

Mental Health Law Briefing

Number 133

Mental Health Act 2007 - Countdown Briefing No.4

Definition of Medical Treatment

The amendments to the Mental Health Act 1983 by the 2007 Act include an amendment to the definition of medical treatment as set out at Section 145(1) of the Act.

As a result of the change in professional roles envisaged by the amendments (in particular, allowing the responsible clinician to be a professional other than a doctor) the definition has undergone a consequential amendment to change the reference to care etc under medical supervision to a new definition as follows:

“medical treatment includes nursing, and also includes psychological intervention and specialist mental health habilitation, rehabilitation and care”

However, the definition is subject to a further amendment contained within Section 145(4) which makes it plain that any reference in the Act to medical treatment in relation to mental disorder shall be construed as referring to medical treatment which has the purpose of alleviating or preventing a worsening of

the disorder or one or more of its symptoms or manifestations.

The additional words contained within Section 145(4) arose as a result of a late amendment to the Mental Health Bill and make it plain that medical treatment must alleviate or prevent a worsening of a patient’s mental disorder. However, it also makes it plain that the treatment may be for the mental disorder itself and/or for the symptoms or manifestations of that disorder.

The meaning of some parts of the definitions provided in Section 145(1) is not often well known. The explanatory notes to the Act therefore make it plain that psychological interventions include “cognitive therapy, behaviour therapy and counselling”. Habilitation and rehabilitation mean interventions that are undertaken with a view to improving or modifying the physical and mental abilities and social functioning of patients.

The difference between habilitation and rehabilitation is a nice one. “Rehabilitation” is intended to refer to interventions where a patient is relearning a skill whereas habilitation is “teaching” something new.

Andrew Parsons
© RadcliffesLeBrasseur
July 2008

For more information on Mental Health Law contact Andrew Parsons at RadcliffesLeBrasseur on 020 7222 7040, or email andrew.parsons@rlb-law.com
Out of office **emergency** advice available 24hrs on 07802 506 306.
Readers are advised to take specific advice before acting in reliance on the matters set out in this briefing.
Future editions can be received by email. Please e-mail: marketing@rlb-law.com or telephone 020 7227 7476.

info@rlb-law.com
www.rlb-law.com

5 Great College Street
Westminster
London SW1P 3SJ
Tel +44 (0)20 7222 7040
Fax +44 (0)20 7222 6208
LDE 113

6-7 Park Place
Leeds LS1 2RU
Tel +44 (0)113 234 1220
Fax +44 (0)113 234 1573
DX 14086 Leeds Park Square

25 Park Place
Cardiff CF10 3BA
Tel +44 (0)29 2034 3035
Fax +44 (0)29 2034 3045
DX 33063 Cardiff 1