



Policing and Crime Act 2017

2017 CHAPTER 3

PART 4

POLICE POWERS

CHAPTER 4

POWERS UNDER THE MENTAL HEALTH ACT 1983

82 Periods of detention in places of safety etc

- (1) The Mental Health Act 1983 is amended as follows.
- (2) In section 135 (warrant to search for and remove patients)—
 - (a) in subsection (3), for “72 hours” substitute “ the permitted period of detention ”;
 - (b) after subsection (3) insert—

“(3ZA) In subsection (3), “the permitted period of detention” means—

 - (a) the period of 24 hours beginning with—
 - (i) in a case where the person is removed to a place of safety, the time when the person arrives at that place;
 - (ii) in a case where the person is kept at the premises specified in the warrant, the time when the constable first entered the premises to execute the warrant; or
 - (b) where an authorisation is given in relation to the person under section 136B, that period of 24 hours and such further period as is specified in the authorisation.”;
 - (c) in subsection (3A), for “the period of 72 hours” substitute “ the permitted period of detention ”;
 - (d) in subsection (3B), for “the period of 72 hours” substitute “ the permitted period of detention ”.

Changes to legislation: Policing and Crime Act 2017, Section 82 is up to date with all changes known to be in force on or before 18 April 2024. 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) View outstanding changes

- (3) In section 136 (mentally disordered persons found in public places)—
- (a) in subsection (2), for “72 hours” substitute “ the permitted period of detention ”;
 - (b) after subsection (2) insert—
 - “(2A) In subsection (2), “the permitted period of detention” means—
 - (a) the period of 24 hours beginning with—
 - (i) in a case where the person is removed to a place of safety, the time when the person arrives at that place;
 - (ii) in a case where the person is kept at a place of safety, the time when the constable decides to keep the person at that place; or
 - (b) where an authorisation is given in relation to the person under section 136B, that period of 24 hours and such further period as is specified in the authorisation.”;
 - (c) in subsection (3), for “the period of 72 hours” substitute “ the permitted period of detention ”;
 - (d) in subsection (4), for “the period of 72 hours” substitute “ the permitted period of detention ”.
- (4) After section 136A (inserted by section 81) insert—

“136B Extension of detention

- (1) The registered medical practitioner who is responsible for the examination of a person detained under section 135 or 136 may, at any time before the expiry of the period of 24 hours mentioned in section 135(3ZA) or (as the case may be) 136(2A), authorise the detention of the person for a further period not exceeding 12 hours (beginning immediately at the end of the period of 24 hours).
 - (2) An authorisation under subsection (1) may be given only if the registered medical practitioner considers that the extension is necessary because the condition of the person detained is such that it would not be practicable for the assessment of the person for the purpose of section 135 or (as the case may be) section 136 to be carried out before the end of the period of 24 hours (or, if the assessment began within that period, for it to be completed before the end).
 - (3) If the person is detained at a police station, and the assessment would be carried out or completed at the station, the registered medical practitioner may give an authorisation under subsection (1) only if an officer of the rank of superintendent or above approves it.”
- (5) In section 138 (retaking of patients escaping from custody), in subsection (3), for the words from “after the expiration of the period” to the end of the subsection substitute “—
- (a) in a case where the person escapes while being removed to a place of safety in the execution of a warrant under section 135(1) or under section 136(1), after the end of the period of 24 hours beginning with the escape;
 - (b) in a case where the person escapes after the beginning of the period that is the permitted period of detention in relation to the person under section 135(3ZA)

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or 136(2A), after the end of that period (taking into account any authorisation under section 136B(1) that was given before the person escaped).”

Commencement Information

- I1** [S. 82](#) in force for specified purposes at Royal Assent, see [s. 183](#)
- I2** [S. 82](#) in force at 11.12.2017 in so far as not already in force by [S.I. 2017/1017](#), [reg. 3\(c\)](#) (with [reg. 4](#))

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)