, risk to, 739-740
 suicide, risk of, 729-730
- CONSCIOUSNESS**
 impaired, 1058-1060
- CONSENT TO TREATMENT**
 children, treatment of, 124-126
 common law, under, 9-10
 Part IV, under, 273-280
- CONSULTATION**
 after-care under supervision, relating to, 455-459
- CONTEMPT OF COURT**
 court, meaning, 826
 types of contempt, 826-827
- COUNCIL ON TRIBUNALS**
 supervision of tribunals, 204-205
- COURT**
 acting nearest relative, order appointing, 111-114
- COURT OF PROTECTION**
 financial circumstances of patient, 696-698
- COURTS—MARTIAL**
 appeals from, 377
- CRIMINAL COURT ORDERS**
 compulsion, legal authority for, 12
 disposing of case before court, 17
 not disposing of case before court, 16
 Part III of Act, 16
 purpose, 16
 restriction orders, 17
See also CROWN COURT; GUARDIANSHIP; INTERIM HOSPITAL ORDERS; HOSPITAL AND LIMITATION DIRECTIONS; HOSPITAL ORDERS; REMANDS TO HOSPITAL; RESTRICTION ORDERS
- CRIMINAL LAW**
 broad categories of law distinguished, 4
 fair trial, effect of incapacity on, 3
- CROWN COURT**
 accused person and, 318-319
 committals under section 43 and 44, criteria for imposition, 372-373
 custody, person committed in, 373
 generally, 372
 hospital, person committed to, 373-374
 offender, powers to deal with, 374
 other powers, under, 375-376
 hospital orders, 329
 restriction order, power to make, 17
- DSM-IV CLASSIFICATION**
 format of, 1119-1120
- DANGER**
 management of dangerous behaviour, 768-769
 risk and, 739
- DECISION OF TRIBUNAL**
 appeals. *See* APPEALS
 communicating decision and reasons, generally, 841
 written communication of decision, 842
 extent to which binding, 592-599
 further consideration of case, 853-854
 generally, 829, 830
 judicial review. *See* JUDICIAL REVIEW
 Pickering cases, 844-853
 procedure, 29
 provisional decisions and recommendations, 830-831, 853-854
 publishing information about proceedings, 843-853
 reasons for, case law, 832
 communicating decisions and reasons, 841-842
 disclosure of, 842
 duty to give, 831-841
 first principles, 831-832
- DECISION OF TRIBUNAL**
 reasons for—*cont.*
 generally, 830
 need to give reasons at all, 832-833
 not disclosing why case was rejected, 833-837
 reasoning unintelligible or incomprehensible, 837-840
 recording other comments, 840
 statutory provisions, 829
 summary, 841
 written communication of, 842
- DELIRIUM**
 older people, affecting, 43-44, 1280
- DEMENTIA**
 older people, affecting, 44, 1280-1291
- DEPRESSION**
 aetiology, 1200
 depressive episodes, 41-42, 1203-1207
 epidemiology, 1200
 management and treatment of, 1207-1216
 pathology, 1200
 recurrent depressive disorder, 1207
 somatic symptoms, 1203
 terminology, 1201-1203
- DETENTION UNDER PART II**
 admission for treatment, application for, duration, 246
 grounds for, 245-246
 statutory framework, 246
 tribunals' powers relating to, degree of disorder, 486-488
 discretionary discharge, 492-494
 future date, discharge on, 494
 generally, 479
 mandatory discharge, criteria for, 485
 medical report on patient, 680
 nature of disorder, 486-488
 nearest relative application, 491-492
 other recommendations, 495-498
 reclassification, 498-503
 recommendations to facilitate discharge, 495
 risk ground, 488-491
 statutory framework, 479-483
 summary of powers, 479
 terminology, 484-485
 assessment, application for admission for, assessment, meaning, 231-242
 Code of Practice, 232
 detention under section 2 following objection to section 3, 234-235
 grounds for, 225-226
 interpretation in practice, 232-234
- DECISION OF TRIBUNAL**
 reasons for—*cont.*
 assessment applications—*cont.*
 judicial opinion, 232
 Mental Health Act 1959, ss. 25 and 29, 236
 nearest relative, powers of, 236-238
 observation, meaning, 231
 section 3 emergency procedure, absence of, 235
 statutory framework, 226-231
 statutory purpose of section 2, 238-239
 textbook opinion, 232
 tribunals' powers, relating to, 242
 future date, on, 468-473
 mandatory, 466-468
 future date, discharge on, 468-473
 generally, 463
 mandatory discharge, 466-468
 statutory recommendations, 473-478
 summary of powers, 463-464
 terminology, 464-465
 basic application framework, 210
 broad categories of law distinguished, 4
 certification procedures, repeal of, 5
 diagnosis and risk, application founded on, assessment of risk, 8
 criteria for making, 7
 person unable to appreciate or avoid obvious risk, 8-9
 emergency application, duration, 244-245
 effect of, 244
 generally, 243
 historical note, 243
 procedures, 244
 tribunals, whether right to apply, 623-624
 urgent necessity, 244
 usage, 243
 five types of application, 209-210
 generally, 209
 grounds of application, GAF scale, 221-222
 generally, 211
 guiding principles, 211-212
 health, safety, welfare and protection of others, 216-221
 mental disorder of requisite nature or degree, 212-216
 treatability condition, 222-225
 guardianship. *See* GUARDIANSHIP
 in-patient, of, short-term powers relating to, 14-15
 legal formalities under Part II, application, form of, 253-262
- DETENTION UNDER PART II**
 admission for treatment, application for, duration, 246
 grounds for, 245-246
 statutory framework, 246
 tribunals' powers relating to, degree of disorder, 486-488
 discretionary discharge, 492-494
 future date, discharge on, 494
 generally, 479
 mandatory discharge, criteria for, 485
 medical report on patient, 680
 nature of disorder, 486-488
 nearest relative application, 491-492
 other recommendations, 495-498
 reclassification, 498-503
 recommendations to facilitate discharge, 495
 risk ground, 488-491
 statutory framework, 479-483
 summary of powers, 479
 terminology, 484-485
 assessment, application for admission for, assessment, meaning, 231-242
 Code of Practice, 232
 detention under section 2 following objection to section 3, 234-235
 grounds for, 225-226
 interpretation in practice, 232-234

DETENTION UNDER PART II
 legal formalities under Part II—*cont.*
 generally, 253
 patient, 253
 legality of application or order,
 case law, 575–580
 conclusion, 591
 dealing with applications under section
 66, 585
 generally, 574
 historical development of tribunal's
 powers, 582–585
 liability to detention and section 72,
 585–590
 questions to be determined, 581–582
 restricted patient, 574
 summary, 591
 three approaches adopted by tribunals,
 580–581
 nature and duration of compulsory powers,
 absence with leave, cessation due to, 300
 absence without leave, cessation due to,
 289–300
 custody, cessation due to patient being
 in, 300–306
 discharge of patient, 283–285
 expiration of period of detention,
 286–288
 generally, 273
 leave of absence, 280–282
 removals under section 19, 282–283
 termination of detention, 283
 transfers under section 19, 282–283
 treatment without consent, 273–280
 scrutiny of application,
 defects and errors, 265–267
 documentary irregularity, kinds of, 265
 generally, 262
 guardianship, medical recommendations
 and, 269
 legal propriety, importance of, 262–264
 prescribed forms, 269–270
 recommendations insufficient to warrant
 detention, 267–269
 rectification of applications and recom-
 mendations, 271–272
 short-term powers,
 generally, 14
 in-patients, 14–15
 place of safety,
 private premises, removal from, 15
 public place, removal from, 15–16
 use made of powers, 18–19

DIAGNOSIS
 detention or guardianship, application for,
 7–9, 1107, 1121–1124

DIRECTIONS UNDER THE RULES
 further information and reports, 783–787
 generally, 777
 giving notice of proceedings, 779–783
 procedure, 28–29
 regional chairman, functions of, 777–779
 rule 13, under, 784–787
 rule 14, under, 802–804
 rule 15, under, 783

DISABILITY
 concept of, 1127–1129

DISCHARGE PROCEDURES
 after-care planning,
 after-care form, introduction of, 747
 after-care under supervision, 747–748
 care management and assessment,
 746–747
 care programme approach, 745–746
 generally, 745
 guidance on discharge, 747
 hospital, discharge of patient from, 745
 Mental Health Act 1983, s.117, 745
 summary, 748–750
 supervision registers, 747
 conditionally discharge and restricted
 patients, 27
 guidance on, 747
 planning,
 after-care form, introduction of, 760–761
 care programme approach, 752–754
 health circular, 750–751
 local authorities and, 751–752
 restricted patients,
 dangerous behaviour, management of,
 768–769
 exercise of discharge power, 771–772
 further reading, 774–775
 generally, 762
 Home Office policy and procedures,
 763–766
 management of dangerous behaviour,
 768–769
 mental state of patient and index of-
 fence, 767–768
 preparing for discharge, 770–771
 reconviction following discharge,
 772–774
 usual discharge process, 762–763
 risk assessment, guidance on, 758–760
 supervision registers, 755–757
 reconviction following discharge, 772–774
 risk assessment and discharge planning, 28
 transfer of conditionally discharged
 patient, 344
See also RISK ASSESSMENT

DISCLOSURE
 authorised representative, relating to, 879
 reasons of tribunal, of, 842
 statements, of,
 assessment application, 704
 authorised representatives, to, 705–706
 decisions not to disclose information,
 706
 documents received later on during pro-
 ceedings, 706–707
 generally, 702
 non-assessment cases, 703–704
 non-disclosure, consideration of reasons
 for, 705
 statutory rights of access to information,
 707–710

DISEASE
 aetiology, 34
 biomedical model, revised, 38
 concept of, 34, 1038–1046
 factors in causation of, 1050
 model, 34

DISORDER
 concept of, 33, 1034
 mental. *See* MENTAL DISORDER
 normality and, 1031–1033

DISSOCIAL PERSONALITY DISORDER
 concept of, 40–41, 1184–1188

DRUG TRAFFICKING OFFENCE
 guardianship order and, 325
 hospital order and, 329
 minimum sentence for, 407–408

EDUCATION
 case history, 901–902

ELECTRO-CONVULSIVE THERAPY
 administration of, 1133
 bilateral, 1133
 combining ECT with other treatments,
 1134
 concept of, 37, 1132
 efficacy, 1134–1135
 indications, 1134
 safety, 1135
 schizophrenia, 1264
 side-effects, 1135
 unilateral, 1133
 workings of, 1133

EMOTIONAL STATES
 assessing presence of mental disorder,
 1075–1076

EMPLOYMENT
 case history, 902
 social circumstances report, 687–690

ENDOCRINE DISORDERS
 adrenal glands, 1296–1298
 concept of, 44, 1294–1295
 parathyroid glands, 1301–1302
 pituitary gland, 1295–1296
 thyroid gland, 1298–1301
 trophic hormones, 1295

EPIDEMIOLOGY
 concept of, 1052–1053
 suicide, risk of, 731–733

EPILEPSY
 anticonvulsive drugs, 1294
 concept of, 44, 1291
 focal, 1292–1293
 generalised seizures, 1292
 partial, 1292–1293
 temporal lobe, 1293
 terminology, 1291–1292

EUROPEAN COMMISSION OF HUMAN RIGHTS
 procedure, 871

EUROPEAN CONVENTION ON HUMAN RIGHTS
 judicial interpretation, aid to, 870–871
 procedure, 871
 seclusion, 1172

EUROPEAN COURT OF HUMAN RIGHTS
 case law, 872
 legal aid, 871

EVIDENCE
 false, perjury and, 827
 questioning, and, 810–815
 questions to ask, 931–942

FACTUAL STATEMENTS
 Part A statement, form and content of,
 671–675
 Part C statement, form and content of,
 675–676
 Part E statement, form and content of,
 677–680
 requirement, 671

FALSE EVIDENCE
 perjury and, 827

FAMILY
 social circumstances report, 687
 therapy, 1156, 1264–1265

FATHER
 unmarried, parental responsibility and, 102

FEEBLE-MINDED
 meaning, 71, 83

FINANCE
 community care services, 160
 costs of tribunals, 193
 patient's financial circumstances, 692–700

- FIRST INTERVIEW. See AUTHORISED REPRESENTATIVE**
- FRANKS REPORT (1957)**
creation of tribunals and, 190
- FREE WILL**
nature of, 3
- GESTURES**
assessing presence of mental disorder, significance, 1060-1062
- GUARDIANSHIP**
consent of guardian, need for, 312-314
diagnosis and risk, application founded on, assessment of risk, 8
criteria for making application, 7
person unable to appreciate or avoid obvious risk, 8-9
habeas corpus and, 869
legality of application or order, case law, 575-580
conclusion, 591
dealing with applications made under section 66, 585
generally, 574
historical development of tribunal's powers, 582-585
liability to detention and section 72, 585-590
questions to be determined, 581-582
summary, 591
three approaches adopted by tribunals, 580-581
medical report on patient, 680
nature and duration of compulsory powers, absence with leave, cessation due to, 300
absence without leave, cessation due to, 289-300
custody, cessation due to patient being in, 300-306
discharge of patient, 283-284
expiry of period of guardianship, 286-289
generally, 273
leave of absence, 280-282
termination of authority conferred by application, 285
termination of guardianship, 283
treatment without consent, 273 orders,
challenging, 327
criteria for imposition, 325-326
effect of, 326-327
form of, 326
generally, 325
- GUARDIANSHIP—cont.**
Part II, application under, duration, 253
essential powers of guardian, 250-251
grounds for, 247-248
historical note, 248-250
legal formalities,
application, form of, 253-262
generally, 253
patient, 253
prescribed form, application in, 254-255
relevant body, application addressed to and properly served on, 258
written medical recommendations, application founded on, 250-258
scrutiny of applications and irregularities,
both recommendations insufficient, 269
defects and errors, 265-267
documentary irregularity, kinds of, 265
generally, 262
legal propriety, importance of, 262-264
medical recommendations and guardianship, 269
prescribed forms, 269-270
recommendations insufficient to warrant detention, 267-269
rectification of applications and recommendations, 271-272
statutory framework, 250-252
restrictions on transfer into, 339
Royal Commission recommendations, 5
transfer into, commencing proceedings, 626-627
tribunal reports on patient, 664-667
tribunals' powers relating to, 24
case law, 506
discretionary discharge, 505
generally, 504
mandatory discharge, criteria for, 505
reclassification, 505-506
summary of powers, 505
terminology, 504
- HABEAS CORPUS, WRIT OF**
basic procedure, 861-865
generally, 861
judicial review or, 869
when granted, 865-869
- HANDICAP**
concept of, 1127-1129
- HEALTH**
abnormal, 33, 1031-1034
concept of, 1031
normal, 33, 1031-1033
HEALTH AUTHORITIES. *See* NATIONAL HEALTH SERVICE (NHS)
- HEARING**
absence of patient, 809-810
adjournments, 817-825
attendance at,
enforcement of, 802-804
excluding persons from hearing, 801-802
generally, 797
payment of allowances, 802
public hearing, right to, 797-800
right to appear, 800-801
authorised representative,
questions to ask, 931-941
submissions, 942
closing address, 816
enforcing attendance of witnesses, 802-804
evidence and questioning, 810-815
excluding persons from, 801-802
explaining procedure, 809
formality, 807-808
generally, 797
giving notice of, 794-796
informality, 807-808
interviewing patient in private, 816
irregularities, 816
payment of allowances to those attending, 802
pre-hearing deliberations, generally, 805
medical member's opinion, 805-806
procedural irregularities, 806-807
pre-hearing medical examination, 793-794
procedure,
absence of patient, 809-810
closing address, 816
evidence and questioning, 810-815
explaining, 809
formality, 807-808
generally, 29, 807
informality, 807-808
interviewing patient in private, 816
irregularities, 816
public hearing, right to, 797-800
right to appear at, 800-801
sanctions,
contempt of court, 826-827
generally, 826
perjury and false evidence, 827
- HEARING—cont.**
sanctions—*cont.*
statutory offences, 827
witnesses, enforcing attendance of, 802-804
- HEBEPHRENIC SCHIZOPHRENIA**
concept of, 43, 1240-1241
- HOME SECRETARY**
Aarvold Advisory Board, 165-168
checklist, 766
directions of under Part III,
compulsion, legal authority for, 12
effect of, 18
generally, 17
restriction directions, 17-18
transfer directions, 17-18
functions of, 163
generally, 162
limitation directions, detained patient subject to, 560
Mental Health Unit, 162
policy and procedures, 763-767
recall of patients, policy relating to, 345-346
responsibilities of, 162
restriction directions,
detained patient subject to, powers relating to, 560
effect of, 18
power to make, 17-18
statutory functions, 163
transfer directions,
effect of, 18
power to make, 17-18
tribunal proceedings, and, 164-165
See also SECRETARY OF STATE FOR HEALTH
- HOSPITAL**
after-care. *See* AFTER-CARE
definition, 132, 134
NHS trusts, effect of creation of, 139-141
detention in. *See* DETENTION
generally, 131-132
hospital directions. *See* HOSPITAL AND LIMITATION DIRECTIONS
hospital orders. *See* HOSPITAL ORDERS
leaves hospital, meaning, 441
managers. *See* HOSPITAL MANAGERS
transfer to another hospital, restrictions on, 336-337
unconvicted hospital order patient, 625
Part IV, for purposes of, 134
Parts III, V and VI of Act, 133-134

HOSPITAL—*cont.*
 patient transferred to, commencing proceedings, 625-626
 persons committed to, 373-374
 regional secure units, 135
 Registered Homes Act 1984, 133
 remands to hospital. *See* REMANDS TO HOSPITAL

HOSPITAL
 removals between, 135-136
 satellite units, development of, 137-139
 secure NHS, 135
 transfer to another hospital, restrictions on, 336-337
 transfers and removals between, 135-136
 within meaning of Part II of Act, 132-133

HOSPITAL AND LIMITATION DIRECTIONS
 basic framework, 399-401
 criteria for imposition, 402-403
 effect of, 403-404
 extending section 45A to other disorders, 404
 generally, 398-399
 Home Secretary's powers, 560
 life sentence prisoner, 560
 tribunals' powers relating to, conditionally discharged patient subject to, 563-566
 detained patient subject to, life sentence prisoner, 560
 statutory powers, 555-556
 summary of powers, 557-560

HOSPITAL MANAGERS
 consent to admission under Part III, 312-314
 definition, 142
 delegation of functions to officers, 143-144
 generally, 141
 hearings, 144-146
 officers, delegation of functions to, 143-144
 orders for discharge, 144-146
 statutory functions of, 142-143

HOSPITAL ORDERS
 appeal against conviction or sentence, 332
 conviction, need for, 329
 Crime (Sentences) Act 1997, 329
 criteria for imposition, 328
 discharge from hospital, restrictions on, 339-343
 duration of, 335-336
 effect of, 330-332
 exceptions and modifications, 331
 expiry of, 335-336
 form of, 330

HOSPITAL ORDERS—*cont.*
 interim. *See* INTERIM HOSPITAL ORDER
 leave of absence, restrictions as to, 336
 mental health review tribunals, application to, 332
 notional, patient subject to, 332-333
 renewal, 335-336
 tribunal rights of application, 614-615
See also RESTRICTION ORDERS

HUMAN RIGHTS
 European Convention on, 870-872
 ICD-10 CLASSIFICATION
 format of, 1117-1119
 mood disorders, 1195-1199
 personality disorders, 1182-1188
 schizophrenia, 1232-1236

IDIOT
 meaning, 71

ILLEGALITY
 judicial review, grounds for, 857

ILLNESS
 concept of, 33, 1035-1038

IMBECILE
 meaning, 71

IMPAIRMENT
 concept of, 1127-1129
 Mental Health Act 1983 and, 70-81

IN-PATIENT
 detention of, short-term powers relating to, 14-15
 violent, characteristics of, 743-744

INCAPACITATED ADULT
 legal responsibility, inability to assume
 burden of, 3-4

INDEPENDENT SECTOR
 involvement of, 158-159
 providers and mixed economy of care, 159

INDIVIDUAL
 describing consequences for, 37

INDIVIDUAL ACTION
 requirement of restraint in, 3

INFORMAL PATIENTS
 formal patient compared with, 4-5
 meaning, 98-99
 Mental Health Act Commission, functions of, 189
 voluntary patient not the same, 4

INFORMAL TREATMENT
 broad categories of law, 4
 disadvantages of informal admission, 4-5
 informal patients compared with formal patients, 4-5

INFORMAL TREATMENT—*cont.*
 Mental Health Act Commission, functions of, 4
 mental health review tribunals, functions of, 4
 voluntary patients, 4

INFORMATION
 decisions not to disclose, 706
 disclosure of. *See* DISCLOSURE
 further information and reports, 783-784
 publishing information about proceedings, 843-853
 statutory rights of access to, 707-710

INHERENT JURISDICTION
 children; relating to, 125-126
 INITIAL INTERVIEW. *See* AUTHORISED REPRESENTATIVE

INTELLIGENCE
 impairment of, 76-77

INTERIM HOSPITAL ORDERS
 challenging detention under section 38, 324
 criteria for imposition, 322
 duration, 323-324
 effect of, 323
 further orders, 323-324
 generally, 322
 magistrates courts and, 322

INTERVIEW WITH AUTHORISED REPRESENTATIVE
See AUTHORISED REPRESENTATIVE

IRRATIONALITY
 judicial review, grounds for, 857-858

JUDICIAL REVIEW
 case stated or, 856
 certiorari, 859
 declarations, 860
 discretionary remedy, 858-859
 generally, 857
 grounds upon which granted, 857-859
 habeas corpus or, 869
 illegality, 857
 irrationality and exercise of discretion, 857-858
 mandamus, 860
 orders, 859-860
 Part II, and, 860
 procedural impropriety and unfairness, 858
 procedure, 860
 prohibition, 859-860
 JURISDICTION
 mental health review tribunal, 20-21
 powers and, 202-204

JURISDICTION
 application for order of, 860
 dangerous behaviour, of, 768-769
 MANAGERS. *See* HOSPITAL MANAGERS
 MANDAMUS
 application for order of, 860

LAW AND GUIDANCE
 main legal materials and practice guidelines, 10
 primary legislation, 10
 secondary legislation, 10
 LEGAL ADVICE AND ASSISTANCE
 authorised representative, relating to, 880-882

LEAVE OF ABSENCE. See ABSENCE WITHOUT LEAVE

LEGAL AID
 ABWOR, 882-883
 European Court of Human Rights, 871

LEGAL CLASSIFICATION. See MENTAL DISORDER

LEGAL REPRESENTATION
 authorised representative. *See* AUTHORISED REPRESENTATIVE

REPRESENTATIVE
 formality, 29-30
 generally, 29
 habeas corpus, application for writ of, 863-864
 manner of, 29-30
 taking instructions, 30-31

LIBERTY
 nature of, 3, 45
 importance of, 45-46

LIFE SENTENCE PRISONERS
 limitation directions, 560
 restriction directions, 390-397, 560
 technical lifers, 392

LIMITATION DIRECTIONS. See HOSPITAL AND LIMITATION DIRECTIONS

LOCAL SOCIAL SERVICES AUTHORITY
 meaning, 152
 responsible, 152
 functions, 152-160

LUNACY ACT 1890
 certification procedures, repeal of, 5

MAGISTRATES' COURT
 accused person and, 317-318
 committal to Crown Court, 372-376
 hospital orders, 322-327
 interim hospital orders, 322-327
 remands to hospital, 315, 321
 transfer directions, 378-390

MANAGEMENT
 care. *See* CARE MANAGEMENT
 dangerous behaviour, of, 768-769
 MANAGERS. *See* HOSPITAL MANAGERS
 MANDAMUS
 application for order of, 860

MANIC EPISODES
 concept of, 42, 1216-1226
See also BIPOLAR DISORDER; DEPRESSION;
 MOOD DISORDER

MANNERISMS
 assessing presence of mental disorder,
 significance, 1060-1062

MEDICAL ADVICE
 prospective applicants, available to,
 616-619

MEDICAL EXAMINATION
 pre-hearing, 793-794

MEDICAL FACILITIES
 social circumstances report, 690-692

MEDICAL ISSUES
 final remarks, 45-46
 generally, 31
 mental disorder. *See* MENTAL DISORDER
 mood disorders, 41-42, 1193
 organic disorders, 43-44, 1267
 schizophrenia and related psychoses,
 42-43, 1227
 summary of basic concepts, 39-40, 1015
 treatment. *See* TREATMENT

MEDICAL OFFICER
 appropriate, 147-148
 responsible, 147

MEDICAL PRACTITIONERS
 appropriate medical officer, 147-148
 approved under section 12(2), 146
 community responsible medical officer
 (CRMO), 148
 GP fundholders, 131
 medical officer,
 appropriate, 147-148
 responsible, 147
 nominated medical attendant, 148
 registered, 146
 responsible medical officer, 147
 second opinion approved doctors
 (SOADS), 149
 treatment of patient, in charge of, 148
 tribunal medical member, 197-198

MEDICAL REPORT
 provision of, 680-681
 questions to ask, 936-941
See also REPORTS ON PATIENT

MEDICAL TREATMENT. See TREATMENT

MEDICATION
 adverse effects of prescribed drugs,
 classifying adverse reactions, 1146-1149
 control of, 1149-1150
 generally, 1145-1146

MEDICATION—cont.
 case history, 911-914
 causes of treatment success and failure,
 1150-1153
 dose and dosage, 1142-1143
 drug selection, 1141-1142
 drug's action, 1138-1139
 generally, 39, 1136
 inpatient prescription cards, 1145
 prescription and administration of drugs,
 1140-1141
 psychotherapeutic drugs, traditional
 division of, 39
 recording prescription, 1143-1144
 regulation of medicines, 1136-1138
 route of administration, 1139-1140
See also TREATMENT AND OUTCOME

MEDICINE
 biology and, 1019-1024

MEMBERSHIP OF TRIBUNAL
 appointment of members,
 arranging for other members to dispose
 of case, 792
 constitution, 788-792
 generally, 788
 particular case, in, 201
 generally, 194
 lay members, 198-200, 1016
 legal members, 195-197, 1016
 medical members, 149, 197-198

MEMORY
 first interview. *See* AUTHORISED
 REPRESENTATIVE
 impaired, 1070-1073

MENTAL DISORDER
 abnormal health, 33, 1031-1034
 admission trends, 53
 aetiology, 34, 1046-1053
 assessing presence of,
 abnormal gait or movements, 1062-1067
 akathisia, 1067
 arrangement of chapter, 1057-1058
 disordered speech or thought,
 1076-1086
 dyskinesia, 1065-1067
 dystonia, 1067
 emotional states, 1073-1076
 generally, 34-35, 1055
 gestures, 1060-1062
 impaired consciousness or responsive-
 ness, 1058-1060
 impaired memory, 1070-1073
 inability to sit still, 1067
 mannerisms, 1060-1062

MENTAL DISORDER—cont.
 long-term powers, requiring use of, 59-60
 meaning in law, 11-12, 51
 medical classification of, 1108
 associated terms, 1109-1110
 contemporary classifications, 1116-1117
 DSM-IV classification, 1119-1120
 generally, 1107
 ICD-10 classification, 1117-1119
 other classifications, 1120
 structure of, 1110-1112
 syndromes, 1113-1116
 medical concepts, legal significance of,
 1015-1017
 medicine, biology and, 1019-1024
 Mental Health Act 1983, 63-64
 mind, 32, 1028-1031
 normal health, 33, 1031-1033
 outcome. *See* TREATMENT AND OUTCOME
 perceptual disturbances,
 generally, 1086
 hallucinations, 1086-1088
 perceptions of time, space, place and
 self, 1088-1089
 personality, 32, 1025-1028
 problem of definitions, 1017-1019
 psychiatry, 31
 purpose of legal classification, 53
 reclassification. *See* RECLASSIFICATION
 revised biomedical model, 38
 special assessment procedures,
 brain scans, 1103-1104
 diagnostic value, 1089-1091
 electroencephalography (EEGs),
 1099-1103
 generally, 1089
 laboratory investigations, 1091-1098
 interpretation of results, 1092-1093
 lumbar puncture and cerebrospinal fluid
 (CSF), 1099
 psychiatric rating instruments,
 1104-1105
 treatment. *See* TREATMENT AND OUTCOME
 true, need for, 52

MENTAL HEALTH
 main legal materials and practice
 guidelines, 10
 mental disorder. *See* MENTAL DISORDER
 psychiatry, 31
 MENTAL HEALTH ACT 1983
 summaries
 Part II, 13-14
 Part III, 16
 use of statutory powers, 19
 statutory provisions, 969-988

MENTAL DISORDER—cont.
 assessing presence of—*cont.*
 mood, affect and emotional states,
 1073-1076
 muscular rigidity causing spasms, 1067
 perceptual disturbances, 1086-1089
 physical symptoms and signs,
 1067-1069
 posture, 1060-1062
 special assessment procedures,
 1089-1105
 symptoms and signs, 1055-1057
 biology and medicine, 1019-1024
 biomedical approach to, 31
 brain and mind, 32, 1028-1031
 consequences of legal classification, 53-54
 definitions, problem of, 1017-1019
 diagnosis,
 diagnostic formulations, 1124
 disadvantages of, 1124
 generally, 35, 1121
 reliability of, 1121-1124
 validity of, 1121-1124
 diseases and disease model, 34, 1038-1046
 disorder, meaning, 33, 1034
 illness one form of disorder, 63-64,
 1035
 disordered speech or thought,
 choice of words, 1079-1080
 content of thought, 1082-1085
 delivery of speech, 1078
 generally, 1076-1077
 ideas falling short of delusional beliefs,
 1085-1086
 other abnormal thoughts, 1086
 rate of speech, 1077-1078
 structure and form of thought,
 1080-1082
 vocabulary, 1079-1080
 volume of speech, 1077-1078
 dual legal classification, 57-59
 epidemiology, 1052-1053
 four legal forms of, 51-53, 308-309
 generally, 1015
 illness, 33, 1035-1038. *See also* MENTAL
 ILLNESS.
 legal classification,
 consequences of, 53-54
 dual classification, 57-59
 generally, 1107-1108
 previous, 52
 purpose of, 53
 reclassification, 54-57
 whether classes comprehensive, 59-60
 legal significance of medical concepts,
 1015-1017

MENTAL HEALTH ACT COMMISSION
 after-care under supervision, 452
 Code of Practice, 182
 complainants, investigation of, 173-181
 functions of, 169-172
 informal admission, disadvantages of, 4
 informal patients, functions relating to, 189
 investigation of complaints, 173-181
 mental health review tribunals
 distinguished from, 4
 patient's mail, functions relating to, 183-189
 statutory functions, 169-172
 supervision of tribunals, 205
 supervision, after-care under, 452

MENTAL HEALTH REVIEW TRIBUNALS
 administrative support, 193
 after-care. *See* AFTER-CARE
 appeals. *See* APPEALS
 appointment of members. *See* MEMBERSHIP
 OF TRIBUNAL
 authorised representative, appointment of, 878
 commencing proceedings. *See* COMMENCING
 PROCEEDINGS
 conditionally discharged patient. *See*
 CONDITIONALLY DISCHARGED PATIENT
 constitution, 191-193
 costs, 193
 creation of, 5-6
 decisions. *See* DECISION OF TRIBUNAL
 directions. *See* DIRECTIONS
 discharge planning. *See* DISCHARGE
 PROCEDURES
 establishment of, 190
 generally, 20
 guardianship. *See* GUARDIANSHIP
 hallmarks of a tribunal, 190
 historical origins, 190-191
 hospital orders. *See* HOSPITAL ORDERS
 informal admission, disadvantages of, 4
 judicial appointments, administration of, 195-196
 judicial control, 204
 jurisdiction and powers, 20-21, 202-204
 law and procedure, 20-22
 lay members, 198-200, 1016
 legal members, 195-197, 1016
 legal representation. *See* LEGAL
 REPRESENTATION
 limits of powers of, 27
 medical members, 149, 197-198
 membership. *See* MEMBERSHIP OF TRIBUNAL
 Mental Health Act Commission
 distinguished from, 4

MENTAL HEALTH REVIEW TRIBUNAL -*cont.*
 obtaining reports on patient. *See* REPORTS
 ON PATIENT
 panel, 878-879
 powers of,
 generally, 22
 jurisdiction and, 20-21
 limits of, 27, 567
 restricted cases, 511
 unrestricted cases, 463
 pre-hearing. *See* PRE-HEARING
 procedure. *See* PROCEDURE
 reasons for decision. *See* DECISION OF
 TRIBUNAL
 regional chairmen. *See* REGIONAL CHAIRMEN
 REGIONS, 191-192
 reports on patient. *See* REPORTS ON PATIENT
 restricted patients. *See* RESTRICTED PATIENTS
 risk assessment. *See* RISK ASSESSMENT
 rules 1983, 203-204, 989-1011
 statistical information, 205-208
 supervision. *See* SUPERVISION
 unrestricted patients. *See* UNRESTRICTED
 PATIENTS

MENTAL ILLNESS
 ambit of term, 68-70
 contemporary guidance on meaning of,
 67-68
 degree of, 68-69
 historical developments in legal
 terminology,
 Butler Report (1975), 62
 generally, 61
 Mental Health (Amendment) Act 1982,
 63
 Mental Health Act 1959, 62
 Mental Treatment Act 1930, 61
 Percy Report (1957), 61
 Review of Mental Health Act 1959
 (1978), 62-63
 judicial guidance, 64-67
 meaning, 51, 60
 mental impairment and, 79
 nature of, 68-69
 reclassification, 58-59

MENTAL IMPAIRMENT
 abnormally aggressive, 78
 and is associated with, meaning, 78-79
 arrested or incomplete development of
 mind, 75-76
 classification of, 54
 generally, 70
 historical developments in terminology,
 70-74
 impairment, meaning, 76

MENTAL IMPAIRMENT—cont.
 intelligence, impairment of, 76-77
 legal classifications of, 72
 meaning, 51, 74
 Mental Health Act 1983, 74-75
 mental illness, and, 79
 mental retardation, 73
 pointers towards, 81
 psychopathic disorder, and, 79
 seriously irresponsible, 78
 severe mental impairment distinguished
 from, 79-81
 social functioning, impairment of, 77-78
See also SEVERE MENTAL IMPAIRMENT

MENTAL NURSING HOME
 after-care, duty to provide, 418
 child accommodated in, 123
 removal to, 381

MENTAL RETARDATION
 international classification, 73

MIND
 brain, personality and, 32, 1028-1031
 soundness of, nature or degree of, 68-69

MOOD DISORDER
 assessment, diagnosis and classification,
 1193-1194
 bipolar disorder, 41
 bipolar episodes, 1216-1226
 concept of, 41
 course, treatment and outcome, 1194-1195
 depression. *See* DEPRESSION
 generally, 41, 1193
 ICD-10 classification, 1195-1199
 manic episodes, 42, 1216-1226
 mood and affect, 41, 1073-1076
 unipolar disorder, 41, 1194-1196

MORAL DEFECTIVE
 meaning, 83

MORAL INSANITY
 meaning, 82-83

MORALITY
 assumptions relating to functional systems
 of, 3

NATIONAL HEALTH SERVICE (NHS)
 child accommodated by NHS bodies,
 122-123
 clinical psychologists, 150
 executive, 126
 executive regional offices, 129
 GP fundholders, 131
 Health Authorities,
 Act of 1995, 129-130
 core functions, 130

NATIONAL HEALTH SERVICE (NHS)—cont.
 Health Authorities—*cont.*
 establishment of, 130
 special, 130
 structure prior to April 1996, 129
 hospitals. *See* HOSPITALS
 Mental Health Act Commission. *See*
 MENTAL HEALTH ACT COMMISSION
 NHS trusts,
 constitution, 131
 effect of creation of, 139-141
 functions of, 131
 management by, 131
 new structure post 1 April 1996, 128
 nurses, 149-150
 occupational therapists, 151
 physiotherapists, 151
 policy Board, 126
 professions supplementary to medicine,
 150-151
 Secretary of State. *See* SECRETARY OF STATE
 FOR HEALTH
 Special Health Authorities, 130
 structure prior to 1 April 1996, 127, 129

NEAREST RELATIVE
 acting, order appointing, 111-114
 concept of, 103-104
 delegation of functions,
 effect of authority given under section
 32, 110
 generally, 109
 revocation of authority, 109
 functions of, 100
 identifying, 100
 joint, 107-108
 patient aged under 18, 106-107
 patient not residing with or cared for by
 relative, 105-106
 patient ordinarily resident with or cared for
 by relative, 104-105
 relative, meaning, 101-103
 rights of application, 609-614, 615 (table)
 statutory framework, 100-101
 unrestricted patient detained for treatment,
 491-492

NERVOUS SYSTEM
 disorders, 1267-1277

NEXT FRIEND
 habeas corpus, application for writ of,
 863-864

NOMENCLATURE
 meaning, 1109

NOMINATED MEDICAL ATTENDANT
 meaning, 148

MENTAL HEALTH REVIEW TRIBUNAL -*cont.*
 panel, 878-879
 powers of,
 generally, 22
 jurisdiction and, 20-21
 limits of, 27, 567
 restricted cases, 511
 unrestricted cases, 463
 pre-hearing. *See* PRE-HEARING
 procedure. *See* PROCEDURE
 reasons for decision. *See* DECISION OF
 TRIBUNAL
 regional chairmen. *See* REGIONAL CHAIRMEN
 REGIONS, 191-192
 reports on patient. *See* REPORTS ON PATIENT
 restricted patients. *See* RESTRICTED PATIENTS
 risk assessment. *See* RISK ASSESSMENT
 rules 1983, 203-204, 989-1011
 statistical information, 205-208
 supervision. *See* SUPERVISION
 unrestricted patients. *See* UNRESTRICTED
 PATIENTS

MENTAL ILLNESS
 ambit of term, 68-70
 contemporary guidance on meaning of,
 67-68
 degree of, 68-69
 historical developments in legal
 terminology,
 Butler Report (1975), 62
 generally, 61
 Mental Health (Amendment) Act 1982,
 63
 Mental Health Act 1959, 62
 Mental Treatment Act 1930, 61
 Percy Report (1957), 61
 Review of Mental Health Act 1959
 (1978), 62-63
 judicial guidance, 64-67
 meaning, 51, 60
 mental impairment and, 79
 nature of, 68-69
 reclassification, 58-59

MENTAL IMPAIRMENT
 abnormally aggressive, 78
 and is associated with, meaning, 78-79
 arrested or incomplete development of
 mind, 75-76
 classification of, 54
 generally, 70
 historical developments in terminology,
 70-74
 impairment, meaning, 76

MENTAL IMPAIRMENT—cont.
 intelligence, impairment of, 76-77
 legal classifications of, 72
 meaning, 51, 74
 Mental Health Act 1983, 74-75
 mental illness, and, 79
 mental retardation, 73
 pointers towards, 81
 psychopathic disorder, and, 79
 seriously irresponsible, 78
 severe mental impairment distinguished
 from, 79-81
 social functioning, impairment of, 77-78
See also SEVERE MENTAL IMPAIRMENT

MENTAL NURSING HOME
 after-care, duty to provide, 418
 child accommodated in, 123
 removal to, 381

MENTAL RETARDATION
 international classification, 73

MIND
 brain, personality and, 32, 1028-1031
 soundness of, nature or degree of, 68-69

MOOD DISORDER
 assessment, diagnosis and classification,
 1193-1194
 bipolar disorder, 41
 bipolar episodes, 1216-1226
 concept of, 41
 course, treatment and outcome, 1194-1195
 depression. *See* DEPRESSION
 generally, 41, 1193
 ICD-10 classification, 1195-1199
 manic episodes, 42, 1216-1226
 mood and affect, 41, 1073-1076
 unipolar disorder, 41, 1194-1196

MORAL DEFECTIVE
 meaning, 83

MORAL INSANITY
 meaning, 82-83

MORALITY
 assumptions relating to functional systems
 of, 3

NATIONAL HEALTH SERVICE (NHS)
 child accommodated by NHS bodies,
 122-123
 clinical psychologists, 150
 executive, 126
 executive regional offices, 129
 GP fundholders, 131
 Health Authorities,
 Act of 1995, 129-130
 core functions, 130

NATIONAL HEALTH SERVICE (NHS)—cont.
 Health Authorities—*cont.*
 establishment of, 130
 special, 130
 structure prior to April 1996, 129
 hospitals. *See* HOSPITALS
 Mental Health Act Commission. *See*
 MENTAL HEALTH ACT COMMISSION
 NHS trusts,
 constitution, 131
 effect of creation of, 139-141
 functions of, 131
 management by, 131
 new structure post 1 April 1996, 128
 nurses, 149-150
 occupational therapists, 151
 physiotherapists, 151
 policy Board, 126
 professions supplementary to medicine,
 150-151
 Secretary of State. *See* SECRETARY OF STATE
 FOR HEALTH
 Special Health Authorities, 130
 structure prior to 1 April 1996, 127, 129

NEAREST RELATIVE
 acting, order appointing, 111-114
 concept of, 103-104
 delegation of functions,
 effect of authority given under section
 32, 110
 generally, 109
 revocation of authority, 109
 functions of, 100
 identifying, 100
 joint, 107-108
 patient aged under 18, 106-107
 patient not residing with or cared for by
 relative, 105-106
 patient ordinarily resident with or cared for
 by relative, 104-105
 relative, meaning, 101-103
 rights of application, 609-614, 615 (table)
 statutory framework, 100-101
 unrestricted patient detained for treatment,
 491-492

NERVOUS SYSTEM
 disorders, 1267-1277

NEXT FRIEND
 habeas corpus, application for writ of,
 863-864

NOMENCLATURE
 meaning, 1109

NOMINATED MEDICAL ATTENDANT
 meaning, 148

- NON-DISCLOSURE**
 consideration of reasons for, 705
- NORMAL HEALTH**
 concept of, 33, 1031-1033
- NORTHERN IRELAND**
 mental illness, meaning, 68
 Mental Health Commission, 170-172
- NOSOLOGY**
 meaning, 1109
- NOTIFICATION**
 after-care under supervision, relating to, 455-459
- NURSES**
 prescribed class, of, 150
 registered, 149-150
 statutory functions of, 150
 unregistered nursing staff, 150
- OBTAINING REPORTS ON PATIENT. See REPORTS ON PATIENT**
- OCCUPATION**
 social circumstances report, 687-690
- OCCUPATIONAL THERAPISTS**
 functions of, 151
- OFFENCES**
 statutory sanctions, 827
- OLDER PEOPLE**
 disorders commonly affecting, 43-44, 1277-1291
- ONSET OF DISORDER**
 concept of, 36, 1126-1127
- ONTOLOGY**
 meaning, 1109-1110
- ONUS OF PROOF**
 concept of, 567-568
- ORDERS**
 certiorari, 859
 courts, mentally disordered offenders and, 310
 generally, 307
 guardian's consent, need for, 312-314
 guardianship. *See GUARDIANSHIP*
 hospitals. *See HOSPITALS*
 manager's consent, need for, 312-314
 mandamus, 860
 medical evidence, 309, 312
 mental disorder, four forms of, 308-309
 Part III, under, 307-308, 311
 prohibition, 859-860
 restriction. *See RESTRICTION ORDERS*
 young offender, applicability of Part III to, 314-315
- ORGANIC DISORDERS**
 brain and nervous system, 1267-1277
 endocrine disorders, 44, 1294-1302
 epilepsy, 44, 1291-1294
 generally, 1267
 older people, commonly affecting, 43-44, 1277-1291
 toxic psychoses, 44, 1302-1305
- OUTCOME. See TREATMENT AND OUTCOME**
- PARANOID PERSONALITY DISORDER**
 concept of, 40, 1184-1185
- PARANOID SCHIZOPHRENIA**
 concept of, 43, 1237-1240
- PARENTAL RESPONSIBILITY**
 unmarried father and, 102
- PART A STATEMENT. See FACTUAL STATEMENTS**
- PART C STATEMENT. See FACTUAL STATEMENTS**
- PART D STATEMENT. See FACTUAL STATEMENTS**
- PARTIES AND RELEVANT BODIES**
 approved social workers, 160-161
 children. *See CHILDREN*
 health service professionals, 150-151
 Home Secretary. *See HOME SECRETARY*
 hospitals. *See HOSPITALS*
 managers. *See HOSPITAL MANAGERS*
 medical practitioners. *See MEDICAL PRACTITIONERS*
- MENTAL HEALTH ACT COMMISSION. See MENTAL HEALTH ACT COMMISSION**
- MENTAL HEALTH REVIEW TRIBUNALS**
 National Health Service. *See NATIONAL HEALTH SERVICE (NHS)*
 nearest relative. *See NEAREST RELATIVE*
 nurses, 149-150
 patient. *See PATIENT*
 relevant terms and, 97-208
 rights under 1983 Rules, 782
 Secretary of State. *See SECRETARY OF STATE FOR HEALTH, HOME SECRETARY*
 social services authorities. *See SOCIAL SERVICES AUTHORITIES*
- PATIENTS**
 after-care. *See AFTER-CARE*
 authorised representative. *See AUTHORISED REPRESENTATIVE*
 detention. *See DETENTION*
 guardianship. *See GUARDIANSHIP*
 informal. *See INFORMAL PATIENTS*
 interview with authorised representative. *See AUTHORISED REPRESENTATIVE*
 legal status of, 99-100
 nearest relative. *See NEAREST RELATIVE*
- POSTAL SERVICES—cont.**
 redirecting mail, 189
 special hospitals appeals procedure, 188
 statutory grounds for withholding, 186
- POSTURE**
 assessing presence of mental disorder, significance, 1060-1062
- PRE-HEARING**
 deliberations of tribunal, generally, 805
 medical member's opinion, 805-806
 procedural irregularities, 806-807
 giving notice of hearing, 794-796
 medical examination, 793-794
 procedure, 28-29
- PRIMARY LEGISLATION**
 interpretation, 202-204
 table, 10
- PRIVATE PREMISES**
 place of safety, removal to, 15
- PROCEDURE**
 appeals. *See APPEALS*
 commencing proceedings. *See COMMENCING PROCEEDINGS*
 decision of tribunal. *See DECISION OF TRIBUNAL*
 directions. *See DIRECTIONS*
 discharge planning. *See DISCHARGE PROCEDURES*
 generally, 27
 hearing. *See HEARING*
 judicial review, 860
 natural justice, 811-814, 858
 obtaining reports on patient. *See REPORTS ON PATIENT*
- ON PATIENT**
 pre-hearing matters. *See PRE-HEARING*
 risk assessment. *See RISK ASSESSMENT*
 rules of, 21-22
- PROCEEDINGS**
 commencing. *See COMMENCING PROCEEDINGS*
 giving notice of, 779-783
- PROHIBITION**
 application for order of, 859-860
- PROOF**
 burden of, 567-568, 868-869
 generally, 567
 standard of, 568-571
- PSYCHIATRY**
 meaning, 31, 1019-1024
 psychiatric history, 907-909
 rating instruments, 1104-1105
- PSYCHOANALYSIS**
 treatment by, 1155-1156
- PATIENTS—cont.**
 party, as, 98
 postal services, 183-189
 reports on. *See REPORTS ON PATIENT*
 restricted. *See RESTRICTED PATIENTS*
 unrestricted. *See UNRESTRICTED PATIENTS*
- PERCEPTUAL DISTURBANCES**
 assessing presence of mental disorder, 1086-1089
 hallucinations, 1086-1088
 time, space, place and self, 1088-1089
- PERCY REPORT (1957)**
 history of mental health review tribunals, 190-191
 review of statutory terminology, 61, 71, 83
- PERJURY**
 false evidence, and, 827
- PERSONALITY**
 brain, mind and, 32, 1028-1030
 concept of, 32, 1025-1028, 1175-1178
 mental illness, and, 1178-1179
 persistent disorder of, 58
- PERSONALITY DISORDER**
 classifying, 1180-1181
 dissociated, 40-41, 1185-1188
 emotionally unstable, 1188
 epidemiology, 1180
 generally, 40, 1175
 habit disorders, 1188-1190
 ICD-10 classification, 1182-1188
 impulse disorders, 1188-1190
 meaning, 40
 paranoid, 40, 1185
 schizoid, 1185
 sexual behaviour, 1190-1192
- PHYSIOTHERAPISTS**
 functions of, 151
- PICKERING CASES**
 cases, 847-853
 chronology and facts of, 844-846
 generally, 844
 summary of final judgment, 846-847
- PLACE OF SAFETY**
 removal to, private premises, from, 15
 public place, from, 15-16
- PLANNING**
 after-care. *See AFTER-CARE*
 discharge. *See DISCHARGE PROCEDURES*
- POSTAL SERVICES**
 legislation relating to, 183-188
 Mental Health Act Commission, functions of, 183-189
 readdressing mail, 189

PSYCHOLOGICAL TREATMENTS
behaviour therapy, 1153-1154
cognitive therapy, 1154-1155
family therapy, 1156
generally, 1153
psychoanalysis, 1155-1156
summary, 1157

PSYCHOPATH
meaning, 83

PSYCHOPATHIC DISORDER
abnormally aggressive or seriously irresponsible conduct, meaning, 88-89
classification of, 54
disorder or disability of mind, meaning, 87
dissocial personality disorder, 1184-1188
generally, 82
historical developments in legal terminology,
Butler Report (1975), 84-85
Lunacy Acts, 82
Mental Deficiency Acts, 83
Mental Health (Amendment) Act 1982, 85
Mental Health Act 1959, 84
Percy Report (1957), 83
Radnor Commission (1904-08), 82-83
Reform of Mental Health Legislation (1981), 85
Review of mental Health Act 1959 (1978), 85
meaning, 51, 84-85
mental impairment and, 79
persistent, meaning, 87
personality, 1025-1028, 1175-1180
personality disorder, 1026, 1180-1192
prohibitions in section 1(3), 89-95
Reed Working Group on (1994), 86
sexual deviancy, 89-95
whether or not including significant impairment of intelligence, meaning, 88
which results in, meaning, 88
working Group on (1986), 86

PSYCHOSURGERY
concept of, 37, 1130
operating centres, 1130-1131
outcome, 1131-1132
patient characteristics, 1131
standard leucotomies, 1132

PSYCHOTHERAPEUTIC DRUGS
traditional division of, 39
See also MEDICATION; TREATMENT

PUBLIC PLACE
place of safety, removal to, 15-16

RADNOR COMMISSION (1904-08)
review of statutory terminology, 70, 82-83

REASON AND FORESIGHT
nature of, 3

REASONS FOR TRIBUNAL'S DECISION. See DECISION OF TRIBUNAL

RECALL OF PATIENT
exercise of power to recall, 346
Home Office policy concerning, 345-346
Secretary of State's power of recall, constraints on, 347
warrant of recall, 345-371

RECLASSIFICATION
generally, 54
other than at time of renewal, 56
patient absent without leave for more right to apply to a tribunal following, 564-565, 604, 610-612
than 28 days, 57
time of renewal, at, 54-56
under section 72(5), 56-57
guardianship cases, 505-506
restricted patients, 551-555
supervision applications, 510
unrestricted detained patients, 498-503
See also MENTAL DISORDER, LEGAL

CLASSIFICATION OF
RECONVICTION FOLLOWING DISCHARGE, 772-774

REFERENCES
authorised, 632
form and contents of, 637
mandatory, 632-637
processing,
deemed withdrawal of reference, 650-660
generally, 638
notice of reference, 638-639
patient transferred during proceedings, 648-649
postponing consideration of reference, 641
two or more outstanding references, 639-641
withdrawing reference, 649-650
provisions, 632
submitting, 637
unauthorised, 632

REGIONAL CHAIRMEN
functions of, 777-779
non-statutory duties, 200-201
preliminary and incidental matters, 777-779

REGISTERED MEDICAL PRACTITIONER
meaning, 146

RELATIVES
children. See CHILDREN
meaning, 101-103
nearest. See NEAREST RELATIVE
parental responsibility, 102
person ordinarily residing with patient for 5 years, 103
priority of, 102
unmarried father and parental responsibility, 102
unmarried parents, children born to, 102

REMANDS TO HOSPITAL
accused person, 317-319
challenging detention under sections 35 and 36, 321
criteria for imposition, 315-316
duration of, 320-321
effect of, 319-320
further remands, 320-321
generally, 315
relationship to Part II, 315

REMOVALS UNDER SECTION 19,
Unrestricted patients, 336-339
Unrestricted patients, 135-141, 282-283

RENEWALS OF DETENTION AND GUARDIANSHIP,
54-56, 286-288, 607-608

REPORTS ON PATIENT
basic framework, 662
commenting on authority's statement, 710
conditionally discharged patient, case involving, 667-668
detention, patient liable to, 664-667
disclosure of statements,
assessment applications, 704
authorised representatives, disclosure to, 705-706
decisions not to disclose information, 706
documents received later on during proceedings, 706-707
generally, 702
non-assessment cases, 703-704
non-disclosure, consideration of reasons for, 705
statutory rights of access to information, 707-710
factual statements,
Part A statement, form and content of, 671-675
Part C statement, form and content of, 675-676
Part E statement, form and content of, 677-680
generally, 28, 661

REPORTS ON PATIENT—cont.
medical report, 680-681
obtaining further reports and information, applicant, report prepared for, 711-721
generally, 711
patient, report prepared for, 711-721
responsible authority, meaning, 661-662
Secretary of State's statement,
contents of, 702
format of, 700-701
generally, 700
social circumstances and supervisors' reports,
accommodation, 690-692
after-care under supervision, 682-683
all other cases, 683-684
community support, 687-690
conditionally discharged patient, 682
employment, 687-690
financial circumstances of patient, 692-700
format of report, 684-687
generally, 682
home and family circumstances, 687
medical facilities, 690-692
occupation, 687-690
statements,
commenting on authority's statement, 710
disclosure of, 702-710
factual, 671-680
provision of, 663
Secretary of State, of, 700-702
supervision application, case concerning, 668-670

RESPONSIBLE AUTHORITY:
meaning, 661-662

RESPONSIBLE MEDICAL OFFICER
meaning, 147

RESPONSIVENESS
impaired, 1058-1060

RESTRAINT. See DETENTION

RESTRICTED PATIENTS
appointment of members of tribunal in cases of, 201
conditionally discharged,
absence of statutory criteria for absolute discharge, 561-562
generally, 27, 560-561
imposing conditions, 562-563
limitation directions, patient subject to, 563-566
statutory criteria, absence of, 561-562
varying conditions, 562-563

- RESTRICTED PATIENTS—cont.**
 discharge planning and, dangerous behaviour, management of, 768-769
 exercise of power of discharge, 771-772
 further reading, 774-775
 generally, 762
 Home Office policy and procedures, 763-766
 management of dangerous behaviour, 768-769
 mental state of patient and index of, fence, 767-768
 preparing for discharge, 770-771
 reconviction following discharge, 772-774
 usual discharge process, 762-763
 legality of application or order, 574
 meaning, 98
 powers of MHRT, 23
 restricted population, 98
 tribunals' powers relating to, 511
 conditionally discharged patients, 560-566
 restriction direction, detention subject to, generally, 555
 Home Secretary's powers, 560
 life sentence prisoner, 560
 statutory powers, 555-556
 summary of powers, 557-560
 restriction order, detention subject to, conditional discharge, 532-537
 deferred conditional discharge, 538-548
 generally, 511
 liability to be detained, 514
 mandatory discharge, criteria for, 515-526
 reclassification, 551-555
 recommendations, 548-550
 summary of powers, 511-514
 terminology, 515
 when patient must be absolutely discharged, 526-532
- RESTRICTION DIRECTIONS—cont.**
 treatment ineffective or no longer required, 386-387
 tribunals' powers relating to, conditionally discharged patient, 560-566
 restriction direction, detention subject to, generally, 555
 life sentence prisoner, 560
 statutory powers, 555-556
 summary of powers, 557-560
- RESTRICTION ORDERS**
 conditionally discharged patient, transfer of, 344
 Crime (Sentences) Act 1997, 337-339
 criteria for imposition under section 41, 333
 Crown Court's power to make, 17
 exceptions and modifications to Part II, 371
 generally, 333
 guardianship, restrictions on transfer into, 339
 interim, 625
 parasitic nature of, 333
 patient admitted to hospital for treatment under, 24-25
 periodic reports, 371-372
 recall, warrants of, 345-371
 section 46, under, Armed Forces Act 1996, 378
 Courts-Martial, appeals from, 377
 generally, 376
 persons to whom applicable, 376-377
 special restrictions, 334-335
 transitional provisions, 378
 tribunals' powers relating to, conditionally discharged patients, 560-566
 patients detained subject to, conditional discharge, 532-537
 criteria for mandatory discharge, 515-526
 deferred conditional discharge, 538-548
 generally, 511
 mandatory discharge, criteria for, 515-526
 patients liable to be detained, 514
 reclassification, 551-555
 recommendations and restricted cases, 548-550
 summary of powers, 511-514
 terminology, 515
 when patient must be absolutely discharged, 526-532
- RESTRICTION DIRECTIONS**
 discharge of, 386, 387-389, 555-560
 duration of, 386
 effect of, 18
 expiration of, 389-390
 Home Secretary's power to make, 17-18
 legal effect of, 384-385
 life sentence prisoners, 390-397, 560
 patient removed to hospital for treatment under, 26-27
 section 49, under, 383-384
- RESTRICTED PATIENTS—cont.**
 discharge planning and, dangerous behaviour, management of, 768-769
 exercise of power of discharge, 771-772
 further reading, 774-775
 generally, 762
 Home Office policy and procedures, 763-766
 management of dangerous behaviour, 768-769
 mental state of patient and index of, fence, 767-768
 preparing for discharge, 770-771
 reconviction following discharge, 772-774
 usual discharge process, 762-763
 legality of application or order, 574
 meaning, 98
 powers of MHRT, 23
 restricted population, 98
 tribunals' powers relating to, 511
 conditionally discharged patients, 560-566
 restriction direction, detention subject to, generally, 555
 Home Secretary's powers, 560
 life sentence prisoner, 560
 statutory powers, 555-556
 summary of powers, 557-560
 restriction order, detention subject to, conditional discharge, 532-537
 deferred conditional discharge, 538-548
 generally, 511
 liability to be detained, 514
 mandatory discharge, criteria for, 515-526
 reclassification, 551-555
 recommendations, 548-550
 summary of powers, 511-514
 terminology, 515
 when patient must be absolutely discharged, 526-532
- RESTRICTION ORDERS—cont.**
 warrants of recall, 345-370
 with and without limit of time, 334
- RISK**
 assessment. *See* Risk assessment
 detention or guardianship, application for, 7-9
 obviouse, person unable to appreciate or avoid, 8-9
 unrestricted patient detained for treatment, 488-491
- RISK ASSESSMENT**
 actuarial approaches, 725, 727
 application founded on diagnosis and risk, 8
 avoiding taking risks, 727-728
 clinical approaches, 725-726
 discharge, after-care form, introduction of, 747, 760-761
 after-care under supervision, 747-748
 care management and assessment, 746-747
 care programme approach, 745-746, 752-754
 generally, 745
 guidance on, 747, 758-760
 hospital, from, 745
 Kirkman inquiry, 759-760
 Mental Health Act 1983, s.117, 745
 planning, 750-752
 summary, 748-750
 supervision registers, 747, 755-757
 discharge planning and restricted patient, dangerous behaviour, management of, 768-769
 exercise of power of discharge, 771-772
 further reading, 774-775
 generally, 28, 762
 Home Office policy and procedures, 763-766
 management of dangerous behaviour, 768-769
 mental state of patient and index of, fence, 767-768
 preparing for discharge, 770-771
 reconviction following discharge, 772-774
 usual discharge process, 762-763
 explanation and prediction, 724
 four stages of, 725
 generally, 723-724
 guidance on discharge and, 758-760
 safety of others, risk to, characteristics of violent in-patients, 743-744
- RISK ASSESSMENT—cont.**
 safety of others, risk to—*cont.*
 confidential inquiry, 739-740
 generally, 738
 predicting violence towards others, 740-743
 risk and danger, 739
 suicide, risk of, Confidential Inquiry, 729-730
 epidemiology, 731-733
 factors in assessing, 734-738
 further reading, 737-738
 generally, 729
 government strategy, 729
 research findings, 733
 short-term clinical suicide risk factors, 736-737
- ROYAL COMMISSION ON LAW RELATING TO MENTAL ILLNESS AND MENTAL DEFICIENCY**
 1954-57
 certification procedures, repeal of, 5
 compulsory powers, justification of, 6-7
 mental health review tribunals, creation of, 5-6
 terms of reference, 5
- SAFETY**
 electro-convulsive therapy, of, 1135
 risk to safety of others, characteristics of violent in-patients, 743-744
 Confidential Inquiry, 739-740
 danger, risk and, 739
 generally, 738
 predicting violence towards others, 740-743
- SCHIZOPHRENIA**
 aetiology, 1249-1250
 assessment, diagnosis and classification, 1228-1229
 catatonic, 43, 1241-1243
 course and outcome, 1251-1253
 course, 43
 electro-convulsive therapy, 1264
 epidemiology, 1248-1249
 family therapy, 1264-1265
 generally, 1227
 hebephrenic, 43, 1240-1241
 ICD-10 diagnostic guidelines, 1232-1236
 management and treatment, 1253-1265
 outcome, 43
 paranoid, 43, 1239-1240
 pathology, 1249-1250
 personality and mood, 1243-1248
 related psychoses, and, 42-43

SCHIZOPHRENIA—cont.
sub-types of, 1237-1243
symptoms and signs, 1229-1232
treatment, 43

SCOTLAND
after-care under supervision, 427

SECLUSION
cases for and against, 1158-1162
Code of practice, 1162-1166
law concerning, 1166-1172
meaning, 1158

SECOND OPINION APPROVED DOCTOR (SOAD)
duties of, 149

SECONDARY LEGISLATION
after-care under supervision, 423
table, 10

SECRETARY OF STATE FOR HEALTH
duties of, 126, 129

SECURE ACCOMMODATION
generally, 162
children, relating to, 121-122

SELF-CONTROL
nature of, 3

SENTENCING
domestic burglary, 407
drug trafficking offence, 407-408
second serious offence, 405-406
new framework, 404-411

SERVICE OF DOCUMENTS
authorised representative, relating to, 879

SERVICES
children in need, for, 123

SEVERE MENTAL IMPAIRMENT
abnormally aggressive or seriously irresponsible, 78
and is associated with, meaning, 78-79
arrested or incomplete development of mind, meaning, 75-76
classification of, 54
generally, 70
historical developments in terminology, 70-74
impairment, meaning, 76-77
meaning, 51, 74
Mental Health Act 1983, 74-75
mental impairment distinguished from, 79-81
pointers towards, 81

SEVERE SUBNORMALITY
meaning, 74

SEXUAL BEHAVIOUR
disorders of, 1190-1192

SEXUAL DEVIANCY
concept of, 89-95
disorders of sexual behaviour, 1190-1192

SHORT-TERM POWERS
compulsion, legal authority for, 12
not exceeding 72 hours,
detention of in-patients, 14-15
generally, 14
in-patients, detention of, 14-15
place of safety,
private premises, removal from, 15
public place, removal from, 15-16

SOCIAL FUNCTIONING
impairment of, 77-78

SOCIAL SERVICES AUTHORITIES
care management, 156-158
care packages, 156-158
community care services, 154-156
delegation of functions, 152
financing community care services, 160
functions of, 152-153
generally, 151
independent sector, involvement of, 158-159
local, 152
providers and mixed economy of care, 159
responsible local, 152

SPECIAL ASSESSMENT PROCEDURES. See ASSESSMENT

SPEECH
assessing presence of mental disorder. *See* MENTAL DISORDER
first interview. *See* AUTHORISED REPRESENTATIVE

STANDARD OF PROOF
concept of, 568-571
See also BURDEN OF PROOF

SUBNORMALITY
meaning, 74

SUICIDE
assessing risk of, 734-737
Confidential Inquiry, 729-730
depression and, 1200
epidemiology, 731-733
further reading, 737-738
gender and, 731
government strategy, 729
observation levels, 737
research findings, 733
risk of, 729-738
short-term clinical suicide risk factors, 736-737

SUPERVISION, AFTER-CARE UNDER—cont.
basic framework—*cont.*
terminology, 423
when patient becomes subject to supervision, 508
case history, 914
generally, 204-205
tribunal reports on patient, 668-670
social circumstances and supervisors' reports,
accommodation, 690-692
after-care under supervision, 682-683
all other cases, 683-684
community support, 687-690
conditionally discharged patient, 682
employment, 687-690
family circumstances, 687
financial circumstances of patient, 692-700
format of report, 684-687
generally, 682
home circumstances, 687
main purpose of, 682
medical facilities, 690-692
occupation, 687-690
tribunals' powers relating to, discretionary discharge, 510
generally, 506
legality of supervision application, case law, 575-580
conclusion, 591
dealing with applications under section 66, 585
generally, 574
historical development of tribunals' powers, 582-585
questions to be determined, 581-582
restricted patient, 574
summary, 591
three approaches adopted by tribunals, 580-581
mandatory criteria, 508-510
reclassification, 510
statutory criteria, 507
summary of powers, 506
terminology, 506

SUPERVISION ORDER
child, relating to, 119-121

SUPERVISION REGISTERS
general framework, 747, 755-757

SYMPTOMS AND SIGNS
assessing presence of mental disorder, 1055-1057
first interview, 875
physical, 1067-1069

SUPERVISION, AFTER-CARE UNDER
after acceptance of application,
change of statutory officers, 443
commencement of after-care, 441-442
directing that authority ceases to have effect, 450-452
duration of supervision, 445
generally, 441
keeping arrangements under review, 442
Mental Health Act Commission, 452
Parts II and IV, application of other provisions in, 443-445
patient refusing or neglecting to receive after-care, 442-443
renewing authority for patient's supervision, 445-450
statutory officers, change of, 443
termination of supervision, 445
application procedures,
acceptance of applications, 437-438
applicant, 427-428
defective applications, 438-439
form of application, 435-437
generally, 426
grounds of application, 429-433
imposing essential powers under section 25D, 439-441
patient, 427
rectification of defective applications, 438-439
supporting recommendations, 433-435
authority for,
ceasing to have effect, 450-452
renewing, 445-450
basic framework, 422-423
change of statutory officers, 443
commencement of, 441-442
consultation, 455-459
delegation of functions, 453-455
duration of, 445
generally, 422
medical report on patient, 681
neglecting to receive, 442-443
new terms, 423-425
notification of interested parties, 455-459
patient subject to, 24
planning, 747-748
prescribed forms, 426
refusal to receive, 442-443
secondary legislation, 423
social circumstances and supervisors' reports, 682-683
statutory officers, change of, 443
termination of, 445

SUPERVISION, AFTER-CARE UNDER—cont.
basic framework—*cont.*
terminology, 423
when patient becomes subject to supervision, 508
case history, 914
generally, 204-205
tribunal reports on patient, 668-670
social circumstances and supervisors' reports,
accommodation, 690-692
after-care under supervision, 682-683
all other cases, 683-684
community support, 687-690
conditionally discharged patient, 682
employment, 687-690
family circumstances, 687
financial circumstances of patient, 692-700
format of report, 684-687
generally, 682
home circumstances, 687
main purpose of, 682
medical facilities, 690-692
occupation, 687-690
tribunals' powers relating to, discretionary discharge, 510
generally, 506
legality of supervision application, case law, 575-580
conclusion, 591
dealing with applications under section 66, 585
generally, 574
historical development of tribunals' powers, 582-585
questions to be determined, 581-582
restricted patient, 574
summary, 591
three approaches adopted by tribunals, 580-581
mandatory criteria, 508-510
reclassification, 510
statutory criteria, 507
summary of powers, 506
terminology, 506

SUPERVISION ORDER
child, relating to, 119-121

SUPERVISION REGISTERS
general framework, 747, 755-757

SYMPTOMS AND SIGNS
assessing presence of mental disorder, 1055-1057
first interview, 875
physical, 1067-1069

supervision application case—cont.
 reclassification, 510
 statutory criteria, 507
 summary of powers, 506
 terminology, 506
 when patient becomes subject to supervision, 508
 treatment, detention for,
 degree of disorder, 486–488
 discretionary discharge, 492–494
 future date, discharge on, 494
 generally, 479
 mandatory discharge, criteria for, 485
 nature of disorder, 486–488
 nearest relative application, 491–492
 other recommendations, 495–498
 reclassification, 498–503
 recommendations to facilitate discharge, 495
 risk ground, 488–491
 statutory framework, 479–483
 summary of powers, 479
 terminology, 484–485
 tribunal's powers relating to, 463

UNRESTRICTED PATIENTS AND TRIBUNALS
 degree of, 68–69
 nature of, 68–69

VIOLENCE
 characteristics of violent in-patients, 743–744
 predicting violence towards others, 740–743

VOLUNTARY PATIENTS
 informal patient not the same, 4

WARD OF COURT
 after-care under supervision, 427
 other applications under Part II, 253

YOUNG OFFENDER
 Part III, applicability of, 314–315

mental illness, meaning, 67

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION
 constitution, 3

UNMARRIED FATHER
 parental responsibility, and, 102

UNMARRIED PARENTS
 children born to, 102

UNRESTRICTED PATIENTS AND TRIBUNALS
 absence without leave, 628–631
 assessment under section 2, detention for, discharge,
 future date, on, 468–473
 mandatory, 466–468
 future date, discharge on, 468–473
 generally, 463
 mandatory discharge, 466–468
 statutory recommendations, 473–478
 summary of powers, 463–464
 terminology, 464–465

criteria for, 571–572
 meaning, 571–574
 word bears different meanings, 573–574
 word bears same meaning, 572

guardianship, subject to,
 case law, 506

discretionary discharge, 505
 generally, 504
 mandatory discharge, criteria for, 505
 reclassification, 505–506
 summary of powers, 505
 terminology, 504

legality of application or order, 574–575
 liability to be detained for treatment, 23–24
 supervision application case,
 discretionary discharge, 510
 generally, 506
 mandatory criteria, 508–510

medication—cont.
 dose and dosage, 1142–1143
 drug selection, 1141–1142
 drug's action, 1138–1139
 generally, 39, 1136
 in-patient prescription cards, 1145
 prescribed drugs, adverse effects of, 1145–1150
 prescription, 1140–1141
 recording prescription, 1143–1144
 regulation of medicines, 1136–1138
 route of administration, 1139–1140
 mental disorder, of, 37
 onset and course, 36
 outcome,
 concept of, 36
 schizophrenia and related psychoses, 43
 predicting course and outcome,
 describing onset, course, duration and outcome, 1126
 describing outcome and response to treatment, 1127
 generally, 1125–1126
 psychological treatments,
 behaviour therapy, 1153–1154
 cognitive therapy, 1154–1155
 family therapy, 1156
 generally, 1153
 psychoanalysis, 1155–1156
 summary, 1157
 psychosurgery,
 generally, 37, 1130
 operating centres, 1130–1131
 outcome, 1131–1132
 patient characteristics, 1131
 standard leucotomies, 1132
 restriction directions, under. *See* RESTRICTION DIRECTIONS

RESTRICTION DIRECTIONS
 restriction order, under. *See* RESTRICTION ORDER

ORDER
 revised biomedical model, 38

schizophrenia and related psychoses, 43
 seclusion,
 cases for and against, 1158–1162
 Code of practice, 1162–1166
 law concerning, 1166–1172
 meaning, 1158
 success and failure, causes of, 1150–1153
 summary, 1173–1174

UNIPOLAR DISORDER
 concept of, 41, 1194–1196.
See also BIPOLAR DISORDER; DEPRESSION;
 MANIC EPISODES; MOOD DISORDER

TRANSFERS UNDER SECTION 19
 restricted patients, 336–339
 unrestricted patients, 135–141, 282–283
 tribunal rights following, 625–627

TREATMENT AND OUTCOME
 alleviation of suffering, 1130
 alternative remedies, 1158
 case history, 911–914
 complementary remedies, 1158
 conclusions, 1173–1174
 consequences for individual,
 disability, 1127–1129
 generally, 1127
 handicap, 1127–1129
 impairment, 1127–1129
 describing consequences for individual, 37, 1127–1129
 electro-convulsive therapy,
 administration of, 1133
 bilateral, 1133
 combining ECT with other treatments, 1134
 efficacy, 1134–1135
 generally, 37, 1132
 indications, 1134
 safety, 1135
 side-effects, 1135–1136
 unilateral, 1133
 workings of, 1133
 generally, 36, 1125
 medication,
 administration of drugs, 1140–1141
 adverse effects of prescribed drugs, 1145–1150
 causes of treatment success and failure, 1150–1153
 classifying adverse reactions, 1146–1149
 control of adverse effects, 1149–1150

alleviation of suffering, 1130
 alternative remedies, 1158
 case history, 911–914
 complementary remedies, 1158
 conclusions, 1173–1174
 consequences for individual,
 disability, 1127–1129
 generally, 1127
 handicap, 1127–1129
 impairment, 1127–1129
 describing consequences for individual, 37, 1127–1129
 electro-convulsive therapy,
 administration of, 1133
 bilateral, 1133
 combining ECT with other treatments, 1134
 efficacy, 1134–1135
 generally, 37, 1132
 indications, 1134
 safety, 1135
 side-effects, 1135–1136
 unilateral, 1133
 workings of, 1133
 generally, 36, 1125
 medication,
 administration of drugs, 1140–1141
 adverse effects of prescribed drugs, 1145–1150
 causes of treatment success and failure, 1150–1153
 classifying adverse reactions, 1146–1149
 control of adverse effects, 1149–1150

UNITED NATIONS (UN)
 mental illness, meaning, 67

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION
 constitution, 3

UNMARRIED FATHER
 parental responsibility, and, 102

UNMARRIED PARENTS
 children born to, 102

UNRESTRICTED PATIENTS AND TRIBUNALS
 absence without leave, 628–631
 assessment under section 2, detention for, discharge,
 future date, on, 468–473
 mandatory, 466–468
 future date, discharge on, 468–473
 generally, 463
 mandatory discharge, 466–468
 statutory recommendations, 473–478
 summary of powers, 463–464
 terminology, 464–465

criteria for, 571–572
 meaning, 571–574
 word bears different meanings, 573–574
 word bears same meaning, 572

guardianship, subject to,
 case law, 506

discretionary discharge, 505
 generally, 504
 mandatory discharge, criteria for, 505
 reclassification, 505–506
 summary of powers, 505
 terminology, 504

legality of application or order, 574–575
 liability to be detained for treatment, 23–24
 supervision application case,
 discretionary discharge, 510
 generally, 506
 mandatory criteria, 508–510

medication—cont.
 dose and dosage, 1142–1143
 drug selection, 1141–1142
 drug's action, 1138–1139
 generally, 39, 1136
 in-patient prescription cards, 1145
 prescribed drugs, adverse effects of, 1145–1150
 prescription, 1140–1141
 recording prescription, 1143–1144
 regulation of medicines, 1136–1138
 route of administration, 1139–1140
 mental disorder, of, 37
 onset and course, 36
 outcome,
 concept of, 36
 schizophrenia and related psychoses, 43
 predicting course and outcome,
 describing onset, course, duration and outcome, 1126
 describing outcome and response to treatment, 1127
 generally, 1125–1126
 psychological treatments,
 behaviour therapy, 1153–1154
 cognitive therapy, 1154–1155
 family therapy, 1156
 generally, 1153
 psychoanalysis, 1155–1156
 summary, 1157
 psychosurgery,
 generally, 37, 1130
 operating centres, 1130–1131
 outcome, 1131–1132
 patient characteristics, 1131
 standard leucotomies, 1132
 restriction directions, under. *See* RESTRICTION DIRECTIONS

RESTRICTION DIRECTIONS
 restriction order, under. *See* RESTRICTION ORDER

ORDER
 revised biomedical model, 38

schizophrenia and related psychoses, 43
 seclusion,
 cases for and against, 1158–1162
 Code of practice, 1162–1166
 law concerning, 1166–1172
 meaning, 1158
 success and failure, causes of, 1150–1153
 summary, 1173–1174

UNIPOLAR DISORDER
 concept of, 41, 1194–1196.
See also BIPOLAR DISORDER; DEPRESSION;
 MANIC EPISODES; MOOD DISORDER

TRANSFERS UNDER SECTION 19
 restricted patients, 336–339
 unrestricted patients, 135–141, 282–283
 tribunal rights following, 625–627

TREATMENT AND OUTCOME
 alleviation of suffering, 1130
 alternative remedies, 1158
 case history, 911–914
 complementary remedies, 1158
 conclusions, 1173–1174
 consequences for individual,
 disability, 1127–1129
 generally, 1127
 handicap, 1127–1129
 impairment, 1127–1129
 describing consequences for individual, 37, 1127–1129
 electro-convulsive therapy,
 administration of, 1133
 bilateral, 1133
 combining ECT with other treatments, 1134
 efficacy, 1134–1135
 generally, 37, 1132
 indications, 1134
 safety, 1135
 side-effects, 1135–1136
 unilateral, 1133
 workings of, 1133
 generally, 36, 1125
 medication,
 administration of drugs, 1140–1141
 adverse effects of prescribed drugs, 1145–1150
 causes of treatment success and failure, 1150–1153
 classifying adverse reactions, 1146–1149
 control of adverse effects, 1149–1150