



Mental Health Act 1983

1983 CHAPTER 20

PART X

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous provisions

135 Warrant to search for and remove patients.

- (1) If it appears to a justice of the peace, on information on oath laid by an approved social worker, that there is reasonable cause to suspect that a person believed to be suffering from mental disorder—
- (a) has been, or is being, ill-treated, neglected or kept otherwise than under proper control, in any place within the jurisdiction of the justice, or
 - (b) being unable to care for himself, is living alone in any such place,
- the justice may issue a warrant authorising any constable . . . ^{F1} to enter, if need be by force, any premises specified in the warrant in which that person is believed to be, and, if thought fit, to remove him to a place of safety with a view to the making of an application in respect of him under Part II of this Act, or of other arrangements for his treatment or care.
- (2) If it appears to a justice of the peace, on information on oath laid by any constable or other person who is authorised by or under this Act or under section 83 of the [^{F2}Mental Health (Scotland) Act 1984] to take a patient to any place, or to take into custody or retake a patient who is liable under this Act or under the said section 83 to be so taken or retaken—
- (a) that there is reasonable cause to believe that the patient is to be found on premises within the jurisdiction of the justice; and
 - (b) that admission to the premises has been refused or that a refusal of such admission is apprehended,
- the justice may issue a warrant authorising any constable . . . ^{F1} to enter the premises, if need be by force, and remove the patient.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Mental Health Act 1983, Section 135 is up to date with all changes known to be in force on or before 23 November 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)

- (3) A patient who is removed to a place of safety in the execution of a warrant issued under this section may be detained there for a period not exceeding 72 hours.
- (4) In the execution of a warrant issued under subsection (1) above, [^{F3}a constable] shall be accompanied by an approved social worker and by a registered medical practitioner, and in the execution of a warrant issued under subsection (2) above [^{F3}a constable] may be accompanied—
- (a) by a registered medical practitioner;
 - (b) by any person authorised by or under this Act or under section 83 of the [^{F4}Mental Health (Scotland) Act 1984] to take or retake the patient.
- (5) It shall not be necessary in any information or warrant under subsection (1) above to name the patient concerned.
- (6) In this section “place of safety” means residential accommodation provided by a local social services authority under Part III of the ^{M1}National Assistance Act 1948 [^{F5}or under paragraph 2 of Schedule 8 to the ^{M2}National Health Service Act 1977], a hospital as defined by this Act, a police station, a mental nursing home or residential home for mentally disordered persons or any other suitable place the occupier of which is willing temporarily to receive the patient.

Textual Amendments

- F1** Words repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119, **Sch. 7 Pt. 1**
- F2** Words substituted by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\)](#), ss. 17(2), 127, **Sch. 3 para. 56(a)**
- F3** Words substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119, **Sch. 6 Pt. 1 para. 26**
- F4** Words substituted by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\)](#), s. 127, **Sch. 3 para. 56(b)**
- F5** Words repealed (*prosp.*) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), ss. 66(2), 67(2), **Sch. 10**

Marginal Citations

- M1** 1948 c. 29.
- M2** 1977 c. 49.

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