



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART IX

#### OFFENCES

#### 126 Forgery, false statements, etc.

- (1) Any person who without lawful authority or excuse has in his custody or under his control any document to which this subsection applies, which is, and which he knows or believes to be, false within the meaning of Part I of the <sup>M1</sup>Forgery and Counterfeiting Act 1981, shall be guilty of an offence.
- (2) Any person who without lawful authority or excuse makes or has in his custody or under his control, any document so closely resembling a document to which subsection (1) above applies as to be calculated to deceive shall be guilty of an offence.
- (3) The documents to which subsection (1) above applies are any documents purporting to be—
  - (a) an application under Part II of this Act;
  - (b) a medical [<sup>F1</sup>or other] recommendation or report under this Act; and
  - (c) any other document required or authorised to be made for any of the purposes of this Act.
- (4) Any person who—
  - (a) wilfully makes a false entry or statement in any application, recommendation, report, record or other document required or authorised to be made for any of the purposes of this Act; or
  - (b) with intent to deceive, makes use of any such entry or statement which he knows to be false,shall be guilty of an offence.
- (5) 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;

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- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine of any amount, or to both.

#### Textual Amendments

**F1** Words in s. 126(3)(b) inserted (1.4.1996) by 1995 c. 52, ss. 1(2), 7(2), **Sch. 1, para. 17**

#### Marginal Citations

**M1** 1981 c. 45.

### 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>F2</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>F3</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>F4</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.

#### Textual Amendments

**F2** 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)**)

**F3** 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**)

**F4** 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)**

### 128 Assisting patients to absent themselves without leave, etc.

- [<sup>F5</sup>(1) Where any person induces or knowingly assists another person who is liable to be detained in a hospital within the meaning of Part II of this Act or is subject to

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guardianship under this Act [<sup>F6</sup>or is a community patient] to absent himself without leave he shall be guilty of an offence.

- (2) Where any person induces or knowingly assists another person who is in legal custody by virtue of section 137 below to escape from such custody he shall be guilty of an offence.
- (3) Where any person knowingly harbours a patient who is absent without leave or is otherwise at large and liable to be retaken under this Act or gives him any assistance with intent to prevent, hinder or interfere with his being taken into custody or returned to the hospital or other place where he ought to be he shall be guilty of an offence.
- (4) 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 two years or to a fine of any amount, or to both.]

#### Textual Amendments

- F5** S. 128 repealed (S.) (3.11.2008) by [Adult Support and Protection \(Scotland\) Act 2007 \(asp. 10\), ss. 74, 79; S.S.I. 2008/49, art. 2\(2\)](#) (as amended by [S.I. 2008/116, art. 2\(2\)](#) and [S.S.I. 2008/314, art. 3](#))
- F6** Words in s. 128(1) inserted (3.11.2008) by [Mental Health Act 2007 \(c. 12\), ss. 32, 56, Sch. 3 para. 28](#) (with [Sch. 10](#)); [S.I. 2008/1900, art. 2\(i\)](#) (with [art. 3, Sch.](#))

## 129 Obstruction.

- (1) Any person who without reasonable cause—
  - (a) refuses to allow the inspection of any premises; or
  - (b) refuses to allow the visiting, interviewing or examination of any person by a person authorised in that behalf by or under this Act [<sup>F7</sup>or to give access to any person to a person so authorised]; or
  - (c) refuses to produce for the inspection of any person so authorised any document or record the production of which is duly required by him; or
  - [<sup>F8</sup>(ca) fails to comply with a request made under section 120C; or]
  - (d) otherwise obstructs any such person in the exercise of his functions,shall be guilty of an offence.
- (2) Without prejudice to the generality of subsection (1) above, any person who insists on being present when required to withdraw by a person authorised by or under this Act to interview or examine a person in private shall be guilty of an offence.
- (3) Any person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 4 on the standard scale or to both.

#### Textual Amendments

- F7** Words in s. 129(1)(b) inserted (1.4.1996) by [1995 c. 52, ss. 1\(2\), 7\(2\), Sch. 1, para. 19](#)
- F8** S. 129(1)(ca) inserted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\), ss. 52, 170, Sch. 3 para. 10; S.I. 2009/462, art. 1\(1\)\(b\), 2, Sch. 1 para. 33](#)

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### **130 Prosecutions by local authorities.**

A local social services authority may institute proceedings for any offence under this Part of this Act, but without prejudice to any provision of this Part of this Act requiring the consent of the Director of Public Prosecutions for the institution of such proceedings.

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