



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART IX

#### OFFENCES

#### 127 Ill-treatment of patients.

- (1) It shall be an offence for any person who is an officer on the staff of or otherwise employed in, or who is one of the managers of, a hospital [<sup>F1</sup>, independent hospital or care home]—
  - (a) to ill-treat or wilfully to neglect a patient for the time being receiving treatment for mental disorder as an in-patient in that hospital or home; or
  - (b) to ill-treat or wilfully to neglect, on the premises of which the hospital or home forms part, a patient for the time being receiving such treatment there as an out-patient.
- (2) It shall be an offence for any individual to ill-treat or wilfully to neglect a mentally disordered patient who is for the time being subject to his guardianship under this Act or otherwise in his custody or care (whether by virtue of any legal or moral obligation or otherwise).
- (2A) <sup>F2</sup> .....
- (3) Any person guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding [<sup>F3</sup>five years] or to a fine of any amount, or to both.
- (4) No proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.

---

*Status: Point in time view as at 03/11/2008.*

*Changes to legislation: Mental Health Act 1983, Section 127 is up to date with all changes known to be in force on or before 08 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

#### Textual Amendments

- F1** Words in s. 127(1) substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(8)**; S.I. 2001/4150, **art. 3(3)** (subject to transitional provisions in art. 4 and S.I. 2002/1493, **art. 4**); S.I. 2002/920, **art. 3(3)(d)** (subject to transitional provisions in Schs. 1-3 and art. 3(4)-(10))
- F2** S. 127(2A) repealed (3.11.2008) by Mental Health Act 2007 (c. 12), ss. 55, 56, **Sch. 11 Pt. 5** (with Sch. 10); S.I. 2008/1210, **art. 2(d)** (with art. 4)
- F3** Words in s. 127(3)(b) substituted (1.10.2007) by Mental Health Act 2007 (c. 12), ss. 42, 56 (with Sch. 10); S.I. 2007/2798, **art. 2(f)**

**Status:**

Point in time view as at 03/11/2008.

**Changes to legislation:**

Mental Health Act 1983, Section 127 is up to date with all changes known to be in force on or before 08 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.