



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 [^{F1}approved mental health professional], 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 . . . ^{F2} 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 [^{F3}article 8 of the Mental Health (Care and Treatment)(Scotland) Act 2003 (Consequential Provisions) Order 2005] 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 [^{F4}article 8] 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 . . . ^{F2} to enter the premises, if need be by force, and remove the patient.

Status: Point in time view as at 06/04/2016. This version of this provision has been superseded.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 19 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)

- (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.
- [^{F5}(3A) A constable, an approved mental health professional or a person authorised by either of them for the purposes of this subsection may, before the end of the period of 72 hours mentioned in subsection (3) above, take a person detained in a place of safety under that subsection to one or more other places of safety.
- (3B) A person taken to a place of safety under subsection (3A) above may be detained there for a period ending no later than the end of the period of 72 hours mentioned in subsection (3) above.]
- (4) In the execution of a warrant issued under subsection (1) above, [^{F6}a constable] shall be accompanied by an [^{F1}approved mental health professional] and by a registered medical practitioner, and in the execution of a warrant issued under subsection (2) above [^{F6}a constable] may be accompanied—
- (a) by a registered medical practitioner;
 - (b) by any person authorised by or under this Act or under [^{F7}article 8 of the Mental Health (Care and Treatment)(Scotland) Act 2003 (Consequential Provisions) Order 2005] 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 [^{F8}Part 1 of the Care Act 2014 or][^{F9}Part 4 of the Social Services and Well-being (Wales) Act 2014]^{F10} . . . , a hospital as defined by this Act, a police station, [^{F11}an independent hospital or care 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 in s. 135(1)(4) substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\), ss. 21, 56, Sch. 2 para. 10\(a\)](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(d\)](#) (with [art. 3, Sch.](#)); S.I. 2008/2561, [art. 2\(b\)](#) (with [art. 3, Sch.](#))
- F2** Words repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\), s. 119, Sch. 7 Pt. I](#)
- F3** Words in s. 135(2) substituted (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\), art. 15, Sch. 1 para. 2\(9\)\(a\)\(i\)](#)
- F4** Words in s. 135(2) substituted (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\), art. 15, Sch. 1 para. 2\(9\)\(a\)\(ii\)](#)
- F5** S. 135(3A)(3B) inserted (30.4.2008) by [Mental Health Act 2007 \(c. 12\), ss. 44\(2\), 56](#) (with [Sch. 10](#)); S.I. 2008/800, [art. 2](#) (with [art. 3](#))
- F6** Words substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\), s. 119, Sch. 6 Pt. I para. 26](#)
- F7** Words in s. 135(4)(b) substituted (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\), art. 15, Sch. 1 para. 2\(9\)\(b\)](#)
- F8** Words in s. 135(6) inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\), art. 1\(2\), Sch. para. 29](#) (with [arts. 1\(3\), 3](#))
- F9** Words in s. 135(6) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(No. 413\), regs. 2\(1\), 37](#)
- F10** Words in s. 135(6) repealed (1.4.1993) by [National Health Service and Community Care Act 1990 \(c. 19\), s. 66\(2\), Sch. 10](#); S.I. 1992/2975, [art. 2\(2\), Sch.](#)

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F11 Words in s. 135(6) substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 9(9)**; S.I. 2001/4050, **art. 3(3)** (subject to **art. 4**); S.I. 2002/920, **art. 3(3)(d)** (subject to transitional provisions in Schs. 1-3 and **art. 3(4)-(10)**)

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