



# Mental Health Act 1983

## 1983 CHAPTER 20

### PART VI

#### REMOVAL AND RETURN OF PATIENTS WITHIN UNITED KINGDOM, ETC.

##### *Return of patients absent without leave*

#### **87 Patients absent from hospitals in Northern Ireland.**

(1) Any person who—

- (a) under [<sup>F1</sup>Article 29 or 132 of the Mental Health (Northern Ireland) Order 1986] (which provide, respectively, for the retaking of patients absent without leave and for the retaking of patients escaping from custody); or
- (b) under the said [<sup>F1</sup>Article 29 as applied by Article 31 of the said Order](which makes special provision as to persons sentenced to imprisonment),

may be taken into custody in Northern Ireland, may be taken into custody in, and returned to Northern Ireland from, England and Wales by an approved social worker, by any constable or by any person authorised by or by virtue of the [<sup>F1</sup>said Order] to take him into custody.

(2) This section does not apply to any person who is subject to guardianship.

#### **Textual Amendments**

**F1** Words substituted by [S.I. 1986/596, art. 2\(15\)](#)

#### **88 Patients absent from hospitals in England and Wales.**

(1) Subject to the provisions of this section, any person who, under section 18 above or section 138 below or under the said section 18 as applied by section 22 above, may be taken into custody in England and Wales may be taken into custody in, and returned

*Status: Point in time view as at 04/11/1994.*

**Changes to legislation:** *Mental Health Act 1983, Cross Heading: Return of patients absent without leave is up to date with all changes known to be in force on or before 18 March 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)*

to England and Wales from, any other part of the United Kingdom or the Channel Islands or the Isle of Man.

- (2) For the purposes of the enactments referred to in subsection (1) above, in their application by virtue of this section to Scotland, Northern Ireland, the Channel Islands or the Isle of Man, the expression “constable” includes a Scottish constable, an officer or constable of the Royal Ulster Constabulary, a member of the police in Jersey, an officer of police within the meaning of section 43 of the Larceny (Guernsey) Ltd 1958 or any corresponding law for the time being in force, or a constable in the Isle of Man, as the case may be.
- (3) For the purposes of the said enactments in their application by virtue of this section to Scotland or Northern Ireland, any reference to an approved social worker shall be construed as including a reference—
  - (a) in Scotland, to any mental health officer within the meaning of the [<sup>F2</sup>Mental Health (Scotland) Act 1984];
  - (b) in Northern Ireland, to any [<sup>F3</sup>approved social worker within the meaning of the Mental Health (Northern Ireland) Order 1986].
- (4) This section does not apply to any person who is subject to guardianship.

#### **Textual Amendments**

- F2** Words substituted by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\), ss. 17\(2\), 127, Sch. 3 para. 52](#)
- F3** Words substituted by [S.I. 1986/596, art. 2\(16\)](#)

## **89 Patients absent from hospitals in the Channel Islands or Isle of Man.**

- (1) Any person who under any provision corresponding to section 18 above or 138 below may be taken into custody in any of the Channel Islands or the Isle of Man may be taken into custody in, and returned to the island in question from, England and Wales by an approved social worker or a constable.
- (2) This section does not apply to any person who is subject to guardianship.

**Status:**

Point in time view as at 04/11/1994.

**Changes to legislation:**

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